THE
BANGALORE
DEVELOPMENT AUTHORITY
MANUAL

Alongwith

♦ BANGALORE DEVELOPMENT AUTHORITY ACT, 1976 WITH RULES
♦ BDA (ALLOTMENT OF SITES) RULES, 1982 AND RULES, 1984
♦ BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) RULES, 1989
♦ DISPOSAL OF CORNER SITES & COMMERCIAL SITES RULES, 1984
♦ BANGALORE METROPOLITAN PLANNING COMMITTEE RULES, 2013
♦ BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY ACT, 1985 [AS AMENDED BY ACT No. 5 OF 2017] WITH REGULATIONS, 1996
♦ CITY OF BANGALORE IMPROVEMENT ACT, 1945 WITH RULES
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♦ KARNATAKA TANK AND LAKE CONSERVATION & DEVELOPMENT AUTHORITY ACT, 2014
♦ ALLIED LAWS, UP-TO-DATE AMENDMENTS, COMMENTS WITH CASE LAWS, RECRUITMENTS & NOTIFICATIONS

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1. THE
BENGALURU DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2017

In exercise of the powers conferred by Section 69 of the Bengaluru Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bengaluru Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bengaluru Development Authority (Allotment of Sites) (Amendment) Rules, 2017.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 12.—In the Bengaluru Development Authority (Allotment of Sites) Rules, 1984, after Rule 12, the following shall be inserted, namely.

"Provided also that, where an allottee is a person with disability classified under Item (h) of sub-rule (1) of Rule 11 he shall be eligible for five per cent concession on the value of site subject to a maximum of rupees one lakh. The other conditions of allotment shall remain the same."

2. THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 2018

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2018.

(2) They shall come into force from the date of their publication in the Official Gazette.

1. Published in the Karnataka Gazette, dated 21-9-2017, vide Notification No. UDD 267 MNJ 2017, dated 17-8-2017

2. Published in the Karnataka Gazette, Extraordinary No. 275, dated 19-2-2018, vide Notification No. UDD 410 MNJ 2017, dated 19-2-2018

A KLJ PUBLICATION
2. Amendment of Rule 13.—In the Bangalore Development Authority (Allotment of Sites) Rules, 1984, for Rule 13, in sub-rule (1), after the first proviso, the following proviso shall be inserted, namely.—

"Provided further that, where an allottee of Nadaprabhu Kempegowda Layout is a person belonging to:

(a) The Schedule Castes and Scheduled Tribes or Category-1 who has been allotted a site of 15 x 24 meters, the allottee, if not remitted shall within a period of one year from the date of commencement of the Bengaluru Development Authority (Allotment of Sites) (Amendment) Rules, 2018, pay 50% to the Authority, the balance sital value deducting the initial deposit, 25% on second year and another 25% on third year totally, three installments in three years;

(b) If the balance sital value is not paid within such extended period also, the registration fee shall be liable to forfeiture and the allotment cancelled without prior intimation."

THE
BENGALURU METROPOLITAN PLANNING COMMITTEE
(AMENDMENT) RULES, 2017

Whereas, the draft of the Bengaluru Metropolitan Planning Committee (Amendment) Rules, 2016 was published as required by Section 503-B read with sub-section (1) of Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), in Notification No. UDD 143 MNJ 2016, dated 3-11-2016, in Part IV-A of the Karnataka Gazette, Extraordinary, volume 152, dated 12-1-2017, inviting objections and suggestions from all the persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette;

And whereas, the said Gazette was made available to the public on dated 12-1-2017;

And whereas, no objections and suggestions have been received in this behalf, by the State Government;

Now, therefore, in exercise of the powers conferred by Section 503-B read with Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby makes the following rules further to amend the Bengaluru Metropolitan Planning Committee Rules, 2013 namely.—

1. Title and commencement.—(1) These rules may be called the Bengaluru Metropolitan Planning Committee (Amendment) Rules, 2017.

1. Published in the Karnataka Gazette, dated 18-5-2017, vide Notification No. UDD 143 MNJ 2016, dated 17-4-2017
(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 3.—The Bengaluru Metropolitan Planning Committee Rules, 2013, in Rule 3, in sub-rule (2), for clause (d), the following shall be substituted, namely.—

“(d) Permanent invitees.—(i) All the members of the House of the people and the State Legislative Assembly whose constituencies lie within the Bengaluru Metropolitan area and members of the Council of States and the State Legislative Council who are registered as electors such area shall be permanent invitees; and

(ii) The mayor, Bruhat Bengaluru Mahanagar Palike, also shall be a permanent invitee.”

THE
BENGALURU
METROPOLITAN PLANNING COMMITTEE
(AMENDMENT) RULES, 2019

Whereas, the draft of the Bengaluru Metropolitan Planning Committee (Amendment) Rules, 2018 was published as required by Section 503-B read sub-section (1) of Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), in Notification No. UDD 130 MNJ 2018, dated 16-11-2018, in Part IV-A of the Karnataka Gazette, Extraordinary No. 1453, dated 17-11-2018, inviting objections and suggestions from all the persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette;

And whereas, the said Gazette was made available to the public on 17-11-2018;

And whereas, no objections and suggestions have been received in this behalf, by the State Government;

Now, therefore, in exercise of the powers conferred by Section 503-B read with Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby makes the following rules further to amend the Bengaluru Metropolitan Planning Committee Rules, 2013, namely.—

1. Title and commencement.—(1) These rules may be called the Bengaluru Metropolitan Planning Committee (Amendment) Rules, 2019.

(2) They shall come into force from the date of their publication in the Official Gazette.

1. Published in the Karnataka Gazette, Extraordinary No. 422, dated 29-5-2019, vide Notification No. UDD 130 MNJ 2018, dated 29-5-2019

A KLJ PUBLICATION
2. Amendment of Rule 3.—In the Bengaluru Metropolitan Planning Committee Rules, 2013, in Rule 3, in sub-rule (2).—

(i) in clause (a), for sub-clause (iv), the following shall be substituted, namely,—

“(iv) The Mayor, Bruhat Bengaluru Mahanagara Palike – Member”; and

(ii) in clause (d), sub-clause (ii) shall be omitted.
Section 11 — Constitution of India, Article 12 — Acquisition by BDA without due process of law — BDA being a Statutory Authority, having been established under the Act 1976, undoubtedly answers the inclusive definition of 'State' as given under Article 12 of the Constitution of India — Such acquisition, which is contrary to provisions of the Act — Amounts to misappropriation of property of petitioner, although such act does not fall within the Macaulayin idea of 'theft' or 'robbery' merely because subject involved is immovable — But, at least it is a criminal trespass, if not anything more.

Krishna S. Dixit, J., Held: Strangely, instead of taking steps for the implementation of the Resolution dated 7-2-2002 as reiterated in the Resolution dated 11-9-2015, the respondent-BDA has turned around and passed another Resolution dated 27-3-2018 vide Subject No. 91/2018 at Annexure-N to the effect that in view of the Government Order dated 15-4-2016, it is not possible to give 50% of the sital area i.e., 31500 sq. ft. and therefore, petitioner would be granted 50% of the developed area which approximately comes to 17296 sq. ft. qua the utilised area of 63000 sq. ft. This is on the yardstick of the Government that for unauthorised utilisation of private property of the citizen, he would be given 11959 sq. ft. of developed area per acre of land. Even this too has not been done. However, petitioner who has suffered at the hands of the bureaucracy of the BDA is justifiably not agreeable to this unconscionable proposal. . . . . . The BDA having passed a subsequent resolution on 27-3-2018 had decided to give the petitioner an area of 17,296 sq.ft. as compensation for the utilised land of more than 63,000 sq. ft., cannot turn around and disown its assurance, that too at this length of time when the property prices in Bengaluru have gone up sky high. The reliance by BDA on the Government Letter dated 9-10-2018 at Annexure-R1 to resist the writ petition is misplaced. This letter is not a Government Order laying down a binding rule of conduct by force of law. Secondly, the Government Order dated 15-4-2016 referred to in the latest Resolution cannot take away the binding effect of the promise/assurance given to the petitioner way back in February 2002 and reiterated in September 2015, both by way of lawful resolutions passed long before the issuance of the said Government Order. Countenancing the contention of the respondent-BDA that petitioner's property admeasuring 63,000 sq. ft. is utilised for public purpose and in terms of the aforesaid Government Order the petitioner would be given only 50% of the developed area only as against the assured
extent of 50% of all the land taken, that too after a long lapse of 17 years virtually amounts to placing premium on illegality and rewarding the incongruity. . . . . To give to the petitioner on ownership and possession basis, an area of 31,613 sq. ft. (Thirty-one thousand six hundred and thirteen) of developed land in the Banashankari VI Stage Layout, by way of recompense for the land lost by him for the unauthorised utilisation by the BDA; in the alternative to give to the petitioner such extent of the developed land in any other nearest layout, as would approximate to the market value of 31,613 sq. ft. of developed land in the Banashankari VI Stage Layout, subject to value adjustment; and the above apart, to pay to the petitioner a sum of Rs. 1 lakh (Rupees one lakh) only by way of damages, for each year of unauthorised deprivation of his land measuring 63000 sq. ft. and deferment of assured recompense for all these years, to be reckoned from 7-2-2002 i.e., the first Resolution of the BDA aforementioned till land as above directed is given to him; the said amount after payment to the petitioner, shall be recovered from the erring officials of the BDA as are responsible for the unauthorised utilisation of the land and for inordinately delaying/deferring the grant of recompense to the petitioner despite BDA Resolution dated 7-2-2002 (vide Subject No. 53/02); further an adverse entry shall be made in the Service Registers of such erring officials after giving an opportunity of hearing. (paras 9, 14 and 16) – P.G. Belliappa v The Commissioner, Bangalore Development Authority, Bangalore, 2019(3) Kar. L.J. 795B.

Section 11 – Utilisation of petitioner's (senior citizen) land by respondent-Bangalore Development Authority for purpose of Banashankari 6th Stage Layout – Admittedly, without recourse to due acquisition process according to law, as provided under the BDA Act – Amounts to criminal trespass, if not anything more – BDA having passed subsequent resolution (earlier one was on 7-2-2002 and reiterated on 11-9-2015) on 27-3-2018, had decided to give petitioner an area of 17,296 sq. ft. as compensation for utilised land of more than 63,000 sq. ft. cannot now turn around and disown its assurance, that too at this length of time, when property prices in Bengaluru have gone up sky high – In the circumstances, writ of mandamus issues to respondent-BDA, inter alia, give petitioner, on ownership basis, an area of 31,613 sq. ft. of developed land in Banashankari VI Stage Layout, by way of recompense for land lost by petitioner – A sum of Rs. one lakh as damages. – P.G. Belliappa v The Commissioner, Bangalore Development Authority, Bangalore, 2019(3) Kar. L.J. 795A.

Sections 15, 17, 36 and 27 – Land Acquisition Act, 1894, Sections 4(2), 24 and 11-A – Developmental schemes by the BDA – Public interest – Acquisition of land for formation of layout as "Dr. K. Shivaram Karanth Layout" including Link Roads in Bangalore City – Time constraints of land acquisition as provided under Section 11-A of the L.A. Act – Their applicability to BDA Act – BDA publishing the said scheme and issuing preliminary notification dated 30-12-2008, under Section 17 of the BDA Act
— Scheme approved by the Government of Karnataka vide orders dated 3-12-2008 — As per the scheme, 45% of land covered under it was to be used for civic amenities, playgrounds, roads etc. — Residential sites would be formed by utilising the remaining 55% of the land — Out of this 55% developed residential area, i.e., 40% of 55% would be offered as compensation to farmers as specified in the scheme — Remaining 60% of 55% will be the share of BDA — Farmers also given option to accept either developed eligible residential land — Or opt for compensation as per the LA Act — Present petition: the writ petitioners contending inter alia — BDA had not taken any steps to issue final notification or to develop the land for last five years — BDA refused permission to respondents to develop the land on the ground of preliminary notification dated 30-12-2008, under Section 17 of the BDA Act — Thus, the right to enjoy property has been taken away, without finalising the acquisition — Therefore, the preliminary notification shall be deemed to have lapsed, and same was liable to be quashed — Petitioners also contended that in meanwhile the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come to force — Single Bench of High Court allowed writ petition and quashed notification with respect to land of appellants, vide order dated 26-11-2014 (W.P. No. 9640 of 2014), primarily based on the ratio laid down by the Division Bench of High Court in H.N. Shivanna and Others v State of Karnataka, Department of Industries and Commerce, Bangalore, and Another, 2013(4) KCCR 2793 (DB) — Aggrieved by aforesaid decisions, the present appeals have been preferred by BDA in Supreme Court — Held on merits: it is apparent that the impugned decision of the Single Judge as well as the Division Bench is directly juxtaposed to the decision of five Judges Bench of Supreme Court in the case of Offshore Holdings Private Limited v Bangalore Development Authority and Others, I(2011) SLT 511, in which precisely the question involved in instant cases had been dealt with — Considering the object of the BDA Act is to carryout planned development, the Act has provided its own scheme — Accordingly, the time constraints of land acquisition are not applicable to the BDA Act — Making applicable the time frame of Section 11-A of the L.A. Act would debilitate the very object of the BDA Act — Therefore, impugned decisions, by indirect methods, by making applicable the time period of two years of Section 11-A of the L.A. Act mandate of the BDA Act has been violated — In view of foregoing — This Court directs the State Government as well as the BDA to proceed further to issue final notification without any further, in the light of observations of this order — Impugned orders set aside, scheme and notification issued under Section 17 of the BDA Act, upheld with aforesaid directions.

Arun Mishra and S. Abdul Nazeer, JJ., Held: The BDA has issued preliminary notification for acquisition of the lands. Non-finalisation of the acquisition proceedings resulted in the filing of the writ petitions before the High Court of Karnataka by the owners in the year 1987. Certain lands were denotified and the permission which was granted earlier was withdrawn. The denotification of the land was also withdrawn. It was urged that the time frame which was prescribed under Sections 6 and 11-A of the L.A Act would form an integral part of the BDA Act. . . . . . . . . . The primary object of the BDA
Act is to carry out planned development. The State Act has provided its own scheme. The time constraints of the land acquisition are not applicable to the BDA Act. Making applicable the time frame of Section 11-A of LA Act would debilitate very object of the BDA Act. It is apparent that the decision of the Single Judge as well as the Division Bench is directly juxtaposed to the decision of Five Judges Bench of this Court in Offshore Holdings Private Limited v Bangalore Development Authority and Others, I(2011) SLT 511, in which precisely the question involved in the instant cases had been dealt with. By indirect method by making applicable the time period of two years of Section 11-A of LA Act mandate of BDA Act has been violated. However, it is shocking that various decisions have been taken into consideration particularly by the Single Judge, however, whereas the decision that has set the controversy at rest, has not even been noticed even by the Single Judge or by the Division Bench. If this is the fate of the law of the land laid down by this Court that too the decision by the Constitution Bench, so much can be said but to exercise restraint is the best use of the power. Least said is better, the way in which the justice has been dealt with and the planned development of Bangalore City has been left at the mercy of unscrupulous persons of Government and the BDA . . . . Direct the State Government as well as the BDA to proceed further to issue final notification without any further delay in the light of the observations made in the order. The impugned orders passed by the Single Judge and the Division Bench are hereby quashed and set aside. The scheme and notification under Section 17 of the BDA Act are hereby upheld with the aforesaid directions. (paras 16, 17 and 24) – Bangalore Development Authority and Another v State of Karnataka and Another, 2018(6) Kar. L.J. 225A (SC).

Sections 17 and 19 — Delay in completion of land acquisition procedure — In approaching the Court with delay, by authorities concerned — Considering the provisions of the scheme and method and manner in which wrong has been committed, held, this Court is compelled not only to condone the delay — But also to act in the matter so as to preserve the sanctity of the legal process.

Arun Mishra and S. Abdul Nazeer, JJ., Held: It is apparent that the authorities had come with certain delay, in the certain matters and the writ appeals were also filed belatedly with the delay in the High Court, however, considering the provisions of the scheme and the method and manner wrong has been committed, it has compelled us not only to condone the delay but also to act in the matter so as to preserve the sanctity of the legal process and decision of this Court in Offshore Holdings Private Limited v Bangalore Development Authority and Others, I(2011) SLT 511. (para 23) – Bangalore Development Authority and Another v State of Karnataka and Another, 2018(6) Kar. L.J. 225D (SC).

Section 17(1) and (3) — Land Acquisition Act, 1894, Sections 11 and 16(2) — Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 24(2) — Acquisition by BDA for formation of layout — Requirement of taking over of possession of acquired land — Drawing up of mahazar — None of the names of witnesses
who signed the mahazar, let alone their addresses, other details are forthcoming — Even signatures of petitioners who are notified khatedars are not found — In such circumstances, the mahazar dated 16-8-1989 so drawn — Cannot be taken as material to establish taking over of possession — Thereby, notification issued based on said mahazar under Section 16(2) of the L.A. Act — Not acceptable as a conclusive proof of physical possession of land — Further on facts, other acquired lands already utilised for layout — Petitioners put up constructions on their portion of land — Surrounding lands excluded from acquisition, are fully developed — Therefore, petitioners are not dispossessed of land in question — BDA cannot now dispossess petitioner after lapse of several decades from date of final notification in 1984 — C. Arogyaswamy and Others v State of Karnataka and Others, 2017(5) Kar. L.J. 117.

Sections 17(1) and 19(1) — Land Acquisition Act, 1894, Sections 12(2) and 16(2) — Petitioners who purchased sites formed in the revenue land and constructed houses prior to 4(1) Notification — Others who purchased sites after commencement of acquisition proceedings — Not challenging acquisition proceedings as such — But seeking a declaration that proceedings have lapsed due to inordinate delay by BDA in not taking over land, paying compensation to acquired lands — Such petitions, held, cannot be held to be not maintainable. — Munibyrappa and Another v State of Karnataka and Others, 2017(6) Kar. L.J. 222C. [See also Sl. No. [25] under Bangalore Development Authority Act, 1976, Ss. 17(1) and 19(1) and Sl. No. [725] under Land Acquisition Act, 1894, Ss. 30, 31 and 35]

Sections 17(1) and 19(1) — Land Acquisition Act, 1894, Section 16(2) — Code of Civil Procedure, 1908, Order II, Rule 2 — Acquisition, taking possession by BDA for formation of layout in Bangalore — Title as well as possession vesting with BDA for more than 30 years — Sites formed, duly allotted and allottees constructed houses, residing for decades — Compensation as per award deposited in Court — Nothing more to be adjudicated in respect of title or possession — However, respondent 4, whose land was also notified, taken over, for formation of road in the layout — Repeatedly, resorting to litigations before Civil and High Court as well, on the same issue of acquisition, which has attained finality and come to a definite rest — A classical case of the litigant to take disadvantage of the process of law and Court by repeatedly tapping doors of Courts, for same relief, after losing legal battles on a number of occasions — Further, the Single Judge, while dismissing writ petition on 15-3-2007 (Anatha Shishu Sevashrana (Registered), Bangalore v State of Karnataka and Others, 2008(1) Kar. L.J. 551), has noticed that in view of completion of process of acquisition — Reliefs prayed for by respondent 4 though available, but not urged — Therefore, the prayers are barred by Order II, Rule 2 of the CPC. (paras 4, 5, 6 and 7) — H.N. Jagannath and Others v State of Karnataka and Others, 2018(1) Kar. L.J. 184A (SC).

Sections 17(1) and 19(1) — Land Acquisition Act, 1894, Section 16(2) — Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 24(2) — Preliminary
notification dated 19-9-1977 under Section 17(1) and final notification dated 7-2-1978 issued under Section 19(1) of the BDA Act — Acquisition of land for formation of layout (called "Byrasandra- Thavarekere-Madiwala Scheme") — Petitioners-landowners seeking declaration that acquisition is deemed to have lapsed under Section 2(24) of the Act 2013 — Entitled to relief under said provisions — Issues raised, answered by Court seriatim. — Evershine Monuments (Earlier known as M/s Granite Exporters), Vittal Mallya Road, Bangalore and Others v State of Karnataka and Others, 2018(2) Kar. L.J. 6A.

Sections 17(1) and 19(1) — Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 24(2) — Land Acquisition Act, 1894, Sections 12(2) and 16(2) — Acquisition of land for formation of Sir M. Visweswaradah Layout — Notification, presumption — Abandonment by BDA and subsequent lapse — Held, contention of BDA regarding actual possession/taking over of land/sites as per mahazar and Notification dated 15-4-2002 issued under Section 16(2) of the LA Act — Contrary to records, documents produced before the Court — Proceedings dated 24-7-2014 of Executive Engineer, BDA (Annexure-A3) styled “Tippani and Order”, which is an admitted document — Makes it clear that BDA had not formed layout in question (in Sy. Nos. 204/5 to 204/7 and 154 and 152/3, totally measuring 2 acres 31 guntas) — Except noting 29½ guntas in Sy. No. 154 and 4 guntas in Sy. No. 152/3 utilised for formation of road — Rest of area consisted constructed buildings schools etc. — Therefore, in the wake of Annexure-3 document, presumption, if any, from notification, gets rebutted — Compensation also not paid for last 13 years — A case of abandonment of acquisition by BDA is clearly made out — Therefore, impugned acquisition, stands lapsed. — Munibyrappa and Another v State of Karnataka and Others, 2017(6) Kar. L.J. 222A.

Sections 17(1) and 19(1) — Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 24(2) — Acquisition of land by BDA for formation of layout in Bangalore — Preliminary and final notifications under Sections 17(1) and 19(1), dated 15-7-1982 and 16-8-1985 respectively — Petitioners-landowners challenging acquisition on various grounds — Issues raised and answered by the Writ Court, seriatim. — S. Hareesh and Others v State of Karnataka and Others, 2018(5) Kar. L.J. 7A.

Sections 17(1), 19(1) and 27 — Land Acquisition Act, 1894, Section 36 — Stale claim, delay and laches — Acquisition by BDA — Vide Preliminary and Final Notifications dated 5-5-1977 and 14-5-1980, under Section 19(1) of the BDA Act — Petitioner seeking declaration that acquisition in respect of suit property has lapsed — That petitioners are in physical possession of suit property, acquired on 2-9-2006 — In factual matrix, petitioners not able to point out in what way the BDA Scheme has not been implemented substantially, within the limitation period of five years from the date of issuance of declaration, as provided under Section 27 of the BDA Act — In which case, Section 36 of the L.A. Act shall become operative — On the contrary, petitioner is approaching this Court nearly 37 years after the
notification issued in 1980 — Further, petitioner’s mother purchased scheduled property in 2006, and whereas the BDA Scheme was completed way back in 1980 — Proposed auction of the sites is permissible under the BDA Act and the Rules — Therefore, it cannot be construed that there has been lapse of acquisition insofar as Scheduled Sites are concerned — That apart, the petition is highly belated — Dismissed on grounds of delay and laches. (paras 6 and 8) — Prem Kumar J.J v State of Karnataka and Others, 2018(3) Kar. L.J. 395A. [See also Sl. No. [364] under Doctrines and Principles]

Sections 18(1) and 17 — Exclusion of 498 acres of land from acquisition for the scheme — Legality of — Appointment of Inquiry Officer to fix responsibility — Notice of large number of irregularities in the course of inquiry under Section 18(1) — State Government ordering two inquiries on 24-11-2012 and 19-1-2013 — Based on which public notice issued on 3-5-2014 that BDA will consider the entire matter afresh — In the backdrop of the facts, the present petitions came to be filed — Which cannot be termed to be bona fide litigation — But one initiated having failed to get the land illegally excluded at the hands of the Special Land Acquisition Collector and the State Government — In aforesaid circumstances, held, it was not at all open to the High Court to quash the impugned preliminary notification issued under Section 17 — Since, the landowners, the State Government and BDA were responsible to create a mess in the way of planned development of Bangalore City — Further, exclusion of lands was proposed in connivance with influential persons, political or otherwise — Therefore, the BDA and State Government have to proceed with acquisition of lands in question — For fixing the responsibility, this Court appoint Justice K.N. Keshavanarayana, former Judge of High Court of Karnataka as Inquiry Officer — This Court also directs BDA to challenge all such exclusion orders and seek their review in accordance with law, within a period of 3 months.

Arun Mishra and S. Abdul Nazeer, JJ., Held: There were a large number of irregularities in the course of an inquiry under Section 18(1) of the BDA Act. Government had nothing to do with respect to the release of the land at this stage, as the stage of final notification had not reached but still the landowners in connivance with the influential persons, political or otherwise, managed the directions in respect of 251 acres of the land and Special Land Acquisition Collector also considered exclusion of 498 acres of the land against which the question was raised in the Assembly and eyebrows were raised in public domain. Two inquiries were ordered on 24-11-2012 and 19-1-2013 by the State Government and based upon that inquiry, it was ordered and a public notice was issued on 3rd May, 2014 that the BDA will consider the entire matter afresh. In the aforesaid backdrop of the facts, the writ petitions came to be filed, it would not be termed to be the bona fide litigation, but was initiated having failed in attempt to get the land illegally excluded at the hands of Special Land Acquisition Collector and the State Government and after the inquiries held in the matter and the notice was issued to start the proceedings afresh. At this stage, the writ petitions
were filed. In the aforesaid circumstances, it was not at all open to the High Court to quash the preliminary notification issued under Section 17, as the landowners, State Government and BDA were responsible to create a mess in the way of planned development of the Bangalore City. . . . . . The Land Acquisition Officer proposed exclusion of 251 acres of land from acquisition on being asked by the Government after the preliminary notification was issued. The Land Acquisition Officer, has considered another 498 acres of land to be excluded from being acquired. In connection to this, several questions were raised in the Karnataka Legislative Assembly, as a result of which two inquiries were ordered by the State Government i.e. on 24-11-2012 and 19-1-2013. However, result of the inquiry is not forthcoming. Further, it appears that the exclusion of the lands from acquisition was proposed in connivance with influential persons; political or otherwise. The BDA and the State Government have to proceed with the acquisition of these lands. It is just and proper to hold an inquiry for fixing the responsibility on the officials of the BDA and the State Government for trying to exclude these lands from acquisition. . . . . . The Commissioner, BDA is hereby directed to consult Inquiry Officer and pay his remuneration. Further, Court direct BDA to provide appropriate secretarial assistance and logistical support to the Inquiry Officer for holding the inquiry. In addition, authorise the Inquiry Officer to appoint requisite staff on temporary basis to assist him in the inquiry and to fix their salaries. Further, the BDA is directed to pay their salaries. The State Government and the BDA are directed to produce the files/documents in relation to the aforesaid lands before the Inquiry Officer within a period of four weeks from today. Court request the Inquiry Officer to submit his report to this Court as expeditiously as possible. . . . . . It was submitted at the Bar that several cases where similar orders of exclusion in relation to lands notified for acquisitions for the formation of ‘Dr. K. Shivarama Karantha Layout’ have been passed by the High Court and that BDA has failed to challenge those orders in connivance with the landowners and influential persons. The BDA to challenge all such orders/seek review of the said orders in accordance with law within a period of three months from today. (paras 19, 25, 26 and 28. – Bangalore Development Authority and Another v State of Karnataka and Another, 2018(6) Kar. L.J. 225B (SC).

Section 27 — Acquisition of land by respondent-BDA for development of layout — Notifications for — Petitioner claiming that the scheme has lapsed due to non-implementation within stipulated period of five years — Petition suffers from gross delay and laches — But also nothing but an abuse of process of law in the chain of several litigations by not only present petitioner’s family members, but also others with respect to same land with different survey numbers — Projecting them as different cause of action — Conduct of petitioner — Reprehensible — Aimed at blocking development of said scheme by BDA without deliberately projecting a comprehensive picture of litigation and acquisition and without making any enquiry with BDA itself before approaching Courts of law — Petition therefore deserves to be set aside with cost of Rs. 50,000/- (paras 13 and 14) – S. Kaleel (since dead) by L.Rs v State of Karnataka and Others, 2018(4) Kar. L.J. 376A.
Section 27 — Entitlement of petitioners to declaration that acquisition has lapsed under Section 27 — Burden — Held, two conditions to be fulfilled before application of Section 27 — Firstly, there must be failure to execute the scheme — That is, there must be dereliction of statutory duties, without justification and not a mere delay to execute the scheme — Secondly, a substantial execution in each case depends upon the magnitude of the scheme and nature of work to be executed — Though the burden is on the BDA to furnish materials to the Court to demonstrate substantial execution of the scheme, it is for the petitioners to place material to show that there has been dereliction of duties and not mere delay in implementing the scheme — In the instant case, no such foundation has been laid except invoking Section 27 — On the other hand, the filing of successive writ petitions has been cause for delay in developing the land in question — Taking advantage of the said fact, petitioners, vendors, who are sons of notified khatedars have alienated the land — Further on facts, Nagarbhavi Layout in question is a full-fledged layout — It cannot be said that there has been no substantial execution of the scheme — On the other hand, the scheme is nearing completion — In fact, in W.P. No. 19532 of 2005, it has been observed that 1200 acres of land was acquired for formation of the said layout — That 608 acres of land utilised for the said purpose — Placing reliance on order passed in W.P. No. 27671 of 2000, this Court held that scheme has been substantially implemented by the BDA — Therefore, contention that scheme had lapsed cannot be accepted and dismissed the writ petition — In view of foregoing, held, the petitioners are not entitled to declaration that acquisition has lapsed under Section 27 of the BDA Act.

Mrs. B.V. Nagarathna, J., Held: With regard to the contention of learned Senior Counsel Sri Udaya Holla, that the BDA misled this Court in W.P. No. 19532 of 2005 by contending that the Scheme had been implemented substantially, whereas as per Annexure-L, it was not so, reference could be made to the order of this Court in Smt. Huchamma (since deceased) by her L.Rs v State of Karnataka and Others, W.P. No. 27671 of 2000, dated 16-1-2014, wherein it has been categorically recorded that out of 1,210 acres of land, only 518 acres were notified for formation of Nagarbhavi First Stage and 682 acres were left out. That even in 518 acres, only 28 acres of land was utilised for formation of layout. Thus, by another notification dated 16-8-1985, an extent of 518 acres of land out of 1,210 acres was notified for acquisition and another notification was issued on 5-8-1986 notifying 604 acres of land out of 682 acres and a layout had been formed, sites had been allotted to the allottees and possession certificates have been issued and the allottees had put up construction and living with their families. Therefore, in Huchamma’s case also, this Court has categorically held that Nagarbhavi Scheme has been implemented substantially and that Section 27 would not apply, which finding is squarely applicable in the present case. (para 53) – S. Hareesh and Others v State of Karnataka and Others, 2018(5) Kar. L.J. 7E.
Section 27 — Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 24(2) — Acquisition of land for formation of layout — Whether lapsed — Preliminary notification is dated 8-9-1987 and final notification is dated 28-7-1990 and award passed on 3-3-1993 — However, the scheme is not implemented insofar as petitioner’s land in question and its possession is still with him — No material is placed to indicate as regards alleged taking over of possession by respondent-BDA — In terms of Section 27 of the BDA Act, if the scheme is not implemented substantially within 5 years from the date of final notification, the scheme would lapse — In such facts, circumstances, impugned order of Single Judge dated 28-1-2016 declaring the scheme of acquisition, insofar as petitioner’s land is concerned — Neither perverse nor erroneous — Further delay in filing petition cannot be attributed to petitioner — But delay has occasioned due to lapses on part of respondents. (para 5) — Bangalore Development Authority, Bengaluru and Another v C. Krishnareddy And Another, 2019(4) Kar. L.J. 225 (DB).

Sections 27 and 19 — Exclusion of lands from acquisition — Limitation of five years after final notification as provided under Section 27, in case development was not undertaken within said period — Public interest — Contention, this principle as enunciated under Section 27 should be followed with respect to lapse of preliminary notification as well — Said contention, held, not sustainable — For, there is a vast difference in the provisions and action to be taken pursuant to preliminary notification and final notification under Section 19 — Here, for the delay in execution of the scheme, the owners cannot escape the liability and cannot take advantage of their own wrong having acted in collusion with authorities — Authorities are supposed to carryout the statutory mandate and cannot be permitted to act against public interest and planned development of Bangalore City.

Arun Mishra and S. Abdul Nazeer, JJ., Held: It was contended on behalf of the landowners that certain developments have taken place after the orders were passed regarding exclusion of the land and when Section 27 provides a limitation of five years after final notification, in case development was not undertaken within five years, even the final scheme would lapse. Thus, the principle enunciated in Section 27 should be followed by this Court with respect to the lapse of preliminary notification as well. This Court find that there is a vast difference in the provisions and action to be taken pursuant to the preliminary notification and the final notification under Section 19. In the instant case, the facts indicated that it was in the interest of the public, landowners, BDA and State Government. The scheme had prior approval of State Government however at the cost of public interest yet another scheme was sought to be frustrated by powerful unforeseen hands and the issuance of final notification had been delayed. Three inquiries were ordered, two by the State Government and one by the BDA as the release of the land was being proposed in an illegal manner. Hue and cry has been raised about their illegalities in the Assembly as well as in the public. Thus, for the delay, owners cannot escape the liability, they cannot take the advantage of their
own wrong having acted in collusion with the authorities. Thus, we are of the considered opinion that in the facts of the case the time consumed would not adversely affect the ultimate development of Bangalore City. The authorities are supposed to carry out the statutory mandate and cannot be permitted to act against the public interest and planned development of Bangalore City which was envisaged as a statutory mandate under the BDA Act. The State Government, as well as Authorities under the BDA Act, are supposed to cater to the need of the planned development which is a mandate enjoined upon them and also binding on them. They have to necessarily carry it forward and no dereliction of duty can be an escape route so as to avoid fulfilment of the obligation enjoined upon them. The Courts are not powerless to frown upon such an action and proper development cannot be deterred by continuing inaction. As the proper development of such metropolitan is of immense importance, the public purpose for which the primary notification was issued was in order to provide civic amenities like laying down roads etc. which cannot be left at the whim or mercy of the concerned authorities. They were bound to act in furtherance thereof. There was a clear embargo placed while issuing the notification not to create any charge, mortgage, assign, issue or revise any improvement and after inquiry, it was clear that the notice had been issued in May 2014, thus, no development could have been made legally. Notification dated 3rd May, 2014 was issued that re-inquiry was necessary in the matter. The development made, if any, would be at the peril of the owners and it has to give way to larger welfare schemes and the individual interest and cannot come in the way of the larger public interest. The acquisition was for the proper and planned development that was an absolute necessity for the City of Bangalore. (para 22) – Bangalore Development Authority and Another v State of Karnataka and Another, 2018(6) Kar. L.J. 225C (SC).

Sections 38-A and 73 — Constitution of India, Articles 226, 227 and 51-A — Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1985 — Karnataka Slum Areas (Improvement and Clearance) Act, 1973, Sections 3 and 70 — Public interest litigation alleging encroachment over the extent of about 3 acres of land reserved to be developed as part — Petition, filed in the year 2006 having history and peculiarity of loan — Reservation for park as per layout plan approved by respondent 1-BDA during the year 1976 — However, at later stages, respondent 1-BDA transferred 35 guntas of land to respondent 3-Slam Board and certain land to respondent 5-IOCL — Remaining extent of land would be developed as park — Accordingly, preliminary notification dated 15-2-2005 under Section 3 of the Act 1973, declaring 35 guntas of land as slum area — Final notification dated 21-2-2005 declaring such 35 guntas as slum area — Position unfolded thereafter revealing inter alia, that even 1 acre 3¾ guntas available turning into a hub of slum-dwellers, in possession thereof — Further, the affidavit filed by Commissioner, BDA is clear volte-face to earlier affidavits filed before this Court as well as Supreme Court, undertaking to develop 2 acres 35 guntas of land as park — It is apparent that
BDA being a responsible Statutory Authority has chosen to act differently at different points of time and with different statements before different Courts according to situation, inasmuch as handing over possession to the Slum Board on 4-6-2010 — No such statement was ever made by BDA when matter was heard earlier and disposed of on 13-4-2011 — Such action of BDA could only be deprecated — Held, in overall apprehension of the matter, the transfer of land to the Slum Board beyond 35 guntas, for which final notification under the Act of 1973 was issued was entirely illegal — In direct contravention of requirements of Section 38-A of the BDA Act — Such transfer had been made despite pendency of this writ petition — Such a fact was never divulged before the Court in earlier round of proceedings — Considering the factual position and also keeping in view the guarantees under Article 21 of the Constitution of India, this Court deems it appropriate to direct respondent-BDA to develop 1 acre 3¼ guntas of remaining land as a public park within a period of six months — Also to provide an alternate parcel of about 2 acres of land for park in the nearby area. (paras 2, 3, 6, 25, 35, 38, 40, 41 and 46) – Abhaya v Bangalore Development Authority, Bangalore and Others, 2019(2) Kar. L.J. 1A (DB).

BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) RULES, 1989

Rule 2(b) — Constitution of India, Article 226 — Allotment of sites by the Bangalore Development Authority — To be a ‘civic amenity site’, as contemplated under Rule 2(b) of the Rules, earmarking of the said site as such, in the layout, be it formed by the BDA or a private developer, is a ‘sine qua non’ — A site not so earmarked in the layout plan does not become a ‘civic amenity site’ merely by usage, notwithstanding its description as a civic amenity site in any document other than the approved layout plan — Admittedly, in instant case, the site in question, allotted to the petitioner is not earmarked as a ‘civic amenity site’ in the layout plan — Therefore, the impugned endorsement issued to the petitioner allottee by the BDA, whereby the petitioner has been denied a regular sale deed on the ground that the said site is a ‘civic amenity site’ — Not sustainable in law — Liable to be quashed. (paras 6, 7, 9 and 10) — Smt. Sudha Sudheendra Kaloli (since dead) by her L.R. v The Commissioner, The Bangalore Development Authority, Bengaluru and Another, 2019(2) Kar. L.J. 726A.
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THE
BANGALORE DEVELOPMENT AUTHORITY
ACT, 1976
[KARNATAKA ACT No. 12 OF 1976]

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 12 OF 1976
Karnataka Gazette, Extraordinary, dated 5-2-1976

At the conference of the Ministers for Housing and Urban Development held at Delhi in November 1971, it was agreed that a common Authority for the development of metropolitan cities should be set up.

Bangalore City with its population (as per last census) is a Metropolitan City. Different Authorities like the City of Bangalore Municipal Corporation, the City Improvement Trust Board, the Karnataka Industrial Area Development Board, the Housing Board and the Bangalore City Planning Authority are exercising jurisdiction over the area. Some of the functions of these bodies like development, planning, etc., are overlapping creating thereby avoidable confusion, besides hampering co-ordinated development. It is, therefore, considered necessary to set up a single authority like the Delhi Development Authority for the city areas adjacent to it which in course of time will become part of the city.

For the speedy implementation of the above said objects as also the 20-point programme and for establishing a co-ordinating Central Authority, urgent action was called for. Moreover, the haphazard and irregular growth would continue unless checked by the Development Authority and it may not be possible to rectify or correct mistakes in the future.

It was therefore necessary to issue the measure in the form of an Ordinance.

The Bill seeks to replace the said Ordinance.

(First published in the Karnataka Gazette, Extraordinary, on the Eighth day of March, 1976)

(Received the assent of the Governor on the Second day of March, 1976)


An Act to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for matters connected therewith.
Whereas, it is expedient to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for matters connected therewith.

Be it enacted by the Karnataka State Legislature in the Twenty-seventh Year of the Republic of India as follows.—

CHAPTER I
Preliminary

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority Act, 1976.

(2) It shall be deemed to have come into force on the Twentieth day of December, 1975.

COMMENTS

Provisions contained in Act relating to acquisition of land

Sections 1, 3 and 14 — Constitution of India, Article 255 read with Entry 5 of List II, 'State List' and Entry 42 of List III, Concurrent List of Seventh Schedule — Provisions contained in Act relating to acquisition of land — Nature of — Held, 'they are incidental to main object of Act, namely, development of City of Bangalore and area adjacent thereto — Hence, Act was made with reference to Entry 5 of List II, State List, and not with reference to Entry 42, List III, Concurrent List of Seventh Schedule to Constitution — Hence, there was no necessity of presidential assent contemplated in Article 255 of Constitution.

The 1976 Act was enacted by the Legislature of the State of Karnataka to provide for the establishment of a Development Authority for the development of the city of Bangalore and the area adjacent thereto and for matters connected therewith. It is not a law enacted for acquisition or requisitioning of property. The terms like "amenity", "civic amenity"; "Bangalore Metropolitan Area", "betterment tax", "building", "building operations", "development", "engineering operations", "means of access", "street" defined in Section 2 of the 1976 Act are directly related to the issue of development. Section 14 lays down that the object of the Authority constituted under Section 3 shall be to promote and secure the development of the Bangalore Metropolitan Area and for that purpose it shall have the power to acquire, hold, manage and dispose of movable and immovable property, within or outside the area of its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary or expedient for the purpose of such development and for purposes incidental thereto. Chapter 3 of the 1976 Act contains provisions relating to development schemes. The provisions relating to acquisition of land contained in Chapter 4 (Sections 35 and 36) are only incidental to the main object of enactment, namely development of the city of Bangalore and area adjacent thereto. — K.K. Poonacha v State of Karnataka and Others, 2011(1) Kar. L.J. 177B.
Sections 1, 16(1)(a), 17(1), 18(1)(c) and 19(1) — Constitution of India, Article 31(3) — Bangalore Development Authority Act, 1976, passed by State Legislature containing provisions for compulsory acquisition of land — Omission to comply with requirement of Article 31(3) of Constitution, of reserving Act for consideration of President for obtaining presidential assent for — Effect of omission — Held, where Act is within competence of State Legislature to enact and does not infringe any right guaranteed under Part III of Constitution, to citizens and non-citizens, then Act does not become void merely because post-enactment assent of President was not obtained — Provision contained in Article 31(3) though finding place in Part III of Constitution, it was procedural and it did not create any substantive right in favour of citizens or non-citizens, like other articles in Part III of Constitution — The only consequence of omission was that Act did not become effecting — Once Article 31 of Constitution was repealed with effect from 20-6-1979, necessity of reserving Act for consideration of President and obtaining presidential assent, disappeared and Act became effective.

If the law is within the legislative competence of the Union or State and does not infringe any of the rights conferred by Part III of the Constitution, then the same cannot be declared void on the ground of non-compliance of the procedural requirement of prior recommendation or sanction, if assent is given in the manner provided under Article 255 of the Constitution. If post enactment assent is necessary for making the law effective, then such law cannot be enforced or implemented till such assent is given. In other words, if a law is within the competence of the Legislature, the same does not become void or is blotted out of the statute book merely because post enactment assent of the President has not been obtained. Such law remains on the statute book but cannot be enforced till the assent is given by the President. Once the assent is given, the law becomes effective and enforceable. If the provision requiring pre-enactment sanction or post enactment assent of the President is repealed, then the law becomes effective and enforceable from the date of repeal and such law cannot be declared unconstitutional only on the ground that the same was not reserved for consideration of the President and did not receive his assent. The provision contained in Article 31(3) did not have even a semblance of similarity with Article 13(2) which was considered in most of the judgments relied upon by Sri Dushyant Dave. The procedural provision contained in clause (3) of Article 31 did not create any substantive right in favour of any citizen or non-citizen like those conferred by other Articles of Part III including clauses (1) and (2) of Article 31. Therefore, the 1976 Act cannot be declared unconstitutional or void only on the ground that the same was not reserved for consideration of the President and did not receive his assent. The only consequence of non-compliance of clause (3) of Article 31 was that the same did not become effective and the State Government or the B.D.A. could not have taken action for implementation of the provisions contained therein. Once Article 31 was repealed, the necessity of reserving the 1976 Act for consideration of the President and his assent disappeared and the provisions contained therein automatically became effective and the three-Judges Bench rightly negatived.

2. Definitions. — In this Act, unless the context otherwise requires.—

(a) "Authority" means the Bangalore Development Authority constituted under Section 3;

(b) "Amenity" includes road, street, lighting, drainage, public works and such other conveniences as the Government may, by notification, specify to be an amenity for the purposes of this Act;

(bb) "Civic amenity" means—

(i) a market, a post office, a telephone exchange, a bank, a fair price shop, a milk booth, a school, a dispensary, a hospital, a pathological laboratory, a maternity home; a child care centre, a library, a gymnasium, a bus stand or a bus depot;

(ii) a recreation centre run by the Government or the Corporation;

(iii) a centre for educational, social or cultural activities established by the Central Government or the State Government or by a body established by the Central Government or the State Government;

(iv) a centre for educational, religious, social or cultural activities or for philanthropic service run by a Co-operative Society Registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or a Society Registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or by a Trust Created wholly for Charitable, Educational or Religious purposes;

(v) a Police Station, an Area Office or a Service Station of the Corporation or the Bangalore Water Supply and Sewerage Board or the Karnataka Electricity Board; and

(vi) such other amenity as the Government may, by notification, specify.]

(c) "Bangalore Metropolitan Area" means the area comprising the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 (Karnataka Act 69 of 1949), the areas where the City of Bangalore Improvement Act, 1945 (Karnataka Act 5 of 1945) was immediately before the commencement of this Act in force, and such other areas adjacent to the aforesaid as the Government may from time to time by notification specify;

1. Clause (bb) substituted by Act No. 11 of 1988 and shall be deemed to have been substituted w.e.f. 21-4-1984.
(d) "Betterment Tax" means the tax payable under Section 20 in respect of an increase in the value of land resulting from the execution of a development scheme;

(e) "Building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(f) "Building Operations" includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(g) "Bye-laws" means bye-laws made by the authority under this Act;

(h) "Chairman" means the Chairman of the authority;

(i) "Corporation" means the Corporation of the City of Bangalore;

(j) "Development" with its grammatical variations means the carrying out of building, engineering, or other operations in or over or under land or the making of any material change in any building or land and includes redevelopment;

(k) "Engineering operations" means formation or laying out of means of access to road;

(l) "Government" means the State Government;

(m) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(n) "Local Authority" means a municipal corporation or a municipal council constituted or continued under any law for the time being in force;

(o) "Means of access" includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road;

(p) "Regulation" means regulations made by the authority under this Act;

(q) "Street" includes any highway and any cause way, bridge, aqueduct, arch, road, lane, footway, square, Court, alley or passage, whether a thoroughfare or not;

(r) "To erect" in relation to any building includes. —

1. Clause (hh) inserted by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2. Substituted for the words "City of Bangalore Municipal Corporation" by Act No. 34 of 1986, w.e.f. 7-10-1986.
3. Clause (n) substituted by Act No. 37 of 1982, w.e.f. 31-12-1982.
(i) any material alteration or enlargement of any building;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(iv) the conversion of two or more places of human habitation into a greater number of such places;

(v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security;

(vi) the addition of any rooms, buildings, houses or other structures to any building; and

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, or a door opening on to such street or land;

All other words and expressions used herein but not defined shall have the meaning respectively assigned to them in the City of Bangalore Municipal Corporation Act, 1949.

COMMENTS

Levy of Property Tax


Amenity — Meaning of

Section 2(b). — "Amenity" means creation of conveniences to public at large — Expression is inclusive and not exhaustive — In the absence of particularisation of civic amenity use of a site either for Kalyan Mantap or a Temple does not undermine public convenience. — Kalyan Mantap and Temple are convenience to the public.

The case of the petitioner is that the civic amenity site in question required to be kept vacant as it is intended to provide long space for the residents of the locality and the allotment of it for other purpose violates the development plan; that such a change can only be done if it is approved by the State Government. The definition of the expression 'amenity' is not-exhaustive. It is an inclusive definition. Added to that the site in question is not reserved for any specific civic amenity; therefore it is open to the first respondent to use it for a purpose which provides amenity to public large. The word 'Amenity' means creation of conveniences to public at large. It cannot at all be denied
that Kalyan Mantap is not open to the use of public and is not a convenience to public. Similarly, Vinayak Temple also serves the need of public, as it provides a place for worship to public. In the absence of particularisation of the site for a specific civic amenity, the use of the site in question for the aforesaid purposes cannot be held as not providing an amenity to public or depriving of an amenity. when once it is held that the use of the site for the aforesaid purpose provides an amenity, the question of violation of the development scheme does not arise, because the use of the site will be in conformity with the development scheme. — Holy Saint Education Society v Venkataramana, P, ILR 1982(1) Kar. 1 Dist., Siddalingappa v Bangalore Development Authority, 1987(1) Kar. L.J. Sh. N. 53.

Section 2(b) — Meaning of “Amenity” prior to Amendment Act No. 17/1984 — includes mini-forest — Scope and ambit of “Amenity” discussed.

The inclusive definition does not take away or restrict the natural or ordinary meaning of the word. On the contrary, it adds to its dimensions without restricting or curtailing its natural or ordinary meaning. The decision in B.S. Muddappa's case, reported in 1989(2) Kar. L.J. 574, in so far it relates to the scope and the meaning of the inclusive definition is per incuriam as it is rendered without noticing the decision of the Supreme Court in the Central Inland Water Transport Corporation case. Therefore, in conformity with the authoritative pronouncement of the Supreme Court in the above decision, it has to be held that the definition of the word “Amenity” is an extensive definition. It takes into its fold all the schemes which provide “Amenity” to the citizens. “Mini-Forest” is an amenity because for a city-dweller who is far away from the forest and whose children would not have an opportunity to see a forest unless they go far away from the city into the forest, if the Bangalore Development Authority develops a “Mini-Forest” to provide amusement to the city-dwellers and the children, it definitely provides an “Amenity” to the city-dwellers. — M.B. Ramachandran v State of Karnataka and Others, 1991(3) Kar. L.J. 48-B (DB) : ILR 1992 Kar. 174 (DB).

‘Amenity’ and ‘Civic Amenity’ — Meaning of

Sections 2(b) and 2(bb) — As amended by Acts of 1984 and 1988 — ‘Amenity’ and ‘Civic Amenity’ — Connotation — To qualify as an ‘amenity’, by notification

Government has to specify the convenience Civic/Public amenity’ to be a public convenience for purposes of Bangalore Development Authority Act, Government has to notify — If not specified, whatever may otherwise be a public convenience will not be a civic amenity or amenity under Clauses (b) and (bb) of Section 2 of the Act — Term restrictedly defined by a Statute to achieve objects of the Act binds the Court and dictionary meaning cannot be adopted to defeat the meaning given by the Statute — Allotment of civic amenity site for running Hospital/Nursing Home by Charitable Trust which is not a ‘civic authority’ under Section 2(bb) held to be not in accordance with law — Case-law discussed. — B.S. Muddappa and Others v State of Karnataka and Others, 1989(2) Kar. L.J. 574 (DB).
Alteration of the use of parks, civic amenity areas (CAAs)

Sections 2(b) and 19 — Alteration of the use of parks, civic amenity areas (CAAs) and other open spaces by society — Diversion for residential purpose — Answered in negative — On facts — Testimony of P.W. 2, admitting in cross-examination that original blueprint-Ex. P. 82 — That there was only a pencil entry 'temple', as against site denoted as CA — That entry was made by Head Draftsman on the basis of statement of petitioner and accused —. Although P.W. 2 was not present at time of spot inspection — Allegation of alteration, diversion, not acceptable. — Judicial Layout Residents and Site Holders Association (Regd.), GKV Post, Bangalore v. Bangalore Development Authority, Bangalore and Others, 2016(5) Kar. L.J. 353E (DB).

Section 2(bb) — “Civic amenity” — Definition of, given in Act — Held, not exhaustive — Definition given in Act gives scope to Government to make additions to amenities specifically mentioned in definition.

The definition of ‘Civic Amenity’ is not an exhaustive definition. It mentions various civic amenities which also includes educational, religious, social or cultural activities pursued by the entities of various nature including a Trust such as a Religious and Charitable Trust, but also such other amenities which the Government may, by notification specify. — NAL Layout Residents’ Association, Bangalore and Another v Bangalore Development Authority, Bangalore and Another, 2012(2) Kar. 111B.

Civic Amenity Sites — Allotment of

Section 2(bb) — Civic Amenity Sites — Allotment of, for purpose of establishing a hospital by a Charitable Trust for benefit of public — Construction of hospital/nursing home held to be a civic amenity and allotment held to be in accordance with law — Case-law discussed — B.S. Muddappa and Others v State of Karnataka and Others, 1989(2) Kar. L.J. 540.

Allotment of civic amenity site on long-term lease basis to institution for construction of school building

Sections 2(bb) and 38-A — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rules 2(b) and 10 — Allotment of civic amenity site on long-term lease basis to institution for construction of school building — Arbitrary and unfair cancellation of — When authority, instead of handing over site in question to allottee institution, had illegally permitted third party contractor to occupy site, thereby preventing allottee institution from constructing building within stipulated period of two years from date of allotment, authority, held, is wholly unjustified in cancelling allotment on ground of non-compliance with condition of lease, ignoring representation made by allottee-institution in this regard — Cancellation of allotment, held, is arbitrary and illegal — Authority, held, is liable to compensate allottee institution for preventing it from using site for ten long years — Direction lies to authority to put allottee institution in of site and to sanction building plan submitted by it within three months and to extend lease period for period lost, viz., 10 years.
The BDA without any authority of law has illegally permitted its Contractor to utilise the site which was allotted to the appellant. The appellant immediately resisted the action of the BDA. But the BDA has failed to rectify the mistake committed by it. In other words, the conduct of the respondent would only show that being a statutory authority as a trespasser has trespassed into the property of the appellant. It was for the BDA to see that the Contractor shall vacate the site and it is further the duty of the BDA to put the appellant in possession of the same. Without doing so, the respondent went to the extent of canceling the site and blaming the appellant without rectifying the mistake committed by it. The conduct of the BDA would only reflect the callous act of the official in handing over the site of the appellant to M/s. Rao Constructions and not re-delivering the possession to the appellant. Added to that, the BDA went to the extent of canceling the allotment for no fault of the appellant. Therefore, the respondent has to pay compensation to the appellant. In addition to that as the appellant is deprived of using the site for a period of 10 years out of 30 years of lease, such lease period has to be further extended by the BDA as 1/3rd of the lease period could not be utilised by the appellant on account of the act of the BDA. The learned Single Judge without considering this crucial point has proceeded as if the appellant was in possession of the property and did not construct the building. Therefore, we are of the view that an error is committed by the learned Single Judge in dismissing the writ petition. . . . .

The appeal is allowed. The order of the learned Single Judge is set aside. The order of cancellation dated 19-4-2010 is quashed. The BDA is directed to sanction the plan and permit the appellant to complete the building within two years from the date of sanctioning of the plan. In addition to that the respondent shall extend the lease period for a further period of 10 years from today as the appellant could not utilise the lease period of 10 years on account of handing over possession to a contractor without any authority of law. - Neena Education Society, Bangalore v Bangalore Development Authority, Bangalore, 2012(6) Kar. L.J. 298 (DB).

Installing “Sewerage treatment plant” is civic amenity

Section 2(bb) — ‘Civic amenity’ — Installing “Sewerage treatment plant” is civic amenity — Definition provided by Section 2(bb) is illustrative and not exhaustive. — Capt. M.V. Subbarayappa v Bharath Electronics Employees’ Co-operative House Building Society Ltd., ILR 1990 Kar. 390.

Section 2(bb) — ‘Civic Amenity’, definition of — Merely illustrative and not an exhaustive one — Each one of the items mentioned therein related to or intended to serve public interest or intended to be of some use to the public — Locating sewerage treatment plant in ‘civic amenity’ site — Merely because the sewerage treatment plant is not specifically included in the definition, it cannot be held that using civic amenity for locating a sewerage treatment plant is opposed to the very intendment of the Act — S.T. Plant falls in clause (vi) of the definition and the same is intended to serve public interest — Explained. — Capt. M.V. Subbarayappa v Bharath Electronics Employees’ Co-op. House Building Society Limited and Others, 1990(3) Kar. L.J. 520A : ILR 1990 Kar. 390.
Expression “open space” used in B.D.A.

Section 2(bbb) — Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1985, Section 2(f) — Interpretation of statutes — Construction of words and phrases — Expression “open space” used in Bangalore Development Authority Act but not defined therein — Definition of expression given in Open Spaces Act can be imported to interpret expression in Bangalore Development Authority Act as two Acts are pari materia to each other — Accordingly, “open space” includes civic amenity site.

The definition of open space in the Open Spaces Act can be taken note of for considering as to whether the civic amenity site is also an open space cannot be held to be erroneous for the reason that the said Acts are pari materia to each other. Even though it is the contention of the learned Senior Counsel that the BDA Act is for development and the Open Spaces Act is for preservation, the scope of both these Acts, the authority defined under both the Acts and the purpose for which both the Acts have been enacted are complimentary to each other inasmuch as the BDA would regulate the development of the area which falls within its jurisdiction in accordance with the provisions of the BDA Act and simultaneous on approval for such development, the Open Spaces Act would apply to the very same area for preservation of such development. Therefore, the definition provided for in each of the give Acts are interchangeable depending on the purpose for which it is to be interpreted. — Bhavani Housing Co-operative Society Limited (R), Bangalore v Bangalore Development Authority and Another, 2006(5) Kar. L.J. 630B (DB).

Long term lease of civic amenity site for opening of Petroleum outlet

Sections 2(bbb)(vi) and 38-A — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 2(b) — Petroleum outlet — Long term lease of civic amenity site for opening of — Since State Government, in exercise of power conferred on it by Act, has issued notification specifying “petroleum outlet” also as civic amenity, lease, held, is according to law — Since grant of lease is to Government company, want of public auction, would not vitiate grant, as such company is entitled under rules to such allotment — Since, in common parlance, “petroleum outlet” includes “diesel outlet”, sale of diesel by lessee, held, is not violative of terms and conditions of lease.

Section 2(bb)(vi) enables Government to issue notification specifying civic amenity and in exercise of said power notification was issued on 29-8-1990. Mere fact that diesel is not specifically mentioned would not vitiate grant of lease for opening outlet as the term “petroleum outlet” is used in common parlance. Since second respondent is a Government company, in view of Civic Amenity Site Allotment Rules question of auction would not arise. Petitioners have failed to prove that impugned action of lease of site to second respondent violates fundamental rights or any legal right of the public. — Aicoboo Nagar Residents Welfare Association, Bangalore v Bangalore

Without notice and knowledge of the society leased two amenity sites to third parties

Section 2(bb)(i) and 2(bb)(v) — Task of members of a housing society is miserable — Bangalore Development Authority gives one or the other trouble — Live example — Without notice and knowledge of the society leased two amenity sites to third parties for establishing “a gas management centre” and “10 floor multistory Corporate office” — Court opined such proposals not even remotely meet the needs of the local residents — Held, such allotments are quashed.

It is the grievance of the petitioner that without identifying the civic amenity required for the resident and without identifying each of the civic amenity site for the specific civic amenity, the BDA has, without following the prescribed procedure of giving wide publicity and inviting applications, had allotted the civic amenity sites bearing Nos. 5 and 6 to the Gas Authority of India Limited for the purpose of establishing its “Office Building and Regional Gas Management Centre”. This, according to the petitioner, is neither a civic amenity nor an amenity for the residents. . . . . Similarly in the connected petition, it is alleged that the BDA has allotted civic amenity Site Nos. 2A and 2B to M/s. Bennett Coleman and Company Limited, a company belonging to the Times of India Group of Companies and civic amenity Site No. 4 to M/s. Syndicate Bank for the purpose of establishing their respective Corporate Offices. . . . . It is contended on behalf of respondent 3-M/s. Bennett Coleman and Company, in the connected writ petition in W.P. Nos. 6452 and 6453 of 2011, that the site in question has been allotted in its favour in the year 2009 and that it has paid a sum of Rs. 1.28 Crore as the land cost, apart from other charges to the BDA and a further sum of Rs. 1.34 Crore, in the year 2010 on the demand made by BDA. The said respondent claims to have expended further amounts in excess of Rs. 90 lakhs towards other expenses in undertaking the development of the land. It claims to have obtained sanction of a plan and building licence for the construction of its Corporate Office comprising of a 10 floor level building. . . . . Such a purpose would not even remotely meet the needs of the local residents and cannot be characterized as an amenity or a civic amenity. The desperate measure adopted by the State Government to notify “a gas management centre” as being a civic amenity, even during the pendency of this petition — in order to satisfy the requirement of law. It becomes starkly apparent that such a facility was not even contemplated by the authorities themselves as being a civic amenity. It would however, be naive on the part of the respondents to contend that the same having been notified by the State Government, this Court is precluded from addressing the logic or the justification in the same being construed as a civic amenity. It is not even claimed by the said respondent that the said Centre to be established is a facility meant to service the needs of the locality, on the other hand it is admittedly a regional centre of a multi-state gas pipeline network and is not
an amenity for the primary benefit of the housing layout of which the civic amenity site is a part. The petitioners were apparently not made aware of the lease transactions executed by the BDA in favour of the allottees. It is only when they commenced work on the sites that the petitioners became aware of the situation created by BDA and have immediately preferred the petitions. It is hence for the concerned respondents to work out their remedy in damages against the State and the BDA in respect of any such set back which their projects may suffer in the impugned allotments being set aside. 

In the result, this Court is of the firm view that on a plain application of the BDA Act and the 1989 Rules, the allotment in favour of the respondents is clearly in violation of the same and cannot be sustained. Consequently, the petitions are allowed and the allotment made in respect of site Nos. 5 and 6 at Manyatha Nagar, Rachenahalli, Bangalore East Taluk in favour of respondent 2 in W.P. No. 41717 of 2011, and in respect of Site Nos. 2A and 2B at Manyatha Nagar, Rachenahalli, Bangalore East Taluk in favour of respondent 4 in W.P. Nos. 6452 and 6453 of 2011, and Site No. 4 in favour of respondent 3 as per, allotment dated 13-10-2010 and the consequent lease deeds and possession certificates are quashed. - Manyatha Residents Association, Bangalore and Others v Bangalore Development Authority, Bangalore and Others, 2013(6) Kar. L.J. 25B.

Development plan to be prepared by authority

Sections 2(c) and (j), 14, 15 and 18 — Karnataka Municipal Corporations Act, 1976, Sections 503-A and 503-B — Constitution of India, Articles 243-W and 243-ZE and Twelfth Schedule — Development plan — Scope of power of authority to prepare and implement — Development plan to be prepared by authority is only for development of undeveloped areas within and outside Corporation, and in respect of land which is yet to be acquired for development and not in respect of any land which is already developed and vested in Corporation — Development to be undertaken by authority is confined carrying out building, engineering and other like operations — Such development plan is quite different from all-round development plan to be prepared by Planning Committee of Corporation for economic and social development — It is mandatory for Planning Committee of Corporation, while preparing its plan, to have regard to development plan prepared by authority.

The word "development" in the BDA Act is defined as development with its grammatical variations means the carrying out of building, engineering, or other operations in or over or under land or the making of any material change in any building or land and includes redevelopment. Therefore, the meaning of the word "development" as given in the BDA Act is very narrow. The scheme to be prepared under Section 15, and the plan to be submitted under Section 18 of the Act is only for the development of a portion of the land within the Bangalore Metropolitan Area. In contrast, the law to be made in respect of Panchayats and Municipalities are for the preparation of plans for economic development and social justice, and implementation of schemes as may be entrusted to them, including those in relation to the matters listed in Eleventh and Twelfth Schedule, as the case may be. Section
302-A of the KM Act and Section 503-A of the KMC Act mandates preparation of development plan every year and submitting the same to the appropriate authorities. Clause (a) of sub-section (7) of Section 503-B, mandates the committee to have regard to the plans prepared by the local authorities in the metropolitan area which includes the BDA. The word "development" in this context means a comprehensive economic, social and political process which aims at the constant improvement of the well-being of the entire population in the Municipality or Panchayat and in the fair distribution of the benefits therefrom, and it has nothing to do with the development of a small area of undeveloped land. . . . . The detailed scheme to be drawn up by the authority under Section 15(1) of the BDA Act, though is for the development of Bangalore Metropolitan Area, it is not a scheme or development plan for the whole area. The said scheme is confined to the areas comprised in the scheme, for development of which, the land is yet to be acquired. This development scheme refers to undeveloped area within or adjacent to the city of Bangalore. The Act has no application to the developed areas within the city of Bangalore, which has already vested with the Municipality or the city of Corporation. Therefore, this development scheme is only in respect of a portion of the land which is yet to be acquired and developed, and the words "complete plans" referred to in Section 18(1)(b) refers to the plan of this development scheme. It does not refer to any other aspect of development other than development of land as defined under Section 2(j) of the BDA Act. . . . . The plans for economic development and social justice is an allround development plan, for the whole area covered under the Panchayat and Municipalities. It is not a plan for development of land, which is not yet developed. Similarly draft development plan for the Metropolitan Area as a whole, is again not a plan for development of land, which is yet to be acquired and developed. In preparing such plans, the committee shall have regard to the plans prepared by the Municipalities, Panchayats and Local Authorities like BDA. The plan prepared by Panchayats and Municipalities are for economic development and social justice for the whole area whereas the plans prepared by the local authorities such as BDA is only a plan for development of land in a small area, may be falling within the area of the Panchayats or the Municipality, which is undeveloped, yet to be acquired, only for the purpose of land development. Draft development plan should take note of other factors mentioned in Section 503-B of the KMC Act. . . . . The word plan or the scheme is not defined in any of these statutes. . . . . The word 'plan' used in the BDA Act is not synonymous with the word plan used in Articles 243-G, 243-W, 243-ZD and 243-ZÉ of the Constitution, Sections 503-A and 503-B of the KMC Act and Section 302-A of the KM Act. In the BDA Act the said word has been used in a very narrow sense and confined to only development of a small area of undeveloped land for formation of residential and civic amenities sites, roads, drainage and parks. Whereas in all the aforesaid other provisions it is used in a very broader sense. It connotes the systematic development of a community or an area so falling within the Municipality, or a Panchayat, including political, economic and social rights. . . . Newly amended Section 503-B mandates that the Metropolitan Planning Committee shall, in preparing the draft development plan have regard to the plans prepared by
the local authorities in the Metropolitan Area which includes the BDA and after preparing such draft developmental plan shall forward the development plan to the State Government. . . . There is complete harmony in the wording of these provisions without giving room for any repugnancy, which also clearly demonstrates the legislative intent not to discard the provisions of the BDA Act. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 1B (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

“Bangalore Metropolitan Area” — definition of

Sections 2(c), 3, 14 and 67 — Karnataka Municipal Corporations Act, 1976, Section 503-B — Constitution of India, 1950, Articles 243-P(c), and 243-ZF. — “Bangalore Metropolitan Area” — Bangalore Development Authority established to promote and secure planned development of — “Bangalore Metropolitan Area” for purpose can only be area specified as such by Governor of State by issuance public notification as contemplated in Constitution, and such notification takes precedence over any other notifications issued by State Government in exercise of its executive or statutory power, specifying any area as “Bangalore Metropolitan Area” — Definition of “Bangalore Metropolitan Area” given in BDA Act has lost its significance as it had ceased to be effective after one year from date of commencement of Constitution (Seventy-fourth Amendment) Act, 1992 — Mandamus lies to State Government to issue public notification through Governor specifying “Bangalore Metropolitan Area”.

As per Section 14 of the Bangalore Development Authority Act, 1976, the purpose and object of establishing BDA is to promote and secure planned development of the Bangalore Metropolitan Area. “Bangalore Metropolitan Area” is defined in Section 2(c) of the BDA Act . . . As per Explanation to Section 503-B of Karnataka Municipal Corporations Act, 1976, “Bangalore Metropolitan Area” is the area specified by the Governor under clause (c) of Article 243-P of the Constitution. . . . As per clause (c) of Article 243-P of the Constitution, the metropolitan area shall be specified by the Governor by public notification. The Governor has to specify the Metropolitan Area on the advice of the Council of Ministers. as provided under Article 163 of the Constitution. . . . The combined reading of clause (c) of Article 243-P of the Constitution and explanation to Section 503-B of KMC Act makes it crystal clear that Metropolitan Area should be the area specified by the Governor by public notification and therefore the definition of Section 2(c) of BDA Act has lost its significance and it has become redundant. . . . The Notification issued by the State Government under Section 2(c) of BDA Act specifying “Bangalore Metropolitan Area” exercising the power under the Karnataka Government (Transaction of Business) Rules, 1977 framed under Article 166(3) ‘of the Constitution, cannot have precedence over the public notification that would be published by the Governor as provided under Article 243-P(c) of the Constitution. . . . The definition of “Bangalore Metropolitan Area” in Section 2(c) of BDA Act being inconsistent with the provisions of Part IX-A of the Constitution, it was in force for a period of one year only from the commencement of Constitution (Seventy-fourth
Amendment) Act, 1992, and thereafter it is no more in the statute. The reason is, the definition in BDA Act was neither amended nor repealed. Thus, the definition of “Bangalore Metropolitan Area” in Section 2(c) of the BDA Act, by operation of law, automatically stood repealed after the expiry of one year from the commencement of Constitution 74th Amendment. Therefore, the definition in Section 2(c) of the BDA Act shall be treated as no more in the BDA Act. In view of this also, “Metropolitan Area” shall be the area specified by the Governor by public notification under clause (c) of Article 243-P of the Constitution and not as defined in Section 2(c) of the BDA Act, which is no more in the statute by virtue of the aforementioned Article of the Constitution. . . . . The State Government is directed to take immediate steps to issue notification through the Governor specifying Metropolitan Planning Area under Section 503-B of KMC Act read with Articles 243-P(c) and 243-ZE of the Constitution and to constitute either Metropolitan Planning Committee or District Planning Committee under Section 310 of the Karnataka Panchayat Raj Act, 1993 read with Article 243-ZD of Constitution as they have to frame the developmental schemes. — Sharadamma and Others v State of Karnataka and Others, 2005(4) Kar. L.J. 481A.

Power conferred on State Government to specify any area as part of Bangalore Metropolitan Area

Section 2(c) — Constitution of India, Article 226 — Bangalore Metropolitan Area — Power conferred on State Government to specify any area as part of — Notification issued by State Government specifying certain areas along with details of their boundaries in schedule attached to notification — Plea that layout sought to be formed by applicant does not fall in any of the areas specified in notification as forming part of Bangalore Metropolitan Area, and that Authority for that reason is not competent to collect charges or to sanction layout plan — Plea, held, cannot be gone into and decided in writ proceedings as it involves determination on question of fact.

The description is complete of the areas by reference to the villages as are mentioned in Schedule I to the notification dated 13-3-1984 and by the boundaries of the planning, environs area as per Schedule II to the notification dated 13-3-1984 and can very well be said to be specified and identified to form part of the Bangalore Metropolitan Area. . . . . Another contention had been raised by the learned Counsel for the petitioners is that the particular villages relating to which the layout plans have been sent for the approval do not come within the purview of the Bangalore Metropolitan Area as some of the villages appear not to have been included in the schedules and about some there was dispute. This contention involves the investigation as to question of fact, it is better not to express any opinion on this point. That question of fact may be determined when the applicant/applicants furnish or send his/their layout plans for the approval to the Bangalore Development Authority, then it is not open to the petitioners to raise such contention. - Air Craft Employees' Co-operative Society Limited, Bangalore v Bangalore Development Authority, Bangalore, 2012(5) Kar. L.J. 94B (DB).

A KLJ PUBLICATION
Nature of powers and functions of B.D.A.

Sections 2(c), 14, 28, 28-A, 28-B, 28-C and 73 — Karnataka Municipal Corporations Act, 1976, Section 503-B — Constitution of India, Articles 243-P(c), 243-Q(c), 243-W, 243-X, 243-ZE, 243-ZF, 245 and 246, Entry 5 of List II-State List of Seventh Schedule and Entries 1 to 18 of Twelfth Schedule — Bangalore Development Authority — Nature of powers and functions of — It is not local self-Government, like Municipal Corporation, but only local authority — It is specialised agency set up with object of promoting and securing planned development of city, which is one of functions of Corporation — Powers conferred on authority is to enable it to undertake development works in respect of undeveloped areas ‘inside and outside’ Corporation, and such power conferred on authority is only for temporary period till areas are developed and handed over to Corporation — Subject-matter of Act governing authority is traceable to Entry 5 of State List in Seventh Schedule to Constitution and plenary powers of State Legislature to pass such enactment is not taken away by provisions of Part IX-A of Constitution — Act does not need President’s assent — It is special legislation — Though its provisions have been given overriding effect, they cannot override constitutional provisions, but they can certainly override other laws passed by State Legislature — None of provisions of Act can be said to be inconsistent with provisions of Part IX-A of Constitution or with provisions of Municipal Corporations Act — It operates altogether in different and specific field.

There was no intention to denude the power of the State Legislature to pass laws in respect of Entry 5 of List II of Seventh Schedule, and in particular improvement trusts. No obligation was cast upon the State Legislature to bring any provision in any other law which has been validly enacted in respect of Entry 5 in ‘List-11, in conformity with Part IX and IX-A of the Constitution. . . . Therefore, there was no intention to override the power of the State Legislature in making laws conferred under Articles 245 and 246, and also in respect of Entry 5 of List II of the Seventh Schedule, more so in respect of matters covered under the heading improvement trust and mining settlement authorities. Therefore, the State Legislature was not denuded of the power to make laws in respect of Entry 5, and the laws made continued to be valid notwithstanding additions of Parts IX and IX-A to the Constitution. . . . It is competent for the State Legislature even after the introduction of Parts IX and IX-A to pass laws in respect of entries in List II in respect of matters which do not pertain to Panchayat or a Municipality. It is only in respect of laws either already passed or to be passed in future they must take care to see that the provisions of such law relating to Municipalities or Panchayats are in conformity with Parts IX and IX-A of the Constitution. The entries in the Eleventh and Twelfth Schedules only denotes the area over which the State Legislature can pass laws in respect of matters connected with Municipalities. In this context the opening words of both Articles 243-G and 243-W assumes importance. The said law making power is “subject to the provisions of the Constitution” and not “notwithstanding the provisions of the Constitution”. Non obstante clause is not employed. . . . The Bangalore Metropolitan Area has been defined under Section 2(c) of the BDA Act. It
consists of the following areas: (a) area comprising the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 which is now replaced by the Karnataka Municipal Corporations Act, 1976; (b) the areas where the City of Bangalore Improvement Act, 1945 was immediately before the commencement of the BDA Act, 1976 was in force; and (c) such other areas adjacent to the aforesaid as the Government from time to time by notification specify. It is clear in respect of areas which are adjacent to the city of Bangalore or outside the City of Bangalore, the Government has to issue a notification specifying the said area for it to fall within the Bangalore Metropolitan Area. Thus, once a notification is issued as aforesaid the Bangalore Metropolitan Area includes the areas which fall within the City Municipal Councils adjoining and around the City of Bangalore. . . . “BDA” is constituted for the specific purpose of ‘the development of Bangalore according to plan’. Planned development of towns is a governmental function which is traditionally entrusted by the various Municipal Acts in different States to Municipal Bodies. With growing specialization, along with the growth of titanic metropolitan cities, Legislatures have felt the need for the creation of separate town planning or development authorities or improvement trusts for individual cities. The BDA is one such authority. It is thus an authority, to which is entrusted by statute, a governmental function, ordinarily entrusted to Municipal bodies. The BDA is constituted for performing one of the several functions which a local authority may perform. It is a local authority but not a local self-Government. . . . The powers conferred on the BDA under the BDA Act to perform the aforesaid functions are not in respect of the entire area which falls within the Corporation. It is in respect of the area which the BDA develops, before it is handed over to the Corporation or during the said period temporarily handed over to the BDA by the Corporation. The very fact that the Government has to issue a notification conferring the powers on the BDA or the Commissioner, shows that without the said notification the BDA or the Commissioner has no power of the Corporation. Again such power is conferred for a temporary period to meet a particular situation and mostly in respect of the areas/layouts which are developed by the BDA till it is fully developed and handed over to the Corporation. Once this scheme is so understood, the legislative intent becomes clear and by no stretch of imagination or by liberal interpretation it could be said that the BDA is a municipality as defined under Part IX-A of the Constitution. Therefore, Part IX-A of the Constitution has no application to the BDA Act. None of the provisions of the BDA Act could be said to be inconsistent with any of the provision contained in Part IX-A of the Constitution and therefore none of the provision of the BDA Act cease to be in force after the expiry of one year from the date of the Seventy-fourth Amendment Act. . . . BDA is not a Municipality. BDA Act is not a law relating to Panchayats or Municipalities. The President’s assent is not required. It is a special legislation. Though Section 73 of the said Act has an overriding effect, it cannot override the provisions of the Constitution, but it certainly has overriding effect on other laws passed by the State Legislature. None of the provisions of the BDA Act are inconsistent with Parts IX and IX-A of the Constitution. Similarly, none of the provisions of the said Act are inconsistent with the provisions of KM and KMC Acts. It operates altogether
in a different and specific field. Neither the Act nor any of the provisions of the Act are expressly or impliedly repealed being inconsistent with Parts IX and IX-A of the Constitution or being contrary to KM and KMC Acts. Though it is a local authority it is not a local self-Government. It does not deal with the matters which are the subject-matter of the aforesaid legislation but deals with other distinct matters. Therefore, the finding of the learned Single Judge that Sections 2(c) and 15 of the BDA Act is not on the statute book and, therefore, the BDA has no jurisdiction to initiate acquisition proceedings under the Act is contrary to law and cannot be sustained. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 1A (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

Sections 2(d) and 20 — Betterment tax — Nature and lands attracting levy of — Betterment tax is tax in respect of increase in value of land resulting from execution of development scheme — Not only lands whose market value has escalated as result of execution of development scheme by authority, but also lands notified for acquisition for execution of development scheme but subsequently denotified as not required, can also be subjected to levy of betterment tax — Condition precedent for levy of betterment tax is increase in market value of land as consequence of execution of development scheme by authority — Liability to pay betterment tax is on owner of land or person interested therein.

Betterment tax means the tax payable under Section 20 in respect of an increase in the value of the land resulting from the execution of development scheme. The development scheme under Section 16 shall provide any land which will be necessary for the execution of the scheme as well as any land which will be affected by the execution of the scheme. The land which will be affected by the execution of the scheme, is a land which is not required for the execution of the scheme. But as the said land is comprised in the scheme, the market value of the said land will increase. Therefore, the authority can propose to recover betterment tax, in respect of such land, at the time of drawing up a notification under Section 17(5) of the Act, and State their intention to do so in the notification itself by way of a statement specifying the land in regard to which betterment tax may be levied. The Authority has been conferred under Section 19(4) of the Act, the power to alter the scheme, if any improvement can be made in any part of the scheme, and then execute the scheme as altered. While so executing the scheme or the altered scheme, it is possible that the authority may find any land which is notified for acquisition as necessary for the execution of the scheme is not required for the execution thereof. Then the authority is entitled to levy on the owner of the land or any person having any interest therein a betterment tax in respect of the increase in value of the land resulting from the execution of the scheme. Therefore, under the scheme of the Act, the Authority can levy betterment tax on two types of lands. They are (a) any land which will be affected by the execution of the scheme; and (b) any land which is not required for the execution of the scheme. The condition precedent for levying such betterment tax is increase in market value of the land, as a consequence of the execution of development scheme. The person who is liable to pay the
betterment tax may be the owner of such land or any person having an interest therein. — Gangaiah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272A.

CHAPTER II
The Bangalore Development Authority

3. Constitution and incorporation of the authority.—(1) As soon as may be after the date of commencement of this Act, the Government shall, by notification, constitute for the Bangalore Metropolitan Area an authority to be called the Bangalore Development Authority.

(2) The authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue or be sued.

(3) The authority shall consist of the following members, namely.—

(a) the Chairman;
(b) one person to be called the Finance Member possessing qualifications in accounts and audit;
(c) an Engineer who shall be an Officer of the Karnataka Engineering Service [or an Officer employed in any undertaking owned or controlled by the State Government] not below the rank of a Chief Engineer;
(d) a town planner who shall be a person with experience in town planning;
(e) a person with experience in architecture;
2[f(f) the Commissioner, Corporation of the City of Bangalore, ex-officio;]
3[ff an Officer of the Secretariat Department in charge of urban development, not below the rank of a Deputy Secretary to Government;]
(g) two persons who are members of the Karnataka State Legislature;
4[gg two persons of whom one shall be woman and one shall be a person belonging to the Scheduled Castes or the Scheduled Tribes;]
5[(h) four others of whom one shall represent the labour;]

1. Inserted by Act No. 26 of 1995, w.e.f. 7-10-1995.
2. Clause (f) substituted by Act No. 34 of 1986 and shall be deemed to have come into force w.e.f. 6-6-1986.
3. Clause (ff) inserted by Act No. 37 of 1982, w.e.f. 31-12-1982.
4. Clause (gg) inserted by Act No. 8 of 1977 and shall be deemed to have come into force w.e.f. 4-3-1977.
5. Clause (h) substituted by Act No. 8 of 1977 and shall be deemed to have come into force w.e.f. 4-3-1977.
(i) a representative of the Bangalore Water Supply and Sewerage Board;

(j) a representative of the Karnataka Electricity Board;

(k) a representative of the Karnataka State Road Transport Corporation;

(l) two persons elected by the Councillors of the Bangalore City Corporation from among themselves in the prescribed manner;

(m) the Commissioner, ex officio;

(n) the Secretary of the authority, who shall be an ex officio member.

Provided that during the period of supersession of the Corporation or where any Administrator has been appointed, the two persons shall be nominated by the Administrator from among the Officers of the Corporation.

(4) The persons referred to in clauses (a) to (e) and (ff) to (h) of sub-section (3) (both inclusive) shall be appointed by the Government and the persons referred to in clauses (i), (j) and (k) thereof shall be nominated by the respective bodies:

Provided that all the first members of the authority shall be appointed by the Government.

(5) The Chairman, the engineer member, the finance member and the town planner member shall be whole-time members and the other members shall be part-time members.

(6) The names of the Chairman and the members (appointed or elected) shall be published by Government by notification.

4. Disqualification for office of member.—(1) No person shall be appointed as or continue to be a member if he—

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude; or

(b) is of unsound mind and stands so declared by a competent Court; or

(c) is an undischarged insolvent; or

(d) has been removed or dismissed from the service of the Central Government or a State Government or a Corporation owned or controlled by the Central Government or a State Government; or

1. Clause (k) substituted by Act No. 8 of 1977 and shall be deemed to have come into force w.e.f. 4-3-1977.

2. Clause (m) inserted by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.

3. Clause (n) inserted by Act No. 11 of 1988, w.e.f. 7-5-1988.

4. Substituted for the words, letters and brackets “clauses (a) to (h)” by Act No. 34 of 1986 and shall be deemed to have come into force w.e.f. 6-6-1986.
(e) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the authority or in any contract or employment with or under or by or on behalf of the authority;

(f) being an elected member ceases to be a Councillor of the Corporation; or

(g) is employed as paid legal practitioner on behalf of the authority or accepts employment as legal practitioner against the authority.

(2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the authority is inserted.

5. Term of office and conditions of service of members.——(1) Subject to the pleasure of the Government and the provisions of Section 6, the Chairman and other members of the authority shall hold office for a period of three years from the date on which they assume office and shall be eligible for re-appointment under such conditions as may be prescribed:

Provided that the term of office of the representative of the Corporation shall come to an end when he ceases to be a councillor or when the Corporation is superseded.

(2) The other conditions of service of members shall be such as may be prescribed.

(3) Any member other than an ex officio member may resign his office by writing under his hand addressed to the Government but shall continue in office till his resignation is accepted by the Government.

(4) A casual vacancy caused by resignation of a member or otherwise may be filled by fresh appointment of election and the person so appointed or elected shall hold office for the remaining period for which the member in whose place he was appointed or elected would have held office.

(5) No Act or proceeding of the authority shall be invalid merely by reason of any vacancy in or defect in the constitution or reconstitution of the authority.

6. Removal of member.——The Government shall remove a member if——

(a) he becomes subject to any of the disqualifications mentioned in Section 4:

Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of that section, unless he has been given an opportunity of submitting his representation; or

(b) he refuses to act or becomes incapable of acting; or

(c) he, without obtaining leave of absence from the authority, absents from three consecutive meetings of the authority; or
(d) in the opinion of the Government he has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given an opportunity of submitting his representation.

7. Eligibility for reappointment.—Any person ceasing to be a member shall, unless disqualified under Section 4, be eligible for reappointment as a member.

COMMENTS

Invalidates collection of property tax by BDA

Sections 7, 28-B and 28-C — Fate of all these writ petitions revolve round constitutional validity of aforesaid Amendment Act — Supreme Court upheld validity of Sections 28-B and 28-C of the Bangalore Development Authority Act and declared Section 7 of the ‘Amending Act’, which invalidates collection of property tax by BDA before introduction of Sections 28-B and 28-C as invalid — Further ordered that tax collected to be refunded as directed by this Court in earlier proceedings — In these writ petitions relief sought for is, for refund of tax collected in terms of Supreme Court order — Section 28-B pertains to levy of tax on lands and buildings — Constitutional validity of this section has been upheld by Supreme Court — Question of competence of State Legislature to enact this section, beyond challenge — Explanation to Section 28-B, means that property tax which authority empowered to impose a tax do not require any service to be rendered at all — Merely because words “tax simpliciter” not defined or not used in any taxing statute that by itself would not render enactment invalid — Legislation wanted to wipe out basis of judgment of this Court; so that, their liability to refund tax may be avoided — When Legislature sets out to validate a tax declared by a Court to be illegally collected under an ineffective or an invalid law, cause of ineffectiveness or invalidity must be removed before validation can be said to take place effectively — Legislature altering law retrospectively same cannot be challenged on ground that intention of Legislature was to set at nought a judicial pronouncement — Impugned Act passed adding an explanation to Section 28-C clarifying that property tax referred to in Section 28 is a “tax simpliciter” requiring no service at all — Legislature has power to pass a law retrospectively altering basis upon which said judicial pronouncement is made — It cannot be said that validation section invalid or unconstitutional or it amounts to fraud on Constitution — ‘All these writ petitions dismissed.

Therefore, it is clear that what the Legislature intended by introducing this explanation is to make the position clear. When by Section 28-C(2), the power is conferred on the authorities to impose property tax, by explanation it was made clear that property tax before it could be imposed there need not be any service rendered for the said imposition of tax. Therefore, by adding an explanation, no tax is levied for the first time. The said explanation is only clarificatory in nature. That clarification is to be understood in the context of
the earlier judgment of this Court where it has struck down the imposition of tax on the ground that no service is rendered by the authority before imposition of tax. What the Legislature intended to do by introduction of explanation was to state that for imposition of tax, no service need be rendered. In other words, that is how they wanted to wipe out the basis of the judgment of this Court, so that, their liability to refund the tax may be avoided. The legislative competency of the State Legislature to pass such legislation has already been up held by the Supreme Court. It is also held that legislative competency includes passing the law retrospectively, which also has been upheld. . . . . Insofar as the next contention that it is a case of fraud on the legislative power and effect of this amendment is to nullify the judgment of the Apex Court as well as this Court is concerned, it is also without any substance . . . . Therefore, it is well-settled that Parliament and State Legislature have plenary powers of legislation within the fields assigned to them and subject to some constitutional limitations. They can also legislate prospectively and retrospectively. The validity of any statute may be assailed on the ground that it is ultra vires the legislative competence of the Legislature which enacted it or it is violative of Part III of the Constitution or any other provision of the Constitution. The intention of the Legislature in passing a particular statute is beyond the pale of judicial review. In other words the validity of the statute cannot be challenged on the ground of its intention being not bona fide. The intention of the Legislature would be of great assistance to the Courts in understanding the object of the legislation and in interpreting the provision in the Act, if there is any ambiguity. When a Legislature sets out to validate a tax declared by a Court to be illegally collected under an ineffective or an invalid law, the cause of ineffectiveness or invalidity must be removed before validation can be said to take place effectively. A decision of Court of law has a binding effect unless the very basis upon which it is given is so altered that the said decision would not have been given in the changed circumstances or altered legal position. Therefore, if the very premise of the earlier judgment is uprooted thereby resulting in fundamental change of the circumstances upon which it was founded by the Legislature altering the law retrospectively the same cannot be challenged on the ground that the intention of the Legislature was to set at knot a judicial pronouncement which they could not have done by expressly declaring the said judgment to be invalid. They can pass a legislation taking away the basis of a judicial pronouncement, thus rendering ineffective the judgments and orders of the Competent Courts. It is open to the Legislature to alter the law retrospectively. However, they cannot by legislation declare a particular judicial pronouncement as invalid. . . . . The State Legislature though has no power to pass the legislation retrospectively to annul a judicial pronouncement, has the power to pass a law retrospectively altering the basis upon which the said judicial pronouncement is made. If the judicial pronouncement is to be made on the basis of this amended provisions, the judgment of the Court would have been different. This is the whole object of this amendment. — V. Sudarshan and Others v Bangalore Development Authority, Bangalore and Another, 2008(3) Kar. L.J. 217A.
8. Meetings of the Authority.—(1) The meetings of the authority shall be convened by the Chairman and shall be held at any place within the jurisdiction of the authority.

(2) The authority shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at meeting) as may be provided by the regulations.

(3) The Chairman or, if for any reason he is unable to attend any meeting, any other member chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the Chairman or in his absence, the person presiding, shall have and exercise a second of casting vote.

(5) A member shall not, at any meeting of the authority or a committee thereof, take part in the discussion of or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest.

COMMENTS

Meeting of authority to pass resolution and take decisions

Sections 8 and 65-B — Meeting of authority to pass resolution and take decisions — Procedure for — In absence of rules framed in this regard, resolution passed by authority becomes effective forthwith, and does not require to be confirmed in subsequent meeting — Merely because authority is confirming its earlier resolution in its subsequent meeting, as a matter of practice, it cannot use that practice to review, reconsider or revoke resolution earlier passed by it.

It is not in dispute that no regulations are framed governing the procedural aspects. The confirmation of the earlier proceedings may be a general practice, but the same cannot be used to review or reconsider the earlier decision. It is more or less by way of verification for ensuring that the resolution drafted and placed on the resolution book is accurate. — V. Munikrishnappa and Others v Bangalore Development Authority, Bangalore and Another, 2012(6) Kar. L.J. 558C.

9. Appointment of committees.—(1) The authority may from time to time appoint committees consisting of the Chairman and such other members as it thinks fit and may with the approval of the Government associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act.

(2) Every committee appointed under sub-section (1) shall conform to any instructions that may from time to time be given to it by the authority and the authority may at any time alter the constitution of any committee so
appointed or rescind any such appointment. The Chairman shall be the President of every such committee.

10. Powers of different Authorities.—(1) The [Commissioner] may, on behalf of the authority, sanction any estimate, call for tenders or enter into any contract of agreement the value or amount whereof shall not exceed [fifty lakhs] of rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement shall be reported to the authority at its next meeting.

(2) The Authority may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds [fifty lakhs] of rupees but [does not exceed such amount as may be specified by the Government, from time to time] and where the value of any estimate, contract or agreement [exceeds the amount so specified] the same shall not be entered into except with the previous sanction of the Government.

(3) Every contract or agreement on behalf of the authority, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the [Commissioner] and sealed with the common seal of the authority.

(4) The common seal of the authority shall be in the custody of the [Commissioner], who shall personally affix the seal to any contract or other instrument.

(5) The acceptance of any tender shall be subject to such rules as may be prescribed.

(6) A contract not made or executed as provided in this section and the rules made thereunder shall be null and void and shall not be binding on the authority.

COMMENTS

Allotment of Site — Validity of

Section 10 — Allotment — Validity — Legally valid only if necessary agreement executed by the Commissioner who is the person to represent Bangalore Development Authority as provided under Section 10 — Explained.

1. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2. Substituted for the words “twenty lakhs” by Act No. 19 of 2005, w.e.f. 1-6-2005
3. Substituted for the words “twenty lakhs” by Act No. 19 of 2005, w.e.f. 1-6-2005
4. Substituted for the words “does not exceed fifty lakhs of rupees” by Act No. 17 of 1994, w.e.f. 31-3-1994.
5. Substituted for the words “exceeds fifty lakhs of rupees” by Act No. 17 of 1994, w.e.f. 31-3-1994.
6. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
7. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
While respondent-2 was all the while demanding possession, how the Secretary of the Bangalore Development Authority came to put up a note on 18-1-1980 that respondent-2 was requesting for surrender of the marginal land and that his request might be approved is very hard to guess. The manner in which the note being put up on 18-1-1980, the note being approved on 18-1-1980, the allotment order being passed on 19-1-1980, the Chairman resigned on 20-1-1980 and the payment being made on 21-1-1980 lead to one and the only conclusion that it was all conspired to defeat the just and lawful right of respondent-2. Such a conduct having regard to the serious allegations of not only favouritism but even corruption, is highly reprehensible. We are unable to understand why the Chairman had taken this partisan attitude. This shows that power vested in unscrupulous persons could be misused to achieve their own ends. Besides, the allotment made in favour of the appellant is also not legally valid insofar as it is clearly in violation of Section 10 of the Act since the execution of the agreement must be by the Commissioner for the Bangalore Development Authority. The Commissioner of the Bangalore Development Authority is the person to represent the Bangalore Development Authority since the Bangalore Development Authority is a corporate body. — Note: Decision reported in 1990(3) Kar. L.J. 245, affirmed. — Mis. Seethalakshmi Hall Flour Mills Ltd. v Bangalore Development Authority and Others, 1990(3) Kar. L.J. 255 (DB) : ILR 1990 Kar. 4163 (DB).

Allotment of site under City of Bangalore Improvement Rules

Section 10(3) and (6) — City of Bangalore Improvement (Allotment of Sites) Rules, 1972 — Allotment of site — Agreement executed by Secretary and not by Commissioner — Held to be violative of statutory mandate in Section 10(3) and therefore agreement executed by Secretary is vitiated — Explained.

According to Section 10(6) of the Act "a contract not made or executed as provided in this Section and the Rules made thereunder shall be null and void and shall not be binding on the authority". According to Section 10(3) of the Act, it is mandatory that every contract or agreement on behalf of the authority other than a contract or agreement referred to in sub-section(1) of Section 10 shall be in writing and shall be signed by the Commissioner and sealed with the common seal of the authority. In the instant case, the agreement has been executed by the Secretary for Bangalore Development Authority and not by the Commissioner. There is a violation of statutory mandate contained in sub-section (3) of Section 10 of the Act; and, therefore, the agreement executed by the Secretary for Bangalore Development Authority in favour of respondent-2 is vitiated as provided under sub-section (6) of Section 10 of the Act. — Note: The decision reported in 1990(3) Kar. L.J. 255 has been affirmed by the Division Bench. — K.S. Prakash v Bangalore Development Authority and Others, 1990(3) Kar. L.J. 245-A : ILR 1990 Kar. 3599.

Section 10(6) and (3) — City of Bangalore Improvement (Allotment of sites) Rules 1972 — Allotment of site — Subsequent allotment to different
allottees without rescinding earlier resolution re-allotment of site — Held to be ultra vires and without authority of law — Explained.

Another relevant point for consideration is whether the impugned order of allotment in favour of respondent-2 is sustainable without a resolution of the Board and particularly in view of the existence of an earlier resolution of the Board passed on 16-1-1980 in subject No. 654 approving the order of the Chairman for issue of sale deed in favour of the petitioner after bifurcation of the entire plot consisting of Site No. 17-B and the marginal land. This Board’s resolution remains undisturbed. Since this resolution has not been rescinded by any subsequent Board resolution before the impugned order of allotment was passed, that the impugned order of allotment is without the authority of law and is ultra vires. — Note: the decision reported in 1990(3) Kar. L.J. 255 has been affirmed by the Division Bench. — K.S. Prakash v Bangalore Development Authority and Others, 1990(3) Kar. L.J. 245-B : ILR 1990 Kar. 3599.

11. Authority may compromise claims by or against it.—The authority may compound or compromise any claim or demand arising out of any contract entered into by it under this Act or any action or suit instituted by or against it for such sum of money or other compensation as it shall deem sufficient:

Provided that no such claim or demand exceeding fifty-thousand rupees shall be compounded or compromised except with the previous approval of the Government.

1[12. Appointment of Commissioner.—(1) The State Government shall appoint an Officer, not below the rank of Divisional Commissioner, to be the Commissioner for the authority.

(2) The Commissioner shall receive such monthly salary and other allowance as the State Government may, from time to time determine.

(3) The State Government may, from time to time, grant leave of absence for such period 2[as it thinks fit] to the Commissioner. A copy of every order granting such leave shall be communicated to the Chairman.

3[12-A. Appointment of Secretary.—(1) The State Government shall appoint an Officer not below the rank of a Senior Scale Officer of the Karnataka Administrative Service, to be the Secretary of the authority.

(2) The Secretary shall receive such monthly Salary and other Allowance as the State Government may from time to time determine.]

13. Powers and duties of the Commissioner.—(1) The Commissioner shall be the Chief Executive and Administrative Officer of the authority.

1. Sections 12 and 13 substituted by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2. Substituted for the words “as thinks fit” by Act No. 22 of 2000, w.e.f. 29-11-2000

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(2) The Commissioner shall in addition to performing such functions as are conferred on him by or under this Act or under any law for the time being in force.

(a) Carry into effect the resolutions of the authority:

[Provided that, if, in the opinion of the Commissioner any resolution of the authority contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial or detrimental to the interest of the authority, he shall, within fifteen days of the passing of the resolution refer the matter to the Government for orders and inform the authority at its next meeting of the action taken by him and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to the resolution.]

(b) Keep and conduct the authority's correspondence;

(c) Carry out and execute such schemes and works as the State Government may direct and incur necessary expenditure therefor;

(d) Be responsible for implementing the schemes of the authority;

(e) Operate the accounts of the authority and be responsible for the maintenance of the accounts of the authority;

(f) Exercise supervision and control over the accounts and proceedings of all Officers and servants of the authority in matters executive administration and in the matters concerning the accounts of and records of the authority and to the extent specified in sub-section (1) of Section 50 dispose of all questions relating to the service of such Officers and servants and their pay, privileges and allowances; and

(g) Furnish to the Government a copy of the minutes of the authority's proceedings and any return or other information which the Government may, from time to time, call for;

(h) Authenticate by his signature all permissions, orders, decisions, notices and other documents of the authority and the orders of the Chairman.

(3) The Commissioner shall have all the powers of a major Head of the Department of the State Government under the Karnataka State Civil Services Rules for the time being in force as respects the Officers and servants of the authority.]

1. Proviso to clause (a) of sub-section (2) inserted by Act No. 34 of 1986 and shall be deemed to have come into force w.e.f. 6-6-1986.
COMMENTS

Reconveyance of land acquired for development scheme

Sections 13, 38 and 38-C — City of Bangalore Improvement Act, 1945, Section 29 — Land Acquisition Act, 1894, Section 48 — Mysore General Clauses Act, 1899, Section 21 — Indian Evidence Act, 1872, Section 115 — Reconveyance of land acquired for development scheme — Resolution passed by erstwhile Bangalore City Improvement Trust Board for — Legality — Land acquired to implement scheme has to be utilised for scheme, and, in absence of provisions enabling authority to reconvey land, acquired land cannot be reconveyed to erstwhile owner of land — Authority cannot be compelled to implement resolution by invoking principle of promissory estoppel on ground that erstwhile owner of land has complied with conditions of reconveyance, viz., withdrawal of reference application for enhancement of compensation and re-deposit of compensation amount paid to him under award — Authority cannot be compelled to reconvey land as it has no power to do so — Principle of promissory estoppel is not applicable to case.

There is no provision in the Act and the Rules framed thereunder enabling the BDA to reconvey the land acquired to implement a scheme for forming of sites and their allotment as per rules. The rules do not provide for reconveyance. In the absence of any provision in the Act or the Rules framed thereunder authorizing the BDA to reconvey the land direction cannot be issued to the BDA to reconvey a part of the land on the ground that it had promised to do so. The rule of promissory estoppel cannot be availed to permit or condone a breach of law. It cannot be invoked to compel the Government to do an act prohibited by law. It would be going against the statute. The principle of promissory estoppel would under the circumstances be not applicable to the case in hand. . . . . Since the resolution was passed under the City of Bangalore Improvement Act, 1945, the resolution has to be seen and interpreted in the light of Section 29 of the City of Bangalore Improvement Act, 1945. . . . . The power of the Board to lease or sell or transfer the sites was made subject to the restrictions, conditions and limitations which may be prescribed by the Rules. In the rules framed there is no provision for reconveying the land and, therefore, power does not vest in the Board to reconvey the lands which were acquired for formation of sites in an improvement scheme. . . . . On comparison and reading of Section 29 of the City of Bangalore Improvement Act, 1945 and Section 38 of the Amendment Act we do not find any material difference between these two sections. In fact both these sections are pari materia with each other. . . . . The said Act does not confer any power from the said authority to reconvey the land vested in it. Upon acquisition of the land, the same vests in the State. The State only in terms of Section 13 of the said Act can reconvey the said acquired land of the said authority. . . . . It is not in dispute that Section 48 of the Land Acquisition Act would apply to the acquisitions made under the 1976 Act and in that view of the matter the State could exercise its jurisdiction for re-conveyance of the property in favour of the owner thereof only in the event possession thereof had not been taken. Once such possession is taken even the State
cannot direct reconvey the property. It has been accepted that Section 21 of the General Clauses Act has no application but reliance has been sought to be placed on Section 65 of the 1976 Act which empowers the Government to issue such directions to the authority as in its opinion are necessary or expedient for carrying out the purpose of the Act. The power of the State Government being circumscribed by the conditions precedent laid down therein and, thus, the directions can be issued only when the same are necessary or expedient for carrying out the purpose of the Act. In a case of this nature, the State Government did not have any such jurisdiction and, thus, the Bangalore Development Authority has rightly refused to comply therewith.


14. Objects of the Authority.—The objects of the authority shall be to promote and secure the development of the Bangalore Metropolitan Area and for that purpose the authority shall have the power to acquire, hold, manage and dispose of movable and immovable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary of expedient for the purpose of such development and for purposes incidental thereto.

COMMENTS

Jurisdiction of BDA

Sections 14, 15 and 67 — Karnataka Municipal Corporations Act, 1976, Section 503-B — Constitution of India, Article. 243-ZE — Metropolitan Planning Committee for Bangalore Metropolitan Area — Validity of provisions of Act conferring jurisdiction on Bangalore Development Authority to function as — Provisions, held, are invalid as they conflict with provisions made in Municipal Corporations Act and Article 243-ZE of Constitution, regarding composition of Committee and its territorial jurisdiction — It is Committee set up under Corporations Act that has jurisdiction to take up developmental scheme in B.M.A. and not B.D.A.

The preamble and Section 14 of the BDA Act as also Section 81-B of Karnataka Town and Country Planning Act, 1961 are conflicting with each other insofar as the jurisdiction of BDA over Bangalore Metropolitan Area is concerned: While Section 81-B of the Planning Act restricts its jurisdiction only to Bangalore City area, the preamble of BDA Act extends the jurisdiction to adjacent areas and Section 14 enlarges the jurisdiction to Bangalore Metropolitan Area. Article 243-ZE of the Constitution stipulates constitution of Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan Area as a whole. The Legislature of concerned State shall, by law, make provision for composition of the said Committee. In this regard, Section 503-B of KMC Act stipulates that the Government shall constitute Metropolitan Planning Committee for the
Bangalore Metropolitan Area. As per the Explanation of this provision, "Bangalore Metropolitan Area" means the area specified by the Governor under clause (c) of Article 243-P of the Constitution. . . . . Section 503-B of KMC Act provides for constitution of Metropolitan Planning Committee to prepare development plan to Bangalore Metropolitan Area. It is this Committee that has to prepare the Development Scheme and not the BDA. . . . The BDA Act empowers the BDA to undertake schemes for development of Bangalore Metropolitan Area. But, under Section 503-A of the KMC Act the Metropolitan Planning Committee has to undertake such developmental schemes. This is in consonance with Article 243-ZE of the Constitution. In other words, in order to undertake the development schemes in Bangalore Metropolitan Area, both BDA Act and KMC Act empowers different constituents. But, in respect of the power conferred under Section 15 of the BDA Act there is no support of the Constitution. On the other hand, the power conferred under Section 503-B of the KMC Act is in accordance with Article 243-ZE of the Constitution. Therefore, the provisions relating to development schemes in the Metropolitan Area contained in the KMC Act shall prevail over the provisions of BDA Act. In this view of the matter, it has to be held that BDA has no jurisdiction to take up developmental schemes in Bangalore Metropolitan Area. . . . As per sub-section (2) of Section 503-B of the KMC Act, the Metropolitan Planning Committee shall consist of 30 members and the Commissioner of the BDA shall be its Secretary whereas under Section 3 of the BDA Act, the BDA consists of 22 only members. The number of members of Metropolitan Planning Committee is larger than the number of members of BDA. The developmental schemes to be undertaken by larger body cannot be taken by small body. The Metropolitan Planning Committee consists of two-thirds of members from elected representatives mentioned in Section 503-B of the KMC Act. The Commissioner of BDA will be the Secretary of the said Committee. The BDA constitutes only members nominated by the State Government. The elected representatives in the Metropolitan Planning Area have got sovereign character and they are accountable and answerable to the public. That is not so in the case of BDA members. For this reason also the BDA has no jurisdiction to undertake developmental schemes in Metropolitan Area. . . . BDA has no authority or jurisdiction to take-up developmental schemes in Bangalore Metropolitan Area. On the other hand, the Metropolitan Planning Committee, which is yet to be constituted, has authority and jurisdiction to undertake the developmental schemes in Bangalore Metropolitan Area. — Sharadamma and Others v State of Karnataka and Others, 2005(4) Kar. L.J. 481B.

Object of Bangalore Development Authority

Sections 14 and 15(1)(a) — Object of Bangalore Development Authority — Can acquire land outside Bangalore Metropolitan Area — For development and incidental purpose.

The BDA has got jurisdiction under Section 15(1)(a) of the ‘BDA Act’ to prepare, frame or draw up a Development Scheme/Improvement Scheme, also in respect of the adjoining area of the Bangalore Metropolitan Area. As could be seen from Section 14 of the ‘BDA Act’, the object of the authority
shall be to promote and secure the development of the Bangalore Metropolitan Area and for that purpose the authority shall have the power to acquire, hold, manage, and dispose off movable and immovable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary of expéndit for the purpose of such development and for purposes incidental thereto. The 'BDA Act' empowers the authority to acquire the lands situated outside Bangalore Metropolitan Area also for the purpose of development/improvement of Bangalore Metropolitan Area. — Smt. C.V. Shantha and Others v State of Karnataka and Others, 2006(5) Kar. L.J. 361D.

Mistake in possession Certificate

Sections 14 and 16 — Mistake in possession Certificate issued — Correction — Duty of Bangalore Development Authority.

All the sites in the lay out formed by the Bangalore Development Authority in the area were of the same dimension each measuring 40 feet north to south and 60 feet east to west, the width of 40 feet facing the road. The certificate of grant issued in favour of petitioner allotting site 1452 showed the correct measurement. But in the possession certificate issued by the Bangalore Development Authority to R2 allotting site 1451 a mistake had crept in, in that instead of mentioning the dimensions 40 feet north to south and 60 feet east to west, it was shown therein that that site measures 60 feet north to south and 40 feet east to west. Petitioner filed the petition alleging that taking advantage of the mistake R2 was creating trouble and preventing her from proceeding with her construction. The Bangalore Development Authority owned the mistake.

Held, it was the duty of Bangalore Development Authority to faithfully implement the scheme prepared by it and if a mistake had crept in the matter of allotment of a site to an allottee, it had power to rectify the mistake: The mistake that had crept in the instant case not only adversely affected the interests of the petitioner but was also contrary to the scheme prepared by the Bangalore Development Authority. — Sherly John v Bangalore Development Authority and Another, 1981(1) Kar. L.J. 39.

CHAPTER III
Development Schemes

15. Power of Authority to undertake works and incur expenditure for development, etc. — (1) The authority may —

(a) draw up detailed schemes (hereinafter referred to as “development scheme”) for the development of the Bangalore Metropolitan Area; and

(b) with the previous approval of the Government, undertake from time to time any works for the development of the Bangalore Metropolitan Area and incur expenditure therefor and also for the framing and execution of development schemes.
(2) The authority may also from time to time make and take up any new or additional development schemes.—

(i) on its own initiative, if satisfied of the sufficiency of its resources; or

(ii) on the recommendation of the Local Authority if the Local Authority places at the disposal of the authority the necessary funds for framing and carrying out any scheme; or

(iii) otherwise.

(3) Notwithstanding anything in this Act or in any other law for the time being in force, the Government may, whenever it deems it necessary require the authority to take up any development scheme or work and execute it subject to such terms and conditions as may be specified by the Government.

COMMENTS

‘Development Scheme’ for the development of Bangalore Metropolitan Area

Section 15 — Karnataka Town and Country Planning Act, 1961, Section 81-B — Land acquisition — BDA is competent to acquire land in areas adjacent to Bangalore Metropolitan Area in accordance with Development Scheme duly notified.

Held: The power invested in the authority under clause (a) of sub-section (1) of Section 15 of the Act to draw up a ‘Development Scheme’ for the development of ‘Bangalore Metropolitan Area’ includes not merely the power to draw up such scheme for the area within the Bangalore Metropolitan Area, but also for area adjacent to it. Therefore, the Bangalore Development Authority did have jurisdiction under clause (a) of sub-section (1) of Section 15 of the Act to prepare, frame or draw up a “Development Scheme” respecting an adjacent area of the “Bangalore Metropolitan Area”. If the authority has thus the power to prepare a Development Scheme for the Bangalore Metropolitan comprised of land in the adjacent area of the Bangalore Metropolitan Area, it necessarily follows that the authority has, under sub-section (1) of Section 17 of the Act, power to draw up a notification specifying the lands in the adjacent area of the Bangalore Metropolitan Area proposed for acquisition and have a copy of that notification published in the official Gazette, as provided for under sub-section (3) of Section 17 of the Act, such notifications could not be held to be made ultra vires the powers of authority. — Chikkamuniyapareddy Memorial Trust, Bangalore v State of Karnataka and Others, 1998(2) Kar. L.J. 274D.

Acquisition of land for residential layout

Sections 15, 16, 17 and 18 — Constitution of India, Article 226 — Formation of residential layout — Acquisition of land for — Application of mind by authority regarding extent of land required — What is required to be mentioned in scheme is only limits of area comprised in scheme and not exact extent of land required in terms of acres — Discrepancy between total extent of land notified for acquisition and extent of land finally acquired does not render acquisition bad in law, for non-application of mind, resulting
from undue haste — That by itself would not be ground for taking up judicial review of administrative decision taken after due deliberation.

Nowhere in the BDA Act it is mentioned that the exact land required for the scheme is to be mentioned. On the contrary what is to be mentioned is the limits of the area comprised in the scheme. When the BDA passed a resolution to form a layout they have proposed to acquire about 3,000 acres of land spread over in 16 villages. It is after the said resolution the machinery is set in motion to identify lands in those villages and thereafter to prepare the scheme. The BDA while passing the resolution should broadly give them guidelines and authority to achieve the object. These are practical problems which the authorities will face while identifying the lands. There is some discrepancy in the total extent of land notified for acquisition as noted in the records of the BDA and as mentioned in the preliminary notification. In this regard it cannot be lost sight of that in the total extent of land sought to be acquired there are tanks, Government lands, lands—for which there is no name of the kathedar and anubhavadar mentioned in the revenue records. Therefore, the said discrepancy is understandable. That by itself would not vitiate the acquisition. While submitting the modified scheme and complete plan, there is no requirement of furnishing a layout plan or map of the modified scheme as contended. Only after sanction by the Government a finality is reached, the layout plan and modified map has to be prepared. The plan is different from map. Therefore, none of the aforesaid discrepancy pointed out would vitiate the acquisition validly made. . . . The scheme was formulated and a preliminary notification was issued nearly more than one year before the advancement of the election. At that point of time, no one ever imagined such a contingency would arise in future. The scheme was formulated only in public interest. Chief Minister is in no way personally benefited by such scheme. There are no allegation in this regard. If the Chief Minister who is also the Minister-in-charge of BDA, has taken a decision to accord sanction to a scheme, which was conceived in public interest, keeping in mind the beneficiaries of such scheme, namely, economically weaker section of the society, who cannot afford to purchase residential sites in open market, to have a roof over their head, and in terms of the allotment rules, majority of the sites would be allotted to persons belonging to Scheduled Caste, Scheduled Tribe, Backward Communities, Physically Handicapped, Ex-servicemen, it cannot be termed as actuated with any mala fide intention merely because such a sanction was accorded in haste. Undue haste also is a matter which by itself would not have been a ground for exercise of the power of judicial review unless it is held to be mala fide. What is necessary in such matters is not the time taken for decision, but the manner in which the decision had been taken. The Court, it is trite, is not concerned with the merit of the decision, but the decision making process. The question as to whether any undue haste had been shown in taking an administrative decision is essentially a question of fact. A decision which has been taken after due deliberations and upon due application of mind cannot be held to be suffering from malice in law on the ground that there had been undue haste on the part of the Chief Minister or the Government, especially when there is no allegation of mala fides. — The Commissioner, Bangalore Development

Execution of Development Scheme of Arkavathi Layout

Sections 15, 16, 17, 18 and 19 — Formation of Arkavathi Layout — Execution of development scheme of — Omission to provide layout plan and other particulars, such as extent of lands required, etc. — Chief Minister approving scheme pending ratification by Cabinet — Preliminary notification for acquisition of lands and final declaration that lands notified for acquisition are required, issued without layout plan and without any estimate of lands required — Scheme, held, not valid.

Section 15 of the BDA Act empowers the BDA to frame developmental schemes and with the previous permission of the Government to execute the same. Section 16 enumerates the particulars to be provided in such scheme. After preparation of Scheme, under Section 17, the authority shall draw up a notification furnishing the particulars of the scheme and the place where those particulars, map and statement of the lands proposed for acquisition, can be seen. Within 30 days notices shall be issued to the concerned persons inviting objections, if any, for the proposed acquisition. After considering the representations received in that regard, the scheme shall be submitted to Government for sanction with modifications, if any, together with plan, estimates and other particulars. After considering the proposal, the Government has to sanction the same. Upon sanction of the scheme, under Section 19, the Government shall publish the declaration that the lands are required for public purpose. These are the formalities required to be complied with before proceeding further in the matter for the execution of the scheme. . . . There is difference in the requirement of the land for the layout. There is variation in the total extent of land proposed and resolution passed for preliminary notification, the extent shown in the preliminary notification, the extent shown in the final notification etc. . . . Resolution passed for issuing Preliminary Notification was only for 3000 acres. But, Preliminary Notification was issued notifying for 3339 acres, which was subsequently rectified to 3839-12 acres. Thus, the BDA itself was not clear in its land requirement for the scheme. For the purpose of issuing final notification the total extent is taken as only 3339 acres and not 3839 acres. . . . There is no application of mind at all both by the BDA and the Government to these figures relating to requirement of land for the Scheme. . . . It is not mentioned how the Bangalore Water Supply and Sewerage Board will augment the water requirement, how the additional electricity for the layout will be provided, the transport facilities, hospital, police station, school/college and other public offices. Mere formation of sites without making provision for water, electricity, sanitary and other amenities will not serve the purpose. . . . Though the preliminary notification states that copy of the plan is kept, factually no plan was prepared. . . . No modified scheme was proposed. There is no compliance of clause (a) of Section 18(1) of the BDA Act inasmuch as reasons for modification of the scheme is not furnished, clause (b) plan was not furnished (d) the representations received under Section 17(2) objecting for the acquisition and (e) a schedule showing
the rateable value, as entered in the municipal assessment book on the date of
the publication of a notification relating to the lands under Section 17 or the
land assessment of the lands specified in the statement mentioned in clause
(c), not furnished . . . The BDA has not at all finalised the Scheme Plan,
which is the basic requirement of a developmental scheme: In the absence
of Scheme Plan, it is quite understandable as to how the BDA approved the
scheme and issued the preliminary notification. Plan is the elementary
document for the execution of any developmental scheme. It is very
elementary, essential and basic document. Without such a plan, the BDA
proceeded to implement the scheme. . . . The proposal made to the
Government by the BDA for sanction of the Scheme is bad in law for
non-compliance of the provisions of Section 18(1) of the BDA Act. There is
total non-application of mind in the matter of framing the scheme by the
BDA. The same is not legal and valid. — Sharadamma and Others v State of
Karnataka and Others, 2005(4) Kar. L.J. 481C.

Lapse of Development Scheme

Section 15, 16, 17, 18, 19, 27, 35 and 36 — Land Acquisition Act, 1894,
Sections 4, 5-A, 6, 9, 11, 11-A and 23 — Land acquisition — Provisions of two
Acts relating thereto — Variations between two sets of provisions —
Whether in their operation cause discrimination? — Held, no. — Under
Section 27 of Bangalore Development Authority Act, development scheme
would lapse if not implemented within five years from date of its sanction
and notification — Land Acquisition Act provides that no final declaration
can be issued after one year from date of preliminary notification and that
entire acquisition proceeding itself would lapse if no award is passed within
two years from date of final declaration — Prescribing time within which
scheme should be implemented is matter of legislative policy — Merely
because Bangalore Development Authority Act prescribes longer period, is
no ground to hold that the provisions of Act are unreasonable or
discriminatory.

Held: Chapter III of the Bangalore Development Authority Act provides
for developmental schemes. Section 15 empowers the Authority to
undertake a development scheme. Section 16 requires the particulars to be
provided in such a scheme. Sub-section (1)(a) thereof refers to stating the
land which is required for acquisition for the purpose of the scheme or which
may be affected by the scheme. After preparation of a scheme, under Section
17, the authority will have to draw up a notification stating the fact of a
scheme having been made which shall also contain specifications of the land
proposed to be acquired and on such a notification being published and a
notice thereto is served upon the owners of the land, they may file objections
to the same. Those objections are processed and reference is made to the
Government which is thereafter sanctioned under Section 18, by the
Government with such modification as it may deem fit. Under Section 4 of
the Land Acquisition Act, a preliminary notification is issued setting out the
lands required for acquisition for a public purpose and objections thereto can
be filed and there is a provision for hearing the objections and the same may
be referred to the Government and ultimately, the Government makes a final

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notification under Section 6 of the Land Acquisition Act. The two sets of provisions under Sections 4, 5-A and 6 of the Land Acquisition Act are comparable with the provisions of Sections 17 and 18 of the Bangalore Development Authority Act. Under the provisions of the Land Acquisition Act, if the final notification is not issued within the period mentioned therein and if any award is not made within the time prescribed under Section 11-A of the Act, the acquisition proceedings would lapse. In the case of schemes covered by the Bangalore Development Authority Act, the authority has to execute the schemes within a period of 5 years and if the authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of Section 36 shall become inoperative. Thus in substance there are provisions under the Bangalore Development Authority Act to indicate the proposals for acquisition, considering the objections thereto, sanctioning the proposal for acquisition on consideration of such objections and if such acts do not take place within a period of 5 years the proceedings would lapse. It would be a matter of policy for the Legislature to indicate the time within which such acts should be taken. In the case of Bangalore Development Authority Act, considering the nature and complexity of the implementation of the scheme, a period of 5 years has been fixed for purpose of completion of the scheme from the date of issue of the notification under Section 19 of the Bangalore Development Authority Act on sanction of the scheme. Therefore, when the Legislature itself has taken note of within what period the schemes have to be implemented and prescribes an authority thereto and also provides for as to what consequence would follow on non-implementation of the scheme within that period, this Court cannot take a view that such implementation of the scheme is in any way discriminatory when compared to the provisions of the Land Acquisition Act. In substance, both the provisions provided for identical situation may be in case of Land Acquisition Act more details are set forth such as the period within which final notification has to be issued and the period within which award has to be passed. But in case of the Bangalore Development Authority Act implementation of the scheme has been limited to a period of 5 years as provided in Section 27 of the Bangalore Development Authority Act. Section 27 of the Bangalore Development Authority Act provides that where within a period of 5 years from the date of the publication in the official gazette of the declaration under Section 19(1), the authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of Section 36 shall become inoperative. In the Land Acquisition Act certain period has been fixed which is considered to be reasonable within which the final notification will have to be issued and award has to be passed and if such acts are done beyond the time prescribed therein, the acquisition of land will lapse. To the same effect is Section 27 of the Bangalore Development Authority Act. If the Bangalore Development Authority Act provides for 5 years to be reasonable period for substantial compliance with the scheme, we cannot state that the said provision is unreasonable or not proper. Thus the scheme of the Land Acquisition Act as modified by the Bangalore Development Authority Act would be applicable by reason of the provisions of Sections 17, 18, 27 and 36 of the Bangalore Development Authority Act. The provisions of Section 6 and Section 11-A of the Land Acquisition Act which provide for the period of
limitation within which final notification has to be made and award has to be passed are inapplicable to acquisition under Bangalore Development Authority Act by necessary implication. The rest of the provisions other than those relating to the issue of preliminary notification, final notification or period within which the award should be passed and lapping of proceedings under the Bangalore Development Authority Act, of the Land Acquisition Act would certainly be applicable. The argument that the Land Acquisition Act would be applicable as amended, is advanced only with reference to the applicability of the provisions of Section 6 of the Land Acquisition Act where the period of limitation is prescribed for issue of the final notification and Section 11-A of the Land Acquisition Act the period within which the award is to be passed. But these two provisions are not applicable. — *Khoday Distilleries Limited, Bangalore v State of Karnatak and Others*, 1997(5) Kar. L.J. 730A (DB).

**Bulk allotment of lands**


**Drawing up of the scheme by the Authority**

Sections 15 and 2(c) — Constitution of India, Parts IX and IX-A inserted by 73rd and 74th Amendments — Whether Section 15 read with Section 2(c) dealing with the power of the authority to draw up schemes for development for Bangalore Metropolitan Area became inoperative, void or was impliedly repealed by virtue of Parts IX and IX-A of the Constitution?

BDA Act is a legislation relatable to Article 243-W and some of the matters listed in the Twelfth Schedule. Therefore, BDA Act is deemed to be a law relating to Municipalities. Having regard to Article 243-ZF, any provision inconsistent with the provisions of Part IX-A of the Constitution; law relating to municipalities ceased to be in force on the expiry of one year from 1-6-1993 the date of commencement of the Constitution (74th Amendment) Act, 1992. After the insertion of Part IX-A of the Constitution, there cannot be any "metropolitan area" other than what is declared by the Governor as a metropolitan area, as provided under Article 243-P(6). Only an area having a population of 10 lakhs or more in one or more districts and consisting of two or more municipalities or Panchayats or other contiguous areas and specified by the Governor by a public notification to be a Metropolitan Area can be a "Metropolitan Area". Consequently, the "Bangalore Metropolitan Area" as defined under Section 2(c) of the BDA Act had ceased to exist and therefore BDA could not draw up any development scheme for Bangalore.

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Metropolitan Area. A development scheme or an additional development scheme for Bangalore Metropolitan area which the BDA is required to draw up under Section 15 of the BDA Act are conceptually and in effect same as the development plan with reference to a municipality referred to in Article 243-W and a development plan for a metropolitan area referred to in Article 243-ZE. After the insertion of Part IX-A in the Constitution, a development plan for a metropolitan area can only be drawn up by a democratically elected representative body that is the Metropolitan Planning Committee by taking into account the factors mentioned in clause (3) of Article 243-ZE. Therefore, on the expiry of one year from 1-6-1993 (the date on which Part IX-A of the Constitution was inserted), BDA has no authority to draw up any development scheme. — Bondu Ramaswamy and Others v Bangalore Development Authority and Others, 2010(5) Kar. L.J. 177B.

Sections 15 and 17(1) — Development scheme — Power of Authority to draw up — No prior approval of State Government is needed — What is required is only administrative approval of State Government if expenditure involved in implementing development scheme exceeds financial capacity of Authority — Preliminary notification issued under Section 17(1) of Act by Authority for acquisition of land required for development scheme drawn up by it is not invalid for want of prior approval of scheme by State Government.

Held: Clause (a) of sub-section (1) of Section 15 of the BDA Act, deals with the drawing up of the scheme by the Authority for the development of the metropolitan area. What is required by Section 15 is the administrative approval to incur expenditure if it exceeds its financial capacity as could be seen from Section 15(2) of the Act. Section 17(1) commences with the expressions that “When a development scheme has been prepared, the authority shall draw up a notification stating the fact of a scheme having been made”. It is, therefore, clear that the Act did not contemplate sanction of the Government of the scheme at two Stages. — D. Hemachandra Sagar and Another v State of Karnataka and Others, 1999(1) Kar. L.J. 510B : ILR 1998 Kar. 4172.

Section 15(1)(a) — R/w Sections 2(c), 14, 17, 19, 25, 35 and 36 — Section 81-B of Karnataka Town and Country Planning Act, 1961 — Bangalore Development Authority competent to prepare, frame or draw up a ‘development scheme’ known as ‘improvement scheme’ respecting an ‘adjacent area’ of ‘Bangalore Metropolitan Area’ and also draw up notification specifying lands in ‘adjacent area’ of ‘Bangalore Metropolitan Area’ proposed for acquisition and have the same published in Official Gazette as provided under Section 17(3) — On facts, writ petitions dismissed challenging the validity of notification contending that Bangalore Development Authority is not competent to do so — Scheme of the Act explained. — Vishwabharathi House Building Co-operative Society Ltd. v Bangalore Development Authority, 1989(3) Kar. L.J. 17.
Formation of residential layout

Sections 15, 16, 17(1), 18(3), 19(1) and 37 — Constitution of India, Articles 14, 21 and 300-A — Land acquisition — Under special Act — Formation of residential layout — Scheme prepared under Act — Sanctioned — Notified — Objections heard and resolved by Bangalore Development Authority — Certain areas exempted — Final notification — Bangalore Development Authority acquired and allotted 80% sites — Final notification and acquisition challenged — Held, legal, circumstance requires protection of landowners interest.

On perusal of the said maps it makes amply clear that the area of 510 acres of land which is sought to be acquired does not form one contiguous block.

... The scheme should contain all the particulars enumerated in Section 16 of the 'BDA Act' even before the publication of the notification under Section 17(1) of the 'BDA Act' is untenable. If the scheme contains the broad factors in respect of the particulars enumerated in Section 16, it would be sufficient compliance of the preparation of the Scheme.

The authority is empowered to resubmit the scheme after such modification as it may think fit to the Government for sanction under Section 18 of the 'BDA Act'. ... The BDA has got jurisdiction under Section 15(1)(a) of the 'BDA Act' to prepare, frame or draw up a Development Scheme/Improvement Scheme, also in respect of the adjoining area of the Bangalore Metropolitan Area. As could be seen from Section 14 of the 'BDA Act', the object of the authority shall be to promote and secure the development of the Bangalore Metropolitan Area and for that purpose the authority shall have the power to acquire, hold, manage, and dispose off movable and immovable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary of expedient for the purpose of such development and for purposes incidental thereto.

There is no substance in the contention that the Government has not applied its mind before sanctioning the scheme under Section 18(3) of the 'BDA Act'. ... Many a times, there may be unauthorised occupants over the Government lands and their names are not entered in the revenue records. With the object of giving an opportunity to such persons and to ascertain their names and claims if any, such Government lands are also notified. ... The BDA may be directed suitably to protect the interests of site owners who have owned the sites through registered sale deeds prior to preliminary notifications. — Smt. C.V. Shantha and Others v. State of Karnataka and Others, 2006(5) Kar. L.J. 361A.

Application for development of an area exceeding one acre

Section 15 — Petitioner seeks permission from BDA — To develop his land measuring 33 gunta into an industrial area — Revenue Department granted permission — BDA asked petitioner to pool in with other landowners — And to make an application for development of an area exceeding one acre — Held, the rights of petitioner would be impinged if he is called upon to pool land along with others accordingly writ petition is allowed.
Petitioner having obtained permission to divert 35 gunats of agricultural land in Sy. No. 100/1 of Panathur Village, Varthur Hobli, Bangalore East Taluk for Industrial (Hi-Tech) (Sensitive) by order of the Deputy Commissioner under Section 95 of Karnataka Land Revenue Act, 1964. Accordingly deferred consideration until the petitioner and others pool in and make an application for development of an area exceeding 1 acre. There is force in the submission of the learned Counsel for the petitioner. Undoubtedly, the rights of a landowner to develop his lands, would be impinged upon if called to pool land along with the lands belonging to his neighbour, who may or may not part with his land, to secure permission for development. Sequentially, it cannot but be held illegal the communication dated 17-7-2012 Annexure-F declining to consider the petitioner’s application for development of land measuring 35 gunats until he ensures pooling of land along with other landowners so as to increase the extent of land i.e., excess of one acre. In the result, this petition is allowed. - N. Gopal v Bangalore Development Authority, Bangalore and Another, 2013(4) Kar. L.J. 606.

16. Particulars to be provided for in a development scheme.— Every development scheme under Section 15.—

(1) shall, within the limits of the area comprised in the scheme, provide for.—

(a) the acquisition of any land which, in the opinion of the authority, will be necessary for or affected by the execution of the scheme;

(b) laying and re-laying out all or any land including the construction and reconstruction of buildings and formation and alteration of streets;

(c) drainage, water supply and electricity;

(d)[(d) the reservation of not less than fifteen per cent of the total area of the layout for public parks and playgrounds and an additional area of not less than ten per cent of the total area of the layout for civil amenities.]

(2) may, within the limits aforesaid, provide for.—

(a) raising any land which the authority may consider expedient to raise to facilitate better drainage;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(c) the sanitary arrangements required;

[(d) x x x x x.]

1. Clause (d) of sub-section (1) inserted by Act No. 17 of 1984, w.e.f. 21-4-1984.
2. Clause (d) of sub-section (2) omitted by Act No. 17 of 1984, w.e.f. 21-4-1984.
(3) may, within and without the limits aforesaid provide for the construction of houses.

COMMENTS

Modification of the existing scheme

Section 16, Scheme — Deletion of areas in final scheme — Acquisition accordingly — Is modification and not alteration:

It cannot be said that there is alteration of scheme or preparation of altogether a new scheme. It may be the case of only modification of the existing scheme. The acquisition of smaller portion of the land by deleting certain area does not amount to alteration of the scheme. — *Smt. C.V. Shantha and Others v State of Karnataka and Others*, 2006(5) Kar. L.J. 361C.

Scheme — Meaning of

Section 16, Scheme — Meaning — If contains broad factors of required particulars — Sufficient compliance of preparation.

The word ‘scheme’ has many meanings; one such meaning is ‘mode’ or ‘manner’. It may also mean, ‘stages’ or ‘steps’ to achieve a particular end. The lands sought to be acquired are clearly mentioned in the notifications by giving the names of survey numbers, villages, extent of land proposed for acquisition and names of the kathedars/anubhavadars etc. — *Smt. C.V. Shantha and Others v State of Karnataka and Others*, 2006(5) Kar. L.J. 361B.

Issue of preliminary notification

Sections 16 and 17(1) — Land acquisition — Issue of preliminary notification — Requirement of publishing details of development scheme approved by State Government — Notification is not to be held invalid if all details are not given — Furnishing of broad factors of items enumerated in Section 16 of Act would be sufficient compliance with requirement.

*Held:* The contention that the scheme should contain all the particulars enumerated in Section 16 of the Act even before the publication of the notification under Section 17(1) is untenable. If the scheme contains the broad factors in respect of the particulars enumerated in Section 16 it would be sufficient compliance with the preparation of the scheme. — *D. Hemachandra Sagar and Another v State of Karnataka and Others*, 1999(1) Kar. L.J. 510C: ILR 1998 Kar. 4172.

Reserving the site for public amenities

Section 16(1)(d) — Allotment of C.A. site reserved for playground and college — To start an educational institution by the Society — Whether valid?

*Held:* The allotment was made in the year 1994. There was no objection by the petitioners who are the residents of the locality for reserving the site for public amenities. The Authority had leased the property in accordance with the provisions of the Act. The petitioners have not questioned the notification issued by the B.D.A. for allotment. It is not shown as to how these petitioners
are affected by the allotment of C.A. site, for the purpose for which it was reserved. There is no violation of the provisions of B.D.A. Act by allotment of C.A. site. — The Residents of Mico Layout, II Stage, Bangalore and Others v J.S.S. Mahavidya Peetha, Mysore and Others, 1997(4) Kar. L.J. 442.

Compulsory reservation of portion of layout for Public parks and playgrounds

Section 16(1)(d) — As amended by Act 17 of 1984 and Act 18 of 1991 — Public parks and playgrounds — Compulsory reservation of portion of layout for, to extent of 15% of total area of layout — Provision cannot be enforced in respect of layout approved and formed under Bangalore City Improvement Act, 1945, prior to BDA Act coming into force — No direction can be issued to Authority that open space earmarked for specified purposes under repealed Act in such layout should not be utilised for such purposes but must be utilised as public parks and playgrounds till ratio of 15% prescribed therefor in BDA Act is reached — In absence of relevant data, Court cannot examine scheme sanctioned years ago under old Act, whether it satisfies requirements under BDA Act.

Held: Koramangala Layout Scheme was approved prior to the BDA Act coming into force. The said scheme was approved under Section 14 of the City of Bangalore Improvement Act, 1945. Under the CITB Act, there was no provision for reservation of any land for parks and playgrounds and civic amenities separately. What is provided therein was sufficient open spaces for ventilation. The layout plan prepared, in respect of the scheme indicated, extent of open spaces left and all those spaces were shown and specified for a certain purpose in the layout plan together with its extent. The contention of the petitioner is that by virtue of Section 16(1)(d) of the BDA Act there shall be reserved an extent of not less than 15% of the total area of the layout for parks and playgrounds and until that ratio is maintained, the BDA shall not make allotments of vacant sites in in favour of anyone and to recall the order of allotment if any made and if such sites are not yet utilised. What is necessary in this context is to maintain the areas reserved for any specific purposes for such purposes only. It is not possible for this Court, in the absence of any data of the area reserved as the vacant space where parks are provided in the development layout, to hold that the vacant space reserved is not sufficient for ventilation or fresh air. Hence, it is not just and proper for this Court to examine the contention, 23 years after the scheme was approved and enforced, whether it satisfies the requirements of Section 16(1)(d) of the BDA Act. . . . The relief prayed for in this petition cannot be granted in the absence of any specific allegation of violation of statutory provision by the BDA. It is well-settled that every authority established under a statute would perform their function, exercise their power and discharge their duties in accordance with the provisions of the said statute and no direction may be issued to such statutory authority to perform its function, exercise its powers and discharge its duties in accordance with law, in the absence of any specific allegation and on proof of such allegations. No specific allegation is made in this petition in respect of any particular allotment in violation of the statutory provisions. The relief prayed is, therefore, too general in nature to be granted. — S.G.

Issue of preliminary and final notifications for Land acquisition

Sections 16(1), (3) and 19(1) — Land acquisition — Issue of preliminary and final notifications for — Owner of land transferring same to Trust formed after issue of notifications — Transfer is void, as owner ceased to have any right, title or interest in land once BDA issued preliminary notification and transferee Trust has no locus standi to challenge validity or legality of notification.

Held: The preliminary notification under sub-sections (1) and (3) of Section 16 of the Bangalore Development Authority Act, 1976 was published in the Karnataka Gazette, dated 21-3-1977 and the final notification under Section 19(1) of the BDA Act was published in the Karnataka Gazette on 14-5-1980. The award has been made in this case on 13-1-1983 and the possession of the property was taken over by the BDA on 19-2-1983. After such taking over possession of the property, the BDA has allotted sites in favour of the allottees sometime in the month of March, 1985 and December, 1985. The Trust was formed only on 24-2-1984 and registered on 7-3-1984. The provisions of BDA Act are in pari materia with Section 6 of the Land Acquisition Act. The preliminary notification, final notification, award and the possession of the property has been taken over by the BDA much earlier to formation and registration of the petitioner-Trust since the same was formed and registered some time in the month of March, 1984. On the date when the Trust was formed, the owner of the land had no right, title or interest in the property to apportion the same in favour of the Trust. The person who had either purchased the property or has taken over the possession of the property after preliminary notification has no right whatsoever to challenge an acquisition proceeding under Land Acquisition Act. Since the lands are already vested in the BDA, in that view, the petitioner-Trust cannot challenge the validity or legality of the notification issued by the Bangalore Development Authority exercising its powers under the City Improvement Trust Boards Act, 1945, as the lands had been notified for acquisition much earlier to the formation and registration of the Trust — Chikkamuniyapareddy Memorial Trust, Bangalore v State of Karnataka and Others, 1998(2) Kar. L.J. 274A.

17. Procedure on completion of scheme.—(1) When a development scheme has been prepared, the authority shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein, a statement specifying the land which is proposed to be acquired and of the land in regard to which a betterment tax may be levied may be seen at all reasonable hours.

(2) A copy of the said notification shall be sent to the corporation which shall, within Thirty days from the date of receipt thereof, forward to the
authority for transmission to the Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme.

(3) The authority shall also cause a copy of the said notification to be published in [x x x x x] the Official Gazette and affixed in some conspicuous part of its own office, the Deputy Commissioner's Office, the Office of the Corporation and in such other places as the authority may consider necessary.

(4) If no representation is received from the corporation within the time specified in sub-section (2), the concurrence of the corporation to the scheme shall be deemed to have been given.

(5) During the thirty days next following the day on which such notification is published in the Official Gazette the authority shall serve a notice on every person whose name appears in the assessment list of the Local Authority or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which is proposed to be acquired in executing the scheme or in regard to which the authority proposes to recover betterment tax requiring such person to show cause within Thirty days from the date of the receipt of the notice why such acquisition of the building or land and the recovery of betterment tax should not be made.

(6) The notice shall be signed by or by the order of the [Commissioner], and shall be served.

(a) by personal delivery of if such person is absent or cannot be found, on his agent, or if no agent can be found, then by leaving the same on the land or the building; or

(b) by leaving the same at the usual or last known place of abode or business of such person; or

(c) by registered post addresses to the usual or last known place of abode or business of such person.

COMMENTS

Question for consideration

Section 17 — Land Acquisition Act, 1894, Sections 4(1), 6 and 48 — Single Judge dismissed writ petitions on ground of delay and laches — Question for consideration — Whether writ petitions barred on account of delay and laches and if so whether State Government under Section 48 of Land Acquisition Act is at liberty to withdraw from acquisition of said lands, if possession was not taken? — A preliminary notification issued under Section 17(1) of Bangalore Development Authority Act issued to acquire lands in question — State Government had exempted nursery lands from acquisition

1. The words “three consecutive issues of” omitted by Act No. 17 of 1994, w.e.f. 31-3-1994.
2. Substituted for the word “Chairman” by Act No. 34 of 1986 and shall be deemed to have come into force w.e.f. 6-6-1986.

A K LJ PUBLICATION
Directions issued to Bangalore Development Authority — Final notification under Section 19 of Bangalore Development Authority Act issued — Whether circular was actually considered or not does not find a place in records — No proper application of mind by respondents with respect to circular — It would not be appropriate to set aside acquisition proceedings since appellants approached this Court belatedly — Possession appears to be still with appellants — Section 48 gives liberty to State Government to withdraw from acquisition any land on which possession has not been taken — Appellants directed to give representation to State Government — Accordingly writ appeals disposed of — [Karnataka High Court Act, 1961, Section 4].

It appears to us, prima facie, that if the circular has been acted upon in the same notification with respect to other lands then by inference the circular is binding on the Bangalore Development Authority since it is a circular issued by the State Government to the Bangalore Development Authority with respect to exemption of land that are being used as nurseries. . . . In this case also we are of the view that there was no proper application of mind by the respondents with respect to whether the circular at Annexure-G has been considered by the respondents and whether this circular is binding on the respondents. However, it would not be appropriate to set aside the acquisition proceedings, since the appellants have approached this Court belatedly. . . . Annexure-G, the circular issued by the State Government which appears to prohibit the acquisition of lands which is being used exclusively as a nursery. Enough materials have been placed to prima facie satisfy the Court that in the same notification other lands which had nurseries were deleted from the acquisition proceedings. However, our opinion is only prima facie, since the Annexures produced before the Court whereby the lands were deleted on the grounds that the lands were being maintained as nurseries will have to be verified by the State Government and the State Government is also required to verify whether under the same notification other lands were exempted on the basis of the circular. . . . The Court also prima facie of the view that in view of the interim orders granted by earlier Benches of this Court in the writ appeals in the presence of the Bangalore Development Authority the possession appears to be still with the appellants. The Court Commissioner's report also appears to be of the same view. However, whether possession has been taken or not is a disputed question of fact and it is for the State Government to determine whether the possession has been taken by the Bangalore Development Authority. . . .

On the factual aspect of possession we are not inclined to give any finding and leave it to the State to deal with it in accordance with law. Right at the outset we had extracted Section 48 of the Act. Section 48 gives liberty to the State Government to withdraw from acquisition any land on which possession has not been taken. — Mrs: Latha U. Kamath and Others v The Commissioner, Bangalore Development Authority and Others, 2003(7) Kar. L.J. 642 (DB); ILR 2003 Kar. 1604 (DB).
Land notified for acquisition

Section 17 — Acquisition of land — Requirement of notification issued for — Land required for execution of development scheme and land in regard to which betterment tax may be levied, held, should be notified separately.

It is clear that out of the land proposed to be acquired some land is necessary for the execution of the scheme, some lands are not necessary for execution of the scheme, but are going to be affected by such execution of the scheme. Both these two types of lands are to be notified separately. In respect of the land which will be affected by the execution of the scheme, the authority has the power to levy betterment tax . . . . From this it follows that before issuing of a notification under Section 17(1) of the Act, the Authority should make up its mind in respect of the area covered under the scheme to be acquired, then the portion of a land and building comprised in the scheme which is necessary for the execution of the scheme and the portion of the building and land which would be affected, by the execution of the scheme and not required for execution of the scheme. If any building or land comprised in the scheme is not required for execution of the scheme, then, they have been given the power to levy betterment tax in respect of the said building and land. After specifically mentioning the land and building to be acquired and in respect of which betterment tax is to be levied in the notification then they must issue individual notices to such persons requiring them to show cause within thirty days from the date of receipt of the notices, why such acquisition of the building or land and the recovery of betterment tax should not be made. — Gangaiah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272E.

Section 17 — Petitioner purchased land after issue of final notification — Hence petitioner does not/cannot acquire any right at all in the land and cannot question the legality or validity of the Government order as petitioner has no locus standi to seek for relief of quashing the order.

If as asserted by the petitioner, the land did figure within this survey number, then the petitioner cannot put forth any claim, for right, title or interest in the subject land, as petitioner has purchased the land in the year 2004, after the issue of even final notification. Writ petitioner does not/cannot acquire any right at all in this land in this state of affairs and therefore there is nothing further which the petitioner can question before this Court with regard to the legality or validity of the Government order at Annexure-K, as the petitioner has no locus to seek for the relief of quashing this order . . . . Petitioner appears to be more a speculator and if at all has misused/abused the process of this Court, by filing the present writ petition even when the petitioner is not able to establish any definite right, title or interest in the subject land. If the petitioner has any interest in the land other than one covered by the notification, it is always open to the petitioner to defend such interest on the basis of title and possession before a Civil Court. Petitioner has not resorted to such a course of action hitherto and on the other hand is facing civil litigation initiated by the fourth respondent, which even reflects on the
bona fides of the petitioner to prosecute this writ petition. — *Smt. Bharathi v State of Karnataka and Others, 2011(2) Kar. L.J. 375.*

**Section 17** — Land Acquisition Act, 1894, Section 4(2) — Land notified for acquisition — Power of Commissioner of Bangalore Development Authority to authorise his subordinates to enter upon and survey and to dig or bore in sub-soil of — Commissioner of Bangalore Development Authority, held, has no such power.

Under sub-section (2) of Section 4 of the L.A. Act, only the officer authorised by the Government is permitted to discharge the functions. Therefore, the Commissioner of BDA, is not at all competent to issue the preliminary notification, cannot authorise the Additional Land Acquisition Officer to perform the duties specified in Section 4(2) of the L.A. Act. Even the BDA also cannot delegate the power to its Commissioner to discharge the said functions under Section 17 of the BDA Act read with Section 4(2) of the L.A. Act. That being so, the Commissioner of BDA could not have empowered his subordinates in the Preliminary Notification to discharge the said functions. — *Sharadamma and Others v State of Karnataka and Others, 2005(4) Kar. L.J. 481H.*

**Not rectified despite objections**

**Section 17** — Notification — Names of actual landowners not stated — Mentioned as per revenue entries — Not rectified despite objections — All notifications published in newspapers — Held, Bangalore Development Authority cannot conduct roving enquiry — Acquisition proceedings not vitiated.

The defects found in the notification issued under Section 17 of the BDA Act is not rectified in the final notification inspite of objections. Over all, the names of the landowners/interested persons whose names are found in the revenue records are notified in final notification. The BDA is not expected to conduct a roving enquiry to find out as to who is the actual owner, whose name does not find place in the records. It is also just and necessary to note here itself that some of the petitioners in these writ petitions have purchased sites/lands through registered sale deeds much prior to preliminary notification and inspite of the same, their names are not mentioned in the revenue records and consequently, their names are not found in the impugned acquisition notifications and the same has resulted in passing of awards in the name of erstwhile landowners and dead persons. — *Smt. C.V. Shantha and Others v State of Karnataka and Others, 2006(5) Kar. L.J. 361E.*

**No objections preferred for change in land use**

**Section 17** — Notification No. BDA/TPM/CDP/1/1980-81, dated 1-7-1980 — Notification inviting objections — Before comprehensive development plan brought into force — No objections preferred for change in land use — Nor sought for regularisation of change in land use.

It is necessary to point out that the Karnataka Town and Country Planning Act came into force on 15-1-1965 and the Outline Development
Plan came into force on 13-7-1972 whereas the Comprehensive Development Plan came into force on 12-10-1984. Before the Comprehensive Development Plan was finally brought into force, in accordance with the procedure, the Bangalore Development Authority issued a Notification No. BDA/TFM/CDP/1/1980-81, dated 1-7-1980 inviting objections to the Comprehensive Development Plan from the members of the public. No objections were preferred and no efforts were made by any one including the industrialists for change in land use in spite of the said notifications. In short, the concerned respondents settled down with smug complacence making no efforts either to prefer objections or have regularisation. — *V. Lakshmipathy and Others v State of Karnataka and Others, 1991(2) Kar. L.J. 453F : II R 1991 Kar. 1334.*

**Section 17** — Personal service on Khatedar of land — Khatedar not being available in the address furnished in Revenue Records, notice served by affixture on land concerned — Held, there is no non-compliance with Section 17 of the Act. — *Venkataramaih M. v State of Karnataka and Others, 1988(1) Kar. L.J. 188.*

**Allegations of discrimination and arbitrariness**

**Section 17** — Acquisition of land — Requirement of notification issued for — Land required for execution of development scheme and land in regard to which betterment tax may be levied, held, should be notified separately.

It is clear that out of the land proposed to be acquired some land is necessary for the execution of the scheme, some lands are not necessary for execution of the scheme, but are going to be affected by such execution of the scheme. Both these two types of lands are to be notified separately. In respect of the land which will be affected by the execution of the scheme, the authority has the power to levy betterment tax . . . . . From this it follows that before issuing of a notification under Section 17(1) of the Act, the Authority should make up its mind in respect of the area covered under the scheme to be acquired, then the portion of a land and building comprised in the scheme which is necessary for the execution of the scheme and the portion of the building and land which would be affected, by the execution of the scheme and not required for execution of the scheme. If any building or land comprised in the scheme is not required for execution of the scheme, then, they have been given the power to levy betterment tax in respect of the said building and land. After specifically mentioning the land and building to be acquired and in respect of which betterment tax is to be levied in the notification then they must issue individual notices to such persons requiring them to show cause within thirty days from the date of receipt of the notices, why such acquisition of the building or land and the recovery of betterment tax should not be made. — *Gangaiah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272E.*

**Section 17** — Petitioner purchased land after issue of final notification — Hence petitioner does not/cannot acquire any right at all in the land and
cannot question the legality or validity of the Government order as petitioner has no locus standi to seek for relief of quashing the order.

If as asserted by the petitioner, the land did figure within this survey number, then the petitioner cannot put forth any claim, for right, title or interest in the subject land, as petitioner has purchased the land in the year 2004, after the issue of even final notification. Writ petitioner does not/cannot acquire any right at all in this land in this state of affairs and therefore there is nothing further which the petitioner can question before this Court with regard to the legality or validity of the Government order at Annexure-K, as the petitioner has no locus to seek for the relief of quashing this order. Petitioner appears to be more a speculator and if at all has misused/abused the process of this Court, by filing the present writ petition even when the petitioner is not able to establish any definite right, title or interest in the subject land. If the petitioner has any interest in the land other than one covered by the notification, it is always open to the petitioner to defend such interest on the basis of title and possession before a Civil Court. Petitioner has not resorted to such a course of action hitherto and on the other hand is facing civil litigation initiated by the fourth respondent, which even reflects on the bona fides of the petitioner to prosecute this writ petition. — Smt. Bharathi v State of Karnataka and Others, 2011(2) Kar. L.J. 375.

Section 17 — Promissory estoppel — Applicability of doctrine of — Land notified for acquisition by authority — Landowners writ petitions challenging notification — Promise made by Authority to landlords that it would withdraw notification and extend benefits of development to their lands on payment of betterment tax, if they if would give if they surrendered portion of land for forming road free of cost and withdrew their writ petitions pending before Court — When such promise made Authority was not beyond the Authority’s power to perform, it was binding on authority — Authority repudiating its obligation under its promise, after landowners had paid betterment tax, surrendered land for road and withdrew writ petitions held, is unsustainable, both in law and equity.

The Government stands on the same footing as a private individual so far as the obligation of the law is concerned. The former is equally bound as the latter. Under our jurisprudence the Government is not exempted from liability to carry out the representation made by it which are lawful: No representation can be enforced which is prohibited by law in the sense that the person or authority making the representation or promise must have the power to carry out the promise. . . . . Statute confers power on the BDA to levy betterment tax on the lands notified for acquisition or on the acquired land which is not required for the execution of the scheme. Before determining the betterment tax payable, the BDA shall pass a resolution declaring that for the purpose of determining such tax the execution of the scheme shall be deemed to have been completed. In the instant case such resolutions are passed. The same was communicated to all the beneficiaries of the said resolution. They were called upon to pay betterment tax. On the representation of the BDA and in pursuance of the demand made thereof, the petitioners have paid the amount of betterment tax levied and demanded.
The said payment is duly received and acknowledged by the BDA. Thereafter, the petitioners have altered their position on such representation by not only paying the amount demanded but also made improvements, constructions on the property in respect of which the betterment tax is levied and collected. In some cases when they were called upon to surrender a portion of the land for the formation of road, the land is surrendered and roads are formed by the BDA. It is thereafter the representation is sought to be withdrawn on the ground that it is not sanctioned by law and without authority. It also mandates giving of notice in writing to every person proposing to assess the amount of betterment tax payable. Therefore, the representation made by the BDA is based on the power conferred under the statute. It is not contrary to law. It is not outside the authority or power of the BDA. Therefore, the BDA can legitimately be held bound by its promise to levy betterment tax by giving up the site and land from acquisition, as the site and landowners have paid the betterment tax levied and improved their properties thus altering their position. Courts must do justice by the promotion of honesty and good faith, as far as it lies in their power. Since the doctrine of promissory estoppel is an equitable doctrine, it must yield, when the equity so requires. There is no prohibition in law for enforcing the said representation, as such a representation is sanctioned under law. It is legal and valid and is not tainted with any illegality. Section 2(d) defines 'betterment tax' means the tax payable under Section 20 in respect of an increase in the value of the land resulting from the execution of a development scheme. The betterment tax represents the increase in value of the land resulting from the execution of a scheme. The betterment tax shall be one-third of such increase in value. It is statutorily provided under Section 20(2) of the Act. All the writ petitions are partly allowed. The decision of the authority to give up from acquisition the lands which are notified for acquisition and collect betterment charges in respect of the same is upheld. The decision of the authority to collect betterment tax at the rate of Rs. 30/- or Rs. 40/- as the case may be as resolved by them in their resolutions referred to in the body of the order is declared as one without authority and consequently any levy made on that basis is also without the authority of law and are liable to be quashed and consequently the question of withdrawing such levy which is non est in the eye of law would not arise. In the light of the aforesaid declarations, the impugned communication issued by the authority to these petitioners informing them to receive back the betterment tax paid is hereby quashed. The authority shall initiate appropriate proceedings under the Act for levy of betterment tax in respect of the lands which are notified if any for levying the betterment tax under Section 17(1) of the Act or the lands which are given up from acquisition on the ground that it is not necessary while implementing the scheme under Section 20 of the Act and determine the tax payable and levy the same. The amount already paid by the petitioners and persons who are similarly placed which are in deposit with the authority shall be kept with them and it shall be adjusted towards the betterment tax to be levied after following the procedure and payable by such owners of lands. Those persons who are not willing to pay the betterment tax to be determined in accordance with law are at liberty to take back the amount, giving up the benefits accrued to them by the decision of
the BDA. — Gangaiah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272F.

Acquisition objection regarding locus standi of petitioner to file petition

Section 17 — Acquisition objection regarding locus standi of petitioner to file petition — Overruled — In view of production of copies of sale deeds in the name of petitioner’s mother — Index in land records showing her as owner of land. — M. Sreenivas v State of Karnataka and Others, 2016(6) Kar. L.J. 434C.

Sections 17 and 18 — Constitution of India, Articles 14 and 226. — Acquisition of lands — Allegations of discrimination and arbitrariness on part of authority in notifying for — Entire acquisition of land to extent of 2750 acres cannot be quashed on ground of such allegations made by only some of owners of lands — Since it is disputed question of facts, same cannot be gone into in writ proceedings, in absence of material particulars on record — It is, however, open to aggrieved owners of land to file their objections before authority which should consider same and pass appropriate orders.

The entire acquisition relating to 2,750 acres cannot be quashed. The plea of discrimination taken by some of the landowners is well-founded. However, it is a disputed fact, which cannot be gone into in these appeals, without there being enough material on record. In fact the BDA and Government have not traversed those allegations of discrimination specifically. Under these circumstances, it is proper to give an opportunity to all those landowners (excluding site owners) who have taken the plea of discrimination to file an appropriate application before the BDA for deletion of their lands from acquisition, and to substantiate their contention by producing such evidence which are available with them. On such application being filed and after holding an enquiry, the BDA shall consider their requests. If they are able to establish that their lands are similarly situated as that of the other landowners, whose land was not, at all notified for acquisition, or having been notified under Section 17(1) of the BDA Act, excluded from acquisition after upholding the objection, the said lands shall be excluded from acquisition. On receipt of such a report, the scheme already sanctioned by the Government shall stand amended accordingly, and the Government shall pass appropriate orders in this regard. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 10 (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

Sections 17 and 19. — Land Acquisition Act, 1894, Sections 11 and 16 — Specific Relief Act, 1963; Section 38 — Land notified for acquisition — Alienation of — Alienation made after issue of preliminary notification is null and void. ab initio and confers no title on alienee — More so where acquisition proceedings had come to an end with passing of award of compensation and taking of possession of land — Owner of land who continued to be in occupation of land after completion of acquisition proceedings is only trespasser and position of vendee who purchased land from him is no different. — Trespasser is not entitled to injunction against
true owner, viz., Government in whom ownership of land stood vested on conclusion of acquisition proceedings.

The registered sale deeds in favour of first plaintiff between 27-5-1992 and 18-6-1992 are subsequent to the vesting of schedule lands in favour of BDA and as such they are illegal and the first plaintiff has not derived any title and interest in the schedule lands. The possession of first plaintiff under these illegal sale deeds is not lawful. Consequently, the sale of sites formed in the schedule land in favour of second plaintiff under different agreement of sales are all illegal and unlawful. — Commissioner, Bangalore Development Authority, Bangalore v Addi Housing Industries Limited, Bangalore and Others, 2008(4) Kar. L.J. 723A.

Sections 17 and 19 — Lands required for formation of peripheral ring by authority — Issue of two preliminary notifications for acquisition of — One preliminary notification issued for acquisition of 32 guntas of land in particular survey number, and another notification issued after 14 months of first notification proposing acquisition of additional nine guntas of land in same survey number belonging to same person, but only single final declaration issued covering entire extent of lands proposed for acquisition under two notifications — No illegality, held, can be attributed to notifications, as authority can issue any number of preliminary notifications.

It is well-established that any number of preliminary notifications can be issued. In the instant case, two preliminary notifications are issued, one in respect of 32 guntas another in respect of the additional extent of 9 guntas. Including the extent mentioned in both the notifications, a single final declaration is issued under Section 19(1) of the BDA Act. The total extent of land acquired is 1 acre 1 gunta. Therefore, no illegality can be attributed to the notifications acquiring the land. The authorities are required to pass award in respect of 1 acre 1 gunta of land that is acquired. — Sridevi and Others v Department of Industries and Commerce, Bangalore and Others, 2010(1) Kar. L.J. 107.

Acquisition of land for Public purpose

Sections 17 and 18 — Land Acquisition Act, 1894, Sections 3(f) and 4(1) — Public purpose — Acquisition of land for — Acquisition of land by authority for formation of residential layout as part of planned development of city, is to be held for public purpose.

When an authority constituted under the Act, has initiated the action for acquisition of a large area of land comprising several plots for planned development, such acquisition would be for a public purpose. Therefore, the finding that there is no public purpose in the proposed acquisition is liable to be quashed. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 1E (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

Sections 17 and 19 — Petitioner's land was sought to be acquired by the BDA for purpose of development of a layout — Writ petitioner has continued to remain in possession and occupation of the building constructed on the
site and is also residing in the very same premises — On facts — Held — The situation is one which is irredeemable and irretirevable for the authorities as the authority by its own inaction and letharginess has allowed the acquisition proceedings insofar as the petitioner is concerned to lapse.

It is found that the situation is one which is irredeemable and irretirevable for the authorities as the authority by its own inaction and letharginess has allowed the acquisition proceedings insofar as the petitioner is concerned to lapse. Therefore, the acquisition proceedings in terms of the preliminary notification under Section 17 of the Act and final notification under Section 19 of the Act are hereby quashed only insofar as it relates to the land in possession of the petitioner in terms of the report now placed before the Court according to which the petitioner is in possession of site measuring 40 feet by 60 feet. In the circumstances, the impugned preliminary notification dated 8-4-2003 (copy at Annexure-K to the writ petition) and the final notification dated 9-9-2003 (copy at Annexure-L to the writ petition) are hereby quashed by issue of a writ of certiorari, but only to the extent of petitioner’s interest in the lands covered by these two notifications and not for more. — Mrs. Poornima Girish v Revenue Department, Government of Karnataka, Bangalore and Others, 2011(2) Kar. L.J. 142.

Notification proposing acquisition of land

Sections 17 and 18 — Land Acquisition Act, 1894, Section 5-A — Notification proposing acquisition of land — Hearing of and enquiry into objections: filed against — In absence of any provisions in Bangalore Development Authority Act, provisions of Land Acquisition Act are applicable — Omission to hold enquiry in manner prescribed in Land Acquisition Act vitiates acquisition, rendering it void.

There is no express provision in the BDA Act regarding enquiry after issuing preliminary notification and receipt of objections from the owners/interested persons. Section 18 of BDA Act merely states “after consideration of representations, if any”…… The statutory rights conferred in Section 5-A of the L.A. Act has to be followed. The said provision has to be read over to Section 17 of the BDA Act as it exclusively deals with enquiry to be conducted in respect of the lands proposed for acquisition.…… In the instant case, firstly, the objectors had no opportunity to file their objections before the Assistant Commissioner. Secondly, the Assistant Commissioner has not conducted the enquiry. On the other hand, the officers of BDA themselves conducted the enquiry on different dates at different places…… Enquiries were not conducted by the Assistant Commissioner as provided under Section 5-A of the L.A. Act but were conducted by the Additional Land Acquisition Officers of the BDA, who are not the Assistant Commissioners of the Sub-Division. They were appointed by the Commissioner of BDA who is not competent to do so. The objections were not properly considered. Opportunity of hearing was not given to the objectors, which is mandatory. The acquisition of lands will entail serious civil consequences and therefore principles of natural justice should be read into the provisions of Section 17 of the BDA Act. There is no compliance of principles of natural justice.…… The
reports containing the recommendations on the objections together with the record of proceedings conducted are not submitted to the Government as required under Section 5-A(2) of the L.A. Act. The same have been submitted to the BDA for consideration, which is not competent to do so under Section 5-A of the L.A. Act. Everything done in the guise of enquiry are contrary to the procedure prescribed in Section 5-A of the L.A. Act and violating principles of natural justice. . . . As per clause (c) of sub-section (2) of Section 5-A as amended by Land Acquisition (Karnataka Extension and Amendment) Act, 1961 (Act XVII of 1961), the fact of having submitted the report shall be communicated to the objectors to have their voice in the matter or to question the legality or correctness of the reports. Such reports are neither served nor communicated to the objectors, which is a serious statutory infirmity. This has vitiated the enquiry and the further action thereon is *ab initio* void. Thus, there is non-compliance of the aforementioned provision. The so-called enquiries conducted were all in blatant violation of law. The procedural safeguards given to the owners and persons interested in the lands have not at all been scrupulously followed. — *Sharadamma and Others v State of Karnataka and Others*, 2005(4) Kar. L.J. 4811.

**Diversion of lands acquired for Sanctioned scheme**

*Sections 17, 18 and 19* — Sanctioned scheme — Diversion of lands acquired for — If particular public purpose for which land had been acquired has come to end, it is open for Authority to utilise acquired land for any other public purpose — Allotment of land acquired for sanctioned scheme, to Bangalore Water Supply and Drainage Board, held, does not vitiate acquisition of lands.

The lands acquired by the BDA for the execution of the scheme have been given to Water Supply and Sewerage Board. But this will not invalidate the very notifications. Even though the acquisition of land is for a particular purpose and ultimately after acquisition if that purpose has to come to an end, it is still open for the authorities to utilise the said land for any other public purpose. — *Chandramma and Another v State of Karnataka and Others*, 2003(2) Kar. L.J. 600C.

*Sections 17 and 27* — Land Acquisition Act, 1894, Section 16 — Writ appeal — Petitioners lands acquired for Housing Scheme of 2nd respondent-Bangalore Development Authority (BDA) — Preliminary notification on 15-7-1982, final notification on 5-8-1986, award passed on 27-5-1997 — Single Judge in writ petition observed that acquisition proceedings is in compliance of Section 17 of the Bangalore Development Authority Act — Failure on part of original owners to challenge preliminary notification — Award passed after lapse of 11 years would not vitiates acquisition proceedings — Possession of impugned land taken by respondents and non-issuance of notification under Section 16(2) of the Land Acquisition Act would not vitiates acquisition proceedings — Petitioner challenges acquisition proceedings after lapse of 20 years, liable to be dismissed on ground of laches — Based on above findings writ petition dismissed — Issues for consideration before this Appellate Court — (i)
Whether the impugned acquisition proceedings is vitiated for non-compliance of Section 17(5) of the BDA Act? (ii) Whether the passing of award after 11 years vitiates the impugned acquisition proceedings? (iii) Whether the non-issuance of notification under Section 16(2) of the L.A. Act in the Official Gazette as to the taking of possession of the impugned land by the respondent vitiates the impugned acquisition proceedings? (iv) Whether non-formation of the layout in the impugned land vitiates the impugned acquisition proceedings as per Section 27 of the BDA Act? (v) Whether the above writ petition is maintainable both on the ground of (a) locus standi and (b) laches? and (vi) Whether the refusal to de-notify the impugned land by the State Government is arbitrary, unreasonable, discriminatory and violative of Article 14 of the Constitution of India? — Issue No. (i): Notices were served by affixture on land, which is also a valid service as per Section 17(6)(a) of the BDA Act — Impugned acquisition not vitiated for non-compliance of Section 17(5) of the BDA Act — Issue No. (ii): Applying ratio laid down by Supreme Court in Munithimmiaiah v State of Karnataka and Others, AIR 2002 SC 1574, impugned acquisition proceedings not vitiated on account of passing award after 11 years, whenever acquisition proceedings under BDA Act, Section 11-A of the L.A. Act not applicable — Issue No. (iii): Revenue records disclose that possession had been taken by officials of Revenue Department — If notification is published, same shall be conclusive proof of taking over possession of land acquired — Non-issuance of Gazette notification under Section 16(2) will not in any way be a ground to contend that respondent-BDA had not taken possession of impugned land — Issue No. (iv): Section 27 of the BDA Act operates only where is no substantial compliance or implementation of scheme — Layout formed over an extent of 564 acres and sites have been distributed to various allottees — Court satisfied that scheme is substantially implemented and therefore, Section 27 not attracted — Issue No. (v): State in exercise of eminent domain starting with issuance of preliminary notification and ending with passing of award made against original owners shall have a legal bearing on legal heirs of original owners and subsequent purchases thereto — Petitioners have no locus standi to challenge impugned acquisition — As regards laches: Glaring and apparent delay in challenging impugned notification — Issue No. (vi): In opinion of this Court refusal to denotify is neither discriminatory nor violative of Article 14 of the Constitution of India — Writ appeal dismissed.

Concededly, petitioners 1 to 4 who are the legal heirs of the erstwhile owners and whose names were found in the assessment list, however, could not be found in the addresses shown in the assessment list of the local authority or in the land revenue register. It is under such circumstances, notices were served on the land, which is a valid service as per Section 17(6)(a) of the BDA Act. Hence as rightly held by the learned Single Judge, there is no violation of Section 17(3) and (5) of the BDA Act and therefore, the impugned acquisition is not vitiated for non-compliance of Section 17(5) of the BDA Act. Applying the ratio laid down by the Supreme Court in Munithimmiaiah's case, the impugned acquisition proceedings is not vitiated on account of passing of award after 11 years, as whenever acquisition proceedings is initiated under the BDA Act, Section 11-A of the L.A. Act is not applicable. Section 16(2) only provides that the Deputy
Commissioner may notify the fact of taking such possession. If such notification is published, the same shall be the conclusive proof of taking over possession of the land acquired and any other interpretation would be contrary to the spirit and object of Section 16(2) of the L.A. Act. Therefore, whether Gazette notification was issued under Section 16(2) as to the taking over possession of the land acquired that itself is a valid piece of evidence to hold that possession had already been taken over by the acquiring authority. Therefore, what follows is that, the issuance of notification under Section 16(2), in addition to taking over possession of the acquired land, as provided under the Land Acquisition Amendment Act, operates as a conclusive proof of taking possession of the land and ignoring such notification on the ground that actual possession was not taken, is contrary to the legal presumption supported by Section 16(2) of the L.A. Act. Therefore, the non-issuance of Gazette notification under Section 16(2) in the instant case, will not in any way be a ground to contend that the respondent-BDA had not taken over possession of the impugned land from the petitioners/appellants. . . . . Hence, the non-issuance of Section 16(2) notification, will not, in any event, vitiate the acquisition and if any notification is issued under Section 16(2), that is the conclusive proof for taking possession and the same would not suffer from either presumption or assumption that actual possession has not been taken from the owners or occupants of the impugned lands. . . . . Section 27 of the BDA Act operates only where there is no substantial compliance or implementation of the scheme. But in the instant case, when the fact remains that out of 604 acres and 23 guntas, the 2nd respondent had already formed a layout over an extent of 564 acres and 39 guntas of land and house sites have been distributed to various allottees, which establishes that the scheme is substantially executed, it is not permissible for the appellants/petitioners to contend that the scheme had lapsed, particularly, when the award had already been passed and that the owners/occupants had already been dispossessed from the impugned land in question. Considering the magnitude of the housing scheme, the scheme is substantially implemented and therefore, Section 27 is not attracted. . . . . Neither the erstwhile landowners nor petitioners 1 to 4, who are the legal representatives and petitioners 5 to 10 who are the subsequent purchasers from petitioners 1 to 4, have challenged the acquisition proceedings. It is settled law that all steps and proceedings taken by the State in exercise of its eminent domain power starting with the issuance of preliminary notification and ending with passing of award made against the original owners shall have a legal bearing on the legal heirs of the original owners and the subsequent purchasers thereto. In the instant case, as the father of the petitioners 1 to 3 who was served with legal notice did not challenge the acquisition proceedings, the petitioners 5 to 10, who are the purchasers of the land after issuance of preliminary notification, cannot challenge the acquisition proceedings and they would only be entitled to get the compensation and any sale subsequent to preliminary notification would not be binding upon the BDA and would not confer any title as held by the Hon'ble Supreme Court in Meera Sahni v Lieutenant Governor of Delhi and Others, ILR 2009 Kar. 551 (SC) : (2008)9 SCC 177 : 2008 AIR SCW 5807 and therefore, the petitioners have no locus standi to challenge the impugned acquisition proceedings. . . . . From the very fact
that the preliminary notification was passed on 15-7-1982, the final
notification was passed on 5-8-1986, the award was passed on 27-5-1997 and
the appellants/petitioners have chosen to move this Court in the year 2003,
shows there is a glaring and apparent delay in challenging the impugned
notification. It is fatal even to entertain the above writ petition. — *M. Maridev
and Others v State of Karnataka and Others, 2010(2) Kar. L.J. 397 (DB)*.

Power of authority for land acquisition

Sections 17, 18, 35 and 36 — Land Acquisition Act, 1894, Sections 4, 5-A
and 6 — Constitution of India, Articles 246(2), 254 and 255 and Entry 5 of
State List of Seventh Schedule and Entry 42 of Concurrent List of same
Schedule — Land acquisition — Power of authority for — Provisions of Act
conferring power on authority to acquire lands required for its
developmental activities constitute special law providing for acquisition of
lands for said purpose, and hence provisions cannot be considered to be part
of Land Acquisition Act — Scheme formulated, sanctioned and set for its
implementation by authority cannot be stultified or rendered ineffective and
unenforceable by provision in Central Act which has no application to action
taken by authority.

Acquisition of land is part of the power and not incidental thereto. Such
power is conferred on the BDA as part of the improvement itself. For purpose
of improvement of the City of Bangalore, if necessarily land has to be
acquired the said contention has no substance. Two sets of provisions under
Sections 4, 5-A and 6 of the LA Act are comparable with the provisions of
Sections 17 and 18 of the BDA Act. Thus in substance there are provisions
under the BDA Act to indicate the proposals for acquisition considering the
objections thereto, sanctioning the proposal for acquisition, and if such acts
do not take place within a period of five years the proceedings would lapse...

In pith and substance the Act is one which will squarely fall under, and be
traceable to the powers of the State Legislature under Entry 5 of List II of the
Seventh Schedule and not a law for acquisition of land like the Land
Acquisition Act, 1894 traceable to Entry 42 of List III of the Seventh Schedule
to the Constitution of India, the field in respect of which is already occupied
by the Central Enactment of 1894, as amended from time to time. If at all, the
BDA Act, so far as acquisition of land for its developmental activities are
concerned, in substance and effect will constitute a special law providing for
acquisition for the special purpose of the BDA and the same was not also
considered to be part of the Land Acquisition Act, 1894. The BDA Act
constitute a special and self-contained code of its own and the BDA Act and
Central Act cannot be said to be either-supplemental to each other, or pari
materia legislations. That apart, the BDA Act could not be said to be either
wholly unworkable and ineffectual if the subsequent amendments to the
Central Act are not also imported into consideration. ... Therefore, it is clear
that the BDA Act is one which will squarely fall under the traceable to the
powers of the State Legislature under Entry 5 of List II of Seventh Schedule in
the Constitution of India. The BDA Act so far as acquisition of land for its
developmental activities are concerned in substance and effect will constitute
a special law providing for acquisition for the said purpose of the BDA and,
therefore, it cannot be considered to be part of the LA Act. Thus a scheme formulated, sanctioned and set for its implementation under BDA Act, cannot be stultified or rendered ineffective and unenforceable by a provision in the Central Act, particularly of the nature of Section 4 or 5-A which has no application to the actions taken under the BDA Act. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 1D (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

Concept of “Publication of declaration”

Sections 17 and 19 — Acquisition by Bangalore Development Authority is exclusively governed by Sections 17 and 19 of the Act and not by provisions of Land Acquisition Act — Concept of “Publication of declaration” occurring in Section 11-A of Land Acquisition Act as publication in the gazette under Section 19 of Bangalore Development Authority Act cannot be accepted — Period of two years under Section 11-A of L.A. Act, 1894, is not applicable to acquisition under Bangalore Development Authority Act. — Hanumanthappa, M. v State of Karnataka and Others, 1987(2) Kar.L.J. 103.

Release of acquired land for Group housing scheme

Sections 17 and 19 — Group housing scheme — Release of acquired land for — Land acquired for purpose is to be utilised for purpose, and cannot be diverted for any other purpose — No direction can be issued for release of land acquired for implementing sanctioned scheme, for group housing scheme proposed by erstwhile owners of acquired land.

The acquisition of land is for the purpose of implementation of the scheme which received the approval of the State Government. If that is so, it is the duty of the BDA to implement the scheme as approved by the State Government. It is not the case of the petitioner or BDA that the said land has been acquired for the purpose of releasing the same in favour of the landowner for the purpose of group housing. Under these circumstances, any release of the land under the above said Government Order virtually defeat the implementation of the scheme approved by the State Government. Therefore, the Government Order, if any, which are inconsistent or interferes with the implementation of the scheme framed by the BDA which received the approval of the State Government is liable to be ignored. The land acquired for the purpose of implementation of the scheme is to be utilised for the very purpose for which it is acquired and it shall not, in the normal course, be diverted for any other purpose. . . . . The BDA is justified in rejecting the applications/representations of the petitioners for releasing of the land for group housing. — O.V. Narasimha Setty and Others v State of Karnataka and Others, 2003(2) Kar. L.J. 432B : ILR 2002 Kar. 4968.

Omission in preliminary notification

Sections 17 and 19 — Land acquisition — Omission in preliminary notification — Omission to include particulars of land in survey number
proposed for acquisition cannot be made good by issue of erratum after lapse of years — Such erratum cannot be considered as relating back to preliminary notification already issued — To do so would amount to depriving bona fide purchaser of such land for valuable consideration prior to publication of erratum, of his statutory right to have notice of acquisition and to file objection thereto, besides denying him present market value of land, by pegging it to market value prevailing on date of publication of original defective notification — Final notification issued pursuant to such erratum is void.

Under the scheme of the Act, if a notification is published under Section 17(1) and (3) of the Act, the said notification is to be published in the Official Gazette and is to be affixed in some conspicuous part of the Deputy Commissioner’s office, the office of the Corporation and in such other places the authority may consider necessary. It is an admitted fact that after issuance of the addendum dated 7-11-1990, the copy of the addendum has not been affixed in the conspicuous part of the office of the B.D.A., the office of the Deputy Commissioner and the office of the Corporation. If that is so, the addendum cannot be treated as a preliminary notification issued under Section 17(1) and (3) of the Act proposing to acquire the said land for the purpose of implementation of the scheme as there is no notice to public. In the absence of such notice, there cannot be any final notification issued under Section 19(1) of the Act, since it results in taking away the valuable right of objecting the proposed acquisition by the landowner. . . . In respect of the land acquisition under B.D.A. Act, the provisions of the Land Acquisition Act are made applicable for the purpose of determining the market value of the land. Under the Land Acquisition Act, the landowner is entitled for a market value as on the date of the preliminary notification. The land of the petitioner is not included in the preliminary notification dated 23-3-1988. The addendum was issued on 7-11-1990 published in the Official Gazette on 15-11-1990 and the consequence of publication of this addendum is to treat the land in Survey No. 122 as the land proposed for acquisition in the preliminary notification dated 23-3-1988. Even though the land of the petitioner was notified by way of an addendum in the year 1990, the petitioner will not be entitled for the market value of the land as on 7-11-1990 since the said addendum dates back to the date of preliminary notification dated 23-3-1988. Therefore, even on this ground also, the addendum cannot be treated as a preliminary notification. . . . The petitioner purchased a bit of land under the sale deed dated 8-11-1990. The addendum was published in the Official Gazette on 15-11-1990. This date of publication must be taken into account as the date for all purposes because mere signing of the notification earlier to that date is not made known to the public. The petitioner having purchased this property prior to the publication of the addendum cannot be treated as a person who purchased the property subsequent to the preliminary notification. . . . In the absence of such public notice, the petitioner could not have filed objections objecting the proposed acquisition. Therefore, even on this ground also, final notification issued on 19-10-1994 is to be quashed insofar as the land of the petitioner in Survey No. 122 is

Preliminary notification and final notification

Sections 17 and 19 — Preliminary notification and final notification — Single Judge declared that subject lands not vested in Bangalore Development Authority and Bangalore Metropolitan Transport Corporation and acquisition proceedings of lands concerned lapsed — Respondent-Gokula Education Foundation (GEF) a Trust running educational institutions — Serious dispute between parties with regard to taking over of subject lands by Government and Bangalore Development Authority and vesting same with them in terms of Section 16(2) of Land Acquisition Act, 1894 and Section 36(3) of BDA Act — Single Judge recorded a finding, that there is absolutely no evidence to show that after final notification Government took over possession of subject lands at any point of time — Physical possession of subject lands always remained with respondent-GEF — Single Judge further held that State Government, Bangalore Development Authority and Bangalore Metropolitan Transport Corporation have no right whatsoever to disturb possession of GEF in respect of subject lands — Impugned action of State Government and Bangalore Development Authority in allotting a part of land in Sy. No. 20 x 21 in favour of Bangalore Metropolitan Transport Corporation would be totally illegal and without authority of law and no exception could be taken to finding of Single Judge that acquisition proceedings lapsed — Mahazar drawn on 31-8-1981 without notice to GEF — On basis of such mahazar it could not be concluded that physical possession of subject lands was taken over by State Government and same vests with it by issuance of notification under Section 16(2) of Land Acquisition Act — When subject lands absolutely necessary for purposes of GEF itself, it will be totally arbitrary and irrational for State Government to invoke eminent domain power — Subject lands have been fully utilised by GEF itself for its own purposes — Single Judge was absolutely right and justified in granting reliefs to GEF — Writ appeals dismissed.

The success of these writ appeals would depend upon the answer to the question whether the State Government having initiated land acquisition proceedings under the LA Act and after issuance of final notification on 2-8-1978 and passing of the award did take over the physical possession of the subject lands at any point of time. If it is found, as claimed by the State Government and the BDA, that the possession of the subject lands was taken over by the Government on 31-8-1981 after drawing a mahazar in the presence of panchas and thereafter, it issued notification contemplated under Section 16(2) of the Act on 1-4-1982, it is trite, the subject lands would stand vested in the State Government. On the other hand, if it is found that the above claim of the State Government and the BDA is not supported by any legal evidence, but, on the other hand, if it is found that the physical possession of the subject lands always remained with GEF, the impugned action of the State Government and the BDA in allotting a part of the land in Survey Nos. 20 and 21 of the Chikkamaranahalli in favour of BMTC would
be totally illegal and without authority of law and no exception could be taken to the finding of the learned Single Judge that the acquisition proceedings lapsed. . . . We do not find any merit in the contention of the State Government and the BDA that the physical possession of the subject lands was taken over by the State Government on 31-8-1981 by drawing a mahazar in the presence of panchas. The above claim is based on a xerox copy of the so-called mahazar drawn on 31-8-1981 which is available in the file of the BDA. This document could not be trusted as a genuine copy of the original to sustain the above claim of the State Government and the BDA. It needs to be noticed at this stage itself that there is no reference to the above mahazar in the statements of objections filed by the BDA and BMTC. The State Government did not file statement of objections. Furthermore, before the learned Single Judge, the State Government did not produce even the records nor was it, the contention of the learned Counsel appearing for the State. Government before the learned Single Judge, that the physical possession of the subject lands was taken over on 31-8-1981. . . . We need not dilate on this aspect further, because, the evidence on record would satisfactorily establish that even according to the State Government and the BDA, the physical possession of the subject lands always remained with the GEF even after 31-8-1981 and 1-4-1982. We will presently refer to and consider the pieces of evidence to support the above conclusion. We, however, before advertin to those pieces of evidence, wish to notice a fact which is germane to the decision-making. Under the Act, the State Government is the authority to acquire the land. Vesting of an acquired land in the State Government in terms of Section 16 of the L.A Act does not automatically vest such land in the BDA, if such land is acquired by the State Government under the provisions of the Act. Under the scheme of the Act, after passing of the award, the State Government is required to take possession and thereafter it may transfer the acquired land to the BDA. . . . In the instant case, there is absolutely no pleading nor any proof to show that the Deputy Commissioner transferred the subject lands in favour of the BDA on fulfillment of the conditions prescribed in sub-section (3) of Section 36 of the Act. There is absolutely no supporting materials to sustain the claim of the State Government and the BDA that it took over the physical possession of the subject lands as far back as on 31-8-1981 by drawing a mahazar and issuing notification under Section 16(2) of the L.A Act on 1-4-1982. . . . Final notification under Section 19 of the Act was issued as far back as on 2-8-1978. We are hearing these appeals almost in the middle of the year 2005, that is to say, roughly 27 years after the issuance of the final notification under Section 19 of the Act. The materials placed before the Court would satisfactorily establish that the entire extent of 76 acres 30 guntas of land form one concrete compact block enclosed by a high-raised compound wall and admittedly, huge buildings have been built in the entire land 'to house professional colleges, other educational institutions, hospitals, laboratories, workshops, playgrounds etc. The GEF is one of the earliest Trusts established to carry on educational activities in the State of Karnataka and in the course of time it has emerged as one of the premier Trusts in the country to impart education in various fields/disciplines of human knowledge. It is not the case of the Government nor the BDA that the subject lands are not required for the
purpose of the GEF, but on the other hand, their own documents produced before the Court in this case would clearly show that the GEF requires the entire subject lands for its own purposes and that it has already utilised for those purposes. If the lands sought to be acquired are required by the GEF for its own purposes, which purposes are undeniably public purposes and since in the lands buildings have already come upto house medical, engineering and other professional colleges apart from providing infrastructure facilities, question for our consideration is whether the Court would be justified in denying the lands to the GEF thereby creating a chaos in the smooth administration of the educational activities carried on by the GEF and thereby defeating the public purpose and injuring the public interest. — State of Karnataka v Gokula Education Foundation, Bangalore and Others, 2005(6) Kar. L.J. 429 (DB).

Sections 17 and 19 — These provisions of the Act are similar to Sections 4 and 6 of the Land Acquisition Act, 1894 — Held, the power of the Civil Court is excluded.

It is relevant to note that in the above decision, the acquisition proceedings in question had been taken under the Bangalore Development Authority Act, 1976 and the provisions of Sections 17 and 19 are somewhat similar to the provisions of Sections 4 and 6 of the Land Acquisition Act, 1894. . . . . . It is clear that the Land Acquisition Act is a complete Code in itself, the power of Civil Court to take cognizance of the case under Section 9 of CPC stands excluded. It is thus clear that the Civil Court is devoid of jurisdiction to give declaration or even bare injunction being granted on the invalidity of the procedure contemplated under the Act. The only right available for the aggrieved person is to approach the High Court under Article 226 and this Court under Article 136 with self-imposed restrictions on their exercise of extraordinary power. - The Commissioner, Bangalore Development Authority and Another v Brijesh Reddy and Another, 2013(4) Kar. L.J. 66B (SC).

Section 17(1) — Court expressed its anguish in the following words “... the delay in the implementation .... it is not the only scheme in which this Court has had to make such an observation ....” — Final notification was issued in the year 1997 — Physical possession remains with the landlord even during the year 2003 — It demonstrates lethargy, negligence and dereliction of duty, so observing the Court finally held, writ petition is allowed, further Court put an rider, on the landlord saying “this order should not be taken, as if the petitioner is entitled to do anything with the land, but will have to follow the rule of the law .....”.

Very interestingly it must be noticed that though the preliminary notification and final notification are issued during the year 1990 onwards nevertheless till 2009, when the notification under Section 16(2) was issued, nothing appreciable is done for over two decades. The delay in the implementation of the Banashankari V Stage Scheme, brings to fore serious infirmities in the business of the BDA. It is not the only scheme in which this Court has had to make such an observation, since in many a scheme propounded by the BDA has ultimately resulted in denotification, exclusion of lands from acquisition and failure to take possession of large tracks of
lands proposed for acquisition. In the absence of satisfactory explanation over the alleged possession having been taken on 27-3-1999 or 25-8-2000, though the final notification was issued on 16-9-1997, the proceeding smacks of lethargy, negligence and dereliction of duty. Since the learned Counsel for the respondent-BDA submits that after sites were formed in nine other villages by utilising the extent of lands acquired and possession taken over, those sites are allotted to and most of the allottees have put up construction of buildings and therefore, it would not be appropriate to hold that the scheme is not substantially implemented and hence lapsed. In the light of the answers to the aforesaid two points, this petition is allowed declaring that Banashankari V Stage Scheme Layout is inoperative over the petitioner’s land in question. This order should not be taken as if the petitioner is entitled to do anything with the land, but will have to follow the rule of law in the matter of development of the said land, strictly in accordance with the Karnataka Town and Country Planning Act and BDA Act. - K.L. Ramesh v Bangalore Development Authority, Bangalore and Others, 2013(5) Kar. L.J. 670.

Section 17(1) and 17(3) — Petitioner purchased a Revenue site prior to preliminary notification — Question is whether acquisition proceedings can be dropped in respect of such an area — Held, the BDA authorities recommended to the Government for withdrawal of site from acquisition thus writ petition is disposed accordingly with a direction to consider such recommendation within three months.

It is submitted that the petitioner is the owner of the revenue site and has purchased the same prior to preliminary notification dated 21-5-2008 through the registered sale deed. This respondent submits that the Hon’ble Court may please to direct the petitioners to produce his original sale deed for verification at the time of consideration of his case. I dispose of this petition with a direction to the State-Government to consider the BDA’s proposals contained in its letters dated 17-8-2011 and 3-8-2013 for the withdrawal of the site from acquisition in accordance with law and as expeditiously as possible and in any case within an outer limit of three months from the date of the issuance of the certified copy of today’s order. The Government shall communicate its decision to the petitioner, as soon as it passes the orders. - Smt. N. Leelavati v State of Karnataka and Others, 2013(5) Kar. L.J. 374.

Sections 17(1), 19(1) and 37 — Land Acquisition Act, 1894, Section 16(2) — 100’s of cases being filed — On sole ground of scheme lapsed, seeks quashing of acquisition — Unnecessary burden on the Courts — Preliminary and final notifications issued — Land acquisition attained finality — Sites were allotted to third parties — Sale deeds were executed — Is it not wasting of precious time of the Court to file such writ petitions — Court rightly come to conclusion — Held, writ petition stands dismissed as no interference is called for.

The Bangalore Development Authority notified Sy. No. 48/5 (New No. 129) measuring 4 acres 4 guntas situated at Nagarabhavi Village along with various other properties for acquisition by issuing notification under Section
17(1) of Bangalore Development Authority Act, 1976 dated 15-7-1982. The final notification under Section 19(1) of said Act was issued on 16-8-1985. According to the petitioners, though the land is acquired along with other lands, the scheme relating to Nagarabhavi Second Stage is not implemented in respect of the property in question and therefore, the scheme has lapsed and consequently, they are entitled to get back aforementioned lands in their favour. The land acquisition process has attained finality and therefore, it is not open for the petitioners to pray for reopening of the entire matter. It is submitted on behalf of respondent 2 that in the area in question, sites are formed and the land losers in the Ring road scheme have been already allotted sites under incentive scheme. Thus according to the respondent-BDA, the scheme is implemented fully. Nagarabhavi 2nd Stage Layout is a very big project. According to the petitioners, the scheme is not yet implemented in respect of 4 acres 4 guntas and therefore, the entire scheme has lapsed. Such argument cannot be accepted. The law is well-settled from catena of judgments, that if substantial progress is made in the implementation of the scheme and the scheme is implemented substantially, it would be sufficient. In the matter on hand, the entire scheme of Nagarabhavi 2nd Stage Layout is implemented including even the land in question. The sites are formed and sites are allotted to the 3rd parties including respondent 2 and even sale deeds are executed. Accordingly, petition stands dismissed. - Smt. Muniyamma and Others v The Commissioner, Bangalore Development Authority, Bangalore and Another, 2013(5) Kar. L.J. 34.

Section 17 — Constitution of India, Article 226 — Delay and laches — Writ challenging preliminary and final notification issued by BDA — Cause of action to assail acquisition notification arose in 1982 — Writ filed in 2014 — Held — Ignorance of law is no excuse — Ignorantia juris non-excusat — Illiteracy and financial deprivation not sufficient grounds to condone the exorbitant delay — Writ dismissed on ground of delay and laches.

Mrs. B.V. Nagarathna, J., Held: The aforesaid submissions in light of the material on record. The cause of action for the petitioner as well as his mother to assail the acquisition notifications arose in the year 1982. Except stating that petitioner's mother was suffering from financial deprivation and illiteracy, no other valid reason has been assigned to condone the delay of 31 years in filing the writ petition. In fact illiteracy and financial deprivation are not sufficient grounds to condone the exorbitant delay. It is also well-known that ignorance of law is no excuse, Ignorantia juris non-excusat. In that view of the matter, writ petition has to be rejected on the ground of delay and laches by placing reliance on the decisions Hon'ble Supreme Court. The order of the High Court dismissing the writ petition was confirmed by the Apex Court in Banda Development Authority, Banda v Moti Lal Agarwal and Others, (2011)5 SCC 394 : 2011 AIR SCW 2835, as the filing of the writ petition was 9 years after the declaration was issued under Section 6(1) of the Act and the delay of 6 years after passing of the award and the delayed filing of the writ petition was a reason for refusing to entertain the prayer made in the writ petition. It was held that in a challenge made to the acquisition of land for the purpose of public purpose Courts have consistently held that the delay in filing the writ petition should be viewed seriously, if the petitioner fails to
offer plausible explanation for the delay." — Syed Riyaz v The Secretary to Government, Department of Urban Development, Government of Karnataka, Bangalore and Another, 2015(2) Kar. L.J. 358.

**Acquisition proceedings lapsing by efflux of time**

Sections 17(1) and 19(1) — Acquisition proceedings — Lapsing by efflux of time — Formation of 'Between Hosur Road and Sarjapur Road Layout (H.S.R. Layout)' — Petitioner-owner of a portion of land seeking NOC to develop property, on ground that scheme is abandoned by BDA, insofar as petitioner's land concerned — Held, assertion by respondent-BDA that there were legal proceedings pending, as regards adjacent land — Not demonstrated by producing appropriate material — In fact, in earlier proceedings in B.M. Ramachandra Reddy alias Chandra Reddy v State of Karnataka and Others, 2014(1) Kar. L.J. 436, the Court held: that acquisition proceedings had lapsed in respect of those lands — This would follow for present case also, as admittedly no development has taken place — Acquisition has lapsed by sheer efflux of time.

Anand Bynareddy, J., Held: However, it is found that in respect of portion of the very land bearing Survey No. 41/3 there were petitions filed before this Court in W.P. Nos. 4279 of 2007 and 3033 of 1987 (LA-BDA) which were disposed of on 19-9-2013 wherein since there was no award passed in respect of the lands which were the subject-matter of those proceedings and a portion of land having been utilised for formation of a road without taking lawful possession of the lands in question and even according to BDA, development of the land not having been undertaken in view of pendency of the litigations and since there were no satisfactory explanation from the BDA as regards the inordinate delay of more than 20 years in making the award in respect of the land in question that was already utilised without taking lawful possession thereof and insofar as remaining extent of land, no further development having taken place, this Court had held that the acquisition proceedings would lapse insofar as those extents of land are concerned and the BDA had conceded that the lands in question could be excluded from the acquisition. This would also follow for the present case on hand when admittedly no further developments have taken place. — Krishna Reddy v State of Karnataka and Others, 2016(2) Kar. L.J. 339.

**Land notified for acquisition for formation of housing layout**

Sections 17, 19 and 15 — Approved scheme — Notification issued and declaration made for acquisition of land for — Subsequent dropping of alteration of scheme and use of acquired land for another approved scheme — Initiation of fresh acquisition proceedings, not necessary — Land notified for acquisition for formation of housing layout, can be acquired and utilised for formation of Ring Road, when scheme of forming housing layout has been dropped.

Held. The fact that the scheme has been dropped insofar as the formation of the layout is concerned, also does not mean that acquisition proceedings already initiated cannot be utilised for the limited purpose of constructing
the Ring Road. The proposal to drop the scheme therefore did not extend to giving up the construction of the Ring Road also. — Smt. Rajamma alias Venkatamma and Others v Bangalore Development Authority. 2000(1) Kar. L.J. 455B.

Object of BDA is to provide for the development

Sections 17, 19 and 36 — Constitution of India, Article 246(3) and Entry 5 of List II, State List of Seventh Schedule — Land acquisition — State Act of 1976 providing for issue of preliminary notification and final declaration regarding — Such provisions made in State Act does not convert it into Act for acquisition of land, when it specifically provides that acquisition of land required for Authority is to be made in accordance with Land Acquisition Act which is a Central Act — Since State Act of 1976 is exclusively regarding planned development of city which is matter falling under Entry 5 of State List in Seventh Schedule of Constitution, Presidential assent to State Act, held, is not required.

From the preamble of the BDA Act it is seen the object of this enactment is to provide for the development of the city of Bangalore and areas adjacent thereto and for matters connected therewith. Under Section 17, if the Authority is of the view that any land is required for the purpose of execution of the scheme, the said land may be proposed for acquisition by issuing a notification. Under Section 19, the State Government may issue a declaration declaring the lands proposed are required for a public purpose. Sections 17 and 19 of the BDA Act are similar to Sections 4 and 6 of the Land Acquisition Act. Mere declaration by a notification either under Section 17 or 19 of the Act is not acquisition by itself. Section 36 of the BDA Act provides for application of the Land Acquisition Act in respect of land to be acquired pursuant to notifications issued under the BDA Act. The acquisition of the land is regulated by the provisions of the Land Acquisition Act. Therefore, the BDA Act enacted by the State by virtue of Entry 5, List II of the VII Schedule is not required to be reserved for assent of the President. — Chandramma and Another v State of Karnataka and Others. 2003(2) Kar. L.J. 600A.

Sections 17, 19 and 36 — Constitution of India, Article 246(3) and Entry 5 of List II, State List of Seventh Schedule — Land acquisition for Authority — State Act of 1976 providing for issue of preliminary notification and final declaration regarding — Such provisions contained in Act does not make it enactment for acquisition of land, when it is specifically provided in Act itself that acquisition of land required for Authority is to be made in accordance with provisions of Land Acquisition Act, 1894, which is Central Act — State Act of 1976 is exclusively regarding planned development of city, which is matter falling under Entry 5 of List II, State List of Seventh Schedule to Constitution of India, and Act is not in conflict with any provisions of Central Act — Presidential assent to State Act of 1976, held, is not required.

A bare perusal of the BDA Act shows that it has been enacted by the State in exercise of legislative power under Entry 5, List II, Seventh Schedule to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for
matters connected therewith, but not for acquisition of lands. Under the circumstances, assent of the President is not required.' — Chandramma and Another v State of Karnataka and Others, 2003(2) Kar. L.J. 490A (DB) : ILR 2003 Kar. 991 (DB).

Provisions of Land Acquisition Act

Sections 17, 19 and 36 — Land acquisition for Authority — Provisions of Land Acquisition Act made applicable to — Only preliminary notification and final declaration are to be issued under State Act of 1976 — Acquisition under Act of 1976 cannot be held invalid.

... Under the scheme of the Act 1976, what is required is only a declaration, whether the land is required for a public purpose or not by issuing a notification under Section 19 of the Act. Section 36 of Act 1976 provides that the acquisition of land otherwise than by agreement shall be regulated by the provisions, so far as they are applicable to the Land Acquisition Act. If that is so, after the declaration that the land is required for a public purpose, acquisition proceedings take place only under the Land Acquisition Act. The petitioners are not right in contending that there is no acquisition. — O.V. Narasimha Setty and Others v State of Karnataka and Others, 2003(2) Kar. L.J. 432C : ILR 2002 Kar. 4968.

... Sections 17 and 36 — Land Acquisition Act, 1894, Sections 4, 6, 11 and 11-A = Constitution of India, Articles 14 and 300-A — Acquisition of land for development scheme undertaken by Bangalore Development Authority — Applicability of provisions of Land Acquisition Act to — There is no bar or exclusion of provisions of Land Acquisition Act — Expression, "so far as they are applicable" means that provisions of Land Acquisition Act should be applied to maximum extent possible and to close proximity of matter — Land Acquisition Act is special statute covering field of acquisition of lands — When provisions of special statute are applied to all cases of land acquisition, Bangalore Development Authority, ignoring equitable provisions of special statute and seeking to apply its own provisions to acquisition of lands proposed by it, is discriminatory against persons whose lands are acquired by Bangalore Development Authority — Persons whose lands are acquired constitute one class and they cannot be treated differently by applying different statutory provisions to their cases.

... The L.A. Act being enacted by the Parliament and has received the Assent of the President, it shall prevail over the BDA Act enacted by the State Legislature and which has no Assent of the President. The L.A. Act is a special statute enacted especially covering the field of acquisition of lands. It is a comprehensive enactment covering the entire field of acquisition who should exercise the power for acquisition of lands, how, when and where it should be exercised, the period within which things should be done and the detailed procedure required to be followed. It governs the entire field of acquisition of lands and all matters and circumstances are dealt with under different provisions. Such a vast coverage of the acquisition matters are not provided in any other enactment. That is the reason for applying the provisions of the same in other enactments. ... Merely because the words
“so far as they are applicable” is mentioned, it cannot be said that provisions of L.A. Act are not applicable. “So far as they are applicable” means that the provisions of L.A. Act shall be applied to the maximum extent and to the close proximity of the matter. There is no bar or exclusion for application of provisions of L.A. Act. Since the acquisition of lands is for public purpose, eminent domain power cannot be exercised under the BDA Act. . . . Article 14 of the Constitution of India provides for Equal Protection of Laws. If that is not done, in the matter of acquisition of lands, when provisions of L.A. Act are applied to a class of persons, the provisions of other enactments cannot be applied to similarly place persons. Persons whose lands are acquired constitute one class and they cannot be treated differently by applying the provisions of different enactments and give different treatment. The provisions of other enactments are inconsistent with the provisions of L.A. Act. Equal protection of laws must be given. . . Mandatory procedure is laid down in L.A. Act. Such things are not provided in the other enactments. To have uniformity in the matter of acquisition and for solution to all matters, provisions of L.A. Act shall be applicable. In order to eliminate discrimination, Article 14 of the Constitution shall be complied with. — Sharadamma and Others v State of Karnataka and Others, 2005(4) Kar. L.J. 481F.

Power is conferred on Bangalore Development Authority to acquire land

Sections 17 and 36 — Land Acquisition Act, 1894, Section 4(1) — Constitution of India, Articles 300-A and 246(2) and Entry 42 of Third List-Concurrent List — Acquisition of land — Competence of Bangalore Development Authority to issue notification for — Bangalore Development Authority is not local authority, as it is not constituted by elected members — It only subordinate of Government — It has no power of eminent domain and hence cannot acquire lands for public purpose — Bangalore Development Authority Act under which power is conferred on Bangalore Development Authority to acquire land, has not received assent of President, and hence provisions of Act cannot prevail over provisions of Land Acquisition Act — Preliminary notification issued by Bangalore Development Authority for acquisition of land is bad in law.

Section 36 of the BDA Act states that in respect of the lands to be acquired otherwise than by agreement, the provisions of L.A. Act so far as they are applicable shall regulate. The words “so far as they are applicable” means, if any specific provision is not made in the BDA Act in respect of any matter, the provisions of LA Act shall apply. . . . . . . The acquisition is for a “public purpose”. That can be done by exercising the eminent domain power. It is only the Government which has got that power and not the BDA as it is not the Sovereign Authority of the State. . . . . BDA is not constituted by elected members and it does not enjoy the freedom of taking decisions on policy matters. BDA is a subordinate of the Government and therefore cannot exercise the eminent domain power to acquire the lands for public purpose. Therefore, the Preliminary Notification should have been issued by the Government under Section 4 of the L.A. Act and not the BDA under Section 17 of the BDA Act. . . . L.A. Act is enacted by the Parliament in exercise of the powers under Article 246(2) from Entry 42 of Concurrent List III of Seventh
Schedule of the Constitution and the State also got amendment to L.A. Act which has received the Assent of the President. The BDA Act having been enacted by the State Legislature under Entry 5 of State List II, it has no presidential Assent. In this view of the matter, the provisions of L.A. Act shall prevail over the BDA Act insofar as acquisition of land for public purpose is concerned. Under Article 254(2) of the Constitution the BDA Act cannot prevail over the L.A. Act. Therefore, the Preliminary Notification issued by the BDA under Section 17 of the BDA Act is bad in law. — Sharadamma and Others v State of Karnataka and Others, 2005(4) Kar. L.J. 481E.

Acquisition proceedings.

Section 17(1) — Acquisition proceedings — Owner of land had sold property earlier — Original owner i.e., writ petitioner claim title to property on basis of G.P.A. executed by purchaser — Challenged notification — Held — It is evident from records that the purchaser had filed application seeking enhancement of compensation — He had not challenged acquisition — Once owner seeks enhanced compensation writ petition challenging acquisition cannot be entertained — There is inordinate delay of 31 years in approaching Court by the Power of Attorney Holder — Petitioner not assigned reasons for delay — Court cannot quash acquisition proceedings when it has become final — Writ petition dismissed.

The petitioner owner of the property sold the said property and the purchaser in turn has executed a General Power of Attorney in respect of the said property in favour of the original owner and she has been in possession and enjoyment of the said property from the date of the said power of attorney. Since the BDA are trying to demolish the constructions made on the said lands, she has filed the writ petition for quashing the final notification.

BDA contended that a preliminary notification under Section 17(1) of the Bangalore Development Authority Act, 1976 was issued proposing to acquire lands for a public purpose and had issued a final notification and award was passed and possession of the land was taken. It is also contended that in the acquisition proceedings, the purchaser had filed an application seeking enhancement of the compensation. It is further contended that there is a long delay of 31 years in approaching the Court for quashing of the notification and petitioner has not assigned any reasons for the delay.

Admittedly, the petitioner and her family members were the owners of the land in question and they had sold the said land. Petitioner claims title to the property on the basis of the General Power of Attorney. Perusal of Power of Attorney shows that purchaser had authorised the petitioner to deal with the property in accordance with different clauses of the said power of attorney. Petitioner has not produced any material to substantiate her contention that she is the owner of the property. This writ petition is filed by the petitioner in her independent capacity and not as an agent of purchaser. On this ground alone, petition is liable to be rejected.

It is evident from the acquisition records that the purchaser had filed an application in reply to the award notice issued by the acquiring body seeking enhancement of compensation. He had not challenged the acquisition proceedings. It is settled that once the owner of the land seeks enhanced compensation, the writ petition...
challenging the acquisition proceedings should not be entertained. ......
Apart from this, there is a long and inordinate delay of 31 years in
approaching the Court. No reasons have been assigned for the delay except
stating that representations were filed to the authorities for allotment of the
said land its favour. The owner of the said property, has participated in the
acquisition proceedings. Therefore, the writ petition is liable to be dismissed
on the ground of delay. When there is inordinate delay in filing the writ
petition and when all steps taken in the acquisition proceedings have become
final, Court should not quash the acquisition proceedings. — Smt.

Not to release compensation amount

Section 17(1) and (3) — Land Acquisition Act, 1894, Section 4(2) —
Appellants/petitioners prayer in writ petition not to release compensation
amount with regard to acquisition of schedule land to 3rd respondent —
Single Judge dismissed writ petition — This Court observed that acquisition
of schedule property not challenged in writ petition and only relief sought
that compensation amount payable to him only — No merit in contention of
appellants that subject-matter of property agreed to be sold is different from
land that acquired by respondents — Appellants are trying to take undue
advantage of a mistake occurred regarding village in which land acquired is
situated — Contention of appellants that properties mentioned in two writ
petitions are separate properties cannot be accepted — Relinquishment
deeds executed in favour of 3rd respondent in W.P. No. 2000 of 2004 not
registered and validity of agreement of sale executed in favour of appellants
is pending consideration — Appellants have miserably failed to prove that
acquisition of property is not property in respect of which agreement of sale
has been entered into between them and 3rd respondent — Confirmed order
passed by Single Judge — Appeal dismissed.

It is clear from the material on record that apart from claiming that the 3rd
respondent in Writ Petition No. 20000 of 2004 has become the owner of the
schedule property in view of the relinquishment deeds executed by the
co-owners and that she has executed an agreement of sale in favour of the
appellants there is no material whatsoever to show that their name has been
entered in the revenue records and the execution of agreement of sale has
been disputed by the 3rd respondent in Writ Petition No. 20000 of 2004 and
the same is the subject-matter of a suit in O.S. No. 211 of 1999 on the file of the
Principal Civil Judge (Junior Division), Bangalore Rural District, Bangalore.
However, the relinquishment deeds executed in favour of the 3rd respondent
in Writ Petition No. 20000 of 2004 is not registered and the validity of the
agreement of sale executed in favour of the appellants is pending
consideration and a specific endorsement of the said agreement is pending
consideration in suit O.S. No. 211 of 1999 and wherefore the appellants have
miserably failed to prove that the acquisition of the property which is the
subject-matter of the acquisition by the respondents is not the property in
respect of which the agreement of sale has been entered into between the
appellants and the 3rd respondent in Writ Petition No. 20000 of 2004 and
having regard to the transactions that have taken place as referred to above,
the learned Single Judge has rightly held that having regard to the writ petitions filed by the appellants in Writ Petition No. 20000 of 2004 and Writ Petition No. 51392 of 2004 are devoid of merits and the same are liable to be dismissed and we do not find any ground to take a different view from the view taken by the learned Single Judge which is based upon the material on record. Accordingly, we hold there is no merit in the appeal and pass the following order: The appeal is dismissed. — H.A. Gopinath and Another v The Special Land Acquisition Officer, Bangalore Development Authority, Bangalore and Others, 2009(3) Kar. L.J. 500.

Formation of Sir M. Visweswaraiah Layout

Sections 17(1) and (3) — Notification — Petitioners challenged acquisition of their lands by Bangalore Development Authority for formation of Sir M. Visweswaraiah Layout — Points arise for consideration in these batch of writ petitions:

(1) Whether acquisition vitiated for want of prior approval from Government as contemplated under Section 15(2) of Act?

_Re: Point No. (1)_ For development scheme no previous approval of Government required — Contention that notification issued under Section 17(1) bad for want of previous approval of Government has no substance in light of language employed in Section 15(1)(a) read with Section 17(1) of Act.

(2) Whether acquisition of building under impugned notification bad for want of authority to acquire under Act?

_Re: Point No. (2)_ Things attached to earth or permanently fastened to earth include definition of word ‘land’ — Act authorises acquisition of buildings which are constructed on land.

(3) Whether notification issued liable to be quashed on ground of vagueness, not mentioning public purpose, not giving clear description of property?

_Re: Point No. (3)_ Notification issued strictly in conformity with requirements of law — Court do not found any merit in submission of petitioner’s Counsel that notification liable to be quashed on ground of vagueness.

(4) Whether appointment of Land Acquisition Officer is one without jurisdiction?

_Re: Point No. (4)_ sub-section (2) of Section 36 categorically states that for purpose of sub-section (2) of Section 15 of Land Acquisition Act, 1894 Authority under Act shall be deemed to be local authority concerned — Merely because Additional Land Acquisition Officer of Bangalore Development Authority not an officer of Government, it cannot be said such an appointment would vitiate acquisition proceedings.

(5) Whether Authority has jurisdiction to acquire lands which are situated outside Bangalore Metropolitan area?
Re: Point No. (5) Section 2(c) of Act defines "Bangalore Metropolitan Area" means area comprising city of Bangalore as defined in Bangalore Municipal Corporation Act, 1949, areas where City of Bangalore Improvement Act, 1945 was immediately before commencement of this Act was in force and such other areas adjacent to aforesaid as Government from time to time by notification specify — Conjoint reading of provisions makes it clear that Authority has jurisdiction to acquire lands situated within Corporation City of Bangalore and areas adjacent to land situated within Corporation and areas which are situated outside its jurisdiction.

(6) Whether issue of one final notification in respect of lands notified under two preliminary notifications is bad and vitiate entire proceedings?

Re: Point No. (6) A reading of Sections 15, 16, 17, 18 and 19 makes it clear that there is no prohibition for issue of two notifications in respect of lands covered under two schemes — Notification under Section 19(1) not faulty, not defective and issue of one final notification under Section 19(1) of Act not fatal.

(7) Whether acquisition vitiated for want of previous permission under Section 10 of Bangalore Metropolitan Region Development Authority Act, 1985?

Re: Point No. (7) Permission under Section 10 of Bangalore Metropolitan Region Development Authority Act, 1985 required before undertaking any development and not before acquiring land for development — On that score acquisition of land cannot be quashed.

(8) Whether BDA has no power to acquire lands which falls within limits of Grama Panchayat or Municipality in view of provisions contained in Karnataka Municipalities Act, 1964, Karnataka Panchayat Raj Act, 1993 and in view of 73rd and 74th amendments to Constitution?


(9) Whether acquisition of garden land, nursery land and converted land is one without authority of Act?

Re: Point No. (9) In law there is no prohibition for acquiring a land converted from agricultural use to either residential use or other purposes from being acquired for purpose of formation of a layout.

(10) Whether acquisition of land within green belt area void?

Re: Point No. (10) Objection pertains to acquisition of land which situated within green belt area — Planning authorities who are vested with power to prepare a comprehensive development plan — It will not affect power
of Government under Land Acquisition Act or power of authority under Act to acquire land which is situated within green belt area.

(11) Whether sanction accorded by Government under Section 18(3) of Act is bad for non-application of mind and non-consideration of material facts?

Re: Point No. (11) Consideration of representation — No obligation cast upon authority to issue any notice to objector giving him an opportunity of being heard and holding any enquiry in respect of said objections — Law expects authority to consider representation — Acquisition cannot be held to be vitiated in any manner on that score.

(12) Whether acquisition of built up area, converted land, garden land and nursery land, land falling within green belt is liable to be quashed on ground of discrimination when similarly situated lands excluded from acquisition?

Re: Point No. (12) Claim of petitioners not based on any illegal order passed by Government or authority — If petitioners who are similarly placed as that of the owners whose land is not acquired than, on that ground the entire acquisition itself cannot be set aside — They entitled to relief which given to others.

(13) Whether petitioners who are site owners who have challenged acquisition of those sites are entitled to benefit proposed by authority in their report on same terms and conditions which are extended to said owners who are similarly placed in Anjanapura layout?

Re: Point No. (13) Challenge to acquisition by owners of sites concerned it requires a sympathetic consideration — Challenge to acquisition in all these writ petition fails and accordingly rejected — Acquisition upheld subject to some conditions.

Chapter III of the Act deals with development schemes. Section 15 deals with the power of the Authority to undertake works and incur expenditure for development etc., Section 15(1)(a) speaks about drawing up of a detailed scheme for the development of the Bangalore Metropolitan Area by the Authority. For drawing up a development scheme no previous approval of the Government is required. After the developmental scheme is drawn up the next stage is as contained in Section 17(1) of the Act. It provides that when a developmental work has been prepared the authority shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein and naming a place where particulars of the scheme, a map of the area comprised therein, a statement specifying the land which is proposed to be acquired and of the land in regard to which a betterment tax may be levied may be seen at all reasonable hours. Therefore, it does not speak about any prior approval before issue of a notification. Therefore, the contention that the notification issued under Section 17(1) is bad for want of previous approval of the Government has no substance in the light of the language employed in Section 15(1)(a) read with Section 17(1) of the Act. As is clear from the definition things attached to earth or permanently fastened to anything attached to the earth is also included in the
definition of the word 'land' which has to necessarily follow that any construction/building put up on the land falls within the definition of the word 'land' under the Act. Therefore, having regard to the definition of the word 'land' under the Act, the Act authorises acquisition of buildings which are constructed on the land. . . . Whereas in the instant case, the notification issued is strictly in conformity with the requirements of law. The land sought to be acquired is clearly mentioned by giving the names of the kathedars/anubhavadars, the survey numbers, the nature of the land, the extent of land owned, extent of land proposed for acquisition and the boundaries of the land which is proposed to be acquired, name of the village where the land is situated and also the total land acquired under the scheme. Under these circumstances, I do not find any merit in the submission of the learned Counsels for the petitioners that the notification is liable to be quashed on the ground of vagueness. . . . Sub-section (I) of Section 36 of the Act provides that the acquisition of the land under the Act otherwise than by agreement within or without the Bangalore Metropolitan Area shall be regulated by the provisions, so far as they are applicable to the Land Acquisition Act, 1894. It only means in the Act when there is no provision prescribed for acquisition of land, the provisions of the Land Acquisition Act could be availed of for the acquisition proceedings. In other words if the Act provides for specifically to that extent the Land Acquisition Act stands excluded and in the absence of any provision, the provisions of the Land Acquisition Act are applicable to the acquisition under the Act. In fact, sub-section (2) of Section 36 categorically states that for the purpose of sub-section (2) of Section 15 of the Land Acquisition Act, 1894 the authority under the Act shall be deemed to be the local authority concerned. . . . Merely because the Additional Land Acquisition Officer of the Bangalore Development Authority is not an officer of the Government it cannot be said that he cannot be appointed under the provisions nor such an appointment would vitiate the acquisition proceedings. Under the Act though the preliminary notification is issued by the BDA the final notification is issued by the Government after sanction of the Scheme submitted by the BDA and it is the Government which publishes the declaration under Section 19(1) of the Act. It is in that context coupled with the fact that Section 50 of the Land Acquisition Act provides that the cost of acquisition should be borne by local authority after the acquisition is complete and on payment of the cost of acquisition and on issue of notification of Section 16 of the Land Acquisition Act, 1894, the land which has vested with the Government would be transferred to the Authority and it is thereafter that the land vests with the Authority.

. . . . A reading of the Section 14 makes it clear that the Authority has the power to acquire, hold, manage and dispose of movable and immovable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary of expedient for the purpose of such development and for purposes incidental thereto. Section 15 of the Act empowers the Authority to draw up a detailed scheme for the development of Bangalore Metropolitan Area. Section 35 of the Act empowers the Authority to enter into an
agreement with the owner of any land or any interest therein whether situated within or without the Bangalore Metropolitan Area for the purchase of such land or interest therein for the purpose of this Act. Section 2(c) of the Act defines what Bangalore Metropolitan Area means. According to the definition, "Bangalore Metropolitan Area" means the area comprising the City of Bangalore as defined in the City of Bangalore Municipal Corporations Act, 1949, the areas where the City of Bangalore Improvement Act, 1945 was immediately before the commencement of this Act was in force and such other areas adjacent to the aforesaid as the Government may from time to time by notification specify. In fact the Government has from time to time issued notifications extending the area comprised in the Bangalore Metropolitan Area. As against these provisions, Section 25 of the Act empowers the Authority to take up works for further development with the previous sanction of the Government for further development of any area within the Bangalore Metropolitan Area. The proviso to Section 25(1) makes it clear that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore. A conjoint reading of these provisions makes it clear that the Authority has the jurisdiction to acquire land which is situated within the Corporation of the City of Bangalore and the areas adjacent to the land situated within the Corporation City of Bangalore and areas which are situated outside its jurisdiction. Merely because, its powers to take up developmental works is confined to areas situated within the Bangalore Metropolitan Area, it cannot be said it had no power to acquire lands which are outside the Bangalore Metropolitan Area. . . . Therefore, it is clear that one scheme is not what is thought of which would satisfy the development of the Bangalore Metropolitan Area: It has to be necessarily more than one scheme. Sub-section (2) of Section 15 also speaks about the authority taking up any new or additional development schemes. Therefore, in the nature of things for the development of Bangalore Metropolitan Area, the Authority is empowered to draw up detailed schemes, i.e., more than one scheme.

. . . . After such developmental scheme has been drawn up and a notification has been issued under Section 17(1) and on consideration of the representations made by the landowners the Authority should apply its mind and submit a scheme making such modifications therein as it may think fit to the Government for sanction. . . . After so according sanction it has issued the declaration under Section 19(1) of the Act as required. Therefore, it cannot be said that the declaration under Section 19(1) issued by the Government is vitiated for having issued the same in respect of two notifications under Section 17(1) of the Act. The said notification under Section 19(1) is not faulty, is not defective and issue of one final notification under Section 19(1) of the Act is not fatal, as contended by the learned Counsels for the petitioners insofar as acquisition of the lands which are the subject-matter of these writ petitions are concerned. Hence, I do not find any substance in the said contention. . . . Therefore, it was contended that the acquisition of the land is in violation of the statutory provisions. This contention also has no substance because the permission under Section 10 is required before undertaking any development and not before acquiring the
land for development. If after acquisition the authority is yet to take
permission from BMRD that would not vitiate the acquisition proceedings
without the prior permission of the BMRD, the BDA cannot develop the land
acquired as a layout. It is always open to the BDA to obtain the necessary
permission and form the layout. On that score the acquisition of land cannot
be quashed. . . . Section 302-A which is introduced into the Karnataka
Municipalities Act, 1964 by way of amendment by Act 36 of 1994 in
pursuance of the aforesaid 74th Constitutional Amendment deals with only
preparation of a development plan. It states that every Municipal Council
shall prepare every year a development plan and submit to the District
Planning Committee constituted under Section 310 of the Karnataka
Panchayat Raj Act, 1993 or as the case may be the Metropolitan Planning
Committee constituted under Section 503-E of the Karnataka Municipal
Corporations Act, 1976. Therefore, there is no prohibition in the said
provision for acquisition of land which is situated within the limits of the
Municipal Council. . . . Therefore, that provision does not prohibit
acquisition of land but it states that if any layout is to be formed within the
limits of the Municipality permission of the Municipality is required. It is to
be noticed that all these legislations are passed by the State Legislature and
duly assented by the President of India. It is not in dispute that the State
Legislature has the competency to pass all these legislations. There is no
conflict between these legislations. Each legislation is operating in a given
field. Therefore, it is clear that none of these provisions relied on by the
learned Counsel for the petitioners prohibits acquisition of land within the
limits of Grama Panchayat or Municipal Council by the BDA. Therefore, I do
not find any substance in the said contention.

. . . . In law there is no prohibition for acquiring a land converted from
agricultural use to either residential use, industrial use or commercial use
from being acquired for the purpose of formation of a layout. The conversion
of land from one user to another user would not in any way affect the power
of the Government to acquire such land. If the Government purposes to
acquire a converted land probably they have to pay a higher amount of
compensation than what they have to pay to agricultural lands taking into
consideration the potential user of the land and the improvements which the
owner of the land has made consequent to such conversion. But, such
conversion does not take away the power of the authorities or the
Government to acquire the said land for the formation of a layout . . .
Therefore, not obtaining prior permission from the Planning Authority for
change of land use does not in any way vitiate the acquisition of land. In fact
while according sanction under Section 18(3) of the Act, the Government has
categorically stated that the sanction sought for is granted subject to the
condition that the authority shall obtain permission for change of land use.
Therefore, not obtaining prior permission for change of land use would in no
way vitiate the acquisition proceedings. . . . The need is ever growing. It is
for the planning authorities who are vested with the power to prepare a
Comprehensive Development Plan, to take into consideration the needs of
the public and other factors and earmark the green belt area. However, all
this would not in any way affect the power of the Government under the
Land Acquisition Act or the power of the Authority or the Government under the Act to acquire land which is situated within the green belt area for the formation of layout. Therefore, I do not find any substance in the said contention. What the Section 18 requires is consideration of representations. Therefore, there is no obligation cast upon the authority to issue any notice to the objector giving him an opportunity of being heard and holding any enquiry in respect of the said objections. Therefore, the contention that after objections were filed, they should have been notified of the further hearing of the matter, and that they should have been given an opportunity to substantiate their objections and that they should have been heard personally in support of their objections before the authority applied its mind, is not provided for and is not the requirement of law. All that the law expects the authority is to consider the representations. Therefore, on that score the acquisition cannot be held to be vitiated in any manner.

Applying the aforesaid principles of law to the facts of the present case, in the first place, the claim of the petitioners is not based on any illegal order passed by the Government or authority and therefore the law laid down by this Court in the case of Dr. Hanumanthappa has no application. Secondly, if petitioners who are similarly placed as that of the owners whose land is not acquired then, on that ground the entire acquisition itself cannot be set aside. At best persons who are similarly placed are also entitled to the relief which is given to others. Therefore it is necessary to examine the entitleent of the petitioners before Court to the relief in the facts and circumstances of each case.

Insofar as the challenge to the acquisition by owners of the sites is concerned it also requires a sympathetic consideration. The reason is the majority of the site owners are also persons who are economically weak who have purchased these sites with the fond hope of having a roof over their head by investing their hard earned money and sometimes life investment. They cannot wait to get a regular allotment from Bangalore Development Authority in normal course which may take in some cases even decades. In fact taking note of these plight of the site owners the authority itself after rejecting their objections recommended to the Government. But at the same time one cannot encourage disobedience to law and illegal actions. It is here that the Courts are faced with the problem of balancing private interest against the public interest, rule of law and the constitutional mandate. It is an universally accepted view that adequate housing is one of the most basic human needs. With the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing comes within the fold of universally applicable and universally accepted human rights law. Ultimately, adequate housing is the right of every child, woman and man. Recognizing this, the Supreme Court has held that the right to shelter is a fundamental right that springs from right to residence (Article 19(1)(e) and right to life (Article 21)), Uttar Pradesh Avas Evam Vikas Parishad and Another v Friends Co-operative Housing Society Limited and Another, AIR 1996 SC 114.

Here I would like to suggest that in the given case if the Authority is satisfied that though some of the petitioners do not possess a registered sale deed or they have acquired title to the land after preliminary notification or claiming
right under power of attorney or any other mode other than by way of a registered sale deed if such persons belonged to weaker sections, economically backward, poor in their discretion the same benefit may also be extended to them. — Junjamma and Others v The Bangalore Development Authority and Others, 2004(7) Kar. L.J. 677.

Validity of acquisition proceedings initiated by B.D.A.

Sections 17(1) and 19(1) — Earlier Schedule land was acquired under provisions of Land Acquisition Act, 1894 and Apex Court directed to restore land to appellants — Validity of acquisition proceedings initiated by Bangalore Development Authority challenged by appellants — Single Judge dismissed writ petition — Whether acquisition proceedings suffers from any legal flaw on basis of which we could step in under Article 226 of Constitution of India and quash same? — Appellate Court observed that a calculated move on part of Bangalore Development Authority to frustrate benefit of order of Apex Court — Initiation of acquisition proceedings by Bangalore Development Authority under Section 17(1) of Act totally misconceived and illegal — Bangalore Development Authority ought not to have initiated proceedings to acquire land when proceedings initiated under Land Acquisition Act for acquiring same land by State Government were concluded and challenged before this Court and Supreme Court — Appellants developed Schedule land after restoration to them — Order of Single Judge set aside — Impugned notification quashed — Writ appeal allowed.

Although the direction was issued by the Apex Court on 21-2-1995, admittedly, the actual possession of the land was restored to the appellants only on 6-8-1998. The Court find force in the contention of Sri Taresh that the very initiation of the acquisition proceedings under the Act by issuing Notification under Section 17(1), dated 23-3-1988 was totally misconceived and illegal. The facts stated supra and materials placed before the Court would undeniably show that well-before 23-3-1988 the Schedule land stood vested in the State Government in pursuance of the acquisition proceedings initiated under the L.A. Act by issuing preliminary notification under Section 4(1) on 3-12-1986 and final declaration made under Section 6(1) of the said Act on 8-1-1988. If the Schedule land was not the land of the appellants as on 23-3-1988 but the same was the land of the State Government, acquiring the same land under the provisions of the Act by issuing preliminary notification under Section 17(1) of the Act on 23-3-1988 would not arise. Further, it needs to be noticed that the order of the Apex Court made on 21-2-1995 setting at naught the acquisition proceedings initiated by the State Government under the L.A. Act would not ensure to the benefit of the BDA to legalise an apparently illegal action taken by it on 23-3-1988 by issuing preliminary notification under Section 17(1) of the Act. The BDA ought not to have initiated the proceedings to acquire the land under the Act when the proceedings initiated under the L.A. Act for acquiring the same land by the State Government were concluded and the challenge made to the acquisition under that Act was in pipeline before this Court and the Supreme Court. —

Profit motive in acquiring land

Sections 17(1) and 19(1) — Land acquisition — Relevance of profit motive — Merely because Authority has earned modest profit, is no reason to hold that Authority is actuated by profit motive in acquiring land.

Held: It is true that in the proposal submitted by the BDA to the Government for sanction of the scheme while formation and execution of the scheme it is mentioned that the BDA would ultimately make certain profits. Even though it is so mentioned in the proposal the scheme cannot be treated as profit oriented in the common parlance as they are not framed with the object of making any profit like a private entrepreneur. The BDA frames the schemes in order to serve the public cause. The formation and distribution of sites are in accordance with provisions of the Act and the rules, in favour of eligible persons, belonging to all strata of the society with an emphasis on the persons belonging to weaker sections of the society. In that process, if the BDA makes money in excess of the expenditure, it cannot be construed a 'profit oriented', as such profit is likely to be utilised for further development, which is a continuous process. Even if there is an element of profit, schemes cannot be declared invalid, as such profit is for the benefit of general public and not for any individual or group of individuals, — D. Hemachandra Sagar and Another v State of Karnataka and Others, 1999(1) Kar. L.J. 510G : I.L.R 1998 Kar. 4172.

Acquisition of land for development scheme

Section 17(5) — Acquisition of land for development scheme — Creation of mini-forest — Notification — Notice is to be served only on person whose name appears in assessment list or land revenue register and who is primarily liable to pay property tax or land revenue on land or building proposed to be acquired — Such person to show cause why such acquisition should not be made — Persons whose names are not found on land revenue register are not entitled to be served with notice — Scope of Section 17(5) discussed.

Section 17(5) makes it clear that the notification published in the Official Gazette as per sub-sections (1) and (3) of Section 17 of the Act shall have to be served on every person whose name appears in the assessment list of the local authority or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any land or building which is proposed to be acquired in executing the scheme or in regard to which the authority proposes to recover betterment tax requiring such person to show cause within 30 days from the date of receipt of the notice why such acquisition of the building or land and the recovery of betterment tax should be made. As it has not been brought to the notice of court by producing any record to show that at the relevant point of time, the names of the other persons other than M.B. Ramachandra appeared in the assessment list of the local authority or in the land revenue register as being primarily liable to pay
property tax or land revenue assessment tax, the contention that notice ought to have been served on the petitioners is not well-founded. — *M.B. Ramachandran v State of Karnataka and Others*, 1991(3) *Kar. L.J. 48-A* (DB) : *ILR 1992 Kar. 174* (DB).

**Land diverted to non-agricultural use**

**Section 17(5) — Compliance with.**

Petitioner was a purchaser of the land under a registered deed in 1972 and the land had been converted in terms of the Kar. Land Revenue Act and diverted to non-agricultural use. They were notified for acquisition under the Bangalore Development Authority Act 1976 in September 1977, and notices as required under Section 17(5) of the Act was served on the owners shown in the revenue register, but no notice was served on the petitioner.

Held, the Notification under Section 19 should be set aside for non-compliance with Section 17(5) of the Act. The Bangalore Development Authority was bound to serve notices both on persons shown in the revenue registers and assessment list. (1980) (2) *Kar. L.J.* 286 rel on.

A reference to the assessment list would have shown the change in the ownership. WP 18236/81. — *Reckitt and Colman of India Ltd. v Bangalore Development Authority and Others*, 1983 (2) *Kar. L.J.* 323.

**Acquisition of land for formation of layout**

**Section 17(5) — Land Acquisition Act, 1894, Section 11-A — Acquisition of land for formation of layout — Proceedings initiated under B.D.A. Act — No lapse of proceedings for not making award within two years from date of publication of declaration as provision of Section 11-A of Land Acquisition Act not made part of B.D.A. Act.**

Wherever the legislature intended to apply specific procedure or the fetters in exercising the power under the Central Act, it did so specifically. After the Central Act 68 of 1984 came into force no steps had been taken by the State Legislature to amend the B.D.A. Act introducing or incorporating Section 11-A of the Central Act as part of the Act. Since the legislature has incorporated specific provisions of the Central Act, the necessary conclusion is that legislature did not intend to apply the unspecified provisions of the Central Act to the exercise of power under the B.D.A. Act. If the legislature would have merely adopted the Central Act, subsequent amendments to that Act made under 68 of 1984 Act would have been applicable per force. That is not the position in this case. — *A. Krishnamurthy (since deceased) by L.Rs. v Bangalore Development Authority and Others*, 1996(3) *Kar. L.J. 506A* (DB).

**Individual notice about proposed acquisition of land**

**Section 17(5) — Requiring service of individual notice about proposed acquisition of land — Person alleging violation of Section 17(5) — Burden of proof.**
Unless the plaintiff shows that either she or her vendors were the persons who would fall within the category of persons referred to under Section 17(5) of the Act at the relevant point of time, it is not possible to accede to her submission that the acquisition is bad for want of notice referred to under Section 17(5) of the Act. — B.T. Sakku v Commissioner, Bangalore Development Authority and Another, 1995(1) Kar. L.J. 361A.

Service of notice

Section 17(5) — Service of notice under — Beyond period of 30 days valid or not — Held, service of notice mandatory but period of 30 days for service of notice is not mandatory but directory — Hence notice served beyond 30 days valid.

We have to see the object, which the provisions contained in sub-section (1) of Section 4 of the Land Acquisition Act as applicable to Andhra Pradesh with effect from 12th September, 1975, are intended to serve and the object which sub-section (5) of Section 17 of the Act intends to serve. The provisions of sub-section (1) of Section 4 of the Land Acquisition Act have also to be viewed in the background that no individual notice is necessary. Persons interested in the land are required to file their objections when once the notification under sub-section (1) of Section 4 of the Land Acquisition Act is published in the Gazette and the public notice of the substance of such notification is given at convenient places in the locality. If the requirement of sub-section (1) of Section 4 relating to publication of the notification in the Official Gazette and causing public notice of the substance of such notification at convenient places in the locality are not scrupulously observed there is possibility of the persons interested in the land not becoming aware of the acquisition. In that event they will be deprived of their right to object to the acquisition because personal service is not mandatory as held by the Supreme Court in Khadim Hussain v State of UP and Others, AIR 1976 SC 417. Therefore, the provisions must be held to be mandatory looked from this point of view. The sub-section opens with the words “during the thirty days next following the day on which such notification is published in the official Gazette the Authority shall serve a notice on every person“. So the emphasis is on the service of notice and not on the period within which it should be served. The object of sub-section (5) of Section 17 of the Act is to ensure service of notice on the persons specified therein and that object is not defeated in any manner by service of notice beyond the period of 30 days; because the person concerned can file his objections within 30 days from the date of service of notice. When the object of the statute is not defeated by not serving the notice within 30 days as specified in the opening portion of sub-section (5) of Section 17 of the Act, strict compliance with such a provision viz., serving notice within 30 days cannot be held to be mandatory; because it does not result in deprivation of any right of the person concerned nor it defeats the object of the statute if the notice is served beyond 30 days. Therefore, such a provision cannot be held to be mandatory. Hence it follows that though service of notice is mandatory but it is not mandatory to serve such notice within 30 days only. It can even be served beyond 30 days. Even

**Service of Statutory Notice**


**Mandatory requirement of serving personal notice**

**Sections 17(5) and 19 — Land acquisition — Preliminary notification issued by authority for — Mandatory requirement of serving personal notice on owner/khatedar of land proposed for acquisition — Where person had purchased land from owner more than one year after publication of preliminary notification by authority, omission to service of notice on purchaser, does not vitiate acquisition proceedings.**

The notification under Section 17 was published on 26-5-1984 and the notification under Section 19 was published on 23-10-1986. The award was made on 26-5-1988 and thereafter possession was taken over by the Bangalore Development Authority on 22-6-1988. The specific case of the plaintiff is that he purchased the property from S. Narayana Gowda on 17-6-1985. It is, therefore, obvious that the plaintiff purchased the property more than one year after the notification under Section 17 of the Act had been published. Thus, there was no occasion for serving any notice upon the plaintiffs as required by sub-section (5) of Section 17 of the Act as their names could not have appeared in the assessment list of the Local Authority or in the land revenue register at the relevant time. Therefore, the whole basis on which the High Court held the acquisition proceedings to be invalid is erroneous and cannot be sustained. — *Commissioner, Bangalore Development Authority v K.S. Narayan*, 2006(6) Kar. L.J. 712A (SC).

**Section 17(5) and (6) — Acquisition — Notice — Service on persons whose name appears in Revenue Records necessary. — *B. K. Nanjundiah v Bangalore Development Authority*, ILR 1987 Kar. 2977 : AIR 1988 Kar. 227.**

**Section 17(5) and (6) — Acquisition — Notice to owner — Grantee of land under Section 5 of Karnataka Village Offices Abolition Act, 1961 not entitled for notice. — *Galappa v State of Karnataka*, ILR 1987 Kar. 2989.**

**Section 17(6) — Notice can be served by alternative mode provided under clauses (a), (b) and (c) of the Section — If person concerned not present or not found.**

We have to see the object, which the provisions contained in sub-section (1) of Section 4 of the Land Acquisition Act as applicable to Andhra Pradesh with effect from 12th September, 1975, are intended to serve and the object which sub-section (5) of Section 17 of the Act intends to serve. The provisions of sub-section (1) of Section 4 of the Land Acquisition Act have also to be viewed in the background that no individual notice is necessary. Persons interested in the land are required to file their objections when once the
notification under sub-section (1) of Section 4 of the Land Acquisition Act is published in the Gazette and the public notice of the substance of such notification is given at convenient places in the locality. If the requirement of sub-section (1) of Section 4 relating to publication of the notification in the Official Gazette and causing public notice of the substance of such notification at convenient places in the locality are not scrupulously observed there is possibility of the persons interested in the land not becoming aware of the acquisition. In that event they will be deprived of their right to object to the acquisition because personal service is not mandatory as held by the Supreme Court in Khadim Hussain v State of UP and Others, AIR 1976 SC 417. Therefore, the provisions must be held to be mandatory looked from this point of view. The sub-section opens with the words “during the thirty days next following the day on which such notification is published in the Official Gazette the Authority shall serve a notice on every person”. So the emphasis is on the service of notice and not on the period within which it should be served. The object of sub-section (5) of Section 17 of the Act is to ensure service of notice on the persons specified therein and that object is not defeated in any manner by service of notice beyond the period of 30 days; because the person concerned can file his objections within 30 days from the date of service of notice. When the object of the statute is not defeated by not serving the notice within 30 days as specified in the opening portion of sub-section (5) of Section 17 of the Act, strict compliance with such a provision viz., serving notice within 30 days cannot be held to be mandatory; because it does not result in deprivation of any right of the person concerned nor it defeats the object of the statute if the notice is served beyond 30 days. Therefore, such a provision cannot be held to be mandatory. Hence it follows that though service of notice is mandatory but it is not mandatory to serve such notice within 30 days only. It can even be served beyond 30 days. Even then it does not vitiate the acquisition. — Muniyaperappa v State of Karnataka and Others, 1991(2) Kar. L.J. 356-B (DB) : ILR 1991 Kar. 3362 (DB).

Delay in passing award in respect of land is on account of pending litigation relating to land

Sections 17(1), 19(1), 19(3) and 36 — Land Acquisition Act, 1894, Section 11. — Vast tract of land aggregating 1228 acres and 39 guntas notified for acquisition for implementing sanctioned scheme — Writ petition filed by owner of piece of land measuring 1 acre and 13 guntas, for declaring acquisition of entire extent of land as infructuous and lapsed, on ground of delay in passing award in respect of his land — As delay in passing award in respect of his land is on account of pending litigation relating to land, same cannot be ground to declare entire acquisition proceedings as infructuous and lapsed.

Appellants have not placed any material before the Court to show that the remaining 379 acres of land in Kaval Byrasandra Village has been denotified final declaration has been issued to acquire 1228 acres 39 guntas. Additional Land Acquisition Officer has stated that the award in respect of land in question of the appellants could not be passed on account of other disputes pending before the Court. Therefore, the Court do not see any
merits in this appeal. - *Ramakka and Another v State of Karnataka and Others, 2012(4) Kar. L.J. 699 (DB)*.

**Society filed an application for grant of licence to construct building**

Section 17 — A site was allotted to respondent-Society by the Bangalore Development Authority — Society filed an application for grant of licence to construct building — Plan was not sanctioned by the BDA for substantial time — However issued a notice to the society cancelling allotment of site as construction was not completed within 2 years as agreed — Held, both the Single Judge and the Division Bench that cancellation was bad in law.

The present appeal is filed by the appellant-Bangalore Development Authority (hereinafter referred to as ‘BDA’ for short) challenging the legality and correctness of the order passed by the learned Single Judge in W.P. No. 9547 of 2011, dated 29-7-2011. . . . A civic amenity site was allotted to the respondent-Society. A lease agreement was entered into on 14-3-2007. Immediately, the respondent-Society filed an application for grant of licence to construct the building. In the meanwhile, the respondent received a notice from the appellant dated 18-2-2011 stating that the land allotted to the Society is cancelled on the ground that the respondent-Society did not complete the construction within a period of two years. . . . The learned Single Judge after examining the case of the parties and after considering the arguments, the order of cancellation was held to be bad in law. This order is called in question in this appeal. . . . Before cancelling a lease of an immovable property, a statutory authority is required to follow the principles of natural justice. Without issuing notice, lease has been unilaterally cancelled and therefore only on this ground the learned Single Judge could have allowed the writ petition. Be that as it may. Even on merits, the learned Single Judge has held that within the stipulated time, plan has not been sanctioned by the BDA. If the BDA has taken its own sweet will and time to sanction the plan, the respondent cannot be blamed for the inaction on the part of the BDA in not considering the plan submitted by the respondent. . . . Therefore, viewed from any angle, we do not see any merits in this appeal. - *The Commissioner, Bangalore Development Authority, Bangalore v Viswachethana Trust, Bangalore, 2013(2) Kar. L.J. 542 (DB)*.

**BDA acquired the land — To be used for a layout scheme**

Sections 17 and 19 — Karnataka Land Reforms Act, 1961, Section 48-A — Land Acquisition Act, 1894, Sections 48(1), 4(1) and 6(1) — BDA acquired the land — To be used for a layout scheme — Later the scheme could not be implemented — Petitioner claims scheme is lapsed by virtue of Section 27 of the BDA Act — Held, the Government claims to have utilised 26 guntas for formation of road thus petition is allowed to the extent of remaining 3 acres of land.

It is the case of the petitioner that the Scheme was not executed even as on the date of the petition. Insofar as the implementation of the Scheme is concerned and is squarely covered under Section 27 of the BDA Act and the Scheme is, therefore, deemed to have lapsed by virtue of Section 27 of the
BDA Act. The State Government by a further Official memorandum dated 13-6-2011, has sought to withdraw the notification issued earlier under Section 48 of the LA Act, in effect, seeking to revive the acquisition proceedings and it is in that background that the present petition is filed questioning the act of the State Government in seeking to withdraw the notification under Section 48 of the LA Act. .... Similarly in Uma Shankar’s case, the revocation of a notification under Section 48(1) of the LA Act was upheld, as it was warranted on account of a notification under Section 48(1) of the LA Act having been issued contrary to a reported judgment of the Supreme Court. Therefore, the notification under Section 48(1) of the LA Act was held as being void ab initio and the revocation of the notification was held to be in accordance with law. In that view of the matter, the present writ petition is allowed. Annexure-L is quashed. It is observed that the land in Survey No. 80/1, which is the subject-matter of the present petition totally measured 3 acres 26 guntas. The notification under Section 48(1) of the LA Act was restricted to 3 acres. The said notification is not under challenge. The State Government purportedly claims to have utilised 26 guntas of land for the formation of a road, which is also acknowledged by the petitioner in the rejoinder to the statement of objections. Hence, the prayer in the petition is granted to the extent of quashing Annexure-L which is a notification seeking to revoke the notification under Section 48(1) of the LA Act. — H. Krishna Reddy v State of Karnataka and Another, 2013(2) Kar. L.J. 580.

Denotification issued by the State Government withdrawing acquisition

Sections 17(5) and 36(3) — Land Acquisition Act, 1894, Sections 48(1) and 16(2) — Land was acquired by the State Government for formation of J.P. Nagar Stage Layout — Site were allotted — Sale deeds executed by BDA — Denotification issued by the State Government withdrawing acquisition — Legality of denotification — Held, withdrawal of acquisition is without authority of law and is opposed to the public interest; accordingly notification issued by the State Government was quashed.

Petitioners are the allottees of different sites from the Bangalore Development Authority, the second respondent herein at J.P. Nagar, 8th Stage Layout, Bangalore, BDA has executed the sale deeds in respect of the sites allotted in their favour on different dates. Pursuant to the execution of the sale deeds, katha of the property has been transferred to their names by the BDA and that they have been paying taxes. State Government has issued a notification under Section 48 of the Land Acquisition Act, 1894 (‘LA Act’ for short) dated 8-6-2010 bearing No. UDD 321 MNX 2010 denoting the land to an extent of 33 guntas in Sy. No. 24 of Kothanur Village, Uttarahalli Hobli, Bangalore South Taluk, Bangalore. They also came to know that the sites in question were carved out of the aforesaid survey number. That is why they have filed these writ petitions challenging the validity of the said notification. .... After the vesting of the lands with the State Government, it has been transferred to the BDA for the formation of the layout. Layout has been formed by the BDA and sites have been allotted to the petitioners. .... Section 48(1) gives liberty to the State Government to withdraw from acquisition at any stage before possession is taken. Under the old Act,
withdrawal from acquisition was permitted prior to making of the award. It was felt that the Government was misled by an underestimate of the value of the land. Some times, it was compelled to proceed with the acquisition in which award was inordinately in excess of the original valuation. Section 48(1) was enacted giving liberty to the Government to withdraw the land from acquisition, the possession of which has not been taken. The power conferred on the Government under this provision is an absolute power which can be exercised at its discretion before taking possession, if it is of the opinion that the land is not required for public purpose. . . . . In the present case, the lands have been withdrawn from acquisition at the instance of certain persons, who had purchased the same after the issue of the notifications for acquisition. The trust in its undated letter has identified the land for withdrawal from acquisition. Even according to the trust, the land has already been acquired. It is also evident that after vesting of the land, layout has been formed and sites have been allotted to the general public including the petitioners. One of the reasons assigned for withdrawing the land from acquisition is that notification under Section 16(2) has not been issued, which is not necessary for vesting of the land. The second reason is that BDA has not formed the layout, which is contrary to the materials placed before the Hon'ble Chief Minister. Thus, the withdrawal of acquisition is totally without authority of law and is opposed to the public interest. . . . . The notification dated 8-6-2010 in No. UDD 321 MWH 2010 issued by the respondent-State Government is hereby quashed. Writ petitions are allowed accordingly. - Smt. P. Nagarathna v The Commissioner, Bangalore Development Authority, Bangalore and Others, 2013(1) Kar. L.J. 258A.

Court directed BDA to determine the market value of the lands which are acquired

Section 17(1) and 17(3) — Red tapism — Nobody believes — There is a delay of 20 years in making the award — Court viewed the matter seriously — Court directed BDA to determine the market value of the lands which are acquired — Held, the BDA also directed to pay interest on compensation amount and petitioner is entitled for all other statutory benefits.

Writ Petition No. 4279 of 2007 is filed by the land loser calling in question the preliminary notification dated 15-12-1984 Annexure-A of the respondent-Bangalore Development Authority issued under Section 17(1) and 17(3) of the Bangalore Development Authority Act, 1976. . . . . Petitions are opposed by filing statement of objections of the respondent-BDA inter alia contending that acquisition proceeding is for a public purpose, for the formation of a layout known as 'Hosur-Sarjapur Road Layout' (HSR Layout), while in the additional statement of objections dated 27-7-2009 in W.P. No. 4279 of 2007 it is stated that the lands in question are very minuscule area from out of the total extent of land acquired for forming the layout and that “scheme is not implemented as writ petition was pending” and the “respondents were not in a position to undertake any development work in the aforesaid three pieces of land”. Took steps to pass an award on 17-11-2008 in respect of the land in Sy. No. 44/5A, whereafterwards the land was developed and sites formed. In addition it is stated that in respect of land
in Sy. No. 44/7 no award is passed and no development work is undertaken since some unauthorised constructions have come up, while in respect of land in Sy. No. 41/3 preparation is in progress to pass an award. In the circumstances, when no development activity had taken place in 16 guntas of land in Sy. No. 44/5A, the submission of the learned Counsel for BDA that sites were formed and allotted to ‘G’ category allottees is unacceptable. Keeping in mind the facts noticed supra, more appropriately the failure on the part of the respondent-BDA to satisfactorily explain the inordinate delay of more than 20 years in making the award in respect of lands in Sy. No. 44/5A and in the absence of an award in respect of the land in Sy. No. 41/3 while possession of lands is said to be taken over without authority of law, it is reasonable to shift the date of the notification so that the petitioner is adequately compensated. In order to meet the ends of justice, the respondent-BDA is directed to determine the market value of the land. The claim of interest; on the amount of compensation, it is needless to state ought to be in accordance with law, while petitioner is also entitled to other statutory benefits. In conclusion though it is needless to state that remaining portion of 9¾ guntas of land in Sy. No. 41/3 and 7 guntas of land in Sy. No. 44/7 are excluded from acquisition as indicated in the memo filed by the BDA. - B.M. Ramachandrá Reddy Alias Chandra Reddy v. State of Karnataka and Others, 2014(1) Kar. L.J. 436.

Right of person in settled possession adverse to rightful owner well over a period of twelve years to defend his possession

Sections 17 and 19 — Land Acquisition Act, 1894, Sections 11 and 16 — Specific Relief Act, 1963, Sections 6 and 38 — Limitation Act, 1963, Article 65 — Right of person in settled possession adverse to rightful owner well over a period of twelve years to defend his possession — Nature of — Such right, held, does not get transferred to his alienee — His alienee, therefore, has no defence if his possession is disturbed prematurely by rightful owner — Where owner of land who continued to be in unauthorised of his land acquired by authority, openly and uninterruptedly, well over a period of twenty years, after acquisition and land stood vested in authority, had sold land to third party, who in turn to another, and who yet to another before land was sold in auction sale by authority, all sales effected by original occupant, held, are null and void — Even if possession of original occupant is held to be “settled possession” same cannot be said to have been transferred to his vendee, and subsequent vendees — Possession certificate given by authority to auction purchaser, held, is valid, and suit by vendee presently in possession, for injunction against his dispossession, held, not maintainable.

The property in question undoubtedly has been acquired by the BDA way back in the year 1977. The original owner, after acquisition notification, has sold it in favour of a third party during 2003. At the outset, plaintiff is said to be the 4th purchaser of the land in question. Way back in the year 2003, after the notification; the original owner of the land has sold the property in favour of several other persons. The fact remains that possession of the property has been taken by the BDA during 1983 itself as per the mahazar produced before
this Court. The property is sold in public auction on 13-8-2012. Possession certificate also has issued on 12-12-2012 which is a consequence of delivering the property to the auction purchaser consequent on the finality reached in the public auction held. ....... In the case on hand, though the sale was made in favour of a third person by the original owner during 2003 or so, the BDA by an auction has sold the property during 2012 by virtue of possession being taken on 13-6-1983 under mahazar, it does not necessarily mean that plaintiff is in settled possession as he had not completed twelve years or thirty years against the Government even then. In that situation, the appeal filed by the BDA has to be allowed. - Bangalore Development Authority, Bangalore v Afroze Ahmed, 2014(2) Kar. L.J. 104.

Conversion of agricultural land into non-agricultural land

Sections 17(1), 17(3) and 27 — Karnataka Land Reforms Act, 1961, Section 79-A — Vendor of first petitioner purchased agricultural land and formed sites and converting it to non-agricultural land — First petitioner purchased sites — Later proceedings under Section 79-A of the 1961 Act initiated as the said person purchased an agricultural land without he being an agriculturist — Land was resumed to the Government — BDA acquired the land — First petitioner contended that acquisition proceedings are lapsed — Held, the acquisition proceedings are lapsed in respect of sites of which the first petitioner is owner thus writ petition came to be allowed in favour of first petitioner.

The Assistant Commissioner, Bangalore North Sub-Division is said to have initiated proceedings under Sections 79-A and 79-B of the Karnataka Land Reforms Act, 1961 against Swaminathan, alleging violation of the aforesaid provisions insofar as the land having been purchased was agricultural land and as a non-agriculturist, he could not have purchased the same. The first petitioner was blissfully unaware of the proceedings having been initiated and had continued in possession of the sites, by which time, the Assistant Commissioner had issued an order of forfeiture resuming the lands to the State. ....... Further, the acquisition proceedings having been advanced, any order in favour of these petitioners, who have no right to challenge the acquisition, would impede the implementation of the scheme. And since the respondent-BDA has been overruled with several cases being lodged against the acquisition proceedings and the implementation of the scheme, the present petitions being entertained, would result in a miscarriage of justice and therefore, the learned Counsel seeks dismissal of the petitions. ....... Insofar as the contention that petitioners 2 and 3 are subsequent purchasers and have no right to challenge the acquisition proceedings along with petitioner 1 is concerned. Consequently, since the BDA has not chosen to reply to the petitioner’s representation and in view of the above sequence of events and the circumstances of the case, it would be just to declare that the acquisition insofar as the sites belonging to the petitioners, of which petitioner 1 was the erstwhile owner, is lapsed by virtue of Section 27 of the BDA Act. Accordingly, the acquisition proceedings insofar as they pertain to said sites of the petitioners stand quashed. - Dr. Pushpavathi and Others v State of Karnataka and Another, 2014(2) Kar. L.J. 570.
Allotment of alternative land for the loss of the revenue site

Section 17 — Constitution of India, Articles 226 and 227 — Petitioner-owner of revenue site, site acquired for purpose and benefit of forming layout by BDA — No alternative site is given nor any compensation is disbursed to petitioner — Held — Petition disposed of with direction to consider petitioner's case for allotment of alternative land for the loss of revenue site, in accordance with the scheme.

Ashok B. Hinchigeri, J., Held: Dispose of this petition, to consider the petitioner's case for the allotment of alternative land for the loss of her revenue site measuring 30 x 70 feet in accordance with its scheme, the particulars of which are found in its letter, dated 22-11-1976 in accordance with law and this Court's order, dated 31-10-2014 passed in W.P. No. 6586 of 2014 connected with W.P. No. 6588 of 2014 and by taking into account the precedents in similar cases. The respondent 2 shall consider the petitioner's request for the allotment of alternative land meaningfully and subject to the availability of the sites as expeditiously as possible and in any case within six months from the date of the production of the certified copy of today's order.


Petition assailing preliminary notification

Section 17 — Petition assailing preliminary notification dated 30-12-2008 issued by BDA — In W.P. No. 9640 of 2014 and connected matters 'notification dated 30-12-2008 are held as having lapsed as against the lands of petitioners referred to in each of these petitions which are included in said notification' by Court — Hence in terms of that order notification dated 30-12-2008 assailed in these writ petitions is also held as having been lapsed as against the petitioners.

Mrs. B.V. Nagarathna, J., Held: Submission is placed on record. In the aforementioned writ petitions, the relevant portion of the order reads as under: In that view of the matter, the notification dated 30-12-2008 assailed in these petitions are held as having lapsed as against the lands of the petitioners referred to in each of these petitions which were included in the said notification. In terms of the above, these petitions are allowed to that extent. No costs. . . . . . . . . In the circumstances, notification dated 30-12-2008 assailed in these writ petitions is held as having been lapsed as against the petitioners herein. — Bettiah and Another v State of Karnataka and Others, 2015(3) Kar. L.J. 615.

Suit property was subject-matter of acquisition proceedings

Section 17 — Suit property was subject-matter of acquisition proceedings — Suit by plaintiff/appellant seeking protection against the alleged interference of BDA — Claiming settled possession of suit property — Suit dismissed — Appeal assailing the judgment and decree — Held — Appeal is not maintainable — It is a well-settled law that land which is subject-matter of acquisition by BDA — Aggrieved to file writ petition — Plaintiff/appellant to avail such remedy.
Anand Byrareddy, J., Held: Given the above circumstances and the contentions urged, it is now the settled legal position that insofar as lands which are the subject-matter of acquisition proceedings, as admittedly the property claimed by the plaintiff in the present appeal was situated in the area notified for acquisition by the BDA and as claimed by the BDA, possession also having been taken, is a question which would necessarily have to be addressed in writ proceedings, if at all. In that, even after having taken possession if the BDA has failed to form a layout and the Scheme has lapsed pursuant to which the lands were acquired, it has to be canvassed in the writ jurisdiction of this Court which has the jurisdiction to declare that such a turn of event has come about. While reserving such liberty to the plaintiff to avail such remedy if it is available to him in law, notwithstanding the long lapse of time, the question is left open and may be urged before the Writ Court. The appeal, however, would not be maintainable and is rejected.


18. Sanction of scheme.—(1) After publication of the scheme and service of notices as provided in Section 17 and after consideration of representations, if any, received in respect thereof, the authority shall submit the scheme, making such modifications therein as it may think fit to the Government for sanction, furnishing.—

(a) a description with full particulars of the scheme including the reasons for any modifications inserted therein;
(b) complete plans and estimates of the cost of executing the scheme;
(c) a statement specifying the land proposed to be acquired;
(d) any representation received under sub-section (?2) of Section 17;
(e) a schedule showing the rateable value, as entered in the municipal assessment book on the date of the publication of a notification relating to the land under Section 17 or the land assessment of all land specified in the statement under clause (c); and
(f) such other particulars, if any, as may be prescribed.

(2) Where any development scheme provides for the construction of houses, the authority shall also submit to the Government plans and estimates for the construction of the houses.

(3) After considering the proposal submitted to it the Government may, by order, give sanction to the scheme.

COMMENTS

Modification of Sanctioned scheme

Section 18 — Sanctioned scheme — Modification of — Modification made after considering objections received in response to preliminary
notification issued for acquisition of land required for scheme — Fresh sanction to scheme, held, not necessary in absence of change in scheme.

Framing of the scheme is by the BDA. Any modification of the scheme is also within the discretion of the BDA. The modification to be made only if necessary after considering the representations if any by the landowners. Once sanction is granted and thereafter if the BDA is of the opinion that there is no need for any modification, no fresh sanction is required to be obtained. . . . The consideration of each of the representations given by the landowners will not automatically amount to change or modification of the scheme. Certain extent of land may be proposed for acquisition in the preliminary notification. But not necessarily there shall be a final notification in respect of all the extent of land which was proposed for acquisition in the preliminary notification. — Chandramma and Another v State of Karnataka and Others, 2003(2) Kar. L.J. 600B.

Section 18 — Sanctioned scheme — Modification of — Modifications made in consideration of objections received in response to preliminary notification issued for acquisition of lands required for implementation of scheme — Very fact that scheme was modified in response to objections, indicates that objections were duly considered — Fresh sanction to scheme, held, is not necessary when there is no substantial change of scheme.

The sanction was to be obtained if there was any change. But, if the BDA was of the opinion that there was no change or modification in the scheme, fresh sanction was not necessary. Once it is found that there is no change or modification in the scheme, it is not necessary to get fresh sanction. . It was decided to notifiy all the lands in question except those situated in Sy. Nos. 71/1 and 72 as they were not feasible to form a layout and to drop the same from acquisition proceedings. Under the circumstances, it cannot be said that the objections were not considered independently and the acquisition so made cannot be set aside on this ground. — Chandramma and Another v State of Karnataka and Others, 2003(2) Kar. L.J. 490B (DB) : ILR 2003 Kar. 991 (DB).

Relevant material on record

Section 18(3) — Scheme — Government sanction order — Discloses — Relevant material on record — Considered in depth — Held, application of mind evident.

On perusal of the said order of sanction, it discloses that the Government has considered in depth all the relevant material on record and has applied its mind in proper perspective before sanctioning the scheme under Section 18(3) of the Act. — Smt. C.V. Shantha and Others v State of Karnataka and Others, 2006(5) Kar. L.J. 361F.

19. Upon sanction, declaration to be published giving particulars of land to be acquired.—(1) Upon sanction of the scheme, the Government shall publish in the Official Gazette declaration stating the fact of such sanction and that the land proposed to be acquired by the authority for the purposes of the scheme is required for a public purpose.
(2) The declaration shall state the limits within which the land proposed
to be acquired is situate, the purpose for which it is needed, its approximate
area and the place where a plan of the land may be inspected.

(3) The said declaration shall be conclusive evidence that the land is
needed for a public purpose and the authority shall, upon the publication of
the said declaration, proceed to execute the scheme.

(4) If at any time it appears to the authority that an improvement can be
made in any part of the scheme the authority may alter the scheme for the
said purpose and shall subject to the provisions of sub-sections (5) and (6)
forthwith proceed to execute the scheme as altered.

(5) If the estimated cost of executing the scheme as altered exceeds, by a
greater sum than five per cent the estimated cost of executing the scheme as
sanctioned, the authority shall not, without the previous sanction of the
Government, proceed to execute the scheme as altered.

(6) If the scheme as altered involves the acquisition otherwise than by
agreement, of any land other than that specified in the schedule referred to in
clause (e) of sub-section (1) of Section 18, the provisions of Sections 17 and 18
and of sub-section (1) of this section shall apply to the part of the scheme so
altered in the same manner as if such altered part were the scheme.

COMMENTS

Final Notification

Section 19 — Acquisition — Final Notification — Delay — Proceedings

Declaration under, nature of

Section 19 — Declaration under, nature of. — B.K. Nanjundiah v Bangalore

Diversion of use of land

Section 19 — Diversion of use of land included in an improvement
scheme for different purpose without alteration of scheme in terms of Section
19(4) — Illegal. M. Rama Jois and B.N. Krishnan, J.J., Held. — The 8 acres of land
in question formed part of the Nandini Lay-out Scheme approved by the
Government under sub-section (3) of Section 18 of the Act. Once the Scheme
was approved, the Bangalore Development Authority was in duty bound to
implement the Scheme. There could be no diversion of the land for a purpose
different from the one specified in the Scheme unless the Scheme was altered
in accordance with the provisions of Section 19(4) of the Act. — Note: Order
in W.P. No. 3755 of 1986, etc., dated 2-2-1988, affirmed. — The Kengal Credit
Co-operative Society Ltd. v The Bangalore Development Authority and Others,
Petitioners seeking to issue direction to 2nd respondent

Section 19 — Writ jurisdiction — Petitioners seeking to issue direction to 2nd respondent-BDA for allotment of site as they had put up construction on it — Petitioners were under impression that their portion of land not acquired — In light of judgment Junjamma and Others v Bangalore Development Authority and Others; 2004(7) Kar. L.J. 677, petitions disposed with a direction to BDA to consider representation submitted by petitioners in accordance with law. — N. Jagadish and Another v State of Karnataka and Others, 2009(5) Kar. L.J. 593.

Omission of certain lands

Section 19(1) — Declaration — Omission of certain lands notified for acquisition — Declaration, held, not invalid.

Held: By mere omission of certain lands it is not possible to hold that the declarations are invalid as it is open to the authorities to omit certain lands from the declaration after considering the representations of the owners, in the light of the prevailing circumstances as to the nature of the land. — D. Hemachandra Sagar and Another v State of Karnataka and Others; 1999(1) Kar. L.J. 510E : ILR 1998 Kar. 4172.

Award of compensation for

Section 19(1) — Land Acquisition Act, 1894, Section 11-A — Land acquisition — Award of compensation for — In absence of statutory period for making of award for land acquired under B.D.A. Act, authority has to make award within reasonable period — If period of two years prescribed in Section 11-A of Land Acquisition Act, is considered reasonable, same must be held reasonable for making award of compensation for lands acquired under State Act also — Authority making award beyond period of two years after issuance of final declaration is liable to pay additional compensation by way of interest @ 12% p.a. for entire period of delay — Quashing of acquisition proceedings and award would not be in public interest when scheme has since been substantially completed by incurring considerable expenditure — Where authority has offered alternative sites or interest by way of additional compensation for delay, it is for owners to make their choice.

The absence of a statutory period for the making of an award notwithstanding, the Statutory Authorities under the Act are expected to discharge their duties and complete the acquisition process within a reasonable period. The authorities cannot sit over the matter and take decisions affecting the citizen at their sweet will and at any time convenient to them. A statutory power vested in the designated authority must be exercised reasonably and within reasonable period. If for purposes of awards under the Land Acquisition Act, the Parliament has considered a period of two years to be reasonable, there is no reason why the said period should not broadly speaking hold good for acquisitions under the B.D.A. Act also. The scheme is meant to benefit the entire citizenry of Bangalore. Quashing the
proceedings on account of delay in the making of the award does not therefore appear to me to be a remedy conducive to public interest. The B.D.A. had with a view to reducing hardship to the owners, taken a decision not only to pay adequate compensation for the constructions, if any, raised after the preliminary notification but also for the grant of alternative house sites to the owners. It is unnecessary to examine whether the package offered by the authority is more attractive than the additional compensation. Option given to the owners should enable them to pick up whatever is considered more beneficial. ... Such of the petitioners as are willing to avail of the benefit in terms of the authority's decision dated 19th of May, 1997, may do so before the competent authority, failing which they shall be entitled to an additional compensation in the form of interest at the rate of 12% p.a. on the amount awarded for the period for which the making of the award was delayed beyond 23rd of February, 1991. — Smt. Rajamma alias Venkatamma and Others v Bangalore Development Authority, 2000(1) Kar. L.J. 455A.

Section 19(1) — Land Acquisition Act, 1894, Section 11-A — Land acquisition — Award of compensation for — In absence of statutory period for making of award for land acquired under B.D.A. Act, authority has to make award within reasonable period — If period of two years prescribed in Section 11-A of Land Acquisition Act, is considered reasonable, same must be held reasonable for making award of compensation for lands acquired under State Act also — Authority making award beyond period of two years after issuance of final declaration is liable to pay additional compensation by way of interest @ 12% p.a. for entire period of delay — Quashing of acquisition proceedings and award would not be in public interest when scheme has since been substantially completed by incurring considerable expenditure — Where authority has offered alternative sites or interest by way of additional compensation for delay, it is for owners to make their choice.

Held: The absence of a statutory period for the making of an award notwithstanding, the Statutory Authorities under the Act are expected to discharge their duties and complete the acquisition process within a reasonable period. The authorities cannot sit over the matter and take decisions affecting the citizen at their sweet will and at any time convenient to them. A statutory power vested in the designated authority must be exercised reasonably and within reasonable period. If for purposes of awards under the Land Acquisition Act, the Parliament has considered a period of two years to be reasonable, there is no reason why the said period should not broadly speaking hold good for acquisitions under the B.D.A. Act also. The scheme is meant to benefit the entire citizenry of Bangalore. Quashing the proceedings on account of delay in the making of the award does not therefore appear to me to be a remedy conducive to public interest. The B.D.A. had with a view to reducing hardship to the owners, taken a decision not only to pay adequate compensation for the constructions, if any, raised after the preliminary notification but also for the grant of alternative house sites to the owners. It is unnecessary to examine whether the package offered by the authority is more attractive than the additional compensation. Option given to the owners should enable them to pick up whatever is considered
more beneficial. . . Such of the petitioners as are willing to avail of the benefit in terms of the authority’s decision dated 19th of May, 1997, may do so before the competent authority, failing which they shall be entitled to an additional compensation in the form of interest at the rate of 12% p.a. on the amount awarded for the period for which the making of the award was delayed beyond 23rd of February, 1991. — Smt. Rajamma alias Venkatamma and Others v Bangalore Development Authority, 2000(1) Kar. L.J. 104.

Declaration for Land acquisition

Section 19(1) — Land acquisition — Declaration for — Validity of declaration cannot be impeached on ground that Authority has no financial capacity to implement scheme for which land is acquired.

Held: It is not open to this Court to examine the financial conditions of the BDA in the matter of executing the schemes formulated. The allegation of incompletion of scheme for paucity of funds is liable to be rejected as no particulars in support of such contention are produced by the petitioners. Even otherwise, if one scheme has remained incomplete for various other reasons, that cannot be a ground to hold that the BDA is incapable of formulating another scheme and execute it. When the State Government has accorded permission for BDA to pursue its schemes subject to certain conditions it is for the BDA to execute it by mobilising the resources. If any scheme framed remains unexecuted for a prescribed period such scheme lapses and the provisions of Section 36 shall become inoperative, in view of Section 27 of the BDA Act. — D. Hemachandra Sagar and Another v State of Karnataka and Others, 1999(1) Kar. L.J. 510F : ILR 1998 Kar. 4172.

Delay in publication of declaration

Section 19(1) — Land Acquisition Act, 1894, Sections 6(1), proviso and 11-A — Land acquisition — Delay in publication of declaration — Provisions of Land Acquisition Act have no application to land acquisition by BDA — Declaration published after lapse of five years from date of issue of preliminary notification is not invalid.

Held: Acquisition under the BDA Act is not governed by Sections 4 and 6 of the Land Acquisition Act. The contention that the declaration is bad for delay and laches is, therefore, rejected as untenable. — D. Hemachandra Sagar and Another v State of Karnataka and Others, 1999(1) Kar. L.J. 510D : ILR 1998 Kar. 4172.

Section 19(1) — Land Acquisition Act, 1894, Section 11-A — Land acquisition — Period within which award is to be made in respect of land acquired for BDA — Requirement of Section 11-A of Land Acquisition Act that award must be made within two years from date of publication of declaration under Section 6(1) ibid — This requirement under Land Acquisition Act, held, applicable to land acquisition made under BDA Act of State — Award passed on 29-9-1994 in respect of land acquired for authority, after lapse of over 16 years and 7 months from date of declaration under Section 19(1) of BDA Act, on 7-2-1978, is illegal for unreasonable and unexplained delay and is liable to be quashed.
Section 11-A of the L.A. Act, is applicable in respect of acquisition pursuant to the notifications issued under the BDA Act. The authorities are expected to exercise their power within the reasonable time. The inaction or non-exercise of the statutory power under the BDA Act or under other similar enactments has made the land owners to suffer substantial damage and injury. On account of unreasonable delay on the part of the authorities in issuing the final notification, the land owners presuming that the authorities have abandoned the acquisition proceedings moved the authorities for permission to use their land for non-agricultural purpose and thereafter obtained licences under the relevant enactments and established the industries. In some cases the Government itself after the publication of the preliminary notification permitted the land owners to utilize the land for Group Housing Schemes. Under the L.A. Act, the land owner is not entitled for compensation for the developments made subsequent to the preliminary notification since the relevant date for determining the market value is the date of preliminary notification. Further, the delay in issuing the final notification also came in the way of land owners in enjoying their property in the manner in which they want to enjoy as they could not develop the property subsequent to the issuance of preliminary notification. In the instant case the final notification was issued in the year 1978, whereas the award has been passed in the year 1994, that is, almost after about 16 years. The BDA has assigned no reasons for the delay in passing the award except stating that the delay is due to administrative reasons. Thus, it is clear that there is no acceptable explanation by the BDA for the delay in passing the award. For these reasons the proceedings of acquisition of the land which is the subject-matter of the award are vitiated.

In the case on hand, the land has not been utilised for development and it continues to be vacant and no third parties interests are involved. Therefore, the delay if any, on the part of the petitioner in approaching this Court will not come in the way of granting relief in favour of the petitioners under Article 226 of the Constitution. — C.B.C.I. Society for Medical Education and Another v Special Land Acquisition Officer, Bangalore Development Authority and Others, 2000(1) Kar. L.J. Sh. N. 30.

Acquisition of land by BDA for formation of revised scheme of Arkavathi Layout

Section 19(1) — Karnataka Land Revenue Act, 1964, Section 128 — Acquisition of land by BDA for formation of revised scheme of Arkavathi Layout, in terms of directions of Apex Court — Impugned final notification dated 18-6-2014 issued under Section 19(1) of the Act 1976 — Petitioner claiming ownership rights over an extent of 1 acre 2 guntas in Sy. No. 10/2 of Jakkur, included in impugned notice — Held — Admittedly, petitioner's name is recorded in Revenue Register — And particularly mutation register at MR No. 29/87-88, in the office of Sub-Registrar, in exercise of jurisdiction under Section 128 of the Act 1964 — Revenue Inspector also mentioned in his mahazar that land in question 'has a building of 20 years old with name, Indira Gandhi International Academy, over an extent of 2 acres 18 guntas, out of 5 acres 5 guntas in Sy. No. 10/2' — Land also permitted for diversion of use from agriculture to non-agriculture, in favour of petitioner — In absence
of any other evidence/document, the assertion of BDA, at this distance of
time, that land belongs to State Government — Not sustainable said
assertion, is only to disentitle petitioner of his lawful claim — Further on facts
— Exact status of land, whether it did belong to Government — Not
ascertained by BDA — Names of other land losers also not shown as
'khatedhars in acquisition notifications — Contention, petitioner neither filed
application nor brought to notice of authority about his right, title, interest —
Liable to be rejected — Curiously, the State itself laid no claim over land in
question — As such, not clear why BDA is seeking to invest such right in
Government — In view thereof, impugned revised notification insofar as it
relates to acquisition of 1 acre 2 guntas belonging to petitioner stands
quashed.

Ram Mohan Reddy, J., Held: What emanates from the query of this Court,
over the exact location of 1 acre 2 guntas in Sy. No. 10/2 is that on the North of
the property belonging to the petitioner, measuring 2 acres 28 guntas in Sy.
No. 10/2, is the boundary of Shivanahalli Village in which no lands are
acquired for Arkavathi Layout; on the South of the said property is
remaining portion of land in Sy. No. 10/2 belonging to the University of
Agricultural Science Employees' House Building Society measuring 2 acres
20 guntas in Sy. No. 10/2; on the west is the property belonging to the
University House Building Co-operative Society and above that is 28 guntas
of land belonging to the Railways, while on the east is a private road and
beyond that property belonging to a Private Housing Society, beyond which
no properties are acquired by the BDA. Therefore, land measuring 1 acre 2
guntas from out of 2 acres 26 guntas belonging to the petitioner in Sy. No.
10/2 cannot but be said to be landlocked and does not form a composite block
for formation of a large layout called as Arkavathi Layout. The sketches
Annexures-R5 and R7 are testimony to the fact that land belonging to the
petitioner measuring 2 acres 26 guntas in Sy. No. 10/2 is landlocked and there
are no other surrounding lands acquired by BDA for making a composite
block for the layout known as Arkavathi Layout. ....... If regard is had to the
observations of the Apex Court in paragraph 145(iv) that all lands except
small pockets are deleted without any valid ground, and persons whose
lands were acquired can also seek deletion, on the ground that all the
surrounding lands have been deleted, when read in conjunction with the
conclusion at paragraph 160(ii) it was for the BDA to consider the fact
situation that petitioner's land being an isolated pocket in Jakkur Village
must be dealt with as has been done over the balance extent of land in Sy.
Nos: 10/2 and 10/3 by deletion. Very strangely the statement of objection as
well as the affidavits of the Land Acquisition Officer and the Commissioner
of BDA demonstrate such a consideration, as directed by the Apex Court. In
the circumstances it is needless to state, that the land in question did not
qualify for acquisition in the revised final notification of the Scheme for
formation of Arkavathi Layout. — Gladius D. Kulothungan v State of Karnataka
and Others, 2016(1) Kar. L.J. 330A.
Land notified for acquisition by BDA

Section 19(1) — Land notified for acquisition by BDA — 90% of land so notified to be acquired has remained unutilised for more than three and a half decades — BDA had utilised only 12% of land had failed to execute the scheme substantially — Held, acquisition proceedings had lapsed after expiry of five years of the final declaration/notice under Section 19(1).

Vinod Saran and Mrs. S. Sujatha, J.J., Held: From the facts of this case, more than 131 acres 33 guntas of land was initially notified for acquisition, whereas in the final notification only 108 acres 17 guntas of land was notified. The land used for implementing the scheme was to the extent of 13 acres 34 guntas, which comprised barely 12% of the land finally notified for acquisition. The BDA has not been able to place on record any valid reason for not proceeding to implement the scheme with regard to the land beyond 13 acres 34 guntas. Land was initially notified for acquisition in the year 1978 which is more than three and a half decades back. The award, though passed in 1986, was not complied with by the BDA, as admittedly the compensation so awarded (particularly in the case of the appellants) was deposited after twenty-three years, in the year 2009. All this clearly shows the non-seriousness of the BDA in implementing the scheme for which acquisition of a vast tract of land was made by it. ....... The Authority did not have intention of implementing the scheme over the entire portion of land which was acquired, but it had done so only to create a land bank, which is not the purpose for which Development Authorities have been created. If this is permitted, then any Development Authority can misuse the land acquisition proceedings by notifying and acquiring large tracts of land which may be in hundreds, or even thousands of acres, for future development, which may be proposed to be carried out even after three, four or five decades, and deposit the compensation at the rate as on the date of notification which may be awarded by the Special Land Acquisition Officer, and deposit the same after several years, as in the present case, it is after thirty-one years of the initial notification for acquisition, and twenty-three years even after the award had been passed. The Development Authorities are not in the business of land dealing, as the purpose is different, which is proper development of cities, which may include providing of residential accommodation to citizens, but not create a land bank by way of compulsory acquisition of land, thereby depriving the legitimate owners of land for profiteering purpose by BDA. In the present case, nearly 90% of the land so notified to be acquired, has remained unutilised for more than three and a half decades. The possession of the land belonging to the appellants is said to have been taken in the year 1986 under a 'mahazar' which cannot be relied upon, and we have no reason to disturb the finding of fact recorded by the Writ Court in this regard. ....... The facts as noticed by the Writ Court, are also very relevant and have not been disputed by the parties. The appellants had been depositing betterment charges and property tax relating to the land in question till the year 2007. The building plan on the schedule property had also been sanctioned by the concerned authority. The BDA itself had passed a resolution on 24-9-1992 to denotify the lands of Sy. No. 4 belonging to the appellants, from acquisition. The Joint Director of Town Planning of the BDA
had also, on 13-1-1993, certified that there existed residential building, with wells and pump house as well as trees standing on the said land. The said Authority also stated that the BDA would have no objection in the land being developed by the appellants for residential purpose. The BDA had gone to the extent of passing a resolution requesting the State Government to denotify the acquisition of Sy. No. 4 belonging to the appellants. All this would clearly go to show that possession of the land remained with the appellants and that BDA was not inclined to utilise the land of the appellants to the purpose of its scheme. . . . . Since the BDA had failed to execute the scheme substantially; as it could utilise only about 12% of the land notified for acquisition within five years from the publication of the declaration under Section 19(1) of the BDA Act. In the facts of the present case, the provisions of Section 27 of the BDA Act would be applicable and thus, provisions of Section 36 of the BDA Act providing for applicability of certain provisions of the Land Acquisition Act would become inoperative. . . . . In such facts, relegating the appellants-landowners to the State Government under Section 48 of the Land Acquisition Act, when the provisions of the Land Acquisition Act themselves had become inapplicable, would be unreasonable. This we say so also because in three other writ petitions (details given hereinabove) the proceedings of the land acquisition (with regard to acquisition of land under the same notification) had been quashed and have become final. . . . . The writ petitions filed by appellants praying for a declaration that the acquisition proceedings in respect of the schedule property being Sy. No. 4 of Bhoopsandra Village, Bangalore-North Taluk, had lapsed after expiry of five years of the final declaration/notification under Section 19(1) dated 28-12-1982, ought to have been granted by the writ Court; . . . . Accordingly, the first set of appeals (W.P. Nos. 5752 to 5756 of 2012) filed by landowners are allowed to the extent that it is declared that the acquisition proceedings initiated by preliminary notification dated 19-1-1978 and thereafter, by passing of declaration under Section 19, on 28-12-1992; are declared to have lapsed after expiry of five years from 28-12-1992. The first set of appeals stand allowed to the extent indicated above. The second set of appeals (W.P. Nos. 6828 to 6832 of 2012) are dismissed. – Dr: A. Parthasarathy and Others v State of Karnataka and Others, 2016(2) Kar. L.J. 154 (DB).

Non-consideration of representation

Sections 19(1) and 18(1) — Land acquisition — Non-consideration of representation made against — Effect of — Sanction of State Government obtained for development scheme and declaration made that land notified for acquisition for development scheme is required for purpose, are rendered invalid on account of non-consideration of representation — Merely stating that representation is overruled without stating reason therefor does not amount to consideration of representation.

Held: On the basis of this report and the notes prepared for the meeting of the Authority, the Authority decided to overrule the objections. It is therefore, clear that the Authority did not consider the representations of the owners in the manner it was required to be considered. Moreover, it is admitted that the representations filed by the owners prior to the disposal of
the previous writ petitions were not considered either by the Land Acquisition Officer or by the Authority. In this view of the matter, there is non-compliance with the provisions of Section 18(1) of the Act. . . . The declarations dated 16-9-1997, 17-9-1997, 17-9-1997 and 6-10-1997, issued under Section 19(1) of the Act are hereby quashed leaving liberty to the respondents to issue fresh declaration if they are so advised only after considering the representations of the petitioners in accordance with Section 18(1) of the Act. — D. Hemachandra Sagar and Another v State of Karnataka and Others, 1999(1) Kar. L.J. 510A : ILR 1998 Kar. 4172.

Land earmarked for developing a Park under a Development Scheme

Section 19(4) — Land earmarked for developing a Park under a Development Scheme — Bangalore Development Authority competent to alter the scheme to reserve the same land for purposes of Civic Amenity — Explained. — B.S. Muddappa and Others v State of Karnataka and Others, 1989(2) Kar. L.J. 540.

Civic Amenity reserved plots

Section 19(4) — Civic Amenity reserved plots — Not permissible to allot to persons other than "Civic Authority". — B.S. Muddappa and Others v State of Karnataka and Others, 1989(2) Kar. L.J. 574 : ILR 1989 Kar. 3027.

No deviation from the scheme

Sections 19(4), 36 to 38 — Bangalore Development Authority (Allotment of Sites) Rules, 1982 — Scheme formulated in accordance with provision of the Act and approved by State Government — No deviation from the scheme permissible except in the manner provided under the Act — Land acquired and made over to Bangalore Development Authority for a specific purpose — Not permissible to make over portion of the land/s to a Housing Society; the same would be contrary to the intendment of the Scheme and the Act — Explained.

The Bangalore Development Authority being a statutory authority having formulated a scheme in accordance with the provisions of the Act and having obtained the approval of the State, cannot deviate from the scheme except in the manner provided under the Act. The land was acquired by the State Government and made over to the Bangalore Development Authority for a specific purpose of executing the approved scheme and for such a land has to be utilised by the Bangalore Development Authority solely for the purpose of execution of the scheme in the manner envisaged by the scheme and not beyond. After the formation of the layout by the Bangalore Development Authority, the sites formed in accordance with the scheme are bound to be allotted only in consonance with the Rules of Allotment holding the field and the Authority has no power to sell away the land earmarked for the formation of a layout under the approved scheme. The land is held by the Bangalore Development Authority for the State Government in trust. It should not be forgotten that the land was acquired by the State Government at the instance of the Bangalore Development Authority and the scheme was
approved by the State Government. A part of such land cannot be handed over to a Society for however noble a purpose since it would be contrary to the intention of the scheme and the Act and virtually would amount to fraud or a breach of trust. It has to be remembered that public authorities are expected to function in accordance with the Rule of Law and not to act in erosion of the schematic purpose of the legislation. ... The Society to which a part of the land is sought to be made over cannot be described as an instrumentality of the Bangalore Development Authority under the Act, by any stretch of imagination. The Act does not admit of plurality of interest. Similarity of object between the Society and the Bangalore Development Authority cannot lend legitimacy to the transaction. The source of power is to be located in the statute and there is no power given to the Authority to part with any portion of the land covered by the scheme. Non-performance of its statutory duty by the Authority not only would be detrimental to the public interest, but also cause public injury and, in turn, deal a lethal blow to the Rule of Law. — Scheduled Caste, Scheduled Tribe, Minority Communities and Backward Classes Improvement Centre v State of Karnataka and Others, 1990(1) Kar. L. J. Sh. N. 29 : ILR 1990 Kar. 1456.

Deviation from approved scheme


Acquired land vesting in authority upon payment of cost of acquisition to Government

Sections 19(1), 36(3) and 27 — Land Acquisition Act, 1894, Section 16 — Constitution of India, Articles 226 and 227 — Acquired land vesting in authority upon payment of cost of acquisition to Government — Writ petition filed by person claiming to be erstwhile owner of land, for issuance of direction to Government, for denotification of — Denotification sought on ground that scheme for which land was acquired has not been executed in full — Since scheme has been implemented substantially, acquisition of land therefor, held, cannot be declared as null and void — However, as Government is stated to have agreed to save temple existing on land, it is for Government to consider denotifying acquired land to extent required for that purpose.

The submission made on behalf of the petitioner that the scheme was not substantially implemented also cannot be accepted inasmuch as HBR layout has already been formed and the sites are allotted. Since the scheme is substantially implemented, the acquisition proceedings cannot be declared as null and void. Petition stands dismissed with a direction to the
respondents to consider the prayer of the petitioner to save only the Muneshwaraswamy Temple, if the same situated in Sy. No. 55/6 of Hennur Village, Kasaba Hobli, Bangalore as per law. - A. Gopal v State of Karnataka and Another, 2012(3) Kar. L.J. 442.

BDA issued Show-cause notice and cancelled the allotment of the site

Section 19 — Petitioner was allotted a site by the BDA — Petitioner was made to approach the High Court four times — Petitioner was not allowed to retain original site — Petitioner should be content with alternate package — Held, the Commissioner of BDA misdirected himself, his orders were quashed and ordered to pay costs of Rs. 20,000 to the petitioner.

Bangalore Development Authority, on 2-5-1985, allotted to the petitioner, Industrial Site No. 5/A, measuring 60 x 530, situated in Koramangala 1st ‘A’ Block, Bangalore. On 22-5-1993, BDA issued a show-cause notice and cancelled the allotment of the site in question, by issue of an endorsement dated 30-7-1993, on the ground that, the petitioner violated condition Nos. 6 and 7 of the allotment letter. Said cancellation order was questioned in W.P. No. 29452 of 1993. The writ petition was allowed, the impugned endorsement was quashed. The said order was not questioned by either of the parties and attained finality. . . . . . . BDA though did not take any further action in the matter, on 18-6-1996, notified the said site, for sale by way of auction in public. The public auction notification issued was questioned in W.P. No. 19018 of 1996. It was stated before the Court, by the BDA though its learned Counsel, that the impugned notification has been withdrawn. In view of the submission made, it was held that nothing survives for consideration in the writ petition. . . . . . . BDA, suo motu, allotted an alternate site bearing No. 141/A, situated at Industrial Suburb II Stage, Peenya, the intimation regarding which was sent to the petitioner on 17-11-1999. The said action was questioned in W.P. No. 43363 of 1999. The writ petition at that stage having felt to be unnecessary, was disposed of, reserving liberty to the petitioner to approach the Court, even for any reason the BDA passes any adverse order against him. . . . On 29-4-2003, BDA making a reference to the order passed in W.P. No. 43363 of 1999, issued an endorsement to the petitioner, rejecting the request for execution of an absolute sale deed in respect of the site in question. Feeling aggrieved, petitioner questioned the said endorsement by filing W.P. No. 26740 of 2003. Writ petition was allowed and the said endorsement was quashed and a direction was issued to the BDA to execute the sale deed of the site in question. . . . . . . BDA questioned the correctness of the said order in W.A. No. 6770 of 2003. Writ appeal was allowed in part. The direction issued to the BDA to execute the sale deed in respect of the site in question was set aside and the matter was remitted to BDA to pass a fresh order. . . . The Commissioner, BDA, by an order dated 18-8-2009, having opined that the petitioner cannot be permitted to retain the site in question and that the petitioner should be content with the alternate package that has been offered in the form of an industrial site in the Industrial Suburb, confirmed the endorsement issued earlier i.e., on 29-3-2003. Feeling aggrieved, the allottee of the site in question has filed this writ petition. . . . The Commissioner of BDA by misdirecting himself i.e., by posing a wrong question for consideration, has passed the impugned order.

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It is trite that an authority deciding a question must pose unto himself a correct question so as to arise the correct finding, since a wrong question posed leads to a wrong answer, which is exactly the fact situation in the instant case. The impugned order, therefore, being vitiated, cannot be sustained and thus, is liable to be quashed. Since, the BDA has not acted in the matter in the light of the orders passed by this Court, noticed supra and has made the petitioner to knock the doors of this Court for relief, for the fourth time, I am constrained to award exemplary costs quantified at Rs. 20,000/- to be paid to the petitioner. - B. Sridhara Murthy v. Bengaluru Development Authority, Bengaluru and Others, 2013(2) Kar. L.J. 17.

Land had stood vested with the acquiring authority

Section 19(1) - Preliminary notification dated 3-11-1977, final notification dated 13-11-1980 — Award was passed on 29-10-1982 — Possession taken on 12-11-1982 — Notification under Section 16(2) of the Land Acquisition Act, 1894 — Whether petitioners are entitled to the declaration as sought for? — Held — Land had stood vested with acquiring authority — Acquisition proceedings were completed as early as in mid eighties — Hence no merit in writ petition.

Mrs. B.V. Nagaratna, J., Held: The facts in the aforesaid cases are totally distinct from the present case. As already noted, in the instant case, possession of the land in question was taken and a notification under Section 16(2) was issued on 12-11-1982, which was gazetted on 15-3-1983. Therefore, the land had stood vested with the acquiring authority. Therefore, at this point of time, petitioner cannot contend that there was a failure on the part of the respondents to pass an award and take possession of the land in question and therefore the acquisition had lapsed. The aforesaid judgments are not applicable to the present case. As stated earlier, the decisions relied upon by the petitioners do not assist them in any manner. Petitioners have only indulged in forum shopping that too after issuance of the auction notification in the year 2005. In fact, petitioners have no grievance with regard to the manner of acquisition of the scheduled land, it is only declaratory relief which is sought in the year 2014 whereas the acquisition proceedings were completed as early as in the mid eighties. There is no merit in this writ petition. This writ petition is nothing but a speculative exercise. Therefore, writ petition is dismissed, however without any order as to costs. - Smt. Lakshmamamma and Others v State of Karnataka and Others, 2015(4) Kar. L.J. 147.

Scheme for formation of layout

Sections 19(1) and 27 — Scheme for formation of layout — Acquisition of land, allotment of sites — Proceedings under by BDA — Impugned order in W.P. No. 13028 of 2007, dated 20-3-2009 holding, inter alia, proceedings had lapsed in respect of 2 acres of land in Sy. No. 103 — Due to non-compliance of Section 27 — Appeal against — Held on facts — Layout has been formed — Authorities neither failed nor derelicted from duty in substantially implementing the scheme — Contrarily, several writ petitions, civil suits by
landowners, aimed at stalling proceedings have failed — A clear case of misutilisation of provisions of Section 27 — And abuse of process of Court — Single Judge ought not to have entered upon merits of matter and entertained petition — Impugned order set aside.

Subhro Kamal Mukherjee, Actg. C.J. and Mrs. B.V. Nagarathna, J., Held: It was contended that although the acquisition proceeding was initiated in the year 1982, but till 2003 the award was not passed. Consequently, the entire scheme got lapsed. . . . . Section 27 of the BDA Act postulates that if the authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of Section 36 shall become inoperative. . . . . It is not that all the landowners had challenged the acquisition proceeding. We are informed that the layout has been formed. Therefore, we cannot hold that there was a dereliction of duty on the part of the authorities or failure on their part to execute the scheme substantially within five years from the date of publication of the Official Gazette and the declaration under sub-section (1) of Section 19 of the said Act. There was no failure to execute the scheme, but there were attempt to stall the scheme by the landowners. Several writ petitions were filed. A civil suit was instituted. There is no authorities either failed or derelicted from duty in implementing the scheme. . . . . The landowners are aggrieved as there has been a spiraling in price of land in the city of Bengaluru, but that cannot be a ground to permit them to stall the scheme for the formation of layout when the authorities have decided to form layout for the better interest of the society. Despite the aforesaid facts, Hon'ble Single Judge has held that the acquisition proceeding had lapsed in respect of 2 acres of land in Sy. No. 103 belonging to respondents 1 to 4 herein and, consequently, declared the allotment made to respondent 4 as null and void. In view of the dismissal of the earlier writ petitions filed by respondents herein as well as the dismissal of the suit filed by respondent 1, the Hon'ble Single Judge ought not to have entered upon the merits of the matter and ought to have simply dismissed the writ petition. . . . . With greatest respect to the Hon'ble Single Judge, it was not necessary for him to dwell upon the facts for the purpose of declaration that the scheme has lapsed when it has been proved that the landowners have made all attempts to stall the scheme. Therefore, the order impugned in Writ Petition No. 13028 of 2007, dated March 20, 2009 is set aside. — Lakshmi Malleables Private Limited, Bangalore v G. Channarayappa and Others, 2015(6) Kar. L.J. 6 (DB).

20. Levy of betterment tax.— (1) Where as a consequence of execution of any development scheme, the market value of any land in the area comprised in the scheme which is not required for the execution thereof has in the opinion of the authority, increased or will increase the authority shall be entitled to levy on the owner of the land or any person having an interest therein a betterment tax in respect of the increase in value of the land resulting from the execution of such scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings, exceeds the value of the land prior to the
execution of the scheme estimated in like manner, and the betterment tax shall be one-third of such increase in value.

COMMENTS

Constitutionality of levy of Betterment tax

Sections 20 to 24 — Constitution of India, Article 265 and Entry 49 of List II of Seventh Schedule — Betterment tax — Constitutionality of levy of — Since levy by authority is under Act of Legislature which is complete code by itself providing for basis of levy, mode of assessment and payment by assessee, levy, held, is valid.

Article 265 of the Constitution provides that no tax shall be levied or collected except by authority of law. Entry 49 of List II to the Constitution empowers the State Legislatures to pass laws in respect of tax on lands and buildings. The Karnataka State Legislature has passed the Bangalore Development Authority Act, 1976 where the power is conferred on the Authority for levy and collection of tax on lands and buildings. Therefore, the BDA has the power to levy betterment tax. The stage at which and the rate at which the betterment tax to be levied is also clearly set out in the Act. An adjudicatory machinery is also provided in the Act. — Gangaiyah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272D.

21. Assessment of betterment tax by the Authority.— (1) When it appears to the authority that a development scheme is sufficiently advanced to enable the amount of the betterment tax to be determined, the authority shall, by a resolution passed in this behalf declare that for the purpose of determining such tax, the execution of the scheme shall be deemed to have been completed and shall thereupon give notice on writing to every person on whom a notice in respect of land to be assessed had been served under sub-section (5) of Section 17 or to the successor in interest of such person, as the case may be, that the authority proposes to assess the amount of the betterment tax payable in respect of such land under Section 20.

(2) The authority shall then assess the amount of betterment tax payable by each person concerned after giving such person an opportunity of being heard and such person shall, within three months from the date of receipt of notice in writing of such assessment inform the authority in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the authority is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the authority or fails to give the authority the information required under sub-section (2) within the period specified therein the authority shall make a reference to the District Court for determining the betterment tax payable by such person.
 COMMENTS

Basis for levy and rate of Betterment tax

Section 21 — Betterment tax — Basis for levy and rate of — When to assessed and levied — Basis for levy is increase in value of land as consequence of execution of development scheme — Value of building/construction on land, if existing, must be excluded — Rate of betterment tax is of such increase in land value alone — Assessment and levy need not be withheld till completion of development scheme — It can be levied when the development scheme has sufficiently advanced.

To levy betterment tax, the authority need not wait till the scheme is completed in all respects, as it may not be practicable. When the development scheme is sufficiently advanced to enable the amount of betterment tax to be determined, the assessment of betterment tax could be done. In order to assess the betterment tax what is to be found out is, what is the value of the land prior to the execution of the scheme, what is the value of the land on the completion of the execution of the scheme. However, if there are any buildings on the land, for the purpose of calculation of betterment tax, the value of the building is to be excluded. In other words only land value is to be taken into consideration excluding the value of the buildings. If there is any increase in the value, such increase in value of the land is the basis for levying the betterment tax. The betterment tax leviable shall be one-third of such increase in value. — Gangaiah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272B.

Mode of assessment of Betterment tax

Section 21 — Betterment tax — Mode of assessment of — Applicability of principles of natural justice — Declaration to levy betterment tax by way of resolution to be passed and published by authority and serving of individual notice on persons in respect of whose land levy is sought to be imposed, held, are mandatory — If assessee challenges correctness of assessment and refuses to give his acceptance of assessment in writing as required, Authority can refer case to District Court for determination of betterment tax payable by such person.

The declaration by way of a resolution of the authority is a condition precedent for levy of betterment tax. The said resolution can be passed only when the development scheme is sufficiently advanced. It is based on the subjective satisfaction of the Authority. By a resolution, the Authority cannot fix the amount of betterment tax payable. No such power is conferred on the Authority. Elaborate procedure is prescribed under Section 21 of the Act for the assessment and fixation of betterment tax. Section 21 of the Act do not provide for assessment of betterment tax, by way of general or common order. It is because the increase in the value of the market value, may vary from land to land, having regard to its location in the layout and the advantages it gained by the execution of the development scheme and other host of relevant considerations. . . . . . . The law contemplates giving of individual notice to every person, in respect of the land to be assessed under
sub-section (5) of Section 17 or to the successor in interest of such person, proposing to assess the amount of betterment tax payable in respect of such land under Section 20 of the Act. An obligation is cast on the Authority to serve a notice on every person, whose land is proposed to be acquired and of the land in regard to which a betterment tax may be levied. Even the person whose land was proposed to be acquired for the execution of the scheme is notified under Section 17(1) of the Act, is not required for the execution of the scheme, the Authority shall be entitled to levy betterment tax on such lands. Therefore, before levying such tax individual notice is prescribed to both the categories of the persons. It is also to be seen though both the categories of land is notified for acquisition and notifications are issued under Sections 17(1) and 19(1) of the Act, the title of the land continues with the landowners as possession is not taken under Section 16(2) of the Land Acquisition Act. If such land is transferred or alienated, then the person who has to pay betterment tax, and the person affected by such a levy is the successor in interest of such original landowner. Therefore, recognising this factual position, the law provides for individual notice to such successor in interest of such person, as such person is the person who has to ultimately pay the betterment tax. The said notice informs both the categories of persons, the fact that the Authority proposes to assess the betterment tax under Section 20 of the Act. . . . . . . Every person concerned should have an opportunity of being heard. . . . . . Sub-section (4) of Section 21 of the Act provides a remedy for person who are aggrieved by the assessment of betterment tax. If the persons aggrieved does not accept the assessment or fails to give the Authority his acceptance in writing as prescribed, the Authority shall make a reference to the District Court for determining the betterment tax payable by such person. — Gangaiyah Naidu (since deceased) by His L.Rs v Bangalore Development Authority, Bangalore and Another, 2010(4) Kar. L.J. 272C.

22. Manner of payment of betterment tax.—The betterment tax determined under Section 21 shall be paid within such time and in such number instalments not exceeding ten as may be specified by the authority together with interest at such rates as may be prescribed.

23. Recovery of betterment tax.—Where any person liable to pay betterment tax fails to pay the same within the time specified by the authority or makes default in payment of two consecutive instalments or any three instalments, the authority shall be entitled to recover the whole of the amount due together with interest from the said person or his successor-in-interest in such land in the manner provided by the 1[Karnataka Municipal Corporations Act, 1976], for the recovery of taxes and if the said money is not so recovered, the 2[Commissioner] may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the land or the interest of the said person or his

2. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.

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successor-in-interest in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

24. Payment, etc., no bar to future acquisition.—Acceptance of liability to betterment tax under sub-section (3) of Section 21, or payment of the said tax after determination under Section 22 shall not debar subsequent acquisition of the land concerned, if such acquisition is necessary for purposes of this Act.

25. Power of Authority to take up works for further development.—(1) Notwithstanding anything contained in any other provision of this Act, the authority may, with the previous sanction of the Government, take up such works as the authority considers necessary or desirable for the further development of any area within the Bangalore Metropolitan Area:

Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore.

(2) The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the authority and approved by the Government in carrying out such works may be recovered by a pro rata levy on the owners of properties benefitted by such works as may be determined by the authority. The said sum may be recovered as any other sum due to the authority under the provisions of this Act.

26. Crediting betterment tax collected to the funds of the Corporation in certain cases.—Where the increase in value of any land is due to the execution of a development scheme made on the recommendation of the corporation and for which the corporation has placed at the disposal of the authority the necessary funds for framing and carrying out such schemes, the betterment tax collected by the authority from the owners of such land shall be credited by the authority to the Municipal Fund of the Corporation.

27. Authority to execute the scheme within five years.—Where within a period of five years from the date of the publication in the Official Gazette of the declaration under sub-section (1) of Section 19, the authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of Section 36 shall become inoperative.

COMMENTS

‘Execute the scheme substantially’

Section 27 — ‘Execute the scheme substantially’ — On facts, the contention that there is non-compliance with requirement of Section 27 not accepted. — Chaya Devi and Another v State of Karnataka and Another, 1988(2) Kar. L.J. 444 : ILR 1988 Kar. 3125.

Lapse of scheme

Section 27 — Lapse of scheme — Only if authority fails to execute scheme substantially within five years from date of final notification under Section 19(1) of Act — To attract provision, there must be dereliction of statutory
duty without justification, and not mere delay in execution of scheme, on part of authority — Where delay was on account of litigations and interim orders of stay issued by Court, mere lapse of five years would not render scheme lapsed — It does not lie in months of party which was responsible for delay to complain that scheme would lapse on account of delay.

It is to be noticed that pursuant to the sale deed executed in respect of the remaining land excluding the lands in question, the respondent 3 has substantially put the scheme in execution inasmuch as constructions have come about. It is to be noted that there was an interim order granted by this Court regarding stay of further proceedings. Subsequently, the said land was denotified which was once again the subject-matter of another proceedings in W.P. No. 27729 of 1994 and W.A. No. 289 of 1997. The writ appeal was eventually disposed of on 11th March, 2003 which was once again carried in appeal to the Apex Court in SLP No. 7120 of 2003. The said SLP was dismissed on 2-5-2003 and the sale deed was executed, in favour of respondent 3 on 29-8-2005. Consequently, it does not lie in the mouth of the petitioners to say that on the failure on the part of respondents 2 and 3, the scheme would lapse under Section 27 of the Act. — Smt. Sharadamma and Others v State of Karnataka and Others, 2007(5) Kar. L.J. 2008.

Section 27 — Lapse of scheme — Only if authority “fails to execute scheme” within 5 years from date of notification under Section 19(1) of Act — Where failure to execute scheme is on account of interim orders of Court issued in land acquisition and other proceedings, mere lapse of 5 years would not render scheme lapsed.

Section 27 provides that in case the authority fails to execute the scheme substantially within a period of 5 years from the date of publication of the notification under sub-section (1) of Section 19 of the Act, then the scheme shall lapse. The plain reading of the section makes it clear that the scheme can lapse provided the authority fails to execute the scheme substantially. The expression “fails to execute the scheme” clearly indicates that the section will attract only in cases where the authority is in a position to implement the scheme and then fails to do so. Several writ petitions were filed in this Court to challenge the publication of the notifications and the acquisition proceedings and in view of the interim orders granted in those petitions restraining the authority from proceeding further with the scheme and the acquisition, it was impossible for the authority to execute the scheme within the stipulated period of five years prescribed under Section 27 of the Act. In these circumstances, it is difficult to appreciate how it can ever be suggested that the scheme has lapsed because the authority had failed to execute the scheme. It must also be noted that the provisions of Section 27 prescribes that the failure of the authority to execute the scheme must be in respect of the substantial part of the scheme. In the present case, an area of 700 acres is allotted to the Housing Co-operative Societies for construction of houses. — Bangalore Development Authority v Dr. H.S. Hanumanthappa, 1996(7) Kar. L.J. 1B (DB).

Section 27 — Lapse of scheme — There must be dereliction of statutory duty or failure on part of authority to execute scheme within 5 years from...
date of declaration under Section 19(1) — Material to be produced to show dereliction of statutory duty — Mere delay cannot be considered dereliction.

For the scheme to lapse under Section 27, there must be dereliction of duty or failure on the part of the authority to execute the scheme specifically within 5 years from the date of publication in the official gazette and a declaration under Section 19(1) of the Act. The two conditions to be fulfilled to attract the provisions of this section are, there must be failure to execute the scheme i.e., there must be dereliction of statutory duties without justification and not a mere delay in execution of the scheme. Secondly, substantial execution in the context depends on the magnitude of the scheme and the nature of the work to be executed. Though burden is upon the B.D.A. to furnish material to the Court to show that there is substantial execution on the matter, it is for the appellant to place necessary material before the Court to show that there has been dereliction of statutory duties and not mere delay in implementing the scheme. — A. Krishnamurthy (since deceased) by L.Rs. v Bangalore Development Authority and Others, 1996(3) Kar. L.J. 506B (DB).

Section 27 — Lapsing of Scheme — Land Acquisition Act, 1894, Section 48 — Acquisition of land — Landowner contended that non-implementation of scheme within five years the acquisition hasapsed — Sought declaration that acquisition is bad — Held — Non-implementation of Scheme is attracted only if non-implementation is due to dereliction of duty on part of authorities — If there is substantial compliance there is substantial execution of scheme itself — No materials to show dereliction of duty — After taking possession of area notified possession has been taken, sites formed and allotted — There is execution of scheme — Petition rejected.

Non-implementation of scheme as contemplated under Section 27 of the Act is attracted only if it is pointed out that the non-implementation is due to the dereliction of duty on the part of the authorities. . . . . After taking possession of the area which was notified in the final declaration, the possession has been taken and sites have been formed, allotted and constructions have come about. Having regard to the fact that Bangalore Development Authority has to execute a scheme of bigger magnitude, it can be viewed that if there is a substantial compliance of Section 27, there is a substantial execution of the scheme itself. Another reason as to why the petitioner cannot invoke the provisions of Section 27 is that the final declaration was in the year 1979 and 5 years thereafter, would expire in the year 1984. There is no apparent reason as to why the petitioner kept quiet for over a period of close to 20 years in invoking the said provision and attack the acquisition on the ground that Section 27 of the Act is squarely applicable. But, however, no plausible explanation is forthcoming in the petition as to why the petitioner slept over the matter for such a long period. Indeed, this would be a case under Order 2, Rule 2 of the Civil Procedure Code, 1908 though may not be strictly applicable to the present proceedings, inasmuch as a contention which was available to him earlier was not taken up. Indeed, it would operate as res judicata. . . . Issue of estoppel exists to an issue or a question which could have been raised but has not been raised. The petitioner is estopped from contending that the acquisition has lapsed in
view of non-implementation of the scheme within 5 years as contemplated under Section 27 of the Act. The scheme having been implemented substantially and in the absence of any material to show that there is dereliction of duty on the part of the authorities in implementation of the scheme, the said contention cannot be accepted. . . . A reading of Section 11 of the Act does not give an indication that a fresh award is required to be passed after the approval of the State Government. Proviso to sub-section (1) of Section 11 does not indicate that fresh award is required to be passed by the State after the approval by the appropriate Government. What it contemplated is that any award passed by the Collector would require the prior approval of the Government. A reading of the said provision does not indicate that an award is required to be published once again after the approval of the State Government. . . . It is not a legal requirement for the Land Acquisition Officer to prepare fresh award after the approval of the State Government. . . . Once when a notification is issued under Section 16 of the LA Act there is a presumption that the land would vest with the Government and the possession is deemed to have been taken. A reading of sub-section (2) of Section 16 would indicate that if the factum of possession having been taken is notified in an Official Gazette, such notification shall be a prima facie evidence of the fact that possession has been taken. After passing of the award, Section 16 notification has been issued which would be a prima facie proof that possession vests with the Competent Authority. . . . The fact that, certain lands are given up while publishing the final declaration, that by itself cannot render the acquisition proceedings bad in law. If all the lands notified in the preliminary notification are not acquired, that by itself will not render the acquisition proceedings bad in law. — Anatha Shishu Sevasrama (Registered), Bangalore v State of Karnataka and Others, 2008(1) Kar. L.J. 551.

Section 27 — Scheme sanctioned — Lapsing of — Failure of Authority to execute scheme substantially within five years as prescribed — Where failure of Authority to execute scheme was solely on account of filibustering litigations initiated by erstwhile owners of acquired lands and purchasers to whom owners illegally sold acquired lands, no laches could be attributed to Authority and scheme cannot be declared as lapsed at instance of very same persons who cause obstructions for their own gains.

The writ petitions filed by some of the landowners challenging the very notifications issued under Sections 17(1) and 19(1) in respect of the above said lands along with other lands also came to be dismissed by this Court upholding the validity of the acquisition proceedings. Thereafter, the BDA no doubt could not take effective steps for the implementation of the scheme in respect of certain lands either on account of denotification or on account of pending litigations. Therefore, no laches could be attributed to the BDA on the ground that there is no substantial implementation of the scheme. Further, the petitioners also have not produced any acceptable evidence or materials to show the scheme as framed by the BDA has not been substantially implemented. Therefore, for all these reasons it cannot be said that the acquisition proceedings had in fact lapsed. — Ashit Shetty and Others v State of Karnataka and Others, 2002(3) Kar. L.J. 240B.
Section 27 — Scheme that can be said to have lapsed under.

For the scheme to lapse, there must be proof regarding the failure on the part of the authority to execute the scheme substantially within 5 years from the date of publication in the official gazette of the declaration under Section 19(1) of the Act. In the first place, the "failure to execute the scheme" envisaged under Section 27 means that there must be dereliction of statutory duties without justification and not a mere delay in the execution of the scheme. Secondly, the "substantial execution" in the context depends upon the magnitude of the scheme and the nature of the work executed and remains to be executed. In the very nature of the project in question, it is almost impossible for the High Court to embark upon an enquiry on the contention raised. The Court, as observed by the learned Single Judge, would be slow to interfere with such public projects. Kanthamma and Others v State of Karnataka and Another, 1984(2) Kar. L.J. 271 (DB) : ILR 1984 Kar. 1494 (DB).

Scheme of mini-forest

Section 27 — Scheme of mini-forest — Not executed within a period of 5 years from date of publication of declaration but commenced within 5 years of taking possession of lands — Whether there was any delay in the absence of dereliction of statutory duty.

In the instant case, even though the declaration under Section 19(1) of the Act was published on 16-2-1978, the award was passed only on 23-9-1986. For the delay in passing an award under the provisions of the Land Acquisition Act, the Bangalore Development Authority cannot be blamed. The Bangalore Development Authority could execute the scheme only after the possession is obtained. Possession could be obtained only after the award is passed. Therefore, under these circumstances it is not possible to hold that there is a dereliction of statutory duty without any justification by the Bangalore Development Authority. In the instant case the Bangalore Development Authority cannot be expected to execute the scheme under the Act for which land is acquired without obtaining possession of the land. Therefore, the period of 5 years from the date of publication in the Official Gazette of the declaration under sub-section (1) of Section 19 of the Act has to be read and construed as from the date of taking possession of the lands acquired, as otherwise it would be expecting the Bangalore Development Authority to perform an impossible act. — M.B. Ramachandran v State of Karnataka and Others, 1991(3) Kar. L.J. 48-D (DB) : ILR 1992 Kar. 174 (DB).

No explanation for non-implementation of the scheme

Section 27 — Land Acquisition Act, 1894, Sections 16, 16(2) and 12(2) — Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Section 24(2) — Acquisition for Banashankari V Stage Layout — 'Actual taking of possession' — Legal presumption of vesting under Section 16 of the LA Act, 1894 — Delay and laches — Preliminary and final notifications issued on 29-12-1988 and 7-10-1999 — No explanation for non-implementation of the scheme — Any way compensation not disbursed to persons entitled — Where valuable
property rights are involved — Court cannot throw out petitions on grounds of delay — On merits, mahazar, in cyclostyled form containing signatures of five persons — Without showing either their names or addresses — Therefore, identity of persons from whom possession is taken — Not forthcoming in mahazar — Therefore, version of ‘taking over of possession’ — Not acceptable — There are also discrepancies in dates of taking possession — Therefore, legal presumption under Section 16 of the LA Act cannot be raised — Further, award passed on 6-2-2008, i.e., five years prior to commencement of Act 2013 — Proceedings have lapsed, by operation of Sections 27 and 36 of the BDA Act and Section 24(2) of the 2013 Act. — M. Sreenivas v State of Karnataka and Others, 2016(6) Kar. L.J. 434A.

Petitioner’s land acquired by BDA for formation of a layout — Scheme not implemented

Section 27 — Petitioner’s land acquired by BDA for formation of a layout — On facts — Scheme not implemented — No acceptable proof for having taken possession of land — Hence Scheme lapsed, acquisition has also lapsed.

Anand Byrareddy, J., Held: In the circumstances, if on a plain examination of the extent of land that has been acquired and developed into a layout by the BDA, it is plausible to safely conclude that the Scheme has not been substantially implemented. The further contention of the BDA that one impediment was the large number of litigated matters, where there were orders of stay, which prevented the BDA from speedy implementation of the Scheme, is not supported by any material and in that view of the matter, the question of the Scheme not having been implemented substantially would have to be taken as a fact, in which event, the Scheme would lapse in terms of Section 27 of the BDA Act and consequently, Section 36 of the BDA Act is no longer applicable, which would render the provisions of the LA Act no longer available to thwart the BDA Act. Further, the claim of the BDA as to physical possession of the land in question having been taken, is largely mired in doubt. On examination of Annexure-E, at page 66 of the paper book, which is the mahazar, which is said to have been drawn out on taking physical possession, the same does not indicate that there was representation by the owners of the land and there are names of four persons, who were said to have been present, namely, Venkatappa, Seenappa, Papaiah and Thamanna. But there is no parentage of these persons indicated nor their addresses shown in the mahazar. Except for these names, it is not even clear whether they have signed the document. It appears that they were not aware of the contents of the document even if they were present. The idea of having documents to evidence a particular incident or occasion such as taking over of possession is, if called in question and if it is to be established, it should be possible for the person relying upon that document to produce the persons named therein as witnesses. In the present case on hand, if Venkatappä, Seenappa, Papaiah and Thammaiah are to be traced, it is not possible to identify any such person, who had actually witnessed the mahazar. Therefore, it would straightaway be termed as a nebulous document. This is a cyclostyled document with blanks filled up and an important event like
taking over of physical possession of valuable land should be proved by a better document and not documents such as these, which Court had repeatedly opined that such documents cannot be considered as evidence of taking over of possession. Consequently, it cannot be said that physical possession is proved to have been taken on the face of it. Therefore, the Scheme not having been implemented and there being no acceptable proof of having taken possession of the land in question, not only has the Scheme lapsed, the acquisition has also lapsed. – Sreeramappa and Others v State of Karnataka and Others, 2016(2) Kar. L.J. 442.

Accordingly acquisition proceedings quashed as inoperative

Sections 27 and 19(1) — Land Acquisition Act, 1894, Section 16(2) — BDA acquired 2 acres of land consisting of 9 sites — Challenged on the grounds: (a) Scheme lapsed; (b) Possession not taken — Held, BDA authorities failed to prove implementing the scheme within 5 years and further failed to prove taking of physical possession, accordingly acquisition proceedings quashed as inoperative.

Out of 433 acres acquired in Doddakallasandra Village, only 12 acres of lands are utilised. He submits that under Section 27 of the Bangalore Development Authority Act, 1976 (‘BDA Act’ for short), if the BDA fails to execute the scheme within 5 years from the date of the publication in the Official Gazette of the declaration under Section 19(1) of the said Act, the scheme shall lapse and provisions of Section 36 shall become inoperative. . . . . In the notification issued under Section 16(2) of the Land Acquisition Act, 1894, it is shown that the possession is taken on 10-5-1998. Therefore, he would contend that both the mahazar and Section 16(2) notification are unreliable. . . . . He brings to my notice the electricity bills in Annexure-B series and telephone bills produced as Annexures-B1 and B2 to show that the petitioners have been in possession of the lands in question uninterruptedly. . . . . He submits that even if this Court holds that the notification issued under Section 16(2) is vitiated, the act of taking the actual and physical possession of the land in question cannot be disputed. . . . . Similarly, the seeking of the relief that the scheme has lapsed and hence acquisition proceedings have lapsed cannot be restricted only to the person. . . . . Yet another serious contradiction cannot go unnoticed. The mahazar at Annexure-R2 states that the possession of the land is taken on 30-5-1998. On the other hand, Section 16(2) notification (Annexure-R3) states that the possession is taken on 10-5-1998. Because of these impossible acts and destructive self-contradictions, no credence can be attached to such notifications. . . . . The purpose of drawing the mahazar and the affixture of signatures of thereon by the independent witnesses who are present on the spot, is only to establish that the possession is taken, if dispute arises over the issue of taking the possession. When the witnesses’ names and addresses are not furnished, merely their signatures are found on the mahazar, this Court finds it hard to accept that the respondents have done anything equivalent to taking effective possession. . . . . The Court cannot but deliver the finding that the respondents have not taken the possession of the lands in question on 30-5-1998 (date of mahazar) or on 1-6-1998 (date on which the notification
under Section 16(2) of the Land Acquisition Act is issued) or on any other date. Neither the mahazar nor the Section 16(2) notification can be considered as proof for taking over the possession of the land from the petitioners. . . . . The Court see no justifiable or compelling reason for the respondents for not implementing the project. It is also not the case of the respondents that the delay in executing the scheme was on account of the petitioners' engaging them in the litigation. . . . . No explanation is forthcoming as to why the respondents delayed taking the alleged possession till 30-5-1998, though the final notification was issued seven years prior thereto on 22-7-1990. At all stages, there is negligence and lethargy, if not the dereliction of duty. Taking all these factors into consideration, there is no substantial implementation of the scheme. The scheme has lapsed and consequently the acquisition proceedings have become inoperative. - Gautam Kamat Hotels Private Limited, Bangalore and Others v Bangalore Development Authority, Bangalore and Others, 2013(1) Kar. L.J. 463A.

Rights of subsequent purchaser

Sections 27 and 36(3) — Land Acquisition Act, 1894, Sections 48(1) and 16(2) — Land was acquired — Rights of subsequent purchaser — If purchase was illegal, — Title of subsequent purchaser is void — State Government cannot denotify the land from acquisition for his benefit — Held, subsequent purchaser may claim compensation from the vendor.

The Trustees of the fourth respondent have admitted to have purchased the property after issuance of the notifications for acquisition of the land. The notified kathedar of the said property was Smt. T. Meenakshi. Therefore, the sale deed executed by T. Meenakshi in favour of the Trustees itself is void as it has been executed after the issuance of the preliminary and the final notifications. At best, the subsequent purchasers can claim compensation. . . . . The Trust does not get title to the property as its purchase was after issuance of the notifications for acquisition of the lands. The subsequent purchaser can only have the right to claim compensation in respect of the acquired land claiming interest in the land, which his predecessor-in-title had: . . . . It is true that the State Government has absolute power at its discretion to denotify the land. The said power cannot be exercised in favour of a person, who has purchased the property illegally. I am of the view that at the instance of a subsequent purchaser whose title is void, the State Government cannot denotify the land from acquisition for his benefit. . . . . There is no merit in the contention of the learned Counsel for the Trust that the acquisition proceedings even in respect of the land in question has lapsed. - Smt. P. Nagarathna v The Commissioner, Bangalore Development Authority, Bangalore and Others, 2013(1) Kar. L.J. 258B.

28. Land vested in Corporation and required by the authority for formation of street to be vested temporarily in the Authority.—Whenever under any development scheme the whole or any part of an existing public street or other land vested in the corporation is included in the site of any part of a street to be formed, altered, widened, raised, re-arranged or
re-constructed by the authority, the authority shall give notice to the
corporation that the whole or a part, as the case may be of such existing street
or other land (hereinafter called the "part required") is required by it as part
of a street to be dealt with as aforesaid, and the part required shall thereupon,
subject to the provisions of sub-section (1) of Section 30, be vested in the
authority:

Provided that nothing in this section shall be deemed to affect the rights or
powers of the Corporation under the [(Karnataka Municipal Corporations
Act, 1976)] in or ever any Corporation drain or water work.

3[28-A. Duty to maintain streets etc.—It shall be incumbent on the
authority to make reasonable and adequate provision by any means or
measures which it is lawfully competent to use or take, for the following
matters, namely.—

(a) the maintenance, keeping in repair, lighting and cleansing of the
streets formed by the authority till such streets are vested in the
corporation; and

(b) the drainage sanitary arrangement and water supply in respect of
the streets formed by the authority.

COMMENTS

Validation of BDA’s levy and collection of property tax

Sections 28-A, 28-B and 28-C — As amended by Karnataka Act No. 6 of
1993, with effect from 4-7-1992 — Constitution of India, Article 265 —
Property tax — Validation of BDA’s levy and collection of — Tax levied and
collected by BDA when it had no statutory power to impose levy and it was
not rendering any service to justify its collection, i.e., prior to introduction of
Sections 28-A and 28-B into principal Act — Finding of High Court that BDA
did not render any service to justify collection it had made, and finding, not
having been challenged, becoming final — Provision validating collection of
property tax by BDA prior to introduction of Sections 28-A and 28-B into
principal Act, held, invalid and beyond legislative power, because legislature has no power to reverse finding of Court — Collection made is
liable to be refunded — However, part of provision validating collection of
cess by BDA under Acts specified in Section 28-C of principal Act, held, valid.

The collection which was held to be invalid and was directed to be
refunded under the High Court judgment in the previous proceeding was
sought to be validated without indicating how the legislature has remedied
the want of services pointed out by the High Court. In the earlier case, the
High Court had held that in the principal Act there was no specific provision
to levy taxes similar to those leviable under the Corporation Act. It also came

1. Substituted for the words and figures “City of Bangalore Municipal Corporation Act,
1949” by Act No. 34 of 1986, w.e.f. 7-10-1986.

2. Sections 28-A, 28-B and 28-C inserted by Act No. 6 of 1993 shall be and shall always be
deemed to have been inserted w.e.f. 24-7-1992.
to the conclusion that any such tax, even if it were to be levied by BDA with the sanction of the legislature, could be levied only if BDA performed certain functions. The Court further came to the conclusion that such functions not being performed by BDA, collection of tax, apart from being unauthorised for want of statutory sanction, is also bad because BDA did not render any service in lieu of such collection. The said judgment the High Court had held that the collection of tax by BDA was service related. In other words, such power of levy can be vested in BDA only if BDA renders certain services to the subscribers to such tax and it is in this context that the High Court gave a specific finding that no such services had been rendered. This finding not having been challenged by BDA had become final. Therefore, so far as collections made prior to the coming into force of the amending Act being a collection without any service rendered, the same cannot be validated even by the introduction of Section 7 of the amending Act. The finding of the High Court in regard to want of services could not have been either ignored or reversed by the legislature while validating the earlier collection because it has no such power to reverse the finding of a Court. When a legislature sets out to validate a tax declared by a Court to be illegally collected, it is not sufficient for the legislature to merely declare that the decision of the Court shall not be binding because that would amount to reversing the decision rendered by a Court in exercise of judicial power which authority the legislature does not possess. It is also a settled principle in law that when invalidity of collection of levy is pointed out by the Court based on non-existence of certain necessary facts, it is not open to the legislature to merely controvert that finding of the Court and validate such collection by proceeding on the basis that such finding of the Court is incorrect. The invalidity pointed out by the High Court about the lack of services rendered at the relevant point of time is an invalidity which was not capable of being removed to justify the levy of tax by an amending Act and the legislature could not have either ignored this finding of fact by the High Court or overruled the same. Therefore, in respect of the tax collected for the period before the date of the amendment there could have been no validation of such collection. Hence, the amending Act so far as it validates the collection of property tax by BDA, cannot be sustained for a period prior to the date of the amending Act. Therefore, Section 7 of the amending Act so far as it validates collection of property tax made by BDA prior to the introduction of Section 28-B has to be declared as invalid and beyond the legislative power.

The collection contemplated under Section 28-C is not a levy under the BDA Act. It is a levy imposed under the Acts mentioned in that section, namely, the Karnataka Compulsory Primary Education Act, 1961; Karnataka Health Cess Act, 1962; Karnataka Public Libraries Act, 1965; and the Karnataka Prohibition of Beggary Act, 1975. The cess in question is not for the benefit of BDA but the same is collected by BDA only as an agent. It is for this purpose that under Section 28-C, BDA was deemed to be a local authority so that it could collect the cess under the said respective Acts. These collections as an agent do not suffer from want of legislative sanction. The only lacking part was that under the respective Acts, the said collection could be made by a local authority only, which BDA was not until Section 28-C was introduced. This lacuna was removed by introduction of Section 28-C and BDA has been
made a deemed local authority for the purpose of such collection. Therefore, once BDA has been declared as a deemed local authority with retrospective effect, there is no difficulty in accepting the validity of this collection. Hence, the validity of Section 28-C has to be upheld and consequently, all the cesses collected by BDA under the Acts referred to under Section 28-C have to be declared as validly collected. . . . That part of Section 7 of the amending Act which validates the collection of property tax by BDA before the introduction of Sections 28-A and 28-B as invalid; consequently the said collection is liable to be refunded. — B. Krishna Bhat v State of Karnataka and Another, 2001(4) Kar. L.J. 289B (SC) : (2001)4 SCC 227.

Delegation of Taxing power

Sections 28-A, 28-B, 29 and 30 — As amended by Karnataka Act No. 6 of 1993, with effect from 4-7-1992 — Taxing power — Delegation of — Validity of delegation of power to levy property tax to BDA, non-elected body — Since Authority is entrusted with duty of providing and maintaining certain civic amenities like streets, drainage, lighting, etc., till such streets and drains are vested in City Corporation, power delegated to Authority to levy tax to meet its expenses on such civic amenities, is justifiable — Where procedure for determining levy of tax and collection thereof is specified, delegation of power to levy tax cannot be held to be arbitrary or excessive.

The delegation in question has been made to a statutory body which is entrusted with the duty of development of the city of Bangalore and the areas adjacent thereto. The process of development is statutorily controlled and in the said process certain developmental activities under Sections 29 and 30 of forming layouts, maintaining roads, bridges, sewers etc., are also contemplated. Therefore, BDA as such cannot be treated as a stranger for the purpose of being delegated the authority to levy property tax on property which is situated within its jurisdiction. These levies and collections are not left to the arbitrary wisdom/discretion of the delegated authority but are governed by the procedure to be adopted under the Corporation Act which itself has provided an elaborate machinery for determining such levy and collection thereof. Therefore, by no stretch of imagination can it be contended that this delegation is either beyond the scope of the legislative power or is in excess of the same. It cannot also be argued that the said delegation is unguided or arbitrary. . . . It is true that under Section 59 of the Corporation Act, the Corporation is obligated to perform as many as 23 functions specified therein while under Section 28-A of the BDA Act, BDA has to perform only 3 or 4 functions. BDA also has to perform many other functions which are similar to those enumerated in Section 59 of the Corporation Act.

That apart, under the Corporation Act the Corporation is empowered to collect other revenues also apart from those enumerated in Section 109 of the Corporation Act while BDA can collect only that tax which it is authorised to collect under Section 28-B of the Act, hence there can be no comparison of the collection of BDA and its expenditure with that of the Corporation's revenue and expenditure. Therefore, the authorisation of collection of property tax by BDA based on the procedure laid in the Corporation Act is neither arbitrary

28-B. Levy of tax on lands and buildings.—(1) Notwithstanding anything contained in this Act, the authority may levy a tax on lands or buildings or on both, situated within its jurisdiction (hereinafter referred to as the property tax) at the same rates at which such tax is levied by the Corporation within its jurisdiction.

(2) The provisions of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 14 of 1977) shall mutatis mutandis apply to the assessment and collection of property tax.

[Explanatory.—For the purpose of this section “property tax” means a tax simpliciter requiring no service at all and not in the nature of fee inquiring service.]

COMMENTS

Cardinal rule of construction

Section 28-B, Explanation — Words of a statute are first understood in their natural, ordinary or popular sense — Cardinal rule of construction — A reading leads to absurdity and words are susceptible of another meaning Court may adopt same — If no alternative construction possible, Court must adopt: ordinary rule of literal interpretation — Merely because words “tax simpliciter” not defined or not used in taxing statute that by itself would not render an enactment invalid.

Therefore, when the language employed in the section is simple and a literal interpretation of the words used in the said section leads to the said conclusion, namely that the authority is competent to impose tax without rendering any service, it cannot be said that the said section is unconstitutional. Merely because the words “tax simpliciter” is not defined or is not used in any taxing statute that by itself would not render an enactment invalid. In fact by the explanation the Legislature is trying to explain the meaning of the words “tax simpliciter”. Though the words tax simpliciter is not defined under Section 2 of the Act, the meaning of the words tax simpliciter is given in explanation to Section 28-B. In so construing the said word this Court is not legislating for the first time about the meaning of the words “tax simpliciter”. It is not exceeding its jurisdiction conferred under the Constitution of India and making any legislation. Understanding the words tax simpliciter in the aforesaid manner, amounts to interpreting the said provision. It is the Court alone which is competent to do so. — V. Sudarshan and Others v Bangalore Development Authority, Bangalore and Another, 2008(3) Kar. L.J. 217B.

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1. Explanatory shall be deemed to have been inserted w.e.f. 20-12-1975 by Act No. 19 of 2002

A KLJ PUBLICATION
28-C. Authority is deemed to be a Local Authority for levy of cesses under certain Acts.—Notwithstanding anything contained in any law for the time being in force the authority shall be deemed to be a local authority for the purpose of levy and collection of—

(i) education cess under Sections 16, 17 and 17-A of the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961);

(ii) health cess under Sections 3, 4 and 4-A of the Karnataka Health Cess Act, 1962 (Karnataka Act 28 of 1962);

(iii) library cess under Section 30 of the Karnataka Public Libraries Act, 1965 (Karnataka Act 10 of 1965); and

(iv) beggary cess under Section 31 of the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975).

29. Authority and Commissioner to exercise powers and functions under Karnataka Act 14 of 1977.—(1) In any area or part thereof to which this Act applies, the Government may, by notification, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any as may be specified in the notification—

(i) the powers and functions of the corporation [(including the power to levy, assess and collect property tax)] or a standing committee thereof under the Karnataka Municipal Corporations Act, 1976, shall be exercised and discharged by the authority; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Commissioner:

Provided that the Corporation shall be consulted before making such declaration if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation, any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or

1. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2. Substituted for the words and figures “Mysore Act 69 of 1949” by Act No.34 of 1986, w.e.f. 7-10-1986.
3. Inserted by Act No. 6 of 1993 shall be and shall always be deemed to have been inserted w.e.f. 24-7-1992.
5. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
functions conferred or imposed on the authority or the \[Commissioner], as the case may be, by such declaration.

(3) The authority or the \[Commissioner] may delegate any of the functions exercisable by it or him under sub-section (1) to any Officer or servant of the authority.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3) shall be subject to such limitations, conditions and control as may be laid down by the authority or the \[Commissioner], as the case may be.

**COMMENTS**

**Demolition of a building**

Section 29 — Karnataka Municipal Corporations Act, 1976, Sections 321 and 461 — Whether B.D.A. follow Section 461 of the Act for demolition of a building?

'Before B.D.A. can resort to demolition, it has to necessarily follow the procedure prescribed under Section 461 of the Karnataka Municipal Corporations Act. Unless and until the said procedure is resorted to it is not permissible for the B.D.A. to cause the demolition of unlawful construction on its own.' — B.T. Sakku v Commissioner, Bangalore Development Authority and Another, 1995(1) Kar. L.J. 361C.

**B.D.A. cannot levy property tax**

Section 29 — Sections 104 to 106 of Karnataka Municipal Corporations Act, 1976 — Bangalore Development Authority cannot levy property tax or any other tax under K.M.C. Act, 1976, without following procedure prescribed under Sections 104-106 and subject to other limitations imposed by the provisions of that Act — Tax so far collected for last three years from date of petitions directed to be refunded — Assessment of building tax being an individual right, held, that each assessee must seek separate relief in respect of their property — Case-law discussed. — Krishnabhat B. and Others v Bāṅgalore Development Authority, 1988(2) Kar. L.J. 481 : ILR 1988 Kar. 2865.

Section 29 — Whether Bangalore Development Authority has any authority to levy or collect fee or tax on transfer of sites?

Held: The only course of authority is under Section 29 of the Act which provides for the Bangalore Development Authority and the Commissioner of the Bangalore Development Authority to exercise the powers and functions exercised under the Karnataka State Municipal Corporations Act by the Corporations and the Commissioner respectively. But that power can be

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2. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
3. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
exercised only when the Government by notification declares that from such and such a date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification, — (i) the powers and functions of the Corporation or a Standing Committee thereof under the Karnataka Municipal Corporations Act shall be exercised and discharged by the Authority; and (ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Commissioner under the Bangalore Development Authority Act. It is only by getting that power conferred in the manner provided under Section 29 of the Bangalore Development Authority Act, the respondent-Bangalore Development Authority may acquire the power to levy tax or fee subject to such restriction, as may be prescribed in the notification issued by the Government. In the absence of such notification there is no power. — Sundaramier and Co. v State of A. P., AIR 1958 SC 468, Foll.; Vishwa Bharathi House Building Co-operative Society Limited v Bangalore Development Authority, 1987(2) Kar. L.J. Sh. N. 211: I.R 1987 Kar. 767.

Legislature has not conferred an unbridled and arbitrary power on B.D.A.

Sections 29(1) and 40(2)(d) — Scope, object and conspectus of the provisions of the Act — Power and function of assessment, levy and recovery of taxes, cesses and fee not provided for by the Act — Expression “other sums due and paid to or recovered by the Authority under the provisions of this Act” in Section 40(2)(d) referable to sums due and paid to or recovered by Bangalore Development Authority under the Act and nothing more — Legislature has not conferred an unbridled and arbitrary power on Bangalore Development Authority to the extent of taxing the rate payers — Explained.

Section 29 of the Act does not confer upon the Bangalore Development Authority the power to impose, assess and collect taxes, cesses and fee notwithstanding the notification issued by the State Government under the said provision without corresponding service compulsions. The legislature has not conferred an unbridled and arbitrary power on Bangalore Development Authority to the extent of taxing the rate payers. Hence the notification issued by the Government under Section 29 is neither valid nor effective. The question of striking down the provisions of Section 29 of the Act does not, therefore, arise in the facts and circumstances of these cases. It can only be said that the provisions of Section 29 of the Act have been improperly applied by the State Government by issuing a notification authorising the Bangalore Development Authority to exercise powers under the provisions of the Corporation Act such as Sections 103 to 117 and 140 to 148 under Chapter X of the Corporation Act relating to taxation. My observation and finding is restricted only to the powers conferred by the State Government under Chapter X (Taxation) in respect of Sections 103 to 117 and 140 to 148 under the provisions of the Corporations Act only. There is no material on record to assume that the Bangalore Development Authority has been rendering the services which correspond to the taxes, cesses and fee recoverable under the relevant provisions of the Corporation Act if the competent authorities of the Corporation themselves were to embark on such
levy and recovery. The notification issued by the State Government dated 7-8-1989 purports to empower the Bangalore Development Authority to exercise the powers and functions of the Corporation or a Standing Committee thereof under the Corporation Act specified in Schedule II until the Corporation takes over the areas for maintenance, the areas which are specified in Schedule I of the notification. The intention of the Legislature is that no sooner the development has been completed than it is the duty of the Bangalore Development Authority to transfer the developed area to the Corporation for maintenance by it, at its own cost. In other words, the Bangalore Development Authority is not expected to waste time in transferring the developed area to the Corporation and this is understandable since delay would entail undue burden on the Bangalore Development Authority of looking after the maintenance of the area at its own expense and the longer the delay the greater the burden on the Bangalore Development Authority. Instead of diligently and promptly transferring the developed area on completion to the Corporation, it appears to me that the Bangalore Development Authority either on account of neglect or on account of dereliction of duty has delayed the transfer and is now seeking to shift the burden of maintenance cost on the members of the general public by resorting to levy and recovery of varieties of taxes, cesses and fee which the Act does not authorise. One thing is clear from Section 30 of the Act and that is that before transfer of completed area, the maintenance costs have to be met by the Bangalore Development Authority and not by the members of the public residing in the concerned area and after completion and to transfer to the corporation, the maintenance cost shall be borne by the Corporation. The contention raised on behalf of the Bangalore Development Authority, that taxes, cesses and fee are levied for the purpose of defraying the maintenance cost does not stand legal scrutiny. — B. Krishna Bhat and Others v Bangalore Development Authority and Others, 1991(1) Kar. L.J. 240 : ILR 1991 Kar. 352.

30. Streets on completion to vest in and be maintained by Corporation.—(1) The Government after consulting the Corporation and on being satisfied that any street formed by the authority has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by the Government and that such lamps, lamp posts and other apparatus as are in its opinion necessary for the lighting thereof and should be provided by the authority have been so provided, shall declare such street to be a public street, and such street shall thereupon vest or revest, as the case may be, in the Corporation and the Corporation shall thereafter maintain, keep in repair, light and cleanse such street.

(2) Any open space including such parks and playgrounds as may be notified by the Government reserved for ventilation in any part of the area under the jurisdiction of the authority as part of any development scheme sanctioned by the Government shall be transferred on completion to the
Corporation for maintenance at the expense of the Corporation and shall thereupon vest in the Corporation.

(3) Any dispute which arises between the authority and the Corporation in respect of any of the provisions of this section shall be determined by the Government, whose decision shall be final.

COMMENTS

Street in layout

Section 30(1) — Street in layout — When vests in Corporation for purpose of maintenance — Only when street is declared as public street — Such declaration can be made only after street is duly levelled, paved, metalled, flagged, channelled, drained and sewered and provided with necessary lamps and lamp posts for purpose of lighting — So long as such declaration is not made vesting street in Corporation, Authority can sanction conversion of street into site.

Held: Road or street shown in the layout would not vest in the Corporation, until and unless the requisites are completely provided and the Government has made a declaration declaring such street or road to be street under Section 30, sub-section (1) of the Act. In this case, it has not been stated by anybody, whether this entire process has been completed and declaration has been made with respect to the land in dispute, namely, the land which was shown as road in the layout plan. Until that is shown and established, it cannot be held that the said land which was even marked in the original layout plan to be road, ceased to remain vested with the society and vested in the Corporation and if it remained with the society and society applied for modification of the layout and then it may be considered to have been granted or approved and if it has been so approved and otherwise deemed to have been approved, the law will take its own course. But once if it vested in the Corporation, the society could not change it. . . . As the circumstances required to be established under Section 30(1) of the Act, have not been shown to have been established, it cannot be held that the said land which has been converted into Site No. 10-A, did stand vested in the Corporation.

— K.A. Prabhakar v The Bangalore Development Authority, Bangalore and Others, 1999(2) Kar. L.J. 555C.

31. Authority not to sell or otherwise dispose of sites in certain cases.—The authority shall not sell or otherwise dispose of any sites for the purpose of constructing buildings thereon for the accommodation of persons until all the improvements specified in Section 30 have been substantially provided for in the estimates.

32. Forming of new extensions or layouts or making new private streets.—(1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or layout for the purpose of constructing buildings thereon without the express
sanction in writing of the authority and except in accordance with such conditions as the authority may specify:

Provided that where any such extension or layout lies within the local limits of the corporation, the authority shall not sanction the formation of such extension or layout without the concurrence of the Corporation:

Provided further that where the Corporation and the authority do not agree on the formation of or the conditions relating to the extension or layout, the matter shall be referred to the Government, whose decision thereon shall be final.

(2) Any person intending to form an extension or layout or to make a new private street, shall send to the [Commissioner] a written application with plans and sections showing the following particulars.—

(a) the laying out of the sites of the area upon streets, lands or open spaces;
(b) the intended level, direction and width of the street;
(c) the street alignment and the building line and the proposed sites abutting the streets;
(d) the arrangement to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the authority.

(4) Within six months after the receipt of any application under sub-section (2), the authority shall either sanction the forming of the extension or layout or making or street on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(5) The authority may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the authority, provided the applicant also agrees to transfer the ownership of the roads, drains water supply mains and open spaces laid out by him to the authority permanently without claiming any compensation therefor.

2[(5-A) Notwithstanding anything contained in this Act, the authority may require the applicant to deposit before sanctioning the application such

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1. [ ] Substituted for the word "Chairman" by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2. Sub-section (5-A) inserted by Act No. 17 of 1994 and shall be deemed to have been inserted w.e.f. 20-6-1987.

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further sums in addition to the sums referred to in sub-section (5) to meet such portion of the expenditure as the authority may determine towards the execution of any scheme or work for augmenting water supply, electricity, roads, transportation and such other amenities within the Bangalore Metropolitan Area.

(6) Such sanction may be refused.—

(i) if the proposed street would conflict with any arrangements which have been made or which in the opinion of the authority is likely to be made for carrying out any general scheme of street improvement or other schemes of development or expansion by the authority; or

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3); or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open; or

(iv) if the proposed extension or layout is on the land which is proposed to be acquired for the purpose of the development scheme under this Act, and in respect of which a notification under sub-section (3) of Section 17 is already published or.

(7) No person shall form a layout or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the authority.

If the authority requires further information from the applicant no steps shall be taken by him to form the layout or make the street until orders have been passed by the authority after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the authority has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the authority does not refuse sanction within six months from the date of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or layout or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or layout in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the authority under this

1. Clause (iii-a) inserted by Act No. 17 of 1994, w.e.f. 31-3-1994.
section, shall be liable, on conviction, to a fine which may extend to ten thousand rupees.

COMMENTS

Formation of Private lay-out by Co-operative Society

Section 32 — Formation of Private lay-out by Co-operative Society — Permission, grant of — Power of Bangalore Development Authority to impose conditions, nature of — Competency of Bangalore Development Authority — Explained.

Under the provisions of Section 32, private land may be laid out by the owner himself in accordance with the specifications of a layout as laid down by the Authority or it may take charge of the land and make the layout itself if charges in that behalf are paid by the owner of the land. In this case, layouts have been formed, therefore, the question of taking possession of the land and handing over the possession to the second party for that purpose does not arise. Therefore, condition No. 1 is certain alien to the agreement proposed with the Petitioner and is not in any way germane to the object of the Act at this stage. Further the condition No. 8 which directs that allotment shall be as per Allotment Rules framed by Bangalore Development Authority is also beyond competence of Bangalore Development Authority when private layouts formed by persons other than the authority under the Act in accordance with the permission obtained under Section 32 of the Act. ... Bangalore Development Authority is not competent to impose such a condition affecting the constitutional rights in the case of individuals, if they are owners of the private layouts and the legal rights of incorporated bodies like society or a company which is the owner of the private layout.

However, condition No. 9 which requires the petitioner to submit the list of allottees before allotment and get the same approved by Bangalore Development Authority does not in any way infringe any of the rights of the petitioner. ... In order to satisfy that the object of the Act is not defeated, Bangalore Development Authority has a right to impose such a condition to know to which of the members the sites in the private layout are allotted by the Society, the petitioner herein, and they are in terms eligible for such allotment. Therefore, it is a formality which is not unreasonable and which is not alien to the objects sought to be achieved by the Act or the planned development of the city. If this condition is held to be unreasonable, it will give room for numerous forms of malpractices which may ultimately defeat the very object of the Act. — Vishwabharathi House Building Co-op. Society Ltd. v. Bangalore Development Authority, 1989(3) Kar. L.J. 434.

Forming of new lay-outs or extensions

Section 32 — Forming of new lay-outs or extensions — Extension or lay-out for purpose of constructing buildings — Express sanction in writing essential — Extension or lay-out within local limits of corporation — Authority to sanction formation with concurrence of corporation — No evidence on record to substantiate such compliance.
According to Section 32 of the Bangalore Development Authority Act, notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the authority and except in accordance with such conditions as the authority may specify and where any such extension or lay-out lies within the local limits of the corporation, the authority shall not sanction the formation of such extension or lay-out without the concurrence of the corporation. There is no material to substantiate that there is due compliance with the requirements of this provision. — V. Lakshmipathy and Others v State of Karnataka and Others, 1991(2) Kar. L.J. 453-G : ILR 1991 Kar. 1334.

Release of land notified for acquisition

Section 32 — Group housing — Release of land notified for acquisition to enable owner himself to form — Scheme formulated by State Government in its order dated 17-11-1995 — Application made by owner for release of his land notified for acquisition and for permission to utilise land for group housing under scheme — Rejection of application on ground that applicant has no title to land in question — Rejection, held, amounts to exercise of discretionary power whimsically de hors reason, when authority had before it all documents and also copy of High Court judgment holding that the applicant has title to land in question.

The appellant does not have an absolute right to get the permission to develop the land under the Government Order. The only right which vests with him is to get his representation considered and it is in the discretion of the authority to grant or not to grant the permission. But the discretion is not absolute and cannot be exercised whimsically de hors any reasons. Here is a case where the records were before the authority and not a word is whispered by the authority in respect of the records. The authority did not make any effort to understand the judgment of this Court in R.S.A. Nos. 971 and 1117 of 1971. The averments of the appellant that he had placed all these documents before the Commissioner has not been controverted. Authority itself has stated that the judgment in R.S.A. Nos. 971 and 1117 of 1971 were available in the record. The suit culminating in R.S.A. No. 971 of 1971, was filed by the appellants for permanent injunction restraining the respondents (not BDA but private parties) from interfering with their possession and enjoyment of the suit lands which included Sy. No. 15 as well. High Court recorded a finding that the appellants had prima facie established their title. Possession follows the title and therefore the appellants were also in possession of the suit land in Sy. No. 15 as on the date of the suit. . . . . No doubt the finding recorded by the High Court is a prima facie finding. The Commissioner should have taken a serious note of this finding and decided the matter with full application of mind after taking into consideration the revenue records which had been referred to in the judgment as well as placed on his file. Commissioner failed to notice any of the documents which had been placed on record and failed to appreciate the import of the judgment given by this Court. . . . The case of the appellant was under clause (a) of the Government Order which had not been quashed by the High Court.
Admittedly, the appellants had filed the application for permission under clause (a) and not under clauses (b) and (c). Order passed by the Commissioner, BDA is quashed and the case remitted back to respondent 1 to reconsider the application filed by the appellant dated 5-8-1996 in accordance with law and in the light of the documents made available by the appellants. — A.R. Subbarao and Others v The Bangalore Development Authority, Bangalore and Another, 2001(2) Kar. L.J. 302 (DB).

Modification of sanctioned layout

'Section 32 — Karnataka General Clauses Act, 1899, Section 21 — Sanctioned layout — Modification of — Power of Authority to sanction modification to convert existing street into site for construction of building — In absence of specific provision in Act expressly conferring such power upon authority, provisions of General Clauses Act are attracted whereunder power to sanction includes power to add, to amend, vary or rescind sanction — So long as street formed in layout has not been declared as public street and has not vested in Corporation, Authority has power to sanction conversion of street into site.'

 Held: 'There is no specific provision expressly in the Act, authorising the authority to consider and to approve the modification in the layout scheme. This is ordinarily in the nature of administrative order. Section 21 of the Karnataka General Clauses Act, provides power to make an order includes power to add, to amend, vary or rescind the order. . . . In view of Section 21 of the Karnataka General Clauses Act, 1899, read with Section 32 of the Bangalore Development Authority Act, 1976, it can be said that the layout plan once BDA, sanctions, it has also got power to amend it by addition etc., therein, as well as it has got power to rescind. But it is exercisable in the same manner and subject to same conditions and procedure as provided under law. — K.A. Prabhakar v The Bangalore Development Authority, Bangalore and Others, 1999(2) Kar. L.J. 555A.

Formation of Private layout

'Section 32 — Private layout — Formation of, by private society on land allotted to it by Bangalore Development Authority — Formation to be in accordance with plan approved by Bangalore Development Authority — Allotment of land by Bangalore Development Authority does not amount to release of sites which are formed by Society — Society to allot sites to its members in accordance with Society’s bye-laws — No power with Bangalore Development Authority to interfere with allotment of sites by Society to its members — Open to member of Society aggrieved by breach of Society’s bye-laws regarding allotment of sites to take action against Society — Order of Bangalore Development Authority withdrawing allotment of land to Society on ground that Society was guilty of irregularities in allotment of sites to its members, not sustainable in law.

In view of the allotment of land in favour of the Society with permission to form a layout in accordance with the plan submitted by the Society to the Bangalore Development Authority, the layout is deemed to have been
formed under Section 32 of the Bangalore Development Authority Act. Section 32 of the Bangalore Development Authority Act does not contain any provision empowering Bangalore Development Authority to release the sites in favour of the Society or the allottees of the Society. The question of release of sites by Bangalore Development Authority would not arise as Bangalore Development Authority would not be in possession of the sites proposed to be released. So long as the Bangalore Development Authority is not in possession of the sites the question of releasing the said sites would never arise. Section 32 also would not put any embargo on the mode of allotment of sites. When the Society furnished a list of its members at the time of original allotment, it is deemed that the land was allotted in favour of the Society by Bangalore Development Authority treating the said list to be the correct list. There is no reason for the Bangalore Development Authority to insist upon the Society to get the list approved again to release the sites. When once the Society formed a layout under Section 32 of the Bangalore Development Authority Act, it is for the Society to allot sites in favour of its members. The Bangalore Development Authority cannot have any say in the allotment of sites in favour of its members. If there is any violation of the bye-laws of the Society or the statutory provisions which governs the affairs of the Society it is for the members to take action against the Society. The impugned order made by the Commissioner withdrawing the order of release dated November 14, 1994, is unsustainable in law and liable to be quashed. — Nainappa Setty Palya Bank Colony Society, Wilson Garden, Bangalore v Bangalore Development Authority and Others, 1996(5) Kar. L.J. 792.

Deemed sanction for modification of sanctioned layout

Section 32 — Sanctioned layout — Deemed sanction for modification of — Application for sanction to convert existing street into site for construction of building — Authority must sanction such conversion or disallow it or ask for further information within six months from date of receipt of application — If sanction is not refused within said period, it is deemed to have been granted.

Held: Application for modification, if it is made for addition or alteration in the layout scheme, the BDA, has to consider according to the provisions of the Act, and to dispose of within a period of 6 months from the date of application or at least from the date of furnishing of the necessary material information by the applicant to the authority and if this is not done, then, will follow, deeming clause which is contained in sub-section (8) of Section 32. Changing of the user of that land which was shown as road, into residential site was sanctioned or it was deemed to have been sanctioned. When it is to be deemed to have been sanctioned, and particularly in the circumstances that the Engineer had also recommended for sanction, it is to be taken that it had been sanctioned in the eye of law under Section 32, sub-section (8) of the Act. — K.A. Prabhakar v The Bangalore Development Authority, Bangalore and Others, 1999(2) Kar. L.J. 555B.
Petitioner seeking direction to BDA for permission to form a private layout

Section 32 — Petitioner seeking direction to BDA for permission to form a private layout — Held — On facts — Petition is silent on relevant material in regard to residential usage of land, particulars of layout of sites upon it, etc. — In view thereof, petitioner cannot claim as a matter of right, issue of writ of mandamus — Petitioner after complying with law, may apply to BDA for consideration — Petition rejected.

Ram Mohan Reddy, J., Held: If the land of the petitioner was excluded from acquisition for formation of Sir M. Vishveswaraiyah Layout on the premise that it was put to use for horticulture, then it is not known as to how the very same land on a later date can be put to use for forming a private layout. It is also not known as to whether the State Government declared as residential the usage of this land under the Comprehensive Development Plan or the Revised Master Plan of 2015, since not forthcoming from the record: So also what is not forthcoming from the petition is strict compliance of sub-section (2) of Section 32 of the Act in furnishing particulars of laying out of the sites of the area upon streets, lands or open spaces; the intended level, direction and width of the street; the street alignment and the building line; and the proposed sites abutting the streets; the arrangement to be made for leveling, paving, metalling, flagging, channeling, sewerage, draining, conserving and lighting the streets; and for adequate drinking water supply. — A.M. Hanumanthe Gowda v The Bangalore Development Authority, Bangalore and Another, 2015(6) Kar. L.J. 486.

Layout plan — Prepared by society

Section 32 — Layout plan — Prepared by society — Whether submitted to BDA for sanction/approval? — In the affirmative — On facts, evidence of P.W. 2-Town Planning Member, BDA discloses in CCC (Civil) No. 87 of 2004, the blueprint of proposed layout plan was enclosed to society’s application dated 6-11-1992 (Ex. P. 81) — That, BDA issued communication dated 8-12-1993 specifying conditions for compliance by society within 15 days — For consideration of approval over an extent of 156 acres 26½ guntas of land. — Judicial Layout Residents and Site Holders Association (Regd.), GVKV Post, Bangalore v Bangalore Development Authority, Bangalore and Others, 2016(5) Kar. L.J. 353B (DB).

Section 32 — Layout plan (Ex. P. 1-Annexure-E) to the petition — Whether the same plan prepared by society and submitted to BDA? — Answer in negative — On facts — Testimony of P.W. 2 (T.P. Member-BDA) in cross-examination reveals that Ex. P. 1-plan was not submitted to BDA — Instead, another plan-Ex. R. 3(A) bearing signature of President of Society was submitted — Coupled with fact that Exs. P. 1 and P. 82 are neither similar nor identical — Therefore, petitioner unable to establish that Ex. P. 1 is a copy of very same Ex. P. 82 — Thereby, inadmissible in evidence. — Judicial Layout Residents and Site Holders Association (Regd.), GVKV Post, Bangalore v Bangalore Development Authority, Bangalore and Others, 2016(5) Kar. L.J. 353C (DB).
Challenge of show-cause notices

Sections 32 to 38 — Challenge of show-cause notices — Sustainability, under writ jurisdiction — Normally cannot entertained — It is only a preliminary notice of demand — Other party has ample chance of representing by way of suitable reply — Held, the petitioners are given seven days time by the Court to appropriately reply to the show-cause notices and the authority shall consider the same.

The petitioners claiming to be the purchasers of residential flats in the building called ‘Bysani Skyway Apartment’, constructed and sold by the 6th respondent, having been called upon by the 2nd respondent, by issue of individual notices dated 18-2-2013 vide Annexures-E, E1 to E27, to evacuate from and vacate the respective residential apartment and that on failure to do so within seven days. . . . . Ordinarily, writ jurisdiction cannot be invoked against the show-cause notice for the reason that it does not give rise to any cause of action and would not amount to an adverse order, which affects the rights of any party, unless, the same has been issued by a person having no competence. . . . . The petitioners are permitted to file their respective replies, if any, before the 2nd respondent, on or before 7-3-2014 and the 2nd respondent is directed to grant to the petitioners or their authorized representative, reasonable opportunity of hearing and thereafter, pass orders in accordance with law. - G. Chandrakant and Others v Brukath Bangalore Mahanagara Palye, Bangalore and Others, 2014(3) Kar. L.J. 155.

Petitioner sought for quashing decision

Sections 32 and 38-A — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 3 — Petitioner sought for quashing decision taken by 1st respondent-BDA to execute civic amenity site — Lease agreement in favour of 2nd respondent-Trust — Petitioner purchased 20 acres of land from Bangalore Development Authority under bulk allotment scheme — Petitioner, a ‘Housing Society’ formed layout in accordance with law, rules and regulations by laying roads, CAS etc. — Main contention of petitioner that it has not handed over ‘CAS’ in question to 1st respondent-BDA — Section 32(5) implies that roads, drains, water supply mains and open spaces laid by applicant will vest with authority after their transfer to BDA — “School” comes within definition of ‘civic amenity’ — In absence of definition of ‘open space’ in BDA Act, it is just and necessary to import said meaning from Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1985, Section 2(f) — Court of considered view that words “open space” means and includes land/site set apart for purpose of ‘civic amenities’ — In this case no relinquishment of ‘CAS’ in question by petitioner in favour of 1st respondent-BDA — 1st respondent cannot claim right over same and consequently cannot deal with said ‘CAS’ — Lease agreement entered into between first and second respondents liable to be set aside — Petitioner cannot be now permitted to turn around to claim land left in scheme for being used for ‘civic amenity’ as property belonging to Co-operative Society — Following order made — Decision taken by BDA to lease civic amenity site quashed — Petitioner directed to relinquish CAS,
BDA thereafter shall lease CAS in question to 2nd respondent — Writ petition disposed accordingly.

The provision of Section 32(5) of the Act sub-serves the public policy inasmuch as, the roads, drains, water supply mains and open spaces are required to be maintained by the ‘BDA’ for better utilisation and in the best interest of general public at large. In other words, if the ‘Housing Society’ or the persons who form the layout are allowed to retain the roads, drains, water supply mains and open spaces and if they fail to maintain them in proper manner, ultimate sufferers will be the public at large. In such an event the public will have to approach the Courts of law, every now and then. To avoid such contingencies, the Legislature must have thought it fit to enact the said provision i.e., Section 32(5) of the Act. . . . The words ‘open spaces’ is not defined in ‘BDA’ Act. However, the words ‘Civic Amenity’ is defined under Section 2(bb) of the ‘BDA Act’. The words ‘Civic Amenity’ as per the said definition means various things viz., a market, a post-office, a telephone exchange, a Bank, a fair price shop, a milk booth, a school, a dispensary, a hospital, a pathological laboratory, a maternity home, a child care centre, a library, a gymnasium, a bus stand of a bus depot, a centre for educational, religious, social and cultural activities or for philanthropic service run by a Co-operative Society Registered under the Karnataka Co-operative Societies Act, 1959 etc. Thus, it is clear that “school” comes within the definition of ‘civic amenity’. . . . As, the words ‘Open Space’ is defined in the statute which is applicable to all the cities including Bangalore City, there is no embargo for the Courts to import/apply the same to the present case, as the aforesaid Act is enacted for the purposes of preservation and regulation of parks, play-fields and open space. Thus, in the absence of definition of ‘open space’ in ‘BDA Act’, it is just and necessary to import the said meaning of ‘open space’ into BDA Act particularly when the provisions of the Karnataka Parks Act, 1985 don’t conflict with provisions of BDA Act, particularly insofar as they relate to regulation of open spaces are concerned. The provisions of two enactments viz., BDA Act and Karnataka Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1985 will have to be read conjointly and harmoniously. If the definition of ‘Civic Amenity’ found in BDA Act and the definition of ‘Open Space’ found in the Karnataka Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1985 are read harmoniously, it would be clear that the ‘open space’ means and includes the land/site earmarked/set apart for civic amenities purposes. . . . Thus, by harmonious and combined reading of provisions of Sections 32(5) and 38-A of the Bangalore Development Authority Act, the definition “open space” found in Section 2(f) of the Karnataka Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1985 and the definition of “Civic Amenity” found in Section 2(bb) of the BDA Act and Rule 2(b) of the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989 and other provisions of the BDA Act, this Court will safely conclude that the “Civic Amenity Sites” earmarked in a layout formed by the authority or a site earmarked for civic amenity in a private layout approved by the authority will vest in ‘BDA’, free of cost, subject to the relinquishment by the applicants. . . . The words ‘Civic Amenity’ broadly means the amenity meant
and required by public at large for the purpose of better enjoyment and for making their life happier by living in the locality. The educational institution is necessary, as it is one of the fundamental facility required to be provided to every citizen by the Government or statutory authority. In the present case, the petitioners’ ‘Housing Society’ itself has agreed, as the same is mandatory to do so, to leave certain space of the area to be used by the inhabitants of the locality for the common purpose of civic amenity. The documentary evidence which has come on record in the form of sale deed and the layout plan produced by the petitioners’ ‘Housing Society’ conclusively proves that the ‘CAS’ in question was left in the scheme to be used as ‘Civic Amenity Site’ for the use of public at large. Having taken advantage of selling the plots in a developed colony which were purchased by the inhabitants with an understanding that the civic amenity will be provided to the residents of the locality which is essential for them, the petitioner cannot be now permitted to turn around to claim the land left in the scheme for being used for ‘Civic Amenity’, as the property belonging to Co-operative Society. — Bhavani Housing Co-operative Society Limited (Registered), Bangalore v Bangalore Development Authority and Another, 2006(4) Kar. L.J. 598.

Rejecting applications

Section 32(2) — Application under — Seeking approval for formation of residential layout — Layout plan — Rejecting applications — No order of conversion under Section 95, Karnataka Land Revenue Act, 1964, necessary — Exemption under Section 20 of Urban Land (Ceiling and Regulation) Act, 1976, not necessary — Bangalore Development Authority has no power to declare sale of agricultural land as null and void as barred under Section 79-B of Karnataka Land Reforms Act, 1961.

It is not disputed that the relevant authority under the Bangalore Development Authority Act itself is not vested within any power to declare any such sale as invalid and reject the application on the said ground. The learned counsel is not in a position to show any provision or authority under which the Bangalore Development Authority can declare such transaction to be void or bad. A Division Bench of this Court has taken the view that even if any agricultural land is held in contravention of the prohibition imposed under Section 79-B of the Land Reforms Act, such land cannot ipso facto be deemed to have vested in the State on the appointed date. — Bangalore Development Authority v Vishwa Bharathi House Building Co-operative Society Ltd., 1992(1) Kar. L.J. 523-A (DB) : ILR 1991 Kar. 4401 (DB).

Private lay-out formed with permission of B.D.A.

Section 32(4) — Private lay-out formed with permission of Bangalore Development Authority — Area earmarked for purposes of ‘civic amenity’ — Conversion into sites with prior permission of Bangalore Development Authority — Held to be valid.

Sub-section (4) of Section 32 empowers the Bangalore Development Authority to reject or accord sanction to a private lay-out so applied for. There is no dispute that the lay-out had been sanctioned and in the lay-out a
few sites were earmarked for civic amenity and that out of them one was site No. 19: Subsequently, the said site was permitted to be converted into 10 house sites as requested by the 2nd respondent society. It was submitted that the permission was granted having due regard to the necessity of the society for augmenting the funds for paying the lay-out charges without which the Society was not in a position to pay the lay-out charges and also having due regard to the fact that it was a small strip of land lying by the side of a drain and such diversion did not in any way adversely affect the lay-out. If the society has proceeded to convert the civic amenity site into house sites without the permission of the Bangalore Development Authority to modify the lay-out, the contention of the appellant that such conversion was without the authority of law would have been unexceptionable. But in the present case, the society applied to the Bangalore Development Authority seeking its approval for modification of the lay-out plan by way of converting site No. 19 earmarked as C.A. in the approved plan into 10 house sites and the Bangalore Development Authority having been convinced of the genuineness of the request had granted the permission, by such conversion no illegality has been committed, no individual interest of the petitioner has been violated. — S. Narasimhaiah v Commissioner, Bangalore Development Authority and Others, 1990(3) Kar. L.J. 391 (DB) : ILR 1991 Kar. 868 (DB).

Bad and violative of principles of natural justice

Section 32(4) — Scope. — Section 32(4) regulates exercise of discretion vested in the Authority — Rejection of an application seeking permission to form a lay-out on ground that necessary documents and information not furnished by applicant without even calling upon the applicant to furnish the required documents and information — Held to be bad and violative of principles of natural justice. — Vishwa Bharathi House Building Co-op. Society Ltd. v. Bangalore Development Authority, 1990(1) Kar. L.J. 392.

Obligatory for the Authority

Section 32(4) — Information adopted in Section 32(4) would bring within its sweep information whether documentary or otherwise — Obligatory for the Authority to furnish an opportunity to the applicant to furnish documents or information required by it — On facts, order of rejection without providing such an opportunity held to be not compatible either with rule of fairness or reasonableness and as an instance of arbitrary exercise of power — explained. — Vishwa Bharathi House Building Co-operative Society Ltd. v. Bangalore Development Authority, 1990(1) Kar. L.J. 392.

Transfer of ownership

Section 32(5) — Private layouts — Transfer of ownership of roads, drains, water supply mains and opens to the B.D.A. permanently without claiming compensation — After the lease of all the sites to the owner of the private layout — Whether obligatory? — Whether provisions of Transfer of Property Act applies?

A KLJ PUBLICATION
Held: Section 32(5) of the Bangalore Development Authority Act reads as follows:

"The authority may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the authority, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains and open spaces laid out by him to the Authority permanently without claiming any compensation therefor."

The scheme as envisaged in Chapter III of Bangalore Development Authority Act discloses that any person, body or authority who attempts to form any extension or layout for the purpose of constructing building thereon without the express sanction in writing of the Authority and except in accordance with such conditions as the Authority may specify. Section 32 of the Act clearly provides the procedure to be followed in such case. Such sanction for formation of layout may be refused by the Authority if the layout is not in conformity with the approved plan. It is in this context that the transfer of ownership of roads, drains, water supply mains and open spaces laid out by the society to the Authority has to be defined. The B.D.A. has leased all the sites in favour of the society. This is not a case where the society could refuse to transfer the C.A. site, roads, drains, water supply mains and open spaces to the authority concerned. There is no such power vested in the society to withdraw or to reserve to itself the C.A. sites as it is the duty of the Authority to maintain the said benefits to the public. Therefore, in my opinion the transfer contemplated under Section 32(5) need not be in terms of Transfer of Property Act, though the Authority exercises its right over those properties. — The Residents of Mico Layout, II Stage, Bangalore and Others v J.S.S. Mahavidya Peetha, Mysore and Others, 1997(4) Kar. L.J. 442A.

Application for forming layout

Section 32(5-A) — Constitution of India, Article 14 — Application for forming layout — Section 32(5-A) of the Act requiring applicant to deposit amounts that may be worked out at such rates as authority may decide, for providing water supply, electricity, roads, transport and such other amenities, as condition precedent for granting sanction for — Merely because the provision in effect, makes allottees of sites in layouts formed after 1987 to bear burden of expenses on such amenities, while residents in other areas are not called upon to share any part of burden, held, cannot be ground to hold that provision is discriminatory and hence unconstitutional, as said burden cannot legitimately be passed onto residents of areas which were already part of city.

While examining the issue of hostile discrimination in the context of Section 32(5-A), the Court cannot be oblivious of the fact that due to unprecedented increase in the population of the Bangalore City and the policy decision taken by the State Government to encourage house building societies to form private layouts, the BDA was obliged to take effective
measures to improve the civic amenities like water supply, electricity, roads, transportation, etc., within the Bangalore Metropolitan Area and for this it became necessary to augment the resources by the BDA itself or through other State agencies/instrumentalities by making suitable contribution. The fact of the matter is that with a view to cater to the new areas, and for making the concept of planned development a reality qua the layout of the private House Building Societies and those involved in execution of large housing projects, etc., the BDA and other agencies/instrumentalities of the State incurred substantial expenditure for augmenting the water supply, electricity, etc. There could be no justification to transfer the burden of this expenditure on the residents of the areas which were already part of the city of Bengaluru. In other words, other residents could not be called upon to share the burden of cost of the amenities largely meant for newly developed areas. Therefore, it is not possible to approve the view taken by the High Court that by restricting the scope of loading the burden of expenses to the allottees of the sites in the layouts developed after 1987, the legislature violated Article 14 of the Constitution. ....... The BDA is under an obligation to provide “amenities” as defined in Section 2(b) and “civic amenities” as defined in Section 2(bb) of the 1976 Act for the entire Bangalore Metropolitan Area. The BDA can prepare detailed schemes for the development of the Bangalore Metropolitan Area and incur expenditure for implementing those schemes, which are termed as development schemes. The expenditure incurred by the BDA in the implementation of the development schemes can be loaded on the beneficiaries of the development schemes. - - - Bangalore Development Authority v The Air Craft Employees' Co-operative Society Limited and Others, 2012(5) Kar. L.J. 214B (SC).

Section 32(5-A) - Constitution of India, Articles 14, 265, 300-A and 226 - Forming layout - Application for sanction for - Requirement of depositing such sum as authority may determine to meet such portion of expenses, again, as authority may determine, towards cost of providing water supply, electricity, roads and such other amenities, as condition precedent for granting sanction sought for by applicant - No guidelines provided either in Act or in rules framed thereunder, for determination of the amount to be collected - No requirement on part of authority to hear applicant before making determination - Determination made is final and no appeal provided thereagainst - Only allottees of sites in layout formed after 1987 are called upon to bear burden while others are spared from it - Provision, held, amounts to Legislature practically effacing itself in matter of fixation of charges to be collected and conferring uncontrolled power on authority - Provision, held, is arbitrary and discriminatory, and also amounts to levying tax without authority of law, and hence hit by Articles 14 and 265 of the Constitution.

Sub-section (5-A) of the Act empowers the authority to require the applicant to deposit before sanctioning the application, the additional sums i.e., Additional sums i.e., sums in addition to the sums referred in sub-section (5) to meet a portion of expenditure as the authority may determine towards the execution of any scheme or work for augmenting the water supply schemes, electricity, roads, transportation or other amenities within the
Bangalore Metropolitan Area. The question arises to what extent the authority may require the applicant to deposit before sanctioning the layout plan. The section only says that such portion as the authority may determine towards these works. Now, how the authority is to determine, what are the guidelines to determine etc., are not indicated. No principle appears to have been laid down nor indicated for the authority to be kept in view and followed when determining such portion of the expenditure. There is nothing in this section to indicate, or to provide any guideline. There are no rules framed under the Act with reference to sub-section (5-A) of Section 32 of the Bangalore Development Authority Act, 1976 to provide guidelines or to indicate as to how that is to be determined. The section does not by itself provide any procedure of either hearing or of giving the notice to the persons affected, or there being opportunity of being heard being given to the concerned persons or person before determination of the portion of the expenditure which the Bangalore Development Authority has to incur with reference to those scheme or works to be levied thereunder. Nothing is provided in the section, no remedy against such determination . . . . In the present case, sub-section (5-A) of Section 32 of the Act, does not appear to provide any guidelines so as to determine as to what exact portion of the expenditure should the applicant be required to deposit. It does not provide any guidelines in this regard. It also does not provide that the applicant before being required to pay will have opportunity of disputing that claim and challenging the correctness of the portion proposed by the authority to be fastened on him. The section appears to confer unbridle powers without providing any guidelines or guidance in that regard. The section also does not provide any remedy against the order of authority under Section 32(5-A) of the Act . . . . In view of the non obstante clause contained in sub-section (5-A) of Section 32 of the Act which provides that exercise of that power and it may result in or it may cause irrational discrimination between the same set of persons and the persons may be deprived of their properties in the form of money by the exercise of sweet will and the unbridled discretion of the authority concerned. This provision as it confers unbridle and uncontrolled power on the authority as such it may enable unequal and discriminatory treatment to be accorded to the persons and it may enable the authority to discriminate among the persons similarly situated . . . . Thus, sub-section (5-A) of Section 32 of the Bangalore Development Authority Act, 1976 suffers from vice of excessive legislative delegation as it confers unbridle, uncontrolled, powers to the authority to collect or extract money from the person/persons applying for the approval of residential layout plan and as such is hit by Article 14 of the Constitution of India . . . . It has to be held that the conditions imposed for deposit of the amounts mentioned in the impugned orders relating to the grant or approval of the residential layout plans to the extent of the said conditions were illegal, null and void as the said conditions have been illegally imposed under Section 32(5-A) of the Act as is hit by Article 14 of the Constitution and so it is declared to be void and inoperative and are to be quashed without affecting adversely in any manner the approval or sanction granted to layout plan or work order granted in each case . . . . As conditions are being held to be null and void and inoperative, the Bangalore Development Authority is directed not to compel
or force the petitioners to comply with the illegal demands. - *Air Craft Employees' Co-operative Society Limited, Bangalore v Bangalore Development Authority, Bangalore, 2012(5) Kar. L.J. 94A (DB).*

**Rule of presumption in favour of the constitutionality of a statute**

**Section 32(5-A)** — Constitution of India, Articles 14 and 226 — Constitutionality of statutory provision — Rule of presumption in favour of — Burden is upon him who attacks it to show that there is transgression of constitutional principles — When party pleading that Section 32(5-A) is discriminatory has not laid necessary factual foundation in support of plea, High Court, held, was not justified in concluding that provision is violative of equality clause contained in Article 14 of the Constitution, and hence unconstitutional.

There is always a presumption in favour of the constitutionality of a statute and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principles. . . . Though, in the writ petitions filed by them, the respondents pleaded that Section 32(5-A) is discriminatory, no factual foundation was laid in support of this plea and in the absence of such foundation, the High Court was not at all justified in recording a conclusion that the impugned provision is violative of the equality clause contained in Article 14 of the Constitution. - *Bangalore Development Authority v The Air Craft Employees' Co-operative Society Limited and Others, 2012(5) Kar. L.J. 214A (SC).*

**Plea of excessive delegation of legislative powers to authority**

**Sections 32(5-A) and 65** — Constitution of India, Article 14 — Imposition of charges for providing water supply, electricity, roads and such other amenities on applicant seeking sanction for forming layout — Plea of excessive delegation of legislative powers to authority in matter of — When exercise of power by authority under Section 32(5-A) is always subject to directions which can be given by State Government under Section 65 of the Act, mere omission to provide guidelines in the Act or in Rules framed thereunder, held, cannot be castigated as excessive delegation of legislative power — It is, held, open to Legislature to lay down broad policy principles and guidelines and leave details to be worked out by executives and instrumentalities of State.

It is not possible for the Legislature to enact laws with minute details to deal with increasing complexities of governance in a political democracy, and held that the legislature can lay down broad policy principles and guidelines and leave the details to be worked out by the executive and the agencies/instrumentalities of the State and that the delegation of the powers upon such authorities to implement the legislative policy cannot be castigated as excessive delegation of the legislative power. . . . While examining challenge to the constitutionality of a statutory provision on the ground of excessive delegation, the Court must look into the policy underlying the particular legislation and this can be done by making a reference to the Preamble, the objects sought to be achieved by the particular
legislation and the scheme thereof and that the Court would not sit over the wisdom of the Legislature and nullify the provisions under which the power to implement the particular provision is conferred upon the executive authorities. . . . . It is not possible to agree that the section confers unbridled and uncannalised power upon the BDA to demand an unspecified amount from those desirous of forming private layouts. The exercise of power by the BDA under Section 32(5-A) is always subject to directions which can be given by the State Government under Section 65. - Bangalore Development Authority v The Air Craft Employees’ Co-operative Society Limited and Others, 2012(5) Kar. L.J. 214C (SC).

Application made by land developer for authority’s sanction for formation of residential layout

Section 32(6)(iii-a) and 32(6)(iv) — Constitution of India, Article 300-A — Application made by land developer for authority’s sanction for formation of residential layout — Rejection of, on ground that land in question is required by authority itself for its own development scheme and that private layout for which sanction is sought may not fit in with development scheme of authority — When authority has not formulated any detailed plan in respect of its scheme though sanctioned by Government three years ago and has not taken any step to estimate identify and acquire land required for scheme, rejection of developer’s application on ground that his layout may not fit in with its scheme, held, is unreasonable and arbitrary, and amounts to denying his right to enjoy his property, without authority of law — Direction lies to authority to consider application and take decision in accordance with law.

Clause (iii-a) of sub-section (6) of Section 32 of the BDA Act specifies that the sanction to proceed with the developmental activity may be refused by the BDA if the proposed extension or layout is on the land which is proposed to be acquired for the purpose of developmental scheme of BDA and in respect of which, a notification under sub-section (3) of Section 17 has already been published. In the matter on hand, admittedly such a notification is not published. Hence the BDA cannot refuse sanction to the petitioner. Clause (iv) of sub-section (6) of Section 32 discloses that the sanction may be refused if the layout in the opinion of the authority cannot be fitted with any existing or proposed expansion or development schemes of the authority. In the matter on hand, there is nothing on record to show that the layout to be formed by the petitioner cannot be fitted with any existing or proposed expansion or development schemes of the BDA. It is also not in dispute that there is no existing development scheme and consequently there is no question of expanding the development scheme arises. There is no development scheme as such of the BDA which is finalised involving the petitioner’s property, till today. Section 32(6)(iv) of the BDA Act cannot be pressed into against the petitioner, inasmuch as the proposed expansion or development scheme is not formed in the area in question till this day, by the BDA. It is not in dispute that the properties in question are yet to be acquired. Not even a preliminary notification is issued under Section 17(1) of the BDA Act. The development scheme is also not prepared and finalised as contemplated under Sections 15, 16 and 17 of the BDA Act till this day. The
Act being regulatory in nature as by reason thereof the right of an owner of property to use and develop stands restricted, requires strict construction. An owner of land ordinarily would be entitled to use or develop the same for any purpose unless there exists certain regulation in a statute or statutory rules. In the matter on hand, there is no bar for the petitioner to develop the land inasmuch as the preliminary notification is not issued and the scheme is not finalised. Therefore, the provisions of Section 32(6)(iv) of the Act will not come in the way of the petitioner seeking permission of the BDA to develop the land/lands in question. . . . . The impugned endorsement/intimation issued by the BDA vide dated 13-10-2011 is liable to be quashed as the same is not in accordance with law. It is open for the second respondent to examine as to whether the petitioner is otherwise entitled to the relief as prayed for . . . . The impugned endorsement stands quashed. The respondent 2 is directed to consider the petitioner’s application for sanction of the layout in accordance with law. Mantri Developers Private Limited, Bangalore v State of Karnataka and Another, 2013(1) Kar. L.J. 66.

Layout plan itself was without necessary particulars over acquisition of title to the lands by society

Section 32(8) — Whether BDA by Resolution No. 503 of 1992, dated 16-11-1992 approved the layout plan submitted by society? — Answer in negative — On facts — Layout plan itself was without necessary particulars over acquisition of title to the lands by society — In view thereof — It cannot be said there was a valid approval of plan by BDA.

Ram Mohan Reddy and H. Billappa, JJ., Held: It is an undisputed fact that the Special Land Acquisition Officer did not put the society in possession of the entire extent of land proposed for formation of layout as on the date i.e. 6-11-1992 when the application along with layout plan was submitted to the BDA for approval/sanction. The society was unable to secure the No Objection Certificate from the Special Land Acquisition Officer as on the date of filing the application for sanction of the layout plan. Thus the society without taking possession of all the lands from the Special Land Acquisition Officer could not have made the application Ex. P. 81 and enclose a plan Ex. P. 82 for approval. — Judicial Layout: Residents and Site Holders, Association (Regd.), GKVK Post, Bangalore v Bangalore Development Authority, Bangalore and Others, 2016(5) Kar. L.J. 353D (DB).

33. Alteration or demolition of extension, layout or street.—(1) If any person forms an extension or layout or makes any street referred to in Section 32 or puts up any building without or otherwise than in conformity with the orders of the authority under the said sub-section the [Commissioner] may, whether or not the offender be prosecuted under this Act by notice.—

1. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
(a) require the offender to show cause, by a written statement signed by him and sent to the ¹[Commissioner] on or before such day as may be specified in the notice, why such extension, layout or street should not be altered to the satisfaction of the ²[Commissioner] or if such alteration be deemed impracticable by the ³[Commissioner], why such extension layout or street should not be demolished; or

(b) require the offenders to appear before the ⁴[Commissioner] either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the ⁵[Commissioner] why such extension, layout or street should not be so altered or demolished, the ⁶[Commissioner] may pass an order directing the alteration or demolition of such extension, layout or street.

⁷[33-A. Prohibition of unauthorised occupation of land.—(1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the authority to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who having unauthorisedly occupied whether before or after the commencement of the Karnataka Municipal Corporations and certain Other Laws (Amendment) Act, 1984, any land belonging to the authority to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of Section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

1. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
3. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
4. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
5. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
6. Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
7. Section 33-A inserted by Act No. 34 of 1984, w.e.f. 26-6-1984.
(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections.

34. Power of Authority to order work to be carried out or to carry it out itself in default.—(1) The authority may.—

(a) if any person who applies for permission under Section 32 and is permitted expressly by it to carry out himself the works relating to the forming of the extension or layout or the making of a street, does not so carry it out; or

(b) if any private street or part thereof is not levelled, paved, metallled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the authority by notice, require the person forming the extension or layout or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in its opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the authority may, if it thinks fit execute itself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the authority. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.

CHAPTER IV
Acquisition of Land

35. Authority to have power to acquire land by agreement.—Subject to the provisions of this Act and with the previous approval of the Government, the authority may enter into an agreement with the owner of any land or any interest therein, whether situated within or without the Bangalore Metropolitan Area for the purchase of such land or interest therein for the purpose of this Act.

COMMENTS

Allotment of civic Amenity Site

Sections 35 and 38 — Allotment of civic Amenity Site — Whether Bangalore Development Authority has powers to part with Civic Amenity Site with another land for purposes of formation of a road — Whether a resolution passed to that effect by the Bangalore Development Authority is valid on grounds of promissory estoppel.

It is not possible to hold that Sections 35 and 38 empower the Bangalore Development Authority to part with Civic Amenity Site for the purpose of
formation of a road in lieu of the suit property in question. In order to exercise the power under Section 35, the Bangalore Development Authority has to obtain the prior permission of the State Government. Secondly, the purchase of land permissible under Section 35 is not for the purpose of implementation of the scheme as contemplated in Section 16 of the Act but it is for its own use only. In the instant case, the Civic Amenity Site in question is formed out of the land acquired for the purpose of a development scheme. Therefore, the power under Section 35 for giving the Civic Amenity Site to the plaintiff in lieu of the land was not available. Even for a moment it is held that it was permissible, there was no prior permission of the State Government obtained in this regard. In the instant case, the Bangalore Development Authority has not altered the scheme. Once under the scheme a particular site is specified as a Civic Amenity Site, that cannot be altered except in accordance with the provisions contained in the Act, and not by mere passing of a resolution. There is no evidence adduced by the plaintiff to show that the scheme was altered in accordance with the provisions of the Act and the Civic Amenity Site in question was converted into a general site. Therefore, the resolution passed by the Bangalore Development Authority was beyond its competence. The resolution could not be enforced as it was void, and as such the relief sought for by the plaintiff to direct the Bangalore Development Authority to execute a lease-cum-sale agreement and to issue possession certificate relating to the suit property could not be granted. That being so, it follows that the plaintiff is not entitled to seek the relief of specific performance as sought in the plaint. In the facts and circumstances of the case, the rule of promissory estoppel cannot at all be applied. — S.R. Narayana Reddy v Bangalore Development Authority, 1992(2) Kar. L.J. 482 (DB) : ILR 1992 Kar. 2328 (DB).

Execution of sale deed

Sections 35 and 38 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 14 — Though sale agreement was entered during lease period — Execution of sale deed — After lease period — Held, no violation of BDA (Allotment of Sites) Rules.

The next question is as to whether the transaction is contrary to Site Allotment Rules of BDA. In this regard, Rule 14 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, wherein an embargo is placed against sale within the lease period is heavily relied on by the learned Counsel for the defendants. The agreement was not only executed, but the sale transaction was also agreed to be completed within three years during the subsistence of the lease period and enforcement was also sought within the lease period. In the instant case, though the agreement is entered, the period agreed for execution of sale deed is after the lease period or after clearance is obtained from BDA and enforcement sought is after lease period. . . . . . . As already noticed, the above document dated 24-9-1990 (Ex. P. 13) cannot be construed as a sale deed. If that is kept in view, there is no alienation made within the period of embargo nor is it agreed to be sold within the period of embargo so as to make it contrary to the Rules. Hence, it cannot be said that the Rule has been violated and that question
would not arise at all as the specific performance is not being sought during the lease period. - M. Bhujangaveni and Others v. C. Sarasa K.S. Reddy and Others, 2012(6) Kar. L.J. 453A.

Acquisition of land by agreement

Sections 35 and 63 — Constitution of India, Articles 14 and 226: — Acquisition of land by agreement — Validity of condition of agreement entered into by authority with landowners for — Agreement requiring authority to allot one site measuring 40 ft. x 60 ft. free of cost to landowners for each acre of land acquired from them subject to condition that they should accept compensation fixed by authority — Resolution passed by authority to allot site free of cost as per agreement, vetoed by Government and judgment High Court upholding Government’s order vetoing resolution challenged in appeal before Supreme Court — Order of Supreme Court reversing judgment of High Court and directing authority to deliver possession of sites not only to appellants before it but also to “all others who are similarly situated” — Expression “all others who are similarly situated” appearing in order of Supreme Court, held, covers only those landowners who are parties to settlement with authority, and benefit under Supreme Court’s order cannot be extended to other landowners who are not parties to settlement.

The settlement arrived at between the BDA and the landowners was restricted to some of the landowners and not all of them. The lands that were acquired were vast extents spread over several villages and the allotment of free sites is restricted to landowners who had entered into a settlement in the first instance and who were parties to the proceedings before this Court as well as before the Apex Court. It is also to be noticed that not all the landowners who had entered into a settlement with the BDA, were before the Apex Court. Therefore, the direction to consider other landowners similarly placed, was apparently restricted to those landowners who are parties to the settlement with the BDA and the petitioner cannot therefore, seek to draw sustenance from the order passed in the special leave petition by the Apex Court. Therefore, the endorsement issued by the BDA to deny that the petitioner is entitled to any such benefit, is not out of place. - Smt. M. V. Lalitha v. Bangalore Development Authority, Bangalore and Another, 2013(1) Kar. L.J. 529.

36. Provisions applicable to the acquisition of land otherwise than by agreement:—(1) The acquisition of land under this Act otherwise than by agreement, within or without the Bangalore Metropolitan Area shall be regulated by the provisions, so far as they are applicable, of the Land Acquisition Act, 1894.

(2) For the purpose of sub-section (2) of Section 50 of the Land Acquisition Act, 1894, the authority shall be deemed to be the Local Authority concerned.

(3) After the land vests in the Government under Section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the authority agreeing to pay any further
costs which may be incurred on account of the acquisition, transfer the land to the authority, and the land shall thereupon vest in the authority.

**COMMENTS**

**Conversion of some of agricultural land into residential sites**

Section 36 — Land Acquisition Act, 1894, Sections 4, 6 and 16 — Land acquisition — Writ petitions challenging — Conversion of some of agricultural land into residential sites and allotment of such sites to individuals by Authority during pendency of writ proceedings which ended with order dated 27-7-1984 declaring acquisition as null and void — Review proceedings ending with order dated 30-3-1992 confirming original order dated 27-7-1984 — Writ appeal ending with order dated 18-6-1997, upholding validity of acquisition — Permission given to owner of land who has challenged acquisition, to divert his agricultural land to non-agricultural uses, and exemption granted to him from application of provisions of Urban Land (Ceiling and Regulation) Act, 1976 with permission to sell lands to third parties, and sale effected by owner in accordance with permission during pendency of review proceedings and writ appeal — Held, since acquisition is held valid, permission granted to owner to convert user of land and to sell land are void, and allottee of site is entitled to site allotted to him.

The order dated 27-7-1984 and the modified order dated 30-3-1992 passed in course of proceeding of Writ Petition No. 29726 of 1981 have been set aside and the writ petition itself has been dismissed by the Division Bench by its order dated 18-6-1997 passed in W.A. No. 1616 of 1992. Once the land has been acquired, the respondents cannot claim to have any right over the land acquired including site allotted to the appellant, namely site No. 548, as described in the memo petition of the appeal if is situate on Sy. No. 1/1, as claimed by the petitioner. . As the acquisition proceedings having been upheld, in view of the order dated 18th June, 1997, passed in W.A. No. 1616 of 1992, the orders dated 8-9-1988 and 16-5-1991, have to be deemed to be illegal, null and void and are not to affect adversely nor on the basis thereof respondent can dispossess the petitioner from his site. Whether site No. 548 is situate on Sy. No. 1/1 or Sy. No. 44, is a question of fact to be decided at the proper stage by a Court of fact, but whether it is situate on Sy. No. 1/1 or 44, in either of the cases the respondents are not entitled to interfere with the petitioner's possession in the above circumstances. — C.S. Gurushanthappa v State of Karnataka and Others, 2000(3) Kar. L.J. 37 (DB).

**Ceiling limit or exceeds the ceiling does not affect the power of acquisition**

Section 36 — Provisions of Urban Land (Ceiling and Regulations) Act, 1976, do not affect acquisition under Section 36 of the Act.

The Provisions of the Urban Land (Ceiling and Regulations) Act, 1976, do not affect the acquisition. The Act prescribed the ceiling limit in Urban Agglomeration. Whether the property is within the ceiling limit or exceeds the ceiling does not affect the power of acquisition. If the lands acquired are determined by the competent Authority under this Act as within the Ceiling
limit which the declarant is entitled to hold, on acquisition, he would be
to compensation. If on the other hand, it is in excess of the ceiling
and has by orders of the competent authority vested in the Government,
the owner or declarant may not get compensation under the Land
Acquisition Act. — Venkataramaiah M. v State of Karnataka and Others, 1988(1)
Kar. L.J. 188.

Determination of Compensation and passing of award

Section 36 — Section 11-A of Land Acquisition Act, 1894 — Land
Acquisition — Determination of Compensation and passing of award —
Applicability of provisions of Land Acquisition Act, 1894, extent of — Failure
to adhere to Section 11-A of Land Acquisition Act — Held, incorporation of
procedural aspects provided in L.A. Act as far as possible will not vitiate
substantial declaration under Bangalore Development Authority Act —
Scope and Object explained. — Krishnappa Reddi S.A. v Government of
Karnataka and Another, 1989(1) Kar. L.J. 158.

Acquisition proceedings in respect of land have lapsed

Section 36. — Acquisition by BDA for formation of BTM-Layout V Stage
— Considering that no proceedings having taken place subsequent to
preliminary notification dated 20-6-1991 — That BDA already recommended
Government for withdrawal from acquisition — BDA itself forming view
that it is not feasible to form layout in the area, held, acquisition proceedings
in respect of land have lapsed — Provisions of Section 36 of the Act have
become inoperative. — K.S.M. Shabbir v The Bangalore Development Authority,

Land acquired by State Government

Sections 36 and 38 — Land acquired by State Government. — Bangalore
Development Authority cannot denotify the same under Sections 17 and 19
of the Act. — Land acquired once vests in Bangalore Development Authority,
Bangalore Development Authority not competent to divest the same at the
instance of owners of the land. — Rasul Bai v Bangalore Development Authority,

Section 36 r/w Section 39 — Land acquired by State Government. —
Bangalore Development Authority not competent to release or denotify the
same under Sections 17 and 19 — Explained.

The lands were acquired by the State Government under the relevant
provisions of the Bangalore Development Authority Act and not by the
Bangalore Development Authority. The proceedings for acquiring these
lands could be dropped only by the Government and not by the Bangalore
Development Authority. Under the Scheme of the Act it is clear that the lands
vest in the Bangalore Development Authority under the provisions of
Section 36. If this Section is read with Section 38 of the Bangalore
Development Authority Act, it is clear that no part of the land acquired by the
State Government could be released by the Bangalore Development Authority and the Bangalore Development Authority is not competent to
denotify the acquisition of the land which had been acquired for it earlier by the Government by invoking the provisions of Sections 17 and 19 of the Bangalore Development Authority Act. If a proper construction is put on Section 38 of the Act it is only the land belonging to the Bangalore Development Authority that could be dealt with by the Bangalore Development Authority in the manner it likes. If the lands are acquired by the State Government for the Bangalore Development Authority and the lands had vested in the Bangalore Development Authority by such acquisition, the Bangalore Development Authority is not competent to divest itself of those lands on the representations made by the aggrieved owners. 


**Power of authority to appoint officer**

Sections 36 and 52 — Land Acquisition Act, 1894, Section 4(2) — Land acquisition — Power of authority to appoint officer for — When power is vested in authority to make such appointment by issuing notification, mere mention of wrong provision of law in notification, would not render notification or appointment made thereunder, void.

It is the Bangalore Development Authority which has issued the Section 17(1) notification under the BDA Act and has authorized the Additional Land Acquisition Officer, BDA, its staff and workmen to exercise the powers conferred under Section 4(2) of the LA Act which is almost identical with Section 52 of the BDA Act. The Commissioner of the BDA who is the Chief Executive and Administrative Officer of the Authority has authenticated the same by his signature. Instead of mentioning Section 52 of the BDA Act, Section 4(2) of the LA Act has been mentioned. It is settled law that mere mentioning of a wrong provision of law would make no difference. Power is vested in the authority and in exercise of the said power appointments are made. — *The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another*, 2006(1) Kar. L.J. 1H (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

**Lieu of compensation**

Section 36(3) — Acquisition of land — Owner giving representation for allotment of another site in lieu of compensation — Bangalore Development Authority promising to allot a site at old allotment rate on certain conditions (Annexure-A) — Compliance by the owner — Nature of the Bangalore Development Authority obligation and the right of the owner — It is in the nature of exchange of land and not reconveyance of land — The assurance is based on sound reasons — Assurance not merely on contractual right, but a constitutional right enforceable through a writ of mandamus.

I am of the opinion that it is an intimation which is exclusive and individualised insofar as the petitioner is concerned as addressed by the Secretary of Bangalore Development Authority and not a mass communication to all the aspirants who want similar benefit. A distinction has to be made between application for reconveyance and an application for
allegation of site in lieu of the compensation not received. The most reasonable probability I would presume in the circumstances of the case is that the Secretary, Bangalore Development Authority accepted the reasoning and soundness of the case and therefore, held out an unequivocal promise under Annexure-A. In these circumstances, it is difficult for me to accept the contention that the assurance held out by the Secretary of the Bangalore Development Authority is contrary to law, and that it has no authority of law. On the other hand, I am of the opinion that Annexure-A answers the test of fairness and reasonableness. I am unable to see that the respondent could resile from the commitment made under Annexure-A. Reconveyance of a land relates to the land which has already been conveyed by virtue of the acquisition. What was conveyed in the instant case is a strip of land measuring 30' x 40' to the acquiring authority. What is sought by the petitioner is not the very same land taken away by virtue of an acquisition proceeding but a site of almost same dimension in a different area such as Banashankari I Stage or II Stage or JP Nagar extension of Bangalore. Another distinguishing feature is that the petitioner is claiming allotment because he has not received the compensation for the site that was taken away from him, based on the implied agreement and consent of Bangalore Development Authority which in deference to his representations, issued Annexure-A contracting to allot a site of similar dimension to the petitioner subject to his compliance with the directions contained. Annexure-A. The learned counsel for the respondent forcefully contended that a contractual right cannot be enforced by invoking the writ jurisdiction and particularly in the nature of mandamus. The position which confronts both the petitioner and the respondent is of such a nature that it cannot be said that the right of the petitioner to allotment of a site in lieu of compensation partakes entirely the character of a contractual right. It is an accepted principle that the property of a citizen cannot be taken away without the payment of compensation. Since the petitioner has not received the compensation, from the acquiring authority, the petitioner prefers to be compensated in kind by means of allotment of an alternative site. The nature of right enjoyed by the petitioner partakes the character of constitutional right and the petitioner certainly is entitled to seek a writ of mandamus in the facts and circumstances of the case.

— B.N. Vedanand v Bangalore Development Authority, ILR 1990 Kar. 2504.

Promissory estoppel has no application in the absence of provision.

Section 36(3) — Notification No. Bangalore Development Authority/APM/ TA/76-77, Dated: 14-7-1976 — No provision for reconveyance either under the Act or the Rules — Promissory estoppel has no application in the absence of provision providing for reconveyance and no directions can be issued to Bangalore Development Authority to allot or reconvey sites.

Learned Counsel for the Petitioner has not been able to place reliance on any of the provisions in the Act or on the rules framed thereunder which enable the Bangalore Development Authority to reconvey the site. Reconveyance in a way is opposed to the scheme itself. Scheme is formed for the purpose of forming site for allotting them as per the Rules. The Rules do
not provide for re-conveyance. Therefore it is not possible to hold that the petitioners have a right to seek reconveyance. In addition to this it is not possible to apply the rule of promissory estoppel in cases where there is no provision contained in the Act, or in the rules framed thereunder enabling the Bangalore Development Authority to allot or reconvey the sites in the manner proposed to be done by the notification. Therefore I am of the view that the Bangalore Development Authority cannot be directed to allot or reconvey a site to each of the petitioners on the ground that it had promised to allot or reconvey a site to each of the petitioners. — A.V. Laxman v Bangalore Development Authority; B.N. Sathyanarayana Rao v State of Karnataka, ILR 1987 Kar. 790.

Section 36 — Favourable orders — Respondents 2 and 3 filed a joint memo signed by himself and Special Land Acquisition Officer — Memo discloses petitioner purchased the Revenue site prior to preliminary notification — BDA authorities recommended the Government to withdraw acquisition proceedings in respect of disputed site — Held, the joint memo is accepted and writ petition is disposed.

The learned Counsel appearing for the respondents 2 and 3 files a memo duly signed by himself and by the Special Land Acquisition Officer, Bangalore Development Authority. . . . . I dispose of this petition with a direction to the State Government to consider the BDA’s proposals contained in its letters dated 17-8-2011 and 3-8-2013 for the withdrawal of the site from acquisition in accordance with law and as expeditiously as possible and in any case within an outer limit of three months from the date of the issuance of the certified copy of today’s order. The Government shall communicate its decision to the petitioner, as soon as it passes the orders. - M. Subramanyam v State of Karnataka and Others, 2013(5) Kar. L.J. 351.

CHAPTER V
Property and Finance

37. Power of Government to transfer to the Authority lands belonging to it or to Corporation, etc.— (1) The Government may, by notification, from time to time, for the purposes of this Act and subject to such limitations and conditions as it may impose and to the provisions hereinafter contained, transfer to and vest in the authority any land belonging to the Government or to the Corporation or a local authority.

(2) No land belonging to the Corporation or a Local Authority shall be vested in the authority under sub-section (1) except after consulting the Corporation or the Local Authority.

(3) Whenever it appears to the Government that any land vested in the authority under sub-section (1) is not required by the authority for the purpose of this Act or any other land vesting in the authority is required by the Government or Corporation or a local authority, the Government may by notification, direct that the land shall revest in or stand transferred to Government or the Corporation or the Local Authority concerned, as the case may be.
COMMENTS

 Converted land

Section 37 — Acquisition — Converted land — If layout already formed — With or without approval from concerned authority — Layout within BDA specifications — Held, to allot same sites to residing petitioners — If layouts contravene Bangalore Development Authority specification — Disturb possession, allot alternate sites on priority basis.

If a layout has already been formed with the approval of some of the local authority or if a pucca layout is formed even without such approval and if it is according to the specifications prescribed under the BDA Act itself and if the said layout could be harmonized or mingled with the layout to be formed by the BDA, as far as possible, every attempt should be made to synchronize the said layouts with the BDA layout and if it is possible, to allot the very same sites to the petitioners and in particular, to those who have already put up construction and living there and thereby solve the human and housing problem of poor, downtrodden, and innocent people who have purchased the sites and constructed houses for their residential use by spending their hard earned money. However, if those sites or constructions come in the way of layout formation, it is open for the BDA to disturb the possession of the occupants of such sites and buildings and allot an alternate site in the present layout or in any other layout to be formed by it. The aforesaid observations/suggestions are made by this Court with the fonf hope of minimizing the hardship to those site owners, to reduce the cost of forming layout and the heart burn that is likely to cause to such site owners and the same cannot be termed as a matter of right by any of the petitioners in these petitions. — Smt. C.V. Shantha and Others v State of Karnataka and Others, 2006(5) Kar. L.J. 361L.

Section 37 — Acquisition — Converted land — Purpose of forming layouts — Conversion with or without NOC from Bangalore Development Authority or local authority — No prohibition — Government to pay higher compensation than agricultural lands.

In law, there is no prohibition for acquiring the converted lands also for the purpose of formation of layout. The conversion of land from one user to another user would not curtail the power conferred, either on, the Government or on the BDA to acquire such land. If converted lands are notified for acquisition, the Government will have to pay higher compensation than what is payable for agricultural lands. There is no substance in the contention of the petitioners that the BDA cannot form layout on the land converted with NOC from BDA and consequently, the same is rejected. — Smt. C.V. Shantha and Others v State of Karnataka and Others, 2006(5) Kar. L.J. 361K.

Acquisition notification includes Government lands.

Section 37 — Acquisition notification — Includes Government lands — Explained — Claims opportunity offered to unauthorised occupants —

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Held, Government may transfer its land — Opportunity to illegal occupants required — No illegality.

There cannot be any dispute that under Section 37 of the ‘BDA Act’, the Government, by notification, may transfer the land belonging to it for the purpose of said Act subject to such limitations and conditions as it may impose. Submission made on behalf of the BDA is well-founded and the same is acceptable inasmuch as, the unauthorised occupants or the grantees who are in possession of the Government lands may have to be given an opportunity to have their say in the matter of acquisition. In view of the same, I do not find any illegality in notifying the Government lands also in the acquisition notifications. — Smt. C.V. Shantha and Others v State of Karnataka and Others, 2006(5) Kar. L.J. 361G.

Conditions and limitation by B.D.A.

Sections 37 and 38 — Exercise of power by Bangalore Development Authority — Conditions and limitation — Bangalore Development Authority is subject to such restrictions, conditions and limitations as may be prescribed — Unless conditions are prescribed, power cannot be made available because it will give rise to exercise of power which would be arbitrary in the absence of guidelines — Bangalore Development Authority to exercise power only for utilisation of land for any development — Power under Section 14 — General power entitled to ‘secure the development’ statutory obligations — Power under Section 38 — Special power and excludes the general power under Section 14 — Bulk allotment — If within the power of Bangalore Development Authority — No — Under Section 38 — No power to Bangalore Development Authority to sell or transfer land belonging to it in bulk even without development — Bulk allotment of land to co-operative societies results in member of the society getting site out of turn and not as cross-section of public. (must and unelectical — Bangalore Development Authority to make bulk allotment of land in favour of appellant society being questioned.

With regard to the scope of Section 38 it clearly postulates power being exercisable subject to such restrictions, conditions and limitations as may be prescribed. If according to the appellant even in the absence of prescription such a power is available, such power then would be unguided and arbitrary. Having regard to the scheme and the object, a restricted power on the Bangalore Development Authority alone is contemplated. There is no touchstone on which such arbitrariness could be tested because the Act does not throw any guidelines. One of the societies may be favoured with sale of large extent of land, the other may not be so favoured or may be favoured with even a smaller extent of land. Therefore there is no use contending that the individual action may be tested whether it is arbitrary. Thus, when power is made available conditional upon prescription, the phrase ‘subject to’ in the context of power in the absence of such prescription is illegal. Section 14 of the Act confers a general power. But Section 38 specifically talks of disposal of the property. Where therefore a special power is conferred that special power excludes the general power. If it is not so construed, Section 38 may
become redundant. In this connection we may also note Section 37 which says that subject to such limitations and conditions as it may impose and to the provisions of the Act the Government may transfer to and vest in the authority any land. Therefore, the Government transferring of land itself is subject to the conditions not only to be imposed but also as provided. In this regard, one cannot lose sight of the important fact that the power of the Bangalore Development Authority is only for the utilisation of the land for the purpose of any development scheme. — Note: Order reported in 1989(1) Kar. L.J. 111 and ILR 1990 Kar. 1456, affirmed. — "Telecom Employees' Co-operative Housing Society Ltd. v Scheduled Castes, Scheduled Tribes, Minority Communities and Backward Classes Improvement Centre, ILR 1990 Kar. 3320 (DB).

38. Power of Authority to lease, sell or transfer property.—Subject to such restrictions, conditions and limitations as may be prescribed, the authority shall have power to lease, sell or otherwise transfer any movable or immovable property which belongs to it, and to appropriate or apply any land vested in or acquired by it for the formation of open spaces or for building purposes or in any other manner for the purpose of any development scheme.

COMMENTS

Possession of the lands

Section 38. — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 3 — Land Acquisition Act, 1894, Section 16 — Offer of sites for allotment — Issue of notification for — When lands acquired have not been taken possession of land notified and when no sites are formed, offer of sites for allotment is without authority of law.

BDA proceeded to invite applications for allotment of sites without forming the sites. Section 16 of the L.A. Act stipulates that after award is made, the Deputy Commissioner shall take possession of the land. The fact of taking over possession shall be notified under Section 16(2) of the L.A. Act. Thereafter, the land will absolutely vest in the Government, free from all encumbrances... Notifications under Section 16(2) of L.A. Act are not yet published in the Gazette for having taken possession of the lands by the Deputy Commissioner. Possession of the lands were alleged to have been taken by the Land Acquisition Officer of the BDA. Even for that also, the signatures of the owners are not obtained. The Deputy Commissioner has not transferred the lands to BDA. The procedure contemplated is not followed. Mere taking symbolic possession, which is not permissible in law. — Sharadammā and Others v State of Karnātaka and Others, 2005(4) Kar. L.J. 481].
Registration of sale deed on payment of full sital value

Section 38 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 13 and 14 — As amended in 2000 — Allotment of sites — Amendment of conditions of — Amended Rule providing for immediate registration of sale deed in favour of allottee on payment of full sital value — Amended Rule, held, defeats purpose of allotment and is violative of statutory provisions — Hence, void.

Sub-rule (2) of Rule 13 of Bangalore Development Authority (Allotment of Sites) Rules, 1984 has been amended providing that immediately after payment of value of the site, the BDA shall execute sale deed in favour of the allottee. . . . . Section 38 of the BDA Act stipulates that the BDA has power to lease, sell or otherwise transfer any of its properties subject to such restrictions, conditions and limitations. By virtue of the amendments made to the Allotment Rules, Section 38 of the BDA Act has been made redundant. Such a thing is impermissible in law. Rules being subordinate to Act, they cannot have the overriding effect of provisions of the Act. . . . By virtue of the amendments made to Allotment Rules, the allottees can get the sale deeds executed in their favour immediately after payment of sital value and acquire absolute right over the site. Thereafter, they can sell the site to any prospecting buyer for higher value. As a result of this, the BDA has no control over the allottee of the site. An allottee of a site can sell the allotted site and again apply for allotment of site. In this manner, the demand for allotment of sites will be rising. To meet such a repeated demand, the BDA has to form new layouts. This will defeat the very purpose of allotment of site. The object is to provide site to siteless persons. On account of the removal of the conditions and restrictions on sale or transfer of allotted site, the allottees sell away the allotted sites and again become siteless persons. On the other hand, persons affordable will buy any number of sites and have monopoly over the same. Without there being any conditions and restrictions on the allotted sites, the allottees can use the site in any manner they like and BDA cannot do anything and it will be a mute spectator. — Sharadamma and Others v State of Karnataka and Others, 2005(4) Kar. L.J. 481K.

Right to claim reconveyance

Section 38 — Reconveyance — No provision in Act or Rules — Land or revenue site acquired by BDA or by erstwhile CITB cannot be reconveyed — Resolution adopted by BDA to reconvey is without authority of law and confers no right of reconveyance on person seeking same — Doctrine of estoppel is not applicable — Where, in respect of revenue site which had already been acquired by erstwhile CITB, transfer deed was executed transferring right to claim reconveyance, deed is void and confers no right or title on transferee, as transferor himself did not have such right in him to transfer.

Held: If there has been no provision for reconveyance either in Act or rules, whatsoever resolution passed by the authority entitling a person for reconveyance, it will not have the effect of conferring any right of reconveyance in favour of the person seeking reconveyance. Neither will
doctrine of estoppel will apply because if a person has got no right to reconvey, or authority had got no power to reconvey, the pretension of passing of resolution to reconvey being beyond the jurisdiction and power of the authority, the doctrine of estoppel will not have its play. — G. Umadevi v Bangalore Development Authority, Bangalore and Others, 1998(5) Kar. L.J. 199A.

Temporary lease of vacant land belonging to B.D.A.

Section 38 — Temporary lease — Permissibility of — No provision in Act or Rules to grant temporary lease of vacant land belonging to B.D.A. — Executive Engineer to whom application was made for grant of lease for one month to hold “textile mela”, has no power to make such grant and advance payment of Rs. 15,000 as ground rent made by applicant, as directed by Executive Engineer, does not create any right in applicant to use land — No mandamus can issue to direct B.D.A. to permit applicant to use land, when B.D.A. has decided not to grant permission.

Held: There is no permission granted to the petitioner to conduct the Mela. What is contained in Annexure-B is a request made by the Executive Engineer to the Branch Manager of the Canara Bank to accept the amount to B.D.A. accounts. No permission as such is given to the petitioner by anybody much less the Executive Engineer. The petitioner has wrongly construed the request as permission granted to him but in fact it is not so. . . . The Executive Engineer is not empowered to grant permission to anybody for any matter. Even if the contents at Annexure-B are construed as permission given to the petitioner, the same is by an incompetent authority. It is not a valid one. . . . Section 38. of the Act provides the manner in which the property of the B.D.A. shall be dealt with by lease, sale or otherwise transfer the properties belonged to it. The property in question is not dealt with in the manner provided therein. Hence, no right is accrued to the petitioner to approach this Court for seeking the relief claimed in this petition. . . . The B.D.A. Act and the rules framed thereunder do not authorise to grant the land or site belonging to the B.D.A. for conducting Mela. — Indar Singh v. The Commissioner, Bangalore Development Authority, Bangalore, 1998(6) Kar. L.J. 356A.

Writ seeking direction to BDA to consider petitioner’s representation for allotment of adjoining marginal land

Section 38 — Constitution of India, Article 226 — Writ seeking direction to BDA to consider petitioner’s representation for allotment of adjoining marginal land — On facts — As of now petitioner has ceased to be the owner of main site, since some being auctioned in favour of bidder, and subsequently sold to another party — In view of these developments he cannot lay his claim on the marginal land, unless sale deed is set aside by competent forum — Moreover petition hopelessly barred by delay and laches — Writ petition dismissed.

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respondents 4 and 5. In view of these developments, he cannot lay his claim on the marginal land with any rate success, unless the sale deed is set aside by the competent forum. Therefore, the question of directing the respondent 2 to consider the petitioner’s representation for the allotment of marginal land would not arise. . . . As contended by Sri Ravi G. Sabhahit, the petition is hopelessly barred by delay and laches. As far as the prayer for direction to the respondents 1 and 3 to consider the petitioner’s representation/complaints both, dated 22-12-2014 (Annexures-F and H), no further directions are required to be issued in view of the fair submission made on behalf of the respondents 1 and 3. . . . This petition is accordingly disposed of. No order as to costs. — Joseph Raj v The Commissioner, Bruhath Bangalore Mahanagara Palike, Bangalore and Others, 2015(3) Kar. L.J. 429.

Petitioner seeking quashing of registered `cancellation deed' executed by BDA

Section 38 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 13(8)(i) and 13(8)(ii) — Petitioner seeking quashing of registered `cancellation deed' executed by BDA — Principle of `promissory estoppel' — On facts — On executing a lease-cum-sale agreement, incorporating certain conditions, allottee obtaining leasehold rights over the site in question — Subsequently, on request of the allottee, the BDA exercising jurisdiction under the BDA Act, permitting transfer of site in favour of petitioner's mother — On acceptance of transfer fee, BDA treating it as a fresh allotment on receipt of value of site as consideration — In such circumstances, held, petitioner is justifiably entitled, on the principle of `promissory estoppel' to a legitimate expectation that BDA would honour its commitment to execute sale deed in favour of petitioner, after death of his mother — Therefore, the impugned cancellation deed executed unilaterally by respondent-BDA, cancelling the earlier transfer agreement dated 17-8-1992 — Is void ab initio — Petitioner is entitled to sale deed executed at his own cost in accordance with clause (i) of sub-rule (8) of Rule 13 of the Rules.

Ram Mohan Reddy, J., Held: In the light of the aforesaid observations and the fact that more than 5 years elapsed between the transfer agreement dated 17-8-1992, Annexure-G and cancellation deed dated 23-12-1997, it is needless to state that the action of the BDA in unilaterally executing the cancellation deed on 23-12-1997 is unreasonable, unfair and arbitrary. Sequentially as on today, petitioner's mother and thereafter petitioner is in possession and enjoyment of the property for more than 22 years, hence BDA would be well advised not to propose any further action to cancel the allotment made on 2-3-1992 though in the form of transfer in favour of petitioner's mother in respect of the property in question. — Ajay R. Gowda v The Bangalore Development Authority, Bangalore, 2016(1) Kar. L.J. 619A.
[38-A. Grant of area reserved for civic amenities etc.—(1) The authority shall have the power to lease, sell or otherwise transfer any area reserved for civic amenities for the purpose for which such area is reserved.

(2) The authority shall not sell or otherwise dispose of any area reserved for public parks and playgrounds and civic amenities, for any other purpose and any disposition so made shall be null and void:

Provided that where the allottee commits breach of any of the conditions of allotment, the authority shall have right to resume such site after affording an opportunity of being heard to such allottee.]

COMMENTS

Reservation of site for civic amenities

Section 38-A — Civic amenities — Reservation of site for — Alteration of user is not permissible — Site earmarked for college was split into three parts of which one part was allotted to institution to run high school and another part to another institution to set up ophthalmic hospital — Action of authority amounts to alteration of user of site and is therefore unsustainable in law.

: Held: The site which was originally reserved for college is bifurcated into three small bits for being allotted to a school and to a private hospital. No material is placed before this Court as to under what authority the Site No: 39 is bifurcated into 3 different sites and CA Site No. 39-A and CA Site No. 39-C were proposed for allotment to a hospital and a school. This is clearly in violation of Section 38-A of the Act. The allotment of Civic Amenity Site Nos. 39-C and 39-A in favour of respondents 4 and 5 respectively is therefore unsustainable in law. — S.G. Heble and Others v Bangalore Development Authority and Others, 1997(7) Kar. L.J. 352E : ILR 1997 Kar. 2707.

Land from a civic amenity to a residential area

Section 38-A — Public interest litigation — Government permitted Bangalore Development Authority to change use of land from a civic amenity to a residential area thereby allotted land to a society. — In earlier writ petition, single Judge observed that provision of Section 14-A of Karnataka Town and Country Planning Act, 1961 followed and upheld action of Authority — ‘Public interest litigation’ herein would operate as res judicata and a binding precedent to subsequent litigation — Petition filed after a delay of 15 years — Delay defeats equity — Writ Petition dismissed on preliminary points as being barred by principle of res judicata and on ground of laches — [Constitution of India, Articles 226 and 227 — Writ jurisdiction].

It would be seen that the prayers made in the said writ petition were similar to the ones made in the present writ petition. The learned single Judge after referring to Section 14-A of the Karnataka Town and Country Planning Act, 1961 and Section 19(4) of the Act came to the conclusion that the Authority could after following the procedure laid down could change a

1. Section 38-A substituted by Act No. 18 of 1991 and shall be deemed to have come into force w.e.f. 21-4-1964.
civic amenity site into a residential area. Change was made after following the procedure and Government gave its concurrence to change by issuing the impugned order. The layout plan had been approved on 18-1-1985 and the possession of the same had been delivered to respondent 3 (1st respondent before us); that respondent 3 had deposited Rs. 7.3 lakhs towards layout changes and Rs. 5 lakhs towards the land cost. . . . . Action of the authority and the Government Order dated 18-10-1984 was upheld. This Court in the case, Manipur Vasant Kini, supra, has held that the decision rendered in the previous litigation filed as "Public interest litigation" would operate as res judicata and a binding precedent to the subsequent litigation also filed in the public interest. The subsequent proceedings filed by another set of litigants in public interest rising out of the same cause which was raised in earlier litigation would be barred by the principle of res judicata/constructive res judicatas. . . . Section 38-A prohibits the Authority from selling or disposing of any area reserved for public park or play ground or civic amenity or for any other purpose but the impugned order has not been passed under Section 38-A. Under the Act the Authority has been empowered to change the scheme. The Authority after following due procedure in exercise of its power under Section 14-A of the Karnataka Town and Country Planning Act, 1961 and Section 19(4) of the Act had changed the civic amenity site as a residential site. By the impugned order the said action of the Bangalore Development Authority was approved. — Manjunath R. and Others v Doddabylakhana House Building Co-operative Society Limited, Bangalore and Others, 2000(8) Kar. L.J. 558 (DB).

Bulk allotment of land to Housing Co-operative Society

Sections 38-A and 38-B — Bulk allotment of land to Housing Co-operative Society — Sale deed executed by authority in respect of — Condition in sale deed requiring Society to "relinquish" areas earmarked for parks, civic amenities and roads in approved layout plan, in favour of authority — Since sale deed, by virtue of such condition, does not vest Society with title in respect of such areas, "relinquishment" contemplated in deed is no more than formal handing over of areas to authority — Since authority remains to be owner of areas even after execution of such sale deed, it is open to authority to form roads, develop parks and allot civic amenity sites even without "relinquishment" by Society — Allotment of site earmarked for school, to Trust to construct school building, is valid and allotment cannot be challenged on ground that Society is yet to "relinquish" site in favour of authority — Having accepted such condition in sale deed, it is not open to Society to refuse to "relinquish" areas on ground that "relinquishment" without compensation amounts to depriving it of its property without authority of law.

This is a case of bulk allotment from the BDA itself which was subject to terms and conditions and the sale deed itself makes it clear that the said area is to be relinquished after the sale deed and not after formation of layout and therefore a right cannot be claimed by the Society in the present case since the sale deed itself indicated the area which would be lost by the Society after the sale deed itself. Therefore, even though the sale deed contained that the
relinquishment deed is to be executed, the same cannot be understood in the nature of relinquishing and reconveying the said property to the BDA, it is only in the nature of handing over the property to the BDA to the extent mentioned in the sale deed and therefore relinquishment deed in terms of the transfer of property and by way of divesting the interest in the property is not what is contemplated but a mere communication to the BDA handing over the said area to be formed in the layout. The Act itself provides that the said area is to be made over to the BDA without claiming any compensation and therefore it is a mere formality to be completed and as such it is not necessary for the BDA to approach the Civil Court seeking specific performance of the terms in the sale deed in the facts and circumstances of this case. 

Since in the facts and circumstances of this case wherein the land was conveyed to the Society under a Bulk Allotment Scheme subject to the terms and conditions contained in the sale deed, what would emerge is that the properties detailed in the sale deed had never passed to the Society and the covenant in the sale deed that after execution of the sale deed, the Society was required to execute relinquishment deed, would indicate that the intention of the parties was not passing on the entire property to the Society and thereafter reconveying the properties mentioned in Annexure-I to the BDA. But, immediately after execution of the sale deed, the relinquishment deed was required to be executed. Therefore, the same were only the documents for the purpose of records and as such even though the relinquishment deed had not been executed by the Society, the extent of land mentioned in Annexure-I to the sale deed between the BDA and the Society had remained with BDA since it was the property of BDA on its original acquisition and vesting and this portion was earmarked as civic amenity site in the approved plan. Therefore, the BDA being the owner of the said civic amenity site was entitled to deal with the same in the manner provided under the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989. Therefore, the decision taken by the BDA to lease the same cannot be held to be bad. — Bhavanri Housing Co-operative Society Limited (R), Bangalore v Bangalore Development Authority and Another, 2006(5) Kar. L.J. 630A (DB).

Offer of civic amenity sites for allotment

Sections 38-A and 65 — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 3(3) — Offer of civic amenity sites for allotment — Rule requiring Authority to give due publicity to — Application of Rule is not attracted for leasing out sites remaining after reservation are made, as per direction of Government.

Sub-rule (2) of Rule 3 says that after making reservation under sub-rule (1) the Authority may, subject to Section 38-A and general or special orders of the Government and having regard to the particular type of civic amenity required to be provided in any locality offer such of the remaining civic amenity sites for the purpose of allotment on lease basis to any institution. ... A careful reading of Rule 3 would show that Rule 3(2) is subject to Section 38-A and general or special orders of the Government in the matter. When there is a standing order of the Government in the matter of lease of the land to BDA, the question of violating Rule 3 does not arise. Rule 3 would apply to
only to such cases which are not governed under Section 38-A of the Act. —
NAL Layout Residents’ Association, Bangalore and Another v Bangalore
Development Authority and Another, 2005(3) Kar. L.J. 86.

Petition Schedule property was earmarked

Section 38-A(2) — Petition Schedule property was earmarked for a park
in the original plan of the layout sanctioned by the State — A change for any
other use is in clear violation of Section 38-A(2) of the Act.

In view of the assertion that the ‘PSP’ is earmarked for a park in the
sanctioned layout plan, the original plan when produced by the BDA
disclosed that the PSP is earmarked for park and another open area in the
very same layout is earmarked for playground distinctly demarcating the
said area adjacent to a park. The ‘PSP’ originally reserved for park, a change
for any other use, is in clear violation of Section 38-A(2) of the BDA Act.......
The BDA, without noticing the reservation for park, has, as rightly contended
having inadvertently permitted the petitioner to put to use the ‘PSP’ for park
and playground, commencing from the year 1990 onwards and under the
notification of the year 2003, and in my considered opinion are actions
without jurisdiction and hence, null and void. I say so in the light of the
authoritative pronouncement of the Apex Court in Bangalore Medical Trust’s
case, followed in S.G. Hebl’es case. In that view of the matter, it is not possible
to accede to the contention of the learned Counsel for the petitioner that long
user for almost two decades of the ‘PSP as park and playground, ought to
continue as such. Merely because the BDA committed an error, due to
inadvertence, though fatal in law, the error cannot be continued in
perpetuity...... Before the Division Bench the BDA having not brought to its
notice that the ‘PSP’ was originally reserved for park in the sanctioned layout
plan, accepted the statement of objections of the BDA to dismiss the public
interest litigation. That order cannot be construed as a seal of authority to put
to use the ‘PSP’ for park and playground. It is elsewhere was that there can be
no estoppel against statute and therefore, neither the order of the Division
Bench, nor the long user of the PSP can come to the aid of the petitioner for
the reliefs sought in this petition. ....... The contention that under Section
16(1)(d), 15% of the area in the layout should be earmarked for park and
playground should be read as ‘park and playground’ and cannot be
dissected and earmarked separately for park and that of playground, in my
considered opinion, is also without merit. All that the provision of law states
is, an extent of 15% of the land in the layout to be earmarked for parks and
playgrounds, which can by no stretch of imagination, be read as if park or
playground are to be earmarked together and can never be separated. In
other words, there can be open sites in the layout earmarked only for park
and others for playgrounds and not necessarily for both park and
playground together. The requirement of law is that 15% of the area in the
layout ought to be set apart for park and playground. In the present case, the
sanctioned layout plan discloses that the ‘PSP’, in its entirety, is earmarked
for park and therefore, it cannot be said that such a reservation is contrary to
Section 16(1)(d) of the BDA Act. — The Poornaprajna Education Centre,
Acquired land found unsuitable for inclusion in development scheme

Sections 38-A(2) and 38-C — Acquired land found unsuitable for inclusion in development scheme for which it was acquired — Disposal of site formed on — Resolution passed by authority to allot site by way of sale to person from whom land was acquired — Authority, having passed resolution cannot refuse to carry out resolution on ground that in layout plan subsequently prepared by it site has been earmarked as civic amenity site.

The original layout plan was prepared some time between 6-12-1982 to 2-10-1983. Thus it becomes evidently clear that this development plan is drawn up subsequent to Resolution No. 629 which was passed on 21-6-1980. It may be recalled that in the Resolution No. 629, certain lands including the lands of the petitioner was resolved to be left from the layout plan as it was already built up and was for realloction and regularisation, meaning thereby that they were kept for being reconveyed. If the said sites were kept for reconveyance, in the subsequent development plan the very same site could not have been earmarked by the respondent for civic amenities and on that basis, the benefit cannot be denied. In this view, of the matter, the third plea is also answered in favour of the petitioner. . . . The respondent-BDA is directed to consider the case of the petitioners to reconvey the respective sites in question subject to the petitioners complying with the other regular conditions to effect reconveyance. <197> K.N. Kamalamma v Bangalore Development Authority, Bangalore, 2009(1) Kar. L.J. 658B.

Civic amenity sites are formed as beneficiaries of trust are public at large.

Sections 38-A and 2(bb) — Bangalore Development Authority, (Allotment of Civic Amenity Sites) Rules, 1989, Rules 3(2), 4, 5, 6, 7 and 2(b) and 2(d) — Civic amenity sites in private layout approved by authority and relinquished to it — Allotment of — Authority, held, is competent to allot on lease basis such civic amenity sites available after reserving such sites to Central Government, State Government, or Corporations or bodies established by Central Government or State Government, to eligible institutions to enable them to provide “civic amenity” — Allotment of civic amenity site to Kashmiri Hindu Cultural Welfare Trust (Regd.), on long term basis, for running educational institution, held, cannot be considered as contrary to object for which civic amenity sites are formed as beneficiaries of trust are public at large and Trust is found to be eligible for such allotment.

Under Section 38-A of the Act, discretion is given to the respondent-authority to lease, sell or transfer in any other manner any area reserved for civic Amenities for the purpose for which said area is reserved. Under sub-rule (1) of Rule 3, the authority has power to reserve such number of civic amenity sites which are available in any area for the purpose mentioned in sub-clauses (i) and (iv) of clause (bb) of Section 2 of the Act for the Central Government, State Government, Corporation or for a body established by the State Government or the Central Government. Sub-rule (2)
of Rule 3 states that after making reservation under sub-rule (1), the Bangalore Development Authority, subject to exercise of power under Section 38-A of the Act and general or special orders of the Government and having regard to the particular type of civic amenity sites required to be provided in any locality offer such of the remaining civic amenity sites for the purpose of allotment on lease basis to any institution. ‘Institution’ is defined in clause (d) of Rule 2. . . . . Therefore, the available civic amenity sites have to be first allotted in terms of sub-rule (1) to Governmental authorities, then the BDA has discretion to allot any site under Section 38-A of the Act and if there are any general or special orders of the State Government, the same would have to be complied with by the BDA. If the BDA chooses not to exercise its discretion in favour of any institution and if there are civic amenity sites available in any locality, then in that case the same would have to be offered in terms of the procedure prescribed in sub-rule (2) of Rule 3 read with Rules 4 to 10 of the sub-rules. . . . . In the instant case, civic amenity sites have been reserved for the purpose of school, playground. Clause (5) of the lease deed also states the purpose of construction of a building for ‘Kashmir Bhavan’ and not for any other purpose and no residential and commercial building can be constructed on the allotted C.A. site. The lease is for a period of 30 years. The 2nd respondent is a Public Welfare Trust established for the purpose of developing, promoting, running educational institutions for the purpose of public in general and also for promoting Kashmiri culture and cultural activities through out India. . . . . The beneficiaries of the Trust are public at large as stated in clause. In the instant case, it is noticed that the civic amenity site in question has been reserved for the purpose of school and playground. Having regard to the broad objects of the Trust which also includes educational and cultural activities, the lease deed states that the allotment has been made for the purpose of construction of Kashmir Bhavan. The object of such construction is to run various activities as stated in the Trust Deed, which also includes educational institutions and various other objects which are civic amenities as per clause (bb) of Section 2. Even the lease made by the 1st respondent-authority insofar as the site in question is concerned, is for school and playground. . . . . The allotment made is in accordance with Section 38-A, sub-rule (2) of Rule 3 of 1989 Rules. In fact, having regard to the objects of the 2nd respondent-Trust, the definition of civic amenity and the exercise of power by the 1st respondent under Section 38-A of the Act read with Rule 3 of 1989 Rules, I am of the view that the allotment in the instant case is in accordance with law. The same would not call for any interference. - NAL Layout Residents’ Association, Bangalore and Another v Bangalore Development Authority, Bangalore and Another, 2012(2) Kar. 111A.

138-B. Power of Authority to make bulk allotment.—Notwithstanding anything contained in this Act or Development Scheme sanctioned under this Act, the authority may, subject to any restriction, condition and

1. Sections 38-B and 38-C inserted by Act No. 17 of 1994 and shall be deemed to have been inserted w.e.f. 20-12-1975.
limitation as may be prescribed, make bulk allotment by way of sale, lease or otherwise of any land which belongs to it or is vested in it or acquired by it for the purpose of any development scheme.—

(i) to the State Government; or

(ii) to the Central Government; or

(iii) to any Corporation, Body or Organisation owned or controlled by the Central Government or the State Government; or

(iv) to any Housing Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959); or

(v) to any society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960); or

(vi) to a trust created wholly for charitable, educational or religious purpose:

Provided that prior approval of the Government shall be obtained for allotment of land to any category listed above.

COMMENTS

Bulk allotment of land to Housing Co-operative Society

Section 38-B — As amended by Bangalore Development Authority (Third Amendment) Act, 1993, with retrospective effect from 20-12-1975 — Bangalore Development Authority (Third Amendment) Act, 1993, Section 5 — Bulk allotment of land to Housing Co-operative Society — Introduction of new section into Act with retrospective effect from 20-12-1975, conferring power on Authority to make — Since amending Act by giving retrospective effect to amendment has validated all bulk allotments made by Authority from beginning of its existence, writ petition challenging validity of bulk allotment of land made in favour of society in 1983 by Authority is not maintainable.

Section 38-B was inserted by Act No. 17 of 1994. Prior to the insertion of Sections 38-B and 38-C, there was no provision under the Bangalore Development Authority Act for allotting the land in bulk to the applicants. Bulk allotment could be made in favour of a Housing Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959. Indeed, the proviso to Section 38-B would indicate that prior approval of the Government is a prerequisite condition before any bulk allotment is made in any of the categories listed when Section 38-B was inserted by Act No. 17 of 1994. Section 38-B has been given retrospective effect inasmuch as it is deemed to have been on the statute from 20th December, 1975. The lease-cum-sale to the extent of 30 and odd acres was executed in favour of respondent 3 by respondent 2 on 13-1-1983. The possession of the land in question was handed over to the third respondent on 22-1-1983. The claim of the petitioners that they continue to be still in possession of the lands in question cannot be accepted. Even before Section 38-B of the Act was put on
statute book, an extent of 30 acres was granted in favour of respondent 3. Section 5 of the Amending Act would clearly disclose that it is with retrospective effect, which would necessarily mean that the said provision is on statute from 20-12-1975. In the circumstances, the allotment in favour of respondent 3 is deemed to have been validated. — Smt. Sharadamma and Others v State of Karnataka and Others, 2007(5) Kar. L.J. 200A.

Bulk allotment of land permissible only to Housing Co-operative Society

Section 38-B — Bulk allotment of land — Permissibility — Permissible only to Housing Co-operative Society for further allotment by it to its members.

Section 38-B was inserted in the principal Act with effect from 20th December, 1975. A plain reading of this section shows that bulk allotment of land by way of sale, lease or otherwise can be made, inter alia, to any Housing Co-operative Society. This being so, the allotment of land made in favour of the respondent-Legislators Housing Co-operative Society between 1981 and 1987 would come within the ambit of Section 38-B. There is no material on record to indicate that there was any Society or organisation or anybody else who had been registered with the BDA prior to the date of registration of the respondent-Society and who had not been allotted land. In the absence of any averment in this behalf or any specific finding in regard thereto, the allotment of land which consisted of 604 sites in favour of the respondent-Society cannot be held to be invalid. It is not in dispute that the respondents whose allotment was challenged were members of the respondent-Society and if this being so they would be entitled to allotment of sites from out of the land which had been allotted to the said Society. — Commissioner, Bangalore Development Authority v S. Vasudeva and Others, 2000(7) Kar. L.J. 1A (SC).

Prior approval of State Government is mandatory

Section 38-B — As amended by Act 17 of 1994 — Bulk allotment — Competency of Bangalore Development Authority to make — Prior approval of State Government is mandatory — Mere passing of resolution by Bangalore Development Authority for making bulk allotment of land to society does not amount to allotment when there is no order of State Government approving resolution.

Held: Any allotment to be made under Section 38-B is to be made after obtaining the approval of the State Government. In the case on hand, there is no such prior approval or Government Order permitting the BDA to make any bulk allotment. Therefore, even though the BDA has passed a resolution in the year 1988 to allot the land in favour of the petitioner society, the said resolution does not amount to an order of allotment as it has not been communicated to the petitioner. Further there is no Government order according approval for bulk allotment in favour of the petitioner-society. — Vijayanagar Industrial Workers’ Housing Co-operative Society Limited, Bangalore v State of Karnataka and Another, 1998(4) Kar. L.J. 117A : ILR 1998 Kar. 2479 : AIR 1998 Kant. 361.
Bulk allotment to Housing Societies and Charitable Trusts

Section 38-B, as amended by Karnataka Act No. 17 of 1994, with effect from 20-12-1994 — Bulk allotment — Power of Authority to make — Only lands can be allotted in bulk, inter alia, to Housing Societies; Charitable Trusts, etc. — Allotment of sites to individual members of Society as per directions issued by State Government does not amount to bulk allotment of lands to Society — Such allotment of sites without scrutiny of allottee’s eligibility for allotment, held, illegal and orders issued by State Government directing Authority to make such allotments in disregard of statutory rules, held, ultra vires its power to issue directions under Section 65 of Act.

Held: Section 38-B was inserted by Act No. 17 of 1994 with effect from 20th of December, 1994. Section 8 of Act No. 17 of 1994 however validated the bulk allotment of land made by the Authority after 20th of December, 1975 and before the commencement of the said Act, if the allotment was made in favour of:

(i) the State Government; or
(ii) the Central Government; or
(iii) any Corporation, body or organisation owned or controlled by the Central Government or the State Government; or
(iv) any Housing Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959); or
(v) any Society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960); or
(vi) a trust created wholly for charitable, educational or religious purposes.

The concept of bulk allotment has been resorted to justify the action of the Government purported to have been taken under Section 65 of the Act and Rule 4(2) of the Allotment Rules. . . . Various orders were passed, with the result that 604 sites were allotted to the Society . . . . The cloak of Section 38-B of the Act does not in any way dispel the impression that the allotments were made to the Society for reasons not referable to the Act and apparently for political considerations. The law makers themselves started usurping public largesse by having resort to the technicalities of the procedure by totally ignoring the interests of the people who had elected them for making laws for the benefit of the Society. No safeguard was provided to ensure that the sites were allotted only to the needy and deserving Legislators. The bulk allotments made in favour of the Society did not prescribe any guidelines. The Society also accorded the sanction of allotment to its members on the basis of so called seniority totally ignoring the mandate of the Act and the conditions of eligibility prescribed by the Allotment Rules. It is not disputed that any Legislator, notwithstanding owning or possessing a house or site in Bangalore, could have become the member of the Society and get himself registered as an aspirant for the allotment of the site. Without scrutinising the claim of the member concerned, the Society started conferring largesse on its members: only on the grounds of their assumed seniority in getting
themselves registered as members. The respondent-Authority also does not appear to have satisfied itself regarding the compliance of the conditions of eligibility before actually allotting the sites to the members of the Society. Strictly speaking, it was therefore, not a case of bulk allotment but in fact the conferment of benefits at the instance of Government for reasons and grounds neither disclosed nor spelt out from the pleadings submitted on their behalf. Such an allotment can only be equated with the allotments made in the discretion exercised by the Government. The political executive of time, when the sites were made available to the Society, purportedly had such considerations in their mind which are not referable to the provisions of the Act. The mentioning of bulk allotment in some parts of the orders of the Government appears to be as not referable to any statutory provisions as admittedly Section 38-B authorising the Authority to make bulk allotment did not exist at that time. The concept of bulk allotment referred to in the Government Orders was therefore not in existence and in fact resorted as a substitute of discretionary allotment. Such allotments made without providing any guidelines or prescribing the criterion can be held to be arbitrary being in violation of the guarantees enshrined in Part III of the Constitution of India. All the allotments made to the Legislators through the Society at the instance and under the directions of the Government of Karnataka being illegal, unconstitutional and motivated by extraneous considerations are liable to be quashed. However, keeping in view the fact that all the beneficiaries have not been impleaded as party-respondents in the present case and the delay in approaching the Court against the impugned action of the respondents we propose not to quash all such allotment of sites, in these proceedings. Further, on being satisfied that the allotment of sites were unconstitutional and illegal we cannot remain silent spectators and are constitutionally bound to give proper directions in the matter in the interest of justice, for restoring of the rule and law and for strengthening the belief of the common man in the institution of judiciary. — S. Vasudeva v Government of Karnataka and Others, 1999(1) Kar. L.J. 116A (DB) : AIR 1999 Kant. 74 (DB).

Agreement for Bulk allotment of sites

Section 38-B — Karnataka Slum Areas (Improvement and Clearance) Act, 1973, Section 3 — Bulk allotment of sites — Agreement for — Enforceability of agreement against Authority when sites earmarked for allotment have been declared as “slum area” — Held, not enforceable.

Held. — The encroachment made by Indiranagar Slum Dwellers and the proposal to declare the said area as “Slum Area” is not in dispute. The challenge made earlier to the said notification by the petitioner in W.P. No. 17225 of 1992 ended in failure. Pursuant to the said order, the second prayer has been deleted in this writ petition. When the area is admittedly encroached and notification has been issued to declare it as slum area, petitioner is not justified in seeking release of 66 sites in the said land. Such a prayer cannot be granted in the facts and circumstances of the case. — Gayathrinagar House Building Co-operative Society Limited, Bangalore and Others v State of Karnataka and Others, 1999(6) Kar. L.J. 206.
Bulk allotment of acquired land

Sections 38-B, 65 and 69 — Bangalore Development Authority (Bulk Allotment) Rules, 1995, Rules 3 and 7 — Bulk allotment of acquired land — Writ petition challenging validity of — Direction issued by Government to authority to allot 10 acres out of 22 acres of land acquired for development scheme of authority, by way of bulk allotment to Housing Co-operative Society, held, is within its power, and cannot be said to be illegal — Registered Society from whom land in question was acquired for authority has no locus standi to question validity of bulk allotment, when its members who had purchased sites from Society prior to acquisition of Society's land, were allotted alternative sites by authority.

As per the BDA (Bulk Allotment) Rules, 1995, the power of the BDA is only to make bulk allotment of 5 acres. In exercise of power under Section 38-B if bulk allotment is to be made for more than 5 acres, it is the power of the Government. Since exercising power under Section 38-B the Government has directed the BDA to allot 10 acres in favour of the respondent-Society as is provided under the rules framed under the Act, the allotment so made by the BDA on the direction of the Government cannot be held to be illegal. Moreover, the respondent-Society is said to have made an application to the Government and the Government in turn having considered the application of the Society, has ordered for making allotment. . . . A reading of Sections 65 and 38-B of the Act and the Bulk Allotment Rules of the BDA makes it clear that there is no illegality in the order passed by the Government directing the BDA to make bulk allotment of 10 acres. That apart, the ground raised by the petitioners that the allotment made in favour of the respondent-Society is illegal cannot be accepted. — Surabhi Seva Sangha (Reg.), Bangalore and Others v. State of Karnataka and Others, 2009(1) Kar. L.J. 712.

38-C. Power of authority to make allotment in certain cases. — ![Section 38-C renumbered as sub-section (1) thereof by Act No. 1 of 2000]
Notwithstanding anything contained in this Act or in any other law or any development scheme sanctioned under this Act, or ![City of Bangalore Improvement Act, 1945], where the authority or the erstwhile City Improvement Trust Board, Bangalore has already passed a resolution to reconvey in favour of any person’s any site formed in the land which belong to them or vested in or acquired by them for the purpose of any development scheme and on the ground that it is not practicable to include such site for the purpose of the development scheme, the authority may allot such site by way of sale or lease in favour of such person subject to the following conditions.—

(a) the allottee shall be liable to pay any charges as the authority may levy from time to time; and

1. Section 38-C renumbered as sub-section (1) thereof by Act No. 1 of 2000
2. Substituted for the words and figures “City Improvement Trust Board Act, 1945” by Act No. 22 of 2000, w.e.f. 29-11-2000

A KLJ PUBLICATION
(b) the total extent of the site allotted under this section together with
the land already held by the allottee shall not exceed the ceiling
limit specified under Section 4 of the Urban Land (Ceiling and
Regulation) Act, 1976.]

1[(2) Notwithstanding anything contained in this Act or in any other law
or any development scheme sanctioned under this Act or the City of
Bangalore Improvement Act, 1945, but without prejudice to sub-section (1),
where the Authority after carrying out a survey of land, vested in or acquired
by it, is of the opinion that such land cannot be used by it on account of
existing structure or building thereon or it is not practicable to include such
land for the purpose of development scheme or formation of sites, the
Authority may with prior approval of the Government allot such land by sale
in favour of the original owner of the land or the purchaser from the original
owner or a General Power of Attorney holder from such original owner or
purchaser in respect of the land, who has put up the structure or building on
the land or in favour of such original owner, purchaser or General Power of
Attorney holder who is in possession of the land, subject to the conditions
that—

(i) the structure or building was in existence on such land prior to the
First day of January, 1995 or such original owner, purchaser or
General Power of Attorney holder has been in possession of the
land since prior to the First day of January, 1995 and has continued
to be in possession of the land as on the date of commencement of
the Bangalore Development Authority (Amendment) Act, 1999;

(ii) the allottee makes payment towards the allotment of land, such
amount as the Authority may, subject to the general or special
order of the Government determine from time to time; and

(iii) the total extent of the land allotted under this sub-section together
with the land already held by the allottee shall not exceed the
ceiling limit specified under Section 4 of the Urban Land (Ceiling

Explanation.—For the purpose of this sub-section.—

(a) 'land' includes site,

(b) 'original owner of the land' means a person who was
occupant of the land immediately before publication of the
development scheme which contained proposal for
acquisition of such land.]

1. Sub-section (2) inserted by Act No. 1 of 2000
COMMENTS

Land acquired found unsuitable for scheme

Section 38-C — As amended by Bangalore Development Authority (Third Amendment) Act, 1993, Section 9 — Land acquired found unsuitable for scheme — Power of authority to make allotment of — Power is to make allotment, not reconveyance to erstwhile owner of land — Provision made by amendment is prospective in operation — Provision of amending Act validating reconveyance effected between 20-12-1973 and 8-5-1986 by passing resolutions, cannot be applied to validate resolution passed by erstwhile Trust Board prior to 20-12-1973 to reconvey acquired land — Bangalore Development Authority which is successor-in-interest to erstwhile Trust Board cannot be compelled to implement such resolution.

Ashok Bhan and S.B. Sinha, JJ., Held: Section 38-C read with Section 9 of the Amendment Act it would be seen that Section 38-C gives that authority to make allotment in certain cases. It gives the authority to BDA to reconvey/allot in favour of any person any site formed in the land which belonged to them or vested in or acquired by them for the purpose of any development scheme and on the ground that it is not practicable to include such site for the purpose of development scheme by way of sale or lease in favour of such person whose land was acquired subject to his liability to pay any charges that the authority may levy from time to time. Section 9 of the Amendment Act validates the allotment made between 20th December, 1973 to 8th May, 1986. Section 38-C only authorises the BDA to allot a site in a development scheme to a person whose land had been acquired. It does not give any power to the BDA to reconvey the land or a part of the land by withdrawing the acquisition itself. Observations made by the Division Bench in the impugned judgment that Section 38-C enabled the BDA to reconvey the land which had been acquired for a development scheme for a purpose other than implementing the scheme are not sustainable. . . Section 38-C is prospective in its application except to the extent of the allotment made between 20th December, 1973 to 8th May, 1986 which are saved by Section 9 of the Amendment Act. The resolution of CITB of 1972 agreeing to reconvey the part of the land acquired is not covered by the provisions of Section 9 of the Amendment Act. In the present case, the resolution of the CITB predecessor-in-interest is dated 19-4-1972 and it would not be deemed to be validated by the deemed fiction created by Section 9 of the Amendment Act to bring it within the provisions of Section 38-C.


Section 38-C — Acquired land found unsuitable for inclusion in development scheme for which it was acquired — Disposal of site formed on — Resolution passed by authority to allot site by way of sale to person from whom land was acquired — Where person from whom land was acquired had already sold his interest in land to third party, benefit under resolution would inure to third party purchaser of land, irrespective of whether purchase was before or after issuance of preliminary notification for acquisition of land — Authority, therefore, is not right in rejecting claim of third party purchaser of land, for allotment of site on ground that sale effected after issuance of preliminary notification is invalid.

The site could be reconveyed by the authority provided it is not practicable to include such a site for the purpose of development scheme. The allotment of such site could be made in favour of such person from whom the lands had been acquired and allotment could only be by way of sale or lease subject to the allottees paying such charges which they levy from time to time and extent of site allotted under the said provision together with the land held by the allottee would not exceed the ceiling limit. To bring this to action there should be a resolution to reconvey which is passed earlier . . . . Only two conditions were required to be satisfied. They are that it must be impracticable to include the site in the scheme; and there should have been antecedent resolution to this effect. There appears sufficient indication that there already existed a resolution for reconveyance passed by the authority in favour of those persons with reference to the survey number in the village. Since the petitioners are interested in Sy. Nos. 8/5 and 10/4 wherein they have also made construction and since the same is included in the resolution, the condition contained in Section 38-C of the Act is satisfied in the facts of this case. . . . . The benefit of prior sale deed may not be available to other petitioners as admittedly some of the sale deeds are subsequent of the date of preliminary notification. Thus in view of the accepted position that BDA has already executed the sale deeds in favour of similarly situated persons, the same right cannot be denied to other petitioners even though their sale deed might have been subsequent to the date of issuance of preliminary notification as it will otherwise amount to discrimination . . . . Section 38-C of the Act is clear which contemplates reconveyance of the title of the site to the landowner if the conditions mentioned therein has been fulfilled by him. In the instant case if the said principle is applied, the resolution for reconveyance had already enured to the benefit of the vendor in view of the statutory provision and even though the actual reconveyance was not made by BDA, the purchase of the site by the petitioner though before the benefit of actual reconveyance would fructify in favour of the petitioner when reconveyance is made, in view of the pre-existing resolution. — K.N. Kamalamma v Bangalore Development Authority, Bangalore, 2009(1) Kar. L.J. 658A.
Reconveyance of land to owner

Section 38-C — As amended by Bangalore Development Authority (Third Amendment) Act, 1993, Section 38-C — Acquisition of land — Reconveyance of land to owner — Circumstances and condition — Land acquired by City Improvement Trust Board — Passed resolution to reconvey land to owner — Meantime same land transferred to a société and sites allotted — Challenged by owner of land — Allotment to società is illegal.

Earlier to the coming into force the Bangalore Development Authority Act, 1976, the City Improvement Trust Board, Bangalore by a resolution had decided to reconvey the land to the khatedar to whom it belonged and from whom it was acquired. There cannot be any dispute that once it has been so decided the order had to be communicated. . . . That under Section 114 of the Indian Evidence Act, 1872, it is to be presumed that the resolution was passed in accordance with law. A provision has been made under Section 38-C of the Bangalore Development Authority (Third Amendment) Act, 1993 to reconvey any site formed on the land in favour of the person to whom it belonged and the resolution has been passed and reconveyance was made in favour of the holder of khathedar and it cannot be said to be illegal or without jurisdiction. . . . Section 38-C of the Bangalore Development Authority (Third Amendment) Act, 1993 empowers the owner of the land to get it reconveyed in the circumstances indicated in Section 38-C, on resolution being passed by the City Improvement Trust Board, Bangalore. It is also to be taken note of that the City Improvement Trust Board, Bangalore, had passed the resolution as long back. It can’t be said that the resolution was passed preconceiving any such agreement and preconceiving that some body will influence later on. — L.V. Hosalappa (deceased) by L.Rs v Bangalore Development Authority and Others, 2001(7) Kar. L.J. 178.

Section 38-C — As amended by Karnataka Act 17 of 1994, with effect from 31-3-1994 — BDA (Third Amendment) Act, 1993. (Act 17 of 1994), Section 9 — Acquired land — Reconveyance of — Reconveyance in pursuance of resolution passed by BDA between 20-12-1973 and 8-5-1986, is deemed to be validly made under Section 38-C introduced into Principal Act w.e.f. 31-3-1994 — What can be reconveyed under Section 38-C is only site and not land, and reconveyance must be by way of sale or lease subject to allottee paying such charges which BDA may levy, and it must be for reason that it is impracticable to include such site in Development Scheme — Where what is proposed to be reconveyed in resolution is land and not site and resolution ascribes no reason for such reconveyance and resolution itself is invalid for having been passed on 7-8-1987 when BDA had no power to pass such resolution, same cannot be acted upon as it is not saved by Amending Act of 1993.

Held: Section 38-C of the Act commences with non obstante clause. It says irrespective of what is contained in BDA Act, the Authority can convey the
sites which belongs or vested or acquired by it for any Development Scheme. The site could be reconveyed by the authority provided it is not practicable to include such a site for the purpose of Development Scheme. The allotment of such a site could be made in favour of such person from whom the lands had been acquired. The allotment could only be by way of sale or lease subject to the allottee paying such charges which the authority may levy from time to time and the extent of site allotted under this provision together with the land held by the allottee would not exceed ceiling limit. Section 9 of the Amendment Act 17 of 1994, speaks of validation of certain allotments. It clearly says that by a resolution passed by the Bangalore Development Authority to reconvey in favour of any person any site out of the land which belonged or acquired or vested in them for the purposes of any Development Scheme. If the authority has made allotment of such site by way of sale, lease or otherwise in favour of such person after 20-12-1973 and before 8-5-1986, such allotment is deemed to have been validly made and shall have the effect for all purposes, if it is made under Section 38-C the principal Act as amended by Act 17 of 1984. . . . What is being reconveyed under the resolution passed on 1-11-1987, is the land and not the site without assigning any reason for such reconveyance. The reconveyance is not either by way of sale, lease or otherwise to a person from whom the lands had been acquired. The resolution is dated 7-8-1987. The facts would demonstrate that on the date when the BDA passed the resolution they had no authority under the Act to pass such resolution. What is saved under the amended provision is only the order of reconveyance of sites carved out of the land which belongs to them after 20-12-1973 and before 8-5-1986. By the resolution dated 7-8-1987 what the BDA intends to reconvey is the land measuring 3 acres and 0.74 guntas and what could be reconveyed is only a site under the amended provision. BDA had no power and no jurisdiction as on 6-11-1987 to pass such resolution and thereafter recommend it to the State Government. — Chikkamuniyapareddy Memorial Trust, Bangalore v State of Karnataka and Others, 1998(2) Kar. L.J. 274B : ILR 1997 Kar. 2460.

Section 38-C — As amended by Karnataka Act No. 17 of 1994 retrospectively with effect from commencement of original Act, i.e., 20-12-1975 — Acquired land — Reconveyance of, by way of allotment of site formed thereon — Deposit of situal value made by owner of land in pursuance of resolution passed by erstwhile C.I.T. Board to reconvey site by way of sale or allotment — Owner’s claim against authority for damages for failure to make allotment even after lapse of 25 years — Claim for damages is not maintainable, as prior to amendment to Act made on 31-3-1994, authority had no power to make allotment of site by way of reconveyance of acquired land, and mere fact that amendment of 31-3-1994 takes retrospective effect from 20-12-1975, does not give rise to claim for damages against authority.
Held: This section, no doubt has been given retrospective effect with the back date; that is, the date of enforcement of the Bangalore Development Authority ordinance, namely, December 20th, 1975, because the B.D.A. had come into existence under the Bangalore Development Authority Act, 1976 or the ordinance that was existing earlier. That mere giving of retrospective effect to the Act will not entitle the petitioner to claim damages nor the B.D.A. can be blamed for not reconveying the site to the petitioner, as, in fact, it did not earlier have the power either to reconvey the site. It is to be noted that the petitioner had always been claiming reconveyance and not fresh allotment of the site, and as such, there is no question of damages being awarded. — S. Suryanarayana Setty and Others v Bangalore Development Authority, Bangalore, 1998(4) Kar. L.J. 646B.

Section 38-C. — As amended by Karnataka Act No. 17 of 1994 retrospectively with effect from commencement of original Act, i.e., 20-12-1975 — Acquired land — Reconveyance of — What can be reconveyed is not acquired land, but site formed thereon, and such reconveyance must be by way of sale or lease of site to person on whose land site was formed after acquisition of land and subject to his paying charges which authority may levy. — Such reconveyance must be pursuant to resolution passed either by erstwhile C.I.T. Board or B.D.A. to reconvey site on ground that it is not practicable to include such site in any developmental scheme — If site has already been allotted to third party and hence not available for allotment by way of reconveyance, it is open to authority to allot alternate site to person — Where erstwhile C.I.T. Board had already passed resolution to reconvey site and party had already paid sital value demanded by authority, it is not lawful on part of authority not to have allotted sites merely because, site having been allotted to third party, is not available for allotment by way of reconveyance <197> It is open to authority to allot alternate site if same is acceptable to party or to refund his deposit.

Held: A direction is issued to the Bangalore Development Authority to consider the petitioner’s case for allotment of such sites, meaning sites formed on the land which belonged to the petitioners by way of sale or lease as provided under Section 38-C, if those necessary conditions of Section 38-C are shown to exist, namely, there is a resolution passed either by the City Improvement Trust or by B.D.A to reconvey the property on the ground specified in this section and if the site claimed is available and if petitioner is ready to pay the justified consideration or make payment thereof for the purchase and his site or sites on his land has not been allotted to any 3rd person, namely, in any case 3rd person’s interest in respect thereof has not arisen or accrued during the period from the date of acquisition till before 31-3-1994. As an alternative relief it will be open to the petitioner to apply for allotment of some other alternate site in accordance with the law and rules. It is always open to the authorities to consider that prayer as well for the
alternative site provided the petitioner satisfied the necessary conditions. — S. Suryanarayana Setty and Others v Bangalore Development Authority, Bangalore, 1998(4) Kar. L.J. 646A.

Section 38-C, as amended by Karnataka Act 17 of 1994 — Reconveyance — Permissibility of — Permissible if land acquired could not be included in development scheme and resolution to reconvey land acquired had already been adopted either by BDA or by erstwhile CITB — Even then, reconveyance must be by way of allotment of site by lease or sale, if erstwhile owner of acquired land is eligible for allotment under Rules and has paid requisite charges — Where relief sought for by party is not allotment of site by lease or sale but reconveyance of revenue site acquired, such relief cannot be granted, especially when revenue site had already been converted into site and allotted to third party.

Held: Under this provision, power has been conferred on the Bangalore Development Authority, if the City Improvement Trust Board had already passed a resolution to reconvey the land in favour of a person or any site formed in the land which belong to them and which had vested or had been acquired by the BDA or CITB for the purpose of any development scheme and on the ground that it is not practicable to include such site for the purpose of the development scheme, then authority can allot such site by way of sale or lease in favour of such person i.e., the person to whom the site belonged originally. This provision is applicable only on proof of the fact that earlier CITB, Bangalore, had passed any such resolution to reconvey the site in favour of the person from whom the land has been acquired and that it is not practicable to include such site for the purpose of development scheme. In this present case, petitioner or his predecessor i.e., original owner of land had taken the compensation of Rs. 11,931.25 ps. Petitioner is not seeking the relief that the Bangalore Development Authority be directed to sell this plot in favour of the petitioner or that lease be given to him. Section 38-C may not be of any help. . . Section 38-C of the Act cannot be said to be of any help or assistance to the petitioner. The site in question had already been allotted. In such circumstances, it would neither be just nor proper to allow the writ petition. The allotment in favour of respondents 2 and 3 has been made in 1984 by way of sale. The third party interest had come into existence. Therefore, in such circumstances, when this petition has been filed after twelve years from the date of allotment in favour of the respondents 2 and 3, it does not appear just and proper to issue writ of mandamus even if it be taken that authority has been conferred with power in the circumstances referred to in Section 38-C to allot the site by way of sale or lease to the previous owner and the section which has been introduced in 1994 has been given retrospective effect only with effect from 20-12-1975. — G. Umadevi v Bangalore Development Authority, Bangalore and Others, 1998(5) Kar. L.J. 199B.
Section 38-C — As amended by Karnataka Act 17 of 1994 retrospectively from date of commencement of parent Act, i.e., 20-12-1975 — Reconveyance — Applicability of amended provision permitting — Not applicable to land acquired under CITB Act, 1945 which stood repealed with effect from 20-12-1975 — Revenue site acquired prior to 20-12-1975 'cannot' be reconveyed and provisions of Section 38-C of BDA Act, 1976, have no application.  

Held: Amendment has been given retrospective effect, but only with effect from 20-12-1975. It means that Section 38-C will be deemed to have come into effect with effect from 20-12-1975 and not earlier. The land was acquired by the Special Land Acquisition Officer of the CITB earlier to BDA Act. Earlier to this BDA Act of 1976, City Improvement Trust Board was in existence and operation. No provision of law has been cited to show or establish that CITB did have the power to reconvey. Therefore, it is not possible to hold that the petitioner has a right to seek reconveyance. — G. Umadevi v Bangalore Development Authority, Bangalore and Others, 1998(5) Kar. L.J. 199C.

Section 38-C — As amended by Karnataka Act 17 of 1994, with effect from 20-12-1975 — Bangalore Development Authority (Third Amendment) Act, 1993, Section 9 — Reconveyance of acquired land to acquiree — Settlement reached between Authority and acquiree — Settlement incorporated in resolution passed by Authority on 17-11-1982 and approved by State Government — Pursuant to resolution, acquiree directed to deposit reconveyance charges and not to claim compensation in respect of his land vested in Authority — Reconveyance pursuant to resolution passed during period between 20-12-1973 and 8-5-1986, is deemed to be validly made under Section 38-C introduced into principal Act by amendment — Communication of resolution to acquiree and his payment of reconveyance charges as directed, held, has resulted in concluded contract which is valid and enforceable — Decree passed against Authority for performance of contract, held, is valid.

By virtue of resolution dated 17-11-1982, the BDA has created an impression in the mind of the plaintiff that 1 acre 16 guntas would be reconveyed to her if she allowed the BDA to form the road in the remaining land and also it is pertinent to note that it has received development charges which is paid through challan. . . . Section 38-C permits BDA to reconvey the land in favour of the owner of the land. The resolution passed on 17-11-1982 is within the two cut off dates is enforceable. . . . The BDA has entered into a contract which is concluded in view of Section 38-C of the BDA Act and Section 9 of the Validation Act. The defendant is bound by its resolution dated 17-11-1982: . . . The BDA has failed to comply with the resolution dated 17-11-1982. No compensation has so far been given. In other words, it is clear that BDA has promised to reconvey the land to the plaintiff provided that the plaintiff has to forego the land for the purpose of formation of the
road, and shall pay the reconveyance charges. In view of these facts and circumstances of the case, the promissory estoppel can be pressed into service. . . . In the case on hand the BDA has consciously passed the said resolution dated 17-11-1982 and the same was communicated to the plaintiff. In pursuance of the communication, the plaintiff acted upon it and paid developmental charges and also has allowed the BDA to lay the road as injunction was vacated partially. The Government has approved the said resolution. Therefore, the promissory estoppel operates and the plaintiff is entitled to relief. . . . The lower Court has decreed the suit for specific performance and granted perpetual injunction. The judgment and decree of the Trial Court cannot be interfered with. — The Bangalore Development Authority, Bangalore v Smt. Ramakka (deceased) by L.Rs, 2002(6) Kar. L.J. 158.

Section 38-C — Reconveyance of acquired land — Permissibility — Permissible, only if it is found that it is not practicable to include land in development scheme for which purpose land was acquired — Passing of resolution by Authority to reconvey is condition precedent for actual reconveyance — Where acquired land was included in development scheme, a resolution to reconvey land, signed by Chairman alone with no indication that it was duly passed by Authority, is not valid resolution, creating right in owner of land to insist on reconveyance — Decree for reconveyance passed on basis of such resolution, held, is null and void and not executable.

If a resolution has been passed by the Bangalore Development Authority that a specific land or any site which had been acquired for the purpose of any development scheme, and, that it is not practicable to include that site for the purpose of development scheme and it has passed a resolution on that basis to reconvey the land in favour of any person, then it is after passing of the resolution fulfilling these conditions, the authority would stand empowered to allot such site even to the person from whom it is acquired. It may allot such site by way of sale or by way of lease. The allotment or reconveyance would be subject to the conditions as mentioned in clauses (a) and (b) of Section 38-C. . . . Resolution does not indicate that the Bangalore Development Authority passed the resolution, taking, or forming the opinion, that it is not practicable to include the site or land in question in scheme for the purpose of development scheme. . . . That being the position, no resolution could be passed for reconveyance. The resolution does not fulfill the requirements of Section 38-C. Plaintiff may not be entitled for reconveyance of that very land, but he can be allotted any other site, if it is not possible and feasible to reallocate the schedule land which is the subject-matter of litigation. If the defendant/appellant finds that it is not feasible and it is not in its power to reconvey the plaintiff’s land which has been acquired, it may consider the plaintiff’s application for allotment of a site in accordance with law and rules, subject to the terms and conditions to be imposed by the
Board. — The Bangalore Development Authority, Bangalore v Akkallappa (Dead) by L. Rs, 2000(6) Kar. L.J. 374.

Section 38-C(1)(a) — Petitioner-Society owner of land in dispute — Respondent-BDA demanded reconveyance charges from petitioner as per allotment rate prevailing in 2003 — Whether words “any charges” in Section 38-C(a) of Act would mean “allotment charges” payable by an allottee of a site and in case of a reconveyance? — Word “reconvey” presupposes that person to whom land or site is reconveyed was owner of land which was acquired by Authority — In case of reconveyance to original owner, all that BDA entitled to developmental charges and charges for amenities — “Any charges mentioned in Section 38-C(a) cannot be allotment rate of a site for first time — Cost of land to be excluded — Demanding a sum of Rs. 1,15,20,600/- as reconveyance charges by authorities is without authority of law — Impugned orders and demands made by respondents quashed — Writ petition allowed.

The same principle cannot apply to a case of reconveyance. The word “reconvey” presupposes that the person to whom the land or site is reconveyed was the owner of the land, which was acquired by the Authority. On such acquisition, he ceased to be the owner and title passes to the authority. If the authority finds the land so acquired is not useful for the purpose for which it was acquired, then at the request of such owner of the land/site Section 38-C provides for reconveyance in favour of the original owner by passing of a resolution by the Board. Section 38-C(a) provides, on such reallocation by way of reconveyance the allottee shall be liable to pay any charges as the authority may levy from time to time. In the case of a reconveyance the allottee has a pre-existing right. When his land is acquired, if he has not been paid compensation for the same and when the land is reconveyed to him, to expect him to pay the prevailing allotment rate which includes cost of the land would not stand to reason because, he was not paid compensation for the land acquired. Therefore, in the case of reconveyance when the site or land is reconveyed to the original owner, all that the BDA is entitled to is the developmental charges and the charges for the amenities which are given to such land. It cannot be the prevailing rate as in the case of an allotment of a site. Therefore, any charges mentioned in Section 38-C(a) cannot be the allotment rate of a site to an allottee for the first time. It is to be necessarily, less than that and the cost of the land is to be excluded. — Gurukrupa Co-operative Housing Society Limited, Bangalore v Bangalore Development Authority, 2005(3) Kar. L.J. 569.

Exercise of legislative power by Executive

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Constitution of India, Article 213 — Ordinance — Exercise of legislative
power by Executive — Not open to judicial scrutiny — Ground of mala fides or colourable exercise of power, not available to challenge Ordinance — Pendency of litigation on particular subject cannot come in way of Executive in exercise of power to promulgate Ordinance.

Pendency of a writ petition or litigation in a Court of law in regard to a particular subject does not come in the way of the power of the Legislature or the Executive to legislate on the subject . . . . The impugned Ordinance does not interfere with any individual decisions. In fact no decision had been rendered when the Ordinance was issued on 22-6-2000. Further, the Ordinance was issued repealing a provision viz., Section 38-C(2), which had not been brought into force. Therefore, the question of any of the petitioners seeking any relief under Section 38-C(2) or the question of this Court granting any relief based on the said section does not arise. . . . . It is now well-settled that the propriety, expediency and need to promulgate an Ordinance is within the satisfaction of the Governor and it is not open to judicial scrutiny. Nor is the ground of mala fides available to challenge any law, including an Ordinance. If the legislative competence is not open to challenge, then the question of challenging it on the ground of colourable exercise of power does not arise. . . . . It is not, therefore, permissible to examine the validity of the Ordinance on the ground whether there were adequate and proper reasons for promulgating the Ordinance. The propriety, expediency and need to promulgate an Ordinance is within the satisfaction of the Governor and will not be subjected to judicial scrutiny. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364E (DB) : ILR 2000 Kar. 4134 (DB).

**Limited duration of Ordinance**

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Constitution of India, Article 213 — Ordinance — Limited duration of — Not ground to contend that it should not be given effect till Legislature makes law in terms of Ordinance — Ordinance is effective as long as it is in force.

An Ordinance is a legislation. It is an exercise of legislative power by the Executive, under Article 213 of the Constitution. Such law is no less potent because it is made by the Executive and not by the Legislature. The power of the Governor to legislate by an Ordinance is co-extensive with the power of the Legislature to enact laws. An Ordinance has the same force and efficacy as a law made by the State Legislature. Whatever can be achieved by a regular legislation can be achieved by an Ordinance, irrespective of the fact that the Ordinance is intended to be a measure of limited duration . . . . The fact that an Ordinance is of a limited duration or the fact that it may cease to operate on the expiration of six weeks of the reassembly of the Legislature or the fact that it may cease to operate if the Legislature passes a legislation
disapproving it, are not grounds to hold that the Ordinance is invalid or to contend that it should not be given effect, till the Legislature has occasion to consider the need for a law in terms of the Ordinance. The Ordinance is effective law, as long as it is in force. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364D (DB) : ILR 2000 Kar. 4134 (DB).

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Amended provision of Act which never came into force

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Constitution of India, Articles 213 and 226 — Amendment to Act with Presidential assent — Amendment introducing into parent Act, new provision for allotment of land vested in BDA by way of sale, in favour of original owner or purchaser from original owner in circumstances specified therein — Ordinance subsequently promulgated by Governor without instructions from President, repealing new provision introduced by Amendment Act, even before new provision could be brought into force — Validity of Ordinance — Absence of prior instructions from President, held, does not invalidate Ordinance — Prior instructions from President is not required for promulgation of such Ordinance, as Ordinance does not contain any provision which is repugnant to any law made by Parliament — Relief
claimed on basis of amended provision of Act which never came into force, cannot be granted.

The petitioners have clearly stated that reliefs sought in these petitions are entirely based on Section 38-C(2). As Section 38-C(2) no longer exists and even if it existed, as it was not enforce, these petitions are liable to be rejected as having no merits. ... Karnataka Act 1 of 2000 was an Amendment Act. The only amendment brought about by the said Amendment Act was insertion of Section 38-C(2). Act 1 of 2000 was reserved for consideration of the President, as it was felt that the said Section 38-C(2) contained matters which may be considered as repugnant to an existing law like Transfer of Property Act/Land Acquisition Act. But, it is nobody's case that Ordinance 4 of 2000 contains any provision which is repugnant to any law made by the Parliament or an existing law. The said Ordinance merely repeals Karnataka Act 1 of 2000 which inserts Section 38-C(2) in the BDA Act, and contains no other provision. Therefore, it cannot be said that it contains any provision which is repugnant to a law made by the Parliament or an existing law. Even if Section 38-C(2) contained any provision, repugnant to a Central Act or an existing law, the repeal of Section 38-C(2) by the Repealing Ordinance has the effect of removing such repugnancy. Only an Ordinance which contains a provision, which if contained in any Act of the Legislature would have been invalid unless it had been reserved for the consideration of the President and received assent of the President, requires instructions from the President before its promulgation. Promulgation of an Ordinance would require the prior instructions of the President only where the said Ordinance contains some provision which is repugnant to a law made by the Parliament or existing law, and not when the provision which is repealed by the Ordinance was repugnant to a law made by the Parliament or existing law. Karnataka Ordinance 4 of 2000 does not contain any provision repugnant to any Central Act or an existing law, and therefore there was no need for the Governor to take instructions from the President before promulgating the Ordinance in question. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364A (DB) : ILR 2000 Kar. 4134 (DB).

Omission of State Government to issue notification to bring into force

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Constitution of India, Article 226 — Amendment Act — Omission of State Government to issue notification to bring into force — Mandamus cannot be issued to force Government to bring into operation provisions of Act duly passed by Legislature and assented to by President.

Even a law that is duly passed by the Legislature can have no effect unless it comes or is brought into force. Where the Legislature has expressed its legislative intent by making a law, but gives the discretion as to when it
should be brought into force, to the Executive, the Judiciary will not issue a mandamus to the Executive to give effect to the legislative intent by notifying the date on which the law will come into force. . . . Therefore, the petitioners will not be entitled to any relief based on Section 38-C(2), even if it had not been repealed and had remained in the statute book, unless and until it was brought into force. The petitioners have clearly stated that reliefs sought in these petitions are entirely based on Section 38-C(2). As Section 38-C(2) no longer exists and even if it existed, as it was not enforce, these petitions are liable to be rejected as having no merit. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364F (DB) : ILR 2000 Kar. 4134 (DB).

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Unauthorised occupants to challenge repealing Ordinance

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Promissory estoppel — Applicability of doctrine of — Not applicable to exercise of legislative power — Amendment Act introducing into parent Act, new provision for regularisation of unauthorised occupation of BDA land and subsequent repeal of new provision by means of Ordinance even before new provision could be brought into force — Doctrine cannot be pressed into service by unauthorised occupants to challenge repealing Ordinance, as they have not altered their position on basis of any promise held out to them by State.
There can be no promissory estoppel against a Legislature in the exercise of its legislative power or function. Nor can it be used to enforce a promise contrary to law or to bar the State from enforcing any provision of law. The doctrine of promissory estoppel cannot also be called in aid to enforce any promise made outside the authority of law or power of the Government or person making the promise. Nor will it be enforced, if doing so will be inequitable or unjust. Having regard to the well-settled position that the doctrine of promissory estoppel cannot be pressed into service as a ground to challenge a statutory provision, nor as a ground to avoid performance of a statutory obligation, the contention of the petitioners based on the doctrine of the promissory estoppel will have to be rejected in limine. It is not, therefore, necessary to examine whether there was in fact any promise to regularise unauthorised occupation/contructions in BDA land, whether such promise was made acting within authority and power of the person making such a promise, and whether petitioners altered their position based on such promise. Suffice it to notice that even according to petitioners, there was never any promise to regularise any future unauthorised occupation, and therefore the question of petitioners altering their position after any promise by the Government, does not arise. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364C (DB) : ILR 2000 Kar. 4134 (DB).

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Promissory estoppel — Applicability of doctrine of — Not applicable to exercise of legislative power — Amendment Act introducing into parent Act, new provision for regularisation of unauthorised occupation of BDA land and subsequent repeal of new provision by means of Ordinance even before new provision could be brought into force — Doctrine cannot be pressed into service by unauthorised occupants to challenge repealing Ordinance, as they have not altered their position on basis of any promise held out to them by State.

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Law cannot be challenged that it offends legitimate expectation of any person

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Legitimate expectation — Claim based on — Law cannot be challenged that it offends legitimate expectation of any person — Unauthorised occupants of BDA lands cannot legitimately expect that their unauthorised occupation will be permitted to be continued uninterruptedly followed by regulation.

Claims based on the doctrine of 'legitimate expectation' also require reliance on representations and resulting detriment to the claimant, in the same way as claims based on the doctrine of promissory estoppel. The doctrine can be invoked if the decision which is challenged in the Court has some person aggrieved, either by altering rights or obligations of that person, which are enforceable by or against him in private law or by depriving him of some benefit or advantage, which either (i) he had in the past being permitted by the decision maker to enjoy and which he can legitimately expect to be permitted to continue to do until there has been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision maker that it will not be withdrawn without giving him first an opportunity of advancing reasons for contending that it should not be withdrawn. The Government and its departments, in administering the affairs of the country are expected to honour their statements of policy or intention and treat the citizens with full personal consideration without any iota of abuse or discretion. The policy statements cannot be disregarded unfairly or applied selectively. Unfairness in the form of unreasonableness is akin to violation of natural justice. It was in this context that the doctrine of legitimate expectation was evolved. . . . The doctrine of legitimate expectation is also a principle which has its genesis in the field of administrative law and has no relevance while examining the legislative power of the State. It cannot be used to challenge the legislative power of the State or to challenge any legislation. The doctrine is essentially procedural in character intended to assure fair play in administrative action, though in a given situation it may become a source of substantive right. But, this doctrine can never be used to invalidate a legislation. No law can be challenged on the ground that it
offends the legitimate expectation of any person. It is therefore unnecessary to examine whether there was any factual basis for the petitioners to legitimately expect that their unauthorised occupation will be permitted to be continued uninterruptedly followed by regularisation. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364B (DB) : ILR 2000 Kar. 4134 (DB).

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Pendency of litigation on particular subject cannot come in way of Executive

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000 — Constitution of India, Article 213 — Ordinance — Exercise of legislative power by Executive — Not open to judicial scrutiny — Ground of mala fides or colourable exercise of power, not available to challenge Ordinance — Pendency of litigation on particular subject cannot come in way of Executive in exercise of power to promulgate Ordinance.

Pendency of a writ petition or litigation in a Court of law in regard to a particular subject does not come in the way of the power of the Legislature or the Executive to legislate on the subject. . . . The impugned Ordinance does not interfere with any individual decisions. In fact no decision had been rendered when the Ordinance was issued on 22-6-2000. Further, the Ordinance was issued repealing a provision viz., Section 38-C(2), which had not been brought into force. Therefore, the question of any of the petitioners seeking any relief under Section 38-C(2) or the question of this Court granting any relief based on the said section does not arise. . . . It is now well-settled that the propriety, expediency and need to promulgate an Ordinance is within the satisfaction of the Governor and it is not open to judicial scrutiny. Nor is the ground of mala fides available to challenge any law, including an Ordinance. If the legislative competence is not open to challenge, then the question of challenging it on the ground of colourable exercise of power does not arise. . . . It is not, therefore, permissible to examine the validity of the Ordinance on the ground whether there were adequate and proper reasons for promulgating the Ordinance. The propriety, expediency and need to promulgate an Ordinance is within the satisfaction of the Governor and will not be subjected to judicial scrutiny. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364E (DB) : ILR 2000 Kar. 4134 (DB).

Prior instructions from President is not required for promulgation of such Ordinance

Section 38-C(2) — As amended by Karnataka Act 1 of 2000 — Bangalore Development Authority (Amendment) (Repealing) Ordinance, 2000. — Constitution of India, Articles 213 and 226 — Amendment to Act with Presidential assent — Amendment introducing into parent Act, new provision for allotment of land vested in BDA by way of sale, in favour of original owner or purchaser from original owner in circumstances specified therein — Ordinance subsequently promulgated by Governor without instructions from President, repealing new provision introduced by
Amendment Act, even before new provision could be brought into force — Validity of Ordinance — Absence of prior instructions from President, held, does not invalidate Ordinance — Prior instructions from President is not required for promulgation of such Ordinance, as Ordinance does not contain any provision which is repugnant to any law made by Parliament — Relief claimed on basis of amended provision of Act which never came into force, cannot be granted.

The petitioners have clearly stated that reliefs sought in these petitions are entirely based on Section 38-C(2). As Section 38-C(2) no longer exists and even if it existed, as it was not enforce, these petitions are liable to be rejected as having no merits. . . . Karnataka Act 1 of 2000 was an Amendment Act. The only amendment brought about by the said Amendment Act was insertion of Section 38-C(2). Act 1 of 2000 was reserved for consideration of the President, as it was felt that the said Section 38-C(2) contained matters which may be considered as repugnant to an existing law like Transfer of Property Act/Land Acquisition Act. But, it is nobody's case that Ordinance 4 of 2000 contains any provision which is repugnant to any law made by the Parliament or an existing law. The said Ordinance merely repeals Karnataka Act 1 of 2000 which inserts Section 38-C(2) in the BDA Act, and contains no other provision. Therefore, it cannot be said that it contains any provision which is repugnant to a law made by the Parliament or an existing law. Even if Section 38-C(2) contained any provision, repugnant to a Central Act or an existing law, the repeal of Section 38-C(2) by the Repealing Ordinance has the effect of removing such repugnancy. Only an Ordinance which contains a provision, which if contained in any Act of the Legislature would have been invalid unless it had been reserved for the consideration of the President and received assent of the President, requires instructions from the President before its promulgation. Promulgation of an Ordinance would require the prior instructions of the President only where the said Ordinance contains some provision which is repugnant to a law made by the Parliament or existing law, and not when the provision which is repealed by the Ordinance was repugnant to a law made by the Parliament or existing law. Karnataka Ordinance 4 of 2000 does not contain any provision repugnant to any Central Act or an existing law, and therefore there was no need for the Governor to take instructions from the President before promulgating the Ordinance in question. — John B. James and Others v Bangalore Development Authority and Another, 2001(1) Kar. L.J. 364A (DB) : ILR 2000 Kar. 4134 (DB).

Site formed on land acquired by erstwhile City Improvement Trust Board

Section 38-C — Site formed on land acquired by erstwhile City Improvement Trust Board — Resolution passed by Board to reconvey site, by way of allotment, to erstwhile owner of land, on ground that it was not practicable to include site in its development scheme — Reconveyance of site sought for by third party claiming to be bona fide purchaser of site from
erstwhile owner of land, for valuable consideration — As erstwhile owner of land had ceased to have title or saleable interest in site, sale deed executed by her in respect of site, held, is null and void, and claim made by vendee under said sale deed, for reconveyance of site in his favour, held, is not maintainable, and more so where site in question had already been allotted to another party.

The site in question was sold by Smt. Girija Devi in favour of the petitioners after its vesting with the State Government and thereafter with the CITB. When the sale deed dated 1-7-1974 was executed by Smt. Girija Devi, she had no saleable interest in the said property. Hence, the petitioners do not get any right, title or interest, whatsoever through the sale deed. The petitioners had no pre-existing right in the property. The CITB has not passed any resolution to reconvey the site in favour of the petitioners. Had they purchased the property before issuance of the preliminary notification, an application for allotment of the site on the basis of a resolution to reconvey the site would have been maintainable. They are not entitled for reconveyance/allotment of the site in question. - Chikkasiddappa and Another v State of Karnataka and Others, 2012(5) Kar. L.J. 649A.

Scheme for reconveyance of the revenue sites

Section 38-C — Scheme for reconveyance of the revenue sites — Constitution of India, Article 226 — PIL filed alleging that 2nd respondent created documents by forging letters of allotment/reconveyance, registered sale deed as if executed by BDA — Seeking to initiate criminal case and clear encroachments of the property — On facts — Neither illegality nor fraud — Petitioners were interested in the property for putting up a construction of a building for library with an element of personal interest — Petitioner abused the process of Court — While case built up on non-existent foundation and fallacious assumptions — Petition dismissed with cost of Rs. 25,000/—.

D.H. Waghela, C.J. and Ram Mohan Reddy, J., Held: Regard being had to the assertions of the parties and relevant documents placed on record by the respondents 3 and 4 relating to the transaction in question clarifying the position that Site No. 2099/A is none other than Site No. 2098 in the records of the BDA, coupled with the fact that the transactions are all under deeds of conveyance duly registered, for valuable sale consideration, more appropriately commencing from the request of R. Veerappa, the vendor-in-title of R. Rangappa, the Will bequeathing the property in favour of the 2nd respondent and the sale deed conveying the property in favour of respondents 3 and 4 jointly, being apparently legal and valid, there is no merit in the allegations of the petitioner that a fraud was played by creating documents, in respect of the petitioner schedule property. . . . . . . In the view taken supra that there is neither illegality nor fraud played by either the 1st respondent-BDA or respondents 2 to 4, the allegations of the petitioner, both in the petition as well as in the complaint petition Annexure-H, are uncalled for and borders around deliberate mischievous statements against the respondents. The statements in the complaint Annexure-H is indicative of
the fact that petitioner was interested in property No. 2099/A to put up construction of a building for a library and gymnasium and therefore, an element of personal interest. The property, even according to the petitioner, is worth Rs. 2.00 Crores. In the circumstances it is not possible to accept that there is even a plausible element of public interest in this petition. . . . . .
Petitioner through his learned Counsel on 27-8-2014 stated that in case petitioner does not succeed or the cause is abandoned by him, would pay to the respondents concerned all reasonable expenses that may have been incurred by them upon being called to the Court as respondents, which was duly recorded, based upon which notice was issued to respondents 1 and 2. Respondents entered appearance and placed on record all relevant material particulars with documents in respect of their claim. Petitioner abused the process of Court by filing the petition and inviting a response on the condition that if the petition failed would be liable to reasonable expenses of the respondents. On an examination of the contentions of the petitioner we find the whole edifice of his case to be built upon non-existent foundation and all arguments stem from fallacious assumptions. Hence petitioner deserves to be saddled with cost. – G. Santhosh v The Commissioner, Bangalore Development Authority, Bangalore and Others, 2015(2) Kar. L.J. 492 (DB).

39. Power of Authority to borrow.—(1) The authority may, from time to time, with the previous sanction of the Government and subject to such conditions as may be prescribed in this behalf, borrow any sum required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the authority to borrow by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the authority shall be in such form as the authority, with the sanction of the Government, may, from time to time, determine.

(4) Every debenture shall be signed by the [Commissioner] and one other member of the authority.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government.

40. Development Fund and the items to be credited to such fund.—(1) The rents, profits, and sale proceeds of all lands, buildings and other property vested or vesting in or acquired by the authority under this Act shall be credited to a fund to be called “the Bangalore Development Fund”.

(2) There shall also be credited to the said Fund.—

1 Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
[(aa) the property tax levied and collected under Section 28-B.]

(a) any amount borrowed under Section 39;

(b) such sums as may be placed by the Government at the disposal of the authority from time to time for the purpose of this Act;

(c) such contributions as the corporation or a Local Authority may, from time to time, be called upon by the Government to make after consideration by the Government of the relief or addition to the Municipal resources accruing or likely to accrue as the result of development schemes undertaken by the authority; and

(d) subject to the provisions of Section 26, betterment tax and other sums due and paid to or recovered by the authority under the provisions of this Act.

41. Application of the Bangalore Development Fund. — (1) The said fund shall be held by the authority in trust and shall be applied by it, subject to the general or special orders of the Government, in payment of the charges incidental to the carrying out of the purposes of this Act [including the cost of maintaining, keeping in repair, lighting and cleansing of streets and the cost of maintaining drainage and sanitary arrangement and water supply, under Section 28-A.]

(2) Such charges shall include, among other things,—

(a) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of the property vested or vesting in or acquired by the authority under this Act;

(b) the cost of p.c.ty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes;

(c) the cost of management including the salaries and allowances of the scheduled staff and all incidental expenses; and

(d) all payments made by the authority in respect of rates and taxes levied under the City of Bangalore Municipal Corporation Act, 1949 upon lands and buildings vested in the authority and not subject to exemption.

(3) The authority may also, from time to time, and in the prescribed manner, make advances from the said Fund for the purposes of enabling persons not being Government servants to provide themselves with houses or other accommodation.

1 Clause (aa) inserted by Act No. 6 of 1993 shall be and shall always be deemed to have been inserted w.e.f. 24-7-1992.

2 Inserted by Act No. 6 of 1993 shall be and shall always be deemed to have been inserted w.e.f. 24-7-1992.
42. Laying of annual estimate of income and expenditure.—(1) The [Commissioner] shall, at a special meeting to be held not later than the first day of February in each year, lay before the authority an estimate of the income and of the expenditure of the authority for the year commencing on the First day of April then next ensuing in such detail and form as the authority shall, from time to time, direct.

(2) Such estimate shall make provision for the efficient administration of this Act and a copy thereof shall be sent by post or otherwise to each member of the authority at least ten clear days prior to the date of the meeting before which the estimate is to be laid.

43. Authority to approve or amend such estimate.—The authority shall consider the estimate so submitted to it, and shall approve the same either unaltered or subject to such alterations as it thinks fit.

44. Estimates to be submitted to Government for sanction.—The estimate, as approved by the authority, shall be submitted to the Government which may, either sanction or disallow such estimate or any portion thereof and return the same for amendment. The authority shall forthwith amend the estimate so returned and shall re-submit the amended estimate to the Government.

45. Supplementary estimates may be prepared and submitted when necessary.—The Authority may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and approved by the authority and submitted to the Government.

46. Provisions regarding expenditure.—No sum shall be expended by or on behalf of the authority unless included in the estimate or the supplementary estimate which has been sanctioned by the Government or in the amount payable by the authority under a decree or award of a Court:

Provided that in any case of unforeseen circumstances a sum not exceeding ten thousand rupees may be expended though not so included and in such a case the [Commissioner] shall forthwith report to the Government the circumstances in which the expenditure was incurred and the source from which it is proposed to be met:

Provided further that any such expenditure shall be included in a supplementary estimate to be approved and sanctioned in the manner laid down in Section 45.

47. Accounts and audit.—(1) The Commissioner shall cause to be maintained such books of accounts and other registers as may be prescribed and shall prepare in the prescribed manner an annual statement of accounts.

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1 Substituted for the word "Chairman" by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2 Substituted for the word "Chairman" by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
3 Sections 47 and 47-A substituted for Section 47 by Act No. 17 of 1984, w.e.f. 21-4-1984.

A KJJ PUBLICATION
(2) The accounts of the Authority shall be audited annually by an auditor appointed by the Government.

(3) The auditor shall for the purpose of the audit have access to all the accounts and other records of the authority.

(4) The authority shall pay from its funds such charges for the audit as may be prescribed.

(5) As soon as the accounts of the authority have been audited, the Commissioner shall send a copy of the audited accounts together with a copy of the report of the auditor to the State Government. The audited accounts and the report of the auditor shall be published by the Authority in the prescribed manner. The audited accounts and the report shall be laid before each house of the State Legislature, as soon as may be, after it is received by the Government.

(6) The Authority and the Commissioner shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

47-A. Reports.—The Authority shall before such date and in such form and at such intervals as may be prescribed submit to the State Government a report on such matters as may be prescribed. Every such report shall be laid before each House of the State Legislature, as soon as may be, after it is received by the Government.

48. Power of auditor to require production of documents and attendance of persons concerned.—(1) The Auditor may.—

(a) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit;

(b) require in writing any salaried servant of the authority accountable for or having the custody or control of such vouchers, statements, returns, correspondence, notes or other documents or of any property of the authority or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the authority to appear in person before him at the office of the authority and answer any question;

(c) in the event of clarification being required on any specific point from the Chairman or any Officer or member in writing, require such person to furnish the clarification on such point.

(2) The auditor may, in any requisition made under sub-section (1) specify a reasonable period being not less than three days within which the said requisition shall be complied with.

(3) The auditor or shall give to the authority not less than two weeks notice in writing of the date on which he proposes to commence audit:

Provided that notwithstanding anything contained in this sub-section, the auditor may for special reasons which shall be recorded in writing, give
shorter notice than two weeks or commence a special or detailed audit if so directed by the Government without giving notice.

CHAPTER VI
Officers and Servants of the authority

49. Schedule of Officers and servants to be submitted for sanction of Government.—The authority shall, from time to time prepare and submit for the sanction of the Government a schedule of the staff of Officers and servants whom it shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the authority proposes for each such Officer or servant. No alteration in the sanctioned schedule shall be made without the sanction of the Government.

50. Appointments, etc., by whom to be made.—(1) Subject to the provisions of the regulations framed under Section 70 and of the schedule for the time being in force sanctioned by the Government under Section 49 the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the Officers and servants of the authority (not being Officers in Government service lent to the authority) shall be exercised by the Commissioner in the case of Officers and servants who are not above the rank of Group ‘B’ Officer of the State Civil Services] and in every other case by the authority:

3[Provided that, in the case of Officers in Government service lent to the authority.—

(i) who are not above the rank of Group ‘A’ Junior scale, the Commissioner may exercise the powers of sanctioning or withholding increment, fining or suspending or granting leave to the Officers and shall report the fact to the Head of the Department of Government to which such Officers belong;

(ii) who are above the rank of Group A Junior Scale, the Commissioner may exercise the powers of granting leave and making in charge arrangement.]

(2) The power of dispensing with the service of any Officer or servant of the authority not being an Officer in Government service lent to the authority otherwise than by reason of such Officer’s or servant’s own misconduct, or of permitting any such Officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the provisions of sub-section (1), be exercised by the authority only.

1 Substituted for the word "Chairman" by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2 Substituted for the words “whose monthly salary does not exceed one thousand and five hundred rupees” by Act No. 17 of 1994, w.e.f. 31-3-1994.
3 Proviso substituted by Act No. 17 of 1994, w.e.f. 31-3-1994.
COMMENTS

Power to suspend an officer or servant

Section 50 — Amended by Section 6 of the Act No. 17 of 1994 — Powers including that of suspending an officer or servant of the authority who is not above the rank of Group 'B' officers of the State Civil Services, shall be exercisable by the Commissioner.

Hari Nath Tilhari, J., Held: By Section 6 of Act No. 17 of 1994, it has been provided that the powers referred to in Section 50 of Principal Act including that of suspending an officer or a servant of the Corporation, who is not above the rank of Group 'B' officers in the State Civil Services shall be exercised and be exercisable by the Commissioner. Until and unless an employee of a grade higher or above 'B' grade, the power to suspend vests in the Commissioner, in view of amended Section 50 of the Bangalore Development Authority Act, 1976 on the date the suspension order dated 3-5-1994 was passed. Contention made by the learned Counsel for the petitioner challenging the suspension order on the ground that the order of suspension has been passed by an authority not competent is without any substance or force. — K.J. Ningegowda v Commissioner, Bangalore Development Authority, Bangalore and Another, 1994(3) Kar. L.J. 53.

Delay and laches in moving Court

Sections 50 and 70(1) — Karnataka Civil Services Rules, 1958, Rule 32 — 'Constitution of India, Articles 226 and 227 — Seniority assigned to officials in gradation list — Delay and laches in moving Court for challenging correctness of — Appointment of official in lower cadre to vacant post in higher cadre, by Authority in exercise of its discretion, to be in charge of current duties of vacant post — As such appointment on charge allowance as additional emoluments, did not amount to promotion, it did not afford cause of action to seniors to such appointee, to challenge same — It was only when final gradation list was published, assigning higher seniority to appointee, by counting his service on charge allowance, that cause of action accrued to his seniors in cadre to challenge seniority assigned to him — Writ petition filed within a few months after publication of final gradation list challenging seniority assigned therein, cannot be said to be vitiating by laches and delay — Petition is maintainable.

The second respondent has been placed in independent charge, as the Commissioner in exercise of his powers under Section 50 of the Act, placed the second respondent in independent charge conditionally. This did not afford any cause of action to the petitioner. Hence, there was no delay in the petitioner having challenged the seniority list, upon its publication and hence, it could not be said that there was inaction on the part of the petitioner.
— *K. Divakar v Commissioner, Bangalore Development Authority and Others, 2007(1) Kar. L.J. 360A.*

CHAPTER VII
Art Commission

51. Constitution of Art Commission. — (1) The Government may, by notification constitute an Art Commission for the Bangalore Metropolitan Area to be called "The Bangalore Urban Art Commission" which shall consist of a Chairman and such other members representing among others, visual arts or architecture, Indian History or Archaeology and the environmental sciences, as it may appoint.

(2) It shall be the duty of the Art Commission to make recommendations to the Government as to —

(i) restoration and conservation of urban design and of the environment in the development areas;

(ii) the planning and development of future urban design and of the environment;

(iii) the restoration and conservation of archaeological and historical sites and sites of high scenic beauty;

(iv) the grants, concessions and other modes of compensation for purchase or acquisition that should be made for the purpose by the Government or any authority and the conditions subject to which such grants, concessions and compensation should be made; and

(v) any other matter referred to the Commission by the Government.

(3) The powers to be exercised and the functions to be performed and the procedure to be followed by the Art Commission shall be such as may be prescribed.

(4) The Government may after consideration of the recommendations of the Art Commission and after giving an opportunity to the authority to make any representation issue such directions of the authority as it may think fit and the authority shall comply with every such direction.

CHAPTER VIII
Miscellaneous

52. Powers of entry. — The authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of —

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;
(d) setting out boundaries and intended lines of work;
(e) making such levels, boundaries and lines by placing marks and cutting trenches;
(f) ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any condition subject to which such permission has been granted; or
(g) doing any other thing necessary for the efficient administration of this Act.

Provided that—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building;
(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

COMMENTS

BDA attempted to demolish building

Section 52 — Respondent-BDA attempted to demolish building of petitioner during pendency of order on I.A. in original suit as it has not allotted site to vendor of petitioner — This Court observed that no purpose would be served in demolishing the building constructed by purchasers — It would be appropriate for BDA either to sell site along with building to any other needy person so that value of building would be saved — BDA can allot very same site to bona fide purchasers without knowing fraud played by them — Till disposal of injunction application by Civil Court respondent-BDA shall not demolish building of petitioner — With above observation petition dismissed — [Constitution of India, Articles 226 and 227 — Writ jurisdiction].

No doubt, BDA has power to demolish the building if the construction is made by the purchasers by purchasing the site from a vendor without having any title to the property. It is not the case of the BDA that after demolishing such structures, BDA would keep those sites for its benefit. BDA either has to allot such sites to any other person or sell the same by collecting the market value. If such sites are to be disposed of either by way of sale or by way of allotment, this Court is of the opinion that no purpose would be served in demolishing the buildings constructed by such purchasers. In the interest of the nation, it would be appropriate for the BDA either to sell the site along with building to any other needy person so that the value of the building
would be saved and BDA would be benefited or in the alternative if really the purchasers have constructed the building as a bona fide purchasers without knowing the fraud played by them or their vendors, in such circumstances, BDA can also consider to allot the very same site or sell the same site to such purchasers so that the value of the building may be saved by the purchasers.


53. Directions by the Authority. — (1) The authority in order to carry out the purpose of this Act may issue directions to the Bangalore Water Supply and Sewerage Board, Karnataka Electricity Board and such other bodies as are connected with developmental activities in the City and provide the funds required to comply with the same.

(2) Notwithstanding anything in any other law for the time being in force every such direction shall be complied with by the body to whom they are issued. On failure it shall be competent for the authority to take necessary action in this behalf and recover expenses if any incurred therefor from the body concerned.

(3) Any dispute which arises between the authority and the Boards or other bodies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the Government whose decision shall be final.

54. Offences by companies. — (1) If the person committing an offence under this Act is a company every person who, at the time of the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other Officer of the company, such director, manager, secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of the section.—

(a) "Company" means a body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.
55. Fines when realised to be credited to the Bangalore Development Fund.—All fines realised in connection with prosecutions under this Act shall be paid to the credit of the Bangalore Development Fund.

56. Composition of offences.—(1) The authority or any person authorised by the authority by general or special order, may, either before or after the institution of proceedings compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

57. Authentication of orders and documents of the Authority.—

58. Members and Officers to be public servants.—Every member and every Officer and other employee of the authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

59. Jurisdiction of Courts.—No Court inferior to that of a Magistrate of the First-Class shall try any offence punishable under this Act.

60. Sanction of prosecution.—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the authority.

61. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

62. Power to delegate.—The authority may, by notification direct that any power exercisable by it under this Act except the power to take regulations may also be exercised by the Commissioner or such whole time member or Officer of the authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

62-A. Appeal against assessment etc.—(1) Any person aggrieved by the assessment, levy or imposition of any tax under Section 28-B may, within a period of one month next after service of notice of demand, appeal to such authority as the Government may, by notification, specify (hereinafter referred to as the Appellate Authority):

Provided that any person aggrieved by assessment, levy or imposition of any tax made after the 24th day of July, 1992, may, prefer an appeal against

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1 Section 57 omitted by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
2 Substituted for the word “Chairman” by Act No. 18 of 1981 and shall be deemed to have come into force w.e.f. 30-12-1980.
3 Substituted for the words “such Officer” by Act No. 8 of 1977 and shall be deemed to have come into force w.e.f. 4-3-1977.
4 Section 62-A inserted by Act No. 6 of 1993, w.e.f. 10-2-1993.
such assessment levy or imposition of tax, within a period of one month from
the date of coming into force of the provisions of this section:

Provided further that the Appellate Authority may admit an appeal after
the expiry of the period specified above, if sufficient cause is shown to its
satisfaction for not preferring it within the said period.

(2) No such appeal shall be heard and determined unless.—

(a) a memorandum of appeal in writing stating the grounds on which
the demand made is disputed has been presented; and

(b) the amount admitted by the appellant has been paid or deposited
by him in the office of the authority.

(3) The Appellate Authority shall, after giving a reasonable opportunity
of being heard to both the parties pass such order as it deems fit. This
decision of the Appellate Authority in any appeal under this section shall be
final.]

63. Revision.—(1) The Government may call for the records of any
proceedings of the authority or any Officer subordinate to the authority for
the purpose of satisfying itself as to the legality or propriety of any order or
proceedings and may pass such order with respect thereto as it thinks fit.

(2) The authority may call for the records of any proceedings of any
Officer subordinate to it for the purpose of satisfying itself as to the legality or
propriety of any order or proceedings and may pass such order with respect
thereto as it thinks fit.

(3) No order under sub-section (1) or sub-section (2) shall be made to the
prejudice of any person unless he has had an opportunity of making
representation.

COMMENTS

Stray sites — Allotment of

Section 63 — Allotment of stray sites — Subject to provisions of Rule 10
and direction issued by Government — Annulment of allotment as sites do
not belong to the category of stray sites — No legal warrant — Government
acted on assumption — Not verified facts — Order of annulment quashed.

If a site was once allotted and the allotment was subsequently either
cancelled by the authorities or surrendered by the allottee, it falls within the
description of stray site. Secondly, if a site is left over inadvertently while
notifying the sites for allotment, it also falls into the category of stray site.
Thirdly, if a site has been found on account of re-assessment in the plan
subsequent to the issue of notification inviting application for allotment of
sites, such a site also falls within the definition of stray site. Allotment of stray
sites is subject to the provisions of Rule 10 and further the Bangalore
Development Authority is required to dispose of the stray sites in accordance
with the directions issued by the Government from time to time. Rule 10 lays
down the eligibility for allotment of stray sites. If the State Government wanted to take action to annual or cancel the allotments, it should have made sure that the sites in question do not belong to any one of these descriptions falling within the definition of stray site. There is no material on record either in the proceedings drawn up before the impugned orders were issued or within the orders themselves that these aspects were examined by the State Government and a finding was reached to the effect that none of the sites formed fell within the ambit of stray site as defined under Rule 2(1) of the Rules. There is no legal warrant for the assumption of the State Government that the non-registration of the names by the petitioners render allotments void and also there is no legal warrant for the assumption of the Government that the sites in question or any one of the sites in question do not belong to the category of stray sites. — K.S. Prabha v State of Karnataka, ILR 1991 Kar. 1276.

Revisonal jurisdiction

Section 63 — Revisonal jurisdiction — Scope of — Only orders or proceedings of Authority and officer subordinate thereto can be subjected to revision by Government — Acquisition of land and formation of layout in accordance with development scheme sanctioned by Government are not orders or proceedings of Authority or of officer subordinate to it, and same cannot be nullified or undone in exercise of revisional powers, long after lands have been acquired and layout have been formed.

Held: To exercise the powers under this Section, the Revisonal Authority has to be satisfied that it was examining the record of any proceedings of the Authority or any officers subordinate to the Authority under the Act and that such a recourse was resorted to for the purposes of satisfying itself as to legality and propriety of any order or the proceedings passed or conducted by such authorities. It is not disputed before us that the Authority under the Act had not passed any order which was prayed to be revised by the Government in exercise of its powers under Section 63 of the Act. Proceedings initiated under the Land Acquisition Act as authorised by Section 36 of the Act cannot be termed to be the order of proceedings of the B.D.A., which could be revised by the Government in exercise of Section 63 of the Act. The order impugned therefore apparently appears to be without jurisdiction. — M/s. Mohan Meakin Limited, Simla, Himachal Pradesh and Another v State of Karnataka and Others, 1999(4) Kar. L.J. 6A (DB).

Section 63 — Revision — Layout in development scheme sanctioned by Government under Section 18 of the Act pursuant to which lands acquired and layout formed — Whether the sanction of scheme being a statutory function could be nullified in exercise of revisionary power under Section 63 of the Act?
The provisions of Section 63 of the BDA Act empower the first respondent to call for the records of any proceedings of the respondent 2 (BDA) or any officer subordinate to the authority for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and to pass such order with respect thereto as it thinks fit. The first respondent has completely overlooked the fact while passing the impugned order, that the sites in question are situated in a layout which is part of the development scheme sanctioned by the first respondent itself under Section 18 of the BDA Act. It was pursuant to that scheme the lands in question have been acquired and layout formed. Therefore, there was no question of the first respondent examining the legality or propriety of any order or proceedings of the second respondent (BDA) under Section 63 of the BDA Act. The sanction of scheme by the first respondent is a statutory function and it cannot be nullified in purported exercise of visionary power under Section 63 of the BDA Act. The impugned order has been made long after the scheme has been implemented and sites allotted and possession delivered to the petitioners and others. Even assuming that the second respondent (BDA) had the power to act under Section 63 of the BDA Act, the impugned order is liable to be set aside on the ground that the same has not been made within reasonable time.

64. Notice of suit against the Authority.—1[(1)] No suit or other proceedings shall be commenced against the authority or any member or any Officer or servant of the authority or against any person acting under the direction of the authority, the member or Officer of the authority for anything done, or purporting to have been done, in pursuance of the Act or a rule, regulation or bye-law made thereunder without giving to the authority one month’s previous notice in writing of the intended suit or other proceedings, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceedings nor after tender of sufficient amends.

2[(2) A suit to obtain an urgent or immediate relief against the authority or any member or any Officer or servant of the authority in respect of any act done or purporting to be done by such Officer or servant in his official capacity may be instituted with the leave of the Court, without serving any notice as required by sub-section (1) but the Court shall not grant relief in the suit whether inter alia or otherwise except after giving to the authority, Officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of relief prayed for in the suit:

Provided that the Court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with requirements of sub-section (1).]

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1 Section 64 renumbered as sub-section (1) thereof by Act No. 17 of 1994, w.e.f. 31-3-1994.
2 Sub-section (2) inserted by Act No. 17 of 1994, w.e.f. 31-3-1994.
COMMENTS

Suit not maintainable for want of a statutory notice

Section 64 — Civil Procedure Code, 1908, Order 7, Rule 11(d) — Suit not maintainable for want of a statutory notice under Section 64(1) — Whether in such cases Trial Court is justified in recording findings on issues 1 to 3 on merits? — Held — Since findings recorded by Court which had no jurisdiction to entertain the suit, impugned judgment set aside — plaintiff/appellant would be at liberty to bring a suit after complying with the legal requirement.

Undeniably, appellant/plaintiff has not served the notice under Section 64(1) of the Act. Plaintiff does not contain any averment regarding service of notice under Section 64(1) of the Act. No application was filed under sub-section (2) of Section 64 of the Act seeking leave of the Court to institute the suit stating any urgency. The Trial Court has not passed any order in exercise of the jurisdiction under sub-section (2) of Section 64 of the Act. Serving of prior notice under Section 64(1) of the Act is mandatory unless the Court is approached with an application under sub-section (2) of Section 64 of the Act and the Court upon consideration of the matter in exercise of the jurisdiction vested in it, the Court passes an order under sub-section (2) of Section 64 of the Act. . . . . The case of plaintiff/appellant makes it clear that the reliefs which she sought against the defendant is in respect of the action taken by the authority and its officials in performing their duties and obligations under the Act. The suit was filed without issuing notice under Section 64(1) of the Act. In the absence of the notice under Section 64(1) of the Act and without their being any prayer for passing an order under sub-section (2) of Section 64 of the Act, plaintiff cannot at all be entertained by the Court. On the face of the record, the plaint is barred by the provision under Section 64(1) of the Act and is liable to be rejected in exercise of jurisdiction under clause (d) of Rule 11 of Order 7 of CPC. . . . . The findings recorded on issues 1 to 3 are one without jurisdiction since the findings have been recorded in a suit of which the Court had no jurisdiction to entertain. Hence the findings on issues 1 to 3 recorded by the learned Trial Judge in the impugned judgment is liable to be set aside. However, the finding recorded on issue 4 is well-founded, since the plaintiff/appellant has not caused the notice under sub-section (1) of Section 64 of the Act to the respondent prior to the institution of the suit.

In view of the foregoing discussion, the appeal stands allowed in part. The findings recorded by the learned Trial Judge in the impugned judgment on issues 1 to 3 stand hereby set aside. The finding recorded on issue No. 4 stands upheld. As a result, the plaint stands rejected under Order 7, Rule 11(d) of CPC. Plaintiff/appellant would be at liberty to bring a suit after complying with the legal requirement. Contentions of both parties are kept

Permanent injunction in a civil suit issued

Section 64 — Permanent injunction in a civil suit issued — Against BDA — It is more funny — Ex. P. 28-survey sketch and Ex. D. 9-possession certificate — Though BDA documents — Not supporting them — Held, in view of documents produced by BDA, the suit of the plaintiff is decreed thus appeal dismissed with elaborate clarification.

The suit is one for permanent injunction restraining the defendant and its officials from interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiff. . . . Whether the suit is not maintainable for want of notice under Section 64 of the Bangalore Development Authority Act, 1976? . . . . The suit land was not part of 3 acres 32 guntas. Against the said finding and decree of the Trial Court, the defendant is in appeal before this Court. . . . . The Trial Court has relied on Ex. P. 28-survey sketch, notification under Section 16(2) and Ex. D. 9-possession certificate and has found that the suit property is not part of 3 acres 32 guntas. Today also, the learned Counsel for the plaintiff submitted that the suit property is outside the land shown in Ex. D. 9. Ex. D. 9 is the mahazar drawn by BDA for taking possession of the acquired land. If that is so, there is no impediment to decree the suit. Hence, the findings of the Trial Court holding that the suit schedule property is not acquired, is just and proper and based on the documents produced by the defendant themselves. . . . Appeal is disposed of with a clarification that BDA has acquired 3 acres 32 guntas in Sy. No. 29/1 as per the boundaries shown in Ex. D. 9. The plaintiff is entitled for injunction in respect of any land outside the land measuring 3 acres 32 guntas in Sy. No. 29/1 (i.e. 1 acre 37 guntas). Further, this judgment and decree will not have any effect on the BDA to develop the land measuring 3 acres 32 guntas as per Ex. D. 9. - The Commissioner, Bangalore Development Authority, Bangalore v Nagaraja (since dead) by L.Rs, 2013(3) Kar. L.J. 363.

65. Government’s power to give directions to the Authority.—The Government may give such directions to the authority as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the authority to comply with such directions.

COMMENTS

Cancellation of allotment of sites

Section 65 — Allotment of sites — Cancellation of — State Government has no authority to cancel allotment made by B.D.A. — Section 65 of Act empowers State Government to issue general directions to B.D.A. — Power under Section 65 cannot be invoked by Government to cancel allotment of site made by B.D.A. to individual.
Held: The State Government has no authority of law to cancel the allotment made by the B.D.A. Section 63 of the B.D.A. Act, 1976 is not applicable to the allotment at all. Section 63 of the B.D.A. Act deals with the revisional powers of the Government against any order made in any proceeding. Allotment of a site either by Chairman or by authority is not a proceeding and therefore, Section 63 is not attracted. Section 65 of the Act empowers the Government to issue such directions to the authority as in its opinion are necessary for carrying out the purposes of the Act and it shall be the duty of the authority to comply with such directions. The impugned endorsement is, obviously, not issued by the Government in exercise of its power vested under Section 65 of the Act. It is not a direction to the B.D.A. but an order cancelling the allotment made by the B.D.A. There is no provision under the B.D.A. Act empowering the State Government to cancel the allotment of a site made by the B.D.A. and therefore the impugned endorsement is without authority of law. — A. Rajendra Naidu v Bangalore Development Authority, Bangalore and Others, 1998(1) Kar. L.J. 17B.

Restrictions on sale of site by allottee

-Section 65 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 14(3) — Sale of site by allottee. — Restrictions on — Direction issued by State Government to Authority to permit allottee to sell allotted site in disregard of restrictions — Such direction, held, is ultra vires State Government’s powers under Act — Sale, held, is illegal.

Rule 14 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, provides for restrictions and conditions on sale of sites. According to Section 65, the Government has no power to issue any directions which are in conflict with the provisions of the Act and, by necessary implication, in conflict with the Rules framed under the said Act. The directions which can be given under Section 65 are such which are necessary or expedient for the carrying out of the purposes of the Act. When Rule 14, as it stood in the year 1994-95, did not permit sale of vacant sites by an allottee to anybody else, even after getting permission from the BDA, the Government could not have permitted or directed the said land to be sold or transferred. This being the position, the transfer of land by 13 such ex-Legislators and ex-Ministers who were members of the respondent-Society, and whose names are included in the BDA’s letter was clearly illegal and the permission so granted and the consequent transfer of land would become liable to be set aside. — Commissioner, Bangalore Development Authority v S. Vasudeva and Others, 2000(7) Kar. L.J. 1B (SC).

Directions to authority

-Section 65 — Constitution of India, Article 166 — Directions to authority — Power of State Government to issue — Such directions have to be carry out
objective of Act, and cannot be contrary to provisions of Act — Such directions cannot be in form of note sent by Minister, but should be in form of order of Government, conforming to provisions of Article 166 of Constitution of India.

Under Section 65, the Government can give such directions to the authority which in its opinion are necessary or expedient for carrying out the purpose of the Act. It is the duty of the BDA to comply with such directions. Contention that BDA is bound by all directions of the Government irrespective of the nature and purpose of the directions cannot be accepted. Power of the Government under Section 65 is not unrestricted. Directions have to be to carry out the objective of the Act and not contrary to the provisions of the Act. The Government can issue directions which in its opinion are necessary or expedient for “carrying out the purposes of the Act” . . . . Directions issued by the Chief Minister in the present case would not be to carry out the purpose of the Act rather it would be to destroy the same. Such a direction would not have the sanctity of law. Directions to release the lands would be opposed to the statute as the purpose of the Act and object of constituting the BDA is for the development of the city and improve the lives of the persons living therein. The authority vested with the power has to act reasonably and rationally and in accordance with law to carry out the legislative intent and not to destroy it. Direction issued by the Chief Minister run counter to and are destructive of the purpose for which the BDA was created. It is opposed to the object of the Act and therefore, bad in law. Directions of the Chief Minister is to reconvey the land in terms of the decision rendered by the High Court in the impugned judgment i.e, R. Hanumaiah’s case. The BDA as per directions issued by the Chief Minister cannot reconvey the land to the respondent in terms of the decision rendered by the High Court in the impugned judgment i.e., R. Hanumaiah’s case. . . . . Bangalore Development Authority has been constituted for specific purposes. It cannot take any action which would defeat such purpose. The State also ordinarily cannot interfere in the day-to-day functioning of a statutory authority. It can ordinarily exercise its power under Section 65 of the 1976 Act where a policy matter is involved. It has not been established that the Chief Minister had the requisite jurisdiction to issue such a direction. Section 65 of the 1976 Act contemplates an order by the State. Such an order must conform to the provisions of Article 166 of the Constitution of India.


Proceedings for acquisition

Section 65 — Government Order incorporating the decision of the Government that in respect of lands proposed to be acquired in favour of 128 Co-operative Societies approved by the Government — Proceedings for acquisition of same lands by Bangalore Development Authority in respect of which awards have not been passed should be dropped — Whether amounts to a direction under Section 65 — As binding on Bangalore Development Authority and enforceable.

The power of the State Government to issue a direction is to be found only in Section 65 of the Act. According to Section 65 of the Act, the Government is empowered to issue such directions to the Bangalore Development Authority which in its opinion are necessary or expedient for carrying out the purpose of the Act. This is an omnibus statutory provision which invests the State Government with the power to issue such directions which in its opinion would be conducive to the implementation of the purposes of the Act. The 128 societies had to survive and cater to the benefit of their members by forming private lay-outs and by distributing sites to them. Formation of any private lay-out falls within the purview of the Act subject to the terms and conditions envisaged therein. What is of relevance is not whether the acquisition of land for the purpose of House Building Co-operative Society is one of the functions of the Bangalore Development Authority. But what is relevant is whether the State Government is empowered to issue any direction which in its opinion is required to fulfil the purpose of the Act. The decision taken by the State Government and manifested in the Government Order under Annexure-D is not only a decision, but also an order preceded by a discretionary decision directing the concerned authorities including the Bangalore Development Authority to drop the acquisition proceedings in respect of such societies wherein final awards have not been passed prior to the date of the Government Order. The facts and circumstances in which the direction was issued on 30-4-1987 compels the inference that the State Government exercised its statutory discretion under Section 65 of the Act and in exercise of that power proceeded to issue a direction under Annexure-D explaining the policy underlying the exercise of power in the preamble to the said order or direction. — Vishwabharathi House Building Co-operative Society Ltd. v State of Karnataka and Others, 1991(2) Kar. L.J. 383-A.

Grant of free site void and ultra vires

Section 65 — Owners of lands granted sites as per Bangalore Development Authority Resolution — Grant of free site void and ultra vires — No equity available in favour — Government empowered to stay resolution granting free site under Section — Writ of mandamus or certiorari not issued.
The resolution of the Bangalore Development Authority dated 26-6-1984 passed on the assumption that it was within its power to do so, is void in law. From out of such void action no right could ever be claimed. Where, therefore, the resolution passed is not permissible under the Act, it is ultra vires. The Government in exercise of its powers under Section 65 of the Act has rightly stayed the implementation of the resolution of the Bangalore Development Authority dated 26-6-1984. It cannot be denied that the owners are obliged to part with their lands. It cannot equally be denied that they accepted a lower compensation. Therefore, there was hope against hope that one site per acre would be given free of cost. Whatever may be the equity in their favour, we do not think we can persuade ourselves to apply an equity disregardful of the void nature of the resolution. We cannot even direct the Bangalore Development Authority to disgorge the benefit and restore the status quo ante because the petitioners before us claim through a General power of Attorney Holder. They are not the owners from whom lands were acquired. Therefore, looked at from any point of view, we hold that the petitioners can neither succeed in seeking a mandamus nor a certiorari. — B. Umesh v Bangalore Development Authority, ILR 1991 Kar. 824 (DB).

Power of the Government

Section 65 — Power of the Government — Direct Bangalore Development Authority to carry out purposes of act and not to disregard statutory power — No power to issue directions to make bulk allotment of land — Power cannot be supplied under the guise of statutory interpretation.

Under Section 65, the Government is enabled to give directions to the Bangalore Development Authority ‘as are necessary or expedient’ for carrying out the purposes of the Act. If the power of the Government is available to direct the Bangalore Development Authority to carry out the purposes of the Act, certainly a direction in disregard of the statutory provision cannot be issued. Such a direction is not permissible in law. Therefore, the question of good faith does not arise. Accordingly, we conclude that under Section 65 of the Act, the Government has no power to issue directions to make bulk allotment of lands. — Note: Order reported in 1989(1) Kar. L.J. 111 and ILR 1990 Kar. 1456, affirmed. — Telecom Employees' Co-operative Housing Society Ltd. v Scheduled Castes, Scheduled Tribes, Minority Communities and Backward Classes Improvement Centre, ILR 1990 Kar. 3320 (DB).

Issue of directions/instructions by the State must be in terms of the constitutional scheme

Section 65 — Advocates turns the Judges to be more intelligent with their beautiful arguments — Difference between and/or similarity of Section 65 of KUDA Act and Section 65 of BDA Act — Rules were framed under the KUDA Act in the year 1991 — Held, the State cannot issue directions in violation of the said Rules.
The direction contemplated by Section 65 of the KUDA Act is to carry out the purposes of the Act. The State Government having framed Rules of 1991 in the matter of allotment of sites while Rule 19 provides for time-limit for the allottees to make payment of the value of the site. The State cannot issue directions in violation of the said Rules. The issue of directions/instructions by the State must be in terms of the constitutional scheme i.e., compliance with requirements of Articles 162 and 166 of the Constitution of India. Section 65 of the Bangalore Development Authority Act, is pari materia with Section 65 of the KUDA Act. - Smt. V. Chinnabai v Mysore Urban Development Authority, Mysore and Another, 2014(2) Kar. L.J. 15D.

1. **[65-A. Transfer of employees.](#)**—(1) Notwithstanding anything contained in this Act or in any law for the time being in force, the State Government may transfer any Officer or servant of the authority to the service of any Local Authority.

   (2) The State Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect transfers made under sub-section (1) and such directions shall be complied with by the Local Authority concerned.

2. **[65-B. Submission of copies of resolution and Government's power to cancel the resolution or order.](#)**—(1) The Commissioner shall submit to the Government copies of all resolutions of the authority.

   (2) If the Government is of opinion that the execution of any resolution or order issued by or on behalf of the authority or the doing of any act which is about to be done or is being done by or on behalf of the authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to a breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the authority, it may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the authority to show cause, within the specified period which shall not be less than fifteen days, why—

   (a) the resolution or order may not be cancelled in whole or in part; or

   (b) any regulation or bye-law concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the authority and after such inquiry as it thinks fit, Government may pass orders cancelling the resolution or order or repealing the regulation or bye-law and communicate the same to the authority.

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1. Section 65-A inserted by Act No. 37 of 1982, w.e.f. 31-12-1982.
2. Section 65-B inserted by Act No. 34 of 1986 and shall be deemed to have come into force w.e.f. 6-6-1986.
(4) Government may at any time, on further representation by the authority or otherwise, revise, modify, or revoke an order passed under sub-section (3).]

COMMENTS

Withdrawal from acquisition, of land notified for acquisition for authority

Section 65-B — Withdrawal from acquisition, of land notified for acquisition for authority — Guidelines/directions issued by High Court and affirmed by Supreme Court, regarding — Committee of Land Acquisition Officers formed by the State Government to go into matter and to report as to lands to be deleted from acquisition in accordance with judgment of the Apex Court — Authority, on receiving Committee’s report, passing resolution in its meeting held on 23-11-2010 accepting report to delete all items of land from acquisition as recommended, but in its meeting held on 18-12-2010 passing another resolution retracting its earlier resolution of 23-11-2010 in case of 16 pieces of land, without assigning reason for retraction — Resolution annulling earlier resolution, held, is ultra vires Authority’s power under the Act governing it, as once authority forwards resolution passed by it to State Government, as mandated under Section 65-A of the Act, it is for State Government to revise, modify or revoke Authority’s resolution — Hence, resolution of 23-11-2010, accepting Committee’s report to delete lands from acquisition, so long as it is not revoked by State Government is binding on authority.

The Government appointed the 4 LAOs to examine and pass appropriate orders on the landowners’ request for the withdrawal of the lands from acquisition in compliance with the guidelines/directions issued by the Division Bench and by the Apex Court. The second respondent-LAO held the spot-inspection and on holding the enquiry has submitted the report recommending the deletion of the 16 items of lands from the acquisition. Such a report cannot be rejected lightly. The Court not saying that the second respondent-LAO’s report binds the Board of BDA, but there have to be sound reasons for taking a different view than the view taken by the LAO. In the instant case, no such reasons are assigned for taking the decision. . . . As per the Apex Court’s judgment, the common factor or the same yardstick has to be applied for all the applicants for the deletion of their lands from the acquisition. If ‘A’ s lands are deleted for a reason and if the same reason exists in the case of ‘B’ s lands, ‘B’ cannot be discriminated against. Similarly placed persons cannot be treated dissimilarly. . . . The scheme as contained in Section 65-B of the BDA Act is that the Commissioner of BDA is required to submit all the resolution copies to the Government. Thereafter the Government may suo motu suspend or cancel the BDA’s resolutions either in whole or in part. If the BDA’s resolutions are to be revised, modified or revoked, it has to make further representation to the Government in the matter. . . . For all the aforesaid reasons, I allow these petitions holding that the resolutions, dated 18-12-2010 and 16-5-2012 are unsupportable and unsustainable and direct the respondent 1 to place its resolution, dated 23-11-2010 before the State Government without any further delay. - V.

A KLJ PUBLICATION
66. Default in performance of duty.—(1) If the Government is satisfied that the authority has made default in performing any duty imposed on it by or under this Act it may fix a period for the performance of that duty.

(2) If in the opinion of the Government the authority fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the Government, notwithstanding anything contained in Section 5 to supersede and reconstitute the authority in the prescribed manner.

(3) After the supersession of the authority and until it is reconstituted, the powers, duties and functions of the authority under this Act shall be carried on by the Government or by such Officer or Officers as the Government may appoint for this purpose.

67. Amendment of the Karnataka Town and Country Planning Act, 1961.—(1) In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).—

(a) in Section 2, for item (i) of sub-clause (a) of clause (7), the following item shall be substituted, namely.—

"(i) the local planning area comprising the City of Bangalore, the Bangalore Development Authority, and";

(b) after Section 81-A, the following section shall be inserted, namely.—

"81-B. Consequences to ensue upon the constitution of the Bangalore Development Authority. — Notwithstanding anything contained in this Act, with effect from the date on which the Bangalore Development Authority is constituted under the Bangalore Development Authority Act, 1976, the following consequences shall ensue.—

(i) the Bangalore Development Authority shall be the local Planning Authority for the local planning area comprising the City of Bangalore with jurisdiction over the area which the City Planning Authority for the City of Bangalore had jurisdiction immediately before the date on which the Bangalore Development Authority is constituted;

(ii) the Bangalore Development Authority shall exercise the powers, perform the functions and discharge the duties under this Act as if it were a Local Planning Authority constituted for the Bangalore City;

(iii) the City Planning Authority shall stand dissolved and upon such dissolution.—
(a) anything done or any action taken (including any appointment, notification, order, scheme or bye-law made or issued), any commencement certificate or permission granted by the Bangalore City Local Planning Authority shall be deemed to have been done, taken, made issued or granted under the provisions of this Act by the Bangalore Development Authority and continue to be in force until it is superseded by anything done or any action taken, any appointment, notification, order, scheme, or bye-law, made or issued, commencement certificate or permission granted by the Bangalore Development Authority under the provisions of this Act;

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done, by, with or for the Bangalore City Local Planning Authority shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the Bangalore Development Authority.

(c) all property movable and immovable and all interests of whatsoever nature and kind therein vested in the Bangalore City Local Planning Authority shall with all rights of whatsoever description used, enjoyed or possessed by the Bangalore City Local Planning Authority, vest in the Bangalore Development Authority;

(d) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Bangalore City Local Planning Authority may be continued or be instituted by or against the Bangalore Development Authority”.

COMMENTS

Non-residential activities permissible in residential zone

Section 67 — Karnataka Town and Country Planning Act, 1961, Sections 2(7)(a)(i), 14-A, 81-B and 81-C — Zoning of Land Use and Regulations, Bangalore Development Authority, 1995, Regulation 3 and Annexure-II — Non-residential activities permissible in residential zone — Permissibility of running of college for providing computer training — Held, permissible — Setting up of such college in residential zone is permissible under “special circumstances” as contemplated under Zonal Regulations — Bangalore Development Authority, being Planning Authority for local planning area of City of Bangalore, is authority competent to accord requisite permission to change use of land in residential zone for construction of building to run
college under special circumstances of case — Provisions of Planning Act have no application to such case — Fact that lands/sites required for providing for normal and special amenities in residential zone are not earmarked in Comprehensive Development Plan does not lead to conclusion that all sites/lands in zone declared as residential should be used only for construction of dwelling houses and that no bit of land or site therein can be used for providing other amenities — It is neither practicable nor expedient to give in CDP such minute details regarding use of land in zone — Building constructed for running college in residential zone after obtaining requisite permission of B.D.A. is in accordance with Zonal Regulations and lawful.

In the instant case, the CDP has been published under Government Order No. HUD 139 MNJ 94, dated 5th January, 1995. . . . . . The notification has divided the entire Bangalore city into residential, commercial, industrial, public and semi-public zones. Annexure-I to the above Government order establishes zones, land zoning maps, whereas Annexure-II classifies the land use of the zones into 8 categories under the heads; residential, commercial (retail and wholesale business), industrial (light and service industries, medium and heavy industries), public and semi-public utilities and services, parks, and open spaces and playgrounds (including recreational area), transportation and communication, agricultural land and watersheds. The notification also provides for the uses that may be permitted by the BDA under different zones. As regards residential zone, the permissible uses are classified under two categories: (a) uses that are permissible, and (b) uses that are permissible under 'special permission' of the authority. . . . . . Admittedly, the sites in which the building is constructed to run the college fall within the residential zone. The use of the building for running a college comes within the uses which can be permitted under 'special circumstances'. Therefore, it cannot be held that the use of the land under such 'special circumstances' should have been specified in the CDP itself even before it was sanctioned by the State Government. Regarding each zone, the Zonal Regulations prescribe the normal use as also the uses under 'special circumstances'. In the CDP, the area where the land has to be used in the normal circumstance and the area where the land has to be used under 'special circumstances' are never indicated nor is it practicable nor expedient to indicate the same. In effect, both categories of uses are permitted by the Zonal Regulations. However, in the case of use coming under 'special circumstances', a separate permission from the Planning Authority is needed. In the instant case, a separate permission envisaged in clause (b) has been obtained by respondents 3 and 4 to use site Nos. 2 and 3 for construction of a building to house a college to impart computer training. We do not find any merit in the contention that Section 14-A of the Planning Act is attracted, because, question of 'change of land use' or change of zoning would not arise since the property in question continues to be in residential zone and under the Zonal Regulations, two categories of uses, viz.: (i) ordinary use, and (ii) use under 'special
circumstances’ are permitted and since ‘special permission’ is obtained from the BDA, the impugned resolution of the BDA cannot be faulted. — *Alliance Business Academy, Bangalore v Dr. H. Jayaram Reddy and Others*, 2005(2) Kar. L.J. 17 (DB).

Non-residential activities permissible in residential zone

Section 67 — Karnataka Town and Country Planning Act, 1961, Sections 2(7)(a)(i), 81-B and 81-C — Zoning of Land Use and Regulations, Bangalore Development Authority, 1995, Regulation 3 and Annexure-II — Constitution of India, Articles 226 and 227 — Running of college in residential zone — Permission for — Permission granted by BDA after considering objections filed by interested residents — Objectors cannot insist that they have to be heard before granting permission, as they cannot claim to have right to be heard as matter of law.

None of the legal rights of the petitioners or similarly circumstanced other residents of the locality have been violated or impaired by the permission granted by the BDA. Therefore, the petitioners could not insist that they have a right to be heard as a matter of law. If the BDA has accorded permission in terms of the Zoning Regulations and exercising power conferred upon it under those Regulations and if the impugned resolution has no effect of affecting any of the legal rights of the petitioners, the resolution cannot be faulted simply because no notices were issued to the petitioners and they were not heard in the matter before the resolution was passed. — *Alliance Business Academy, Bangalore v Dr. H. Jayaram Reddy and Others*, 2005(2) Kar. L.J. 17 (DB).

Revised Master Plan-2015, Regulation 7.1.2

Section 67 — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 3 — Revised Master Plan-2015, Regulation 7.1.2 — Petitioners being reputed developers — Developed five residential group housing projects — Petitioners relinquished 15% of the total plot area in favour of BDA — Being civic amenity sites — Under RMP 2015 the builder is required to develop civil amenity sites — BDA invoked the 1989 Rules — Imposed conditions on the petitioners — Such as payment of yearly lease — Yearly rentals — Other charges — These conditions are under challenge — Held, the 1989 Rules would not apply to the petitioners thus conditions imposed by the BDA are quashed and accordingly writ petitions are allowed.

The petitioners have furnished details of their unquestionable presence in the business and their track record. The second respondent is the Planning Authority under the Karnataka Town and Country Planning Act, 1961. In terms of Section 67 of the Bangalore Development Authority Act, 1976, it has framed the Revised Master Plan 2015, which was duly approved by the State Government on 22-6-2007. That under the RMP 2015. This Court had held in those petitions, that the Bangalore Development Authority (Allotment of
Civic Amenity Sites) Rules, 1989, were not applicable in considering the representation of the petitioners and directed the BDA to consider the representation made by the petitioners for allotment of the civic amenity sites in terms of Chapter 7 of the RMP 2015. The BDA had invoked the 1989 Rules and incorporated certain conditions such as a fixed period of lease for 30 years, payment of lease amount in a lumpsum or in yearly installments and fixation of annual rents; etc., which are not at all contemplated in RMP 2015. It is the imposition of such conditions that is under challenge in these writ petitions. The learned Senior Advocate, Sri Madhusudan R. Naik, appearing for the learned Counsel for the petitioners contends that the BDA has no power or jurisdiction to impose a condition as regards the period of lease and to claim lease rentals under the RMP 2015 while acting in its capacity as the Planning Authority under the KTCP Act. Therefore, the impugned conditions are illegal and without jurisdiction. It is contended that the RMP 2015, is only a notification. The petitioners cannot seek any benefit under the same. On the civic amenities, open spaces and park areas vesting with the BDA by virtue of the same having been relinquished in its favour it will necessarily have to follow the procedure prescribed under the 1989 Rules which govern the field as regards the manner in which the civic amenity sites shall be allotted, and would override any notification issued under the KTCP Act. The letters of allotment of the civic amenity sites that have been issued to the petitioners, are not issued under the provisions of the RMP 2015 but they are issued under the provisions of the 1989 Rules. 10% of the land shall be reserved for parks and open spaces, which is to be relinquished to the authority free of cost and which may be allowed to be maintained by the local residents’ association, if the authority so desires. A minimum of 5% of the total plot area shall be provided for civic amenity sites. The petitioners have relinquished 15% of the total plot area in terms of the above regulations in all its five projects. Under RMP 2015, it is the builder who is compulsorily required to develop the civic amenity sites free of cost and hand over the same to the local residents’ associations who are the ultimate beneficiaries of the developed civic amenities. This Court by its Order dated 13-7-2011, passed in W.P. No. 12689 of 2011, Ms. Golden Gate Properties Limited’s case, has expressed thus: In the instant case, the petitioners are seeking a direction to the Bangalore Development Authority to consider their representation as well as the representation made by the association in terms of Regulations 7.1 and 7.2 of Revised Master Plan-2015. They are not seeking any allotment of the civic amenity site which they have relinquished to the BDA. Therefore, 1989 Rules pertaining to allotment of Civic Amenity Sites would not be applicable. Hence, the BDA has to consider the representation made by the petitioner as well as by the Association in terms of Regulations 7.1 and 7.2 respectively. The above decision, was in fact applied to the petitioners. It is, therefore inexplicable that the BDA has chosen to ignore the specific direction of this Court. The conditions imposed, of a deposit, a yearly rental and surcharge, under the several allotment certificates issued in respect of the specific civic amenities, which are under challenge in these petitions, cannot be justified. There is no dispute that the petitioners seek to develop the specified
amenities for the benefit of the local residents, who apparently would have paid the price for such facility being provided as a common facility for all the residents. There is hence no consideration flowing from the BDA in seeking to impose conditions of payment of lease rentals, a deposit or surcharge. In other words it would be unjust to permit the BDA to embark on a "lease-back" arrangement in respect of land that belonged to the petitioners, and now to the local residents who are the transferees of the developed land, of which the civic amenity is only an appurtenance. ......... Therefore, in the opinion of this Court the impugned conditions demanding payment of any one time payment of lease amount and yearly rentals or such other charges are wholly unreasonable and are liable to be quashed. The petitions are allowed as prayed for. - Sobha Developers Limited, Bangalore and Another v State of Karnataka and Others, 2013(3) Kar. L.J. 229

1[68. Housing Board not to undertake any Housing Scheme after the commencement of this Act.—The Housing Board established under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) shall not undertake any Housing Scheme in any area within the Bangalore Metropolitan Area except in conformity with the layout plan of the Bangalore Development Authority:

Provided that any Housing Scheme undertaken by the Karnataka Housing Board before the commencement of this Act shall be executed by the said Board in accordance with the said scheme.]

69. Power to make rules.—(1) The Government may by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely.—

(a) for the guidance of the authority and persons connected with the administration of this Act or in cases not expressly provided for herein;

(b) the manner of election of members by the Councillors of the Corporation;

(c) the conditions of service of the Chairman and other members of the authority;

(d) the manner of appointment of committees and the period of such appointment;

(e) the terms and conditions subject to which the authority may take up development scheme or work and execute it;

(f) the particulars to be specified in the application of the scheme;

1 Section 68 substituted by Act No. 8 of 1977 and shall be deemed to have come into force w.e.f. 4-3-1977.
(g) the restrictions, conditions and limitations subject to which the authority may lease, sell or transfer movable or immovable property;
(h) regulating the allotment or sale by auction of sites by the authority;
(i) the manner of reconstitution of the authority;
(j) any other matter which has to be or may be prescribed by rules.

COMMENTS

Authorities issuing cyclo-styled letters

Section 69 — A site allotted to petitioner under Scheduled Castes Category — Petitioner made several representations along with D.D. towards site value — D.D. returned — Authorities issuing cyclo-styled letters without even referring to representations/requests made by allottees — B.D.A. admittedly a State authority under Article 12 of Constitution — Such cyclo-styled orders nothing but arbitrary orders without application of mind — Matter remitted for reconsideration by respondents — Writ petition allowed.

Admittedly, there are several representations/requests made by the petitioner in terms of the material available on record. This Court has come across several cases where the authorities are issuing cyclo-styled letters without even referring to the representations/requests made by the allottees. Whether those representations/objections are acceptable or not is a different question. At least the representations/requests are to be considered by the authorities. The authority is admittedly a State authority under Article 12 of the Constitution of India. They are supposed to apply their mind and thereafter pass orders. Such cyclo-styled orders are nothing but arbitrary orders without the application of mind. — Vivekanand V.P. v The Commissioner, Bangalore Development Authority and Others, 2005(2) Kar. L.J. 195.

Allotment of sites

Section 69 — Allotment of sites — whether sites can be allotted arbitrarily to whosoever applies to it unless it be by following the definite procedure.

Bangalore Development Authority is required to follow definite procedure and lay down norms for the purpose of disposal of sites reserved for civic amenities, if at all it is permissible to divert the use of such sites for other purposes and the first respondent decides to dispose of substitutes for other purposes. After such decision, it has to call for applications from those who intend to seek allotment of such sites and fulfil the norms laid down for allotment of such sites and consider all such applications together. But the question is whether at this stage will it be just and appropriate to strike down the allotment of site made in favour of 3rd respondent. The allotment of the
site is for the purpose of construction of building for a college and the same is in conformity with the Layout plan and further the site is not dispose of for the purpose other than the one for which it is reserved under the layout plan. The 3rd respondent has been put in possession of the site and has admittedly made huge investment. The allotment is made not for the benefitted of an individual but for the benefit of an educational institution for running a college which is open to one and all and the residents of the locality will also be benefited by it. Hence, eventhough a particular procedure is not followed, the allotment need not be quashed. *Holy Saint Education Society v Venkataramana, P. and Others*, ILR 1982(1) Karnataka Page 1, (Para 4.5) dist. — *Colonel, G.K. Burli and Others v Bangalore Development Authority and Others, 1985(2) Kar. L.J. 510 : ILR 1986 Kar. 1628.*

Section 69(2)(h) — Allotment of Sites Rules, 1964 and 1982 — City of Bangalore Improvement Act, 1945 — Entire scheme of acquiring land by Bangalore Development Authority/CITB, conversion of those lands into residential layouts and the allotment of sites in those areas to individual applicants would go to show that to satisfy the bare requirements of thousands of people who have settled down in the Bangalore City to eke out of decent livelihood, or to spend their days of retirement, elaborate rules framed to ensure not more than one site is allotted to an applicant who has not acquired a site in the City or elsewhere — Otherwise the very object of the scheme would be defeated if persons by sheer strength of money power are permitted to acquire as many sites as possible either for themselves or for members of their family and put up buildings thereon in complete disregard of the needs of the others persons who do not have even a single residential house or a site on which they can build houses for their benefit, use and occupation. — *K. Chandrashekar Hegde v Bangalore City Corporation, ILR 1988 Kar. 356.*

Possession of site allotted

Section 69 — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 10(5) — Possession of site allotted — Failure of authority to hand over to allottee — Allottee who had paid sital value and has executed lease agreement, is entitled to be put in possession of site — Where authority, instead of handing over possession of site, had, after lapse of four years, made fresh allotment of smaller site for higher value in lieu of larger site already allotted, and demanded payment of differential sital value, such action of authority, held, is legally unjustified — *Mandamus* lies to authority to hand over to allottee possession of site in respect of which he had already executed lease agreement.

An application in the prescribed form for allotment of a civic amenity site in Nandini Layout formed by BDA, for the purpose of Community Hall was made by the petitioner to the BDA authorities. On that application, the site
measuring 1225 Sq. Mtrs. was duly allotted by the BDA to the petitioner under its order dated 9-8-1994 fixing the price therefor at Rs. 3,67,500/-. The price amount of the said site was also duly paid to the BDA and that the registered lease deed in the prescribed form has been executed. Then what was required on the part of BDA was to put the allottee in actual physical possession of the allotted site. The authority was legally duty-bound to deliver possession of the site to the lessee for its enjoyment in terms of the lease deed. Instead of delivering possession of the site to the lessee, the BDA after about 4 years proceed to issue another allotment order dated 3-8-1998 in petitioner's favour, stating that in lieu of the said bigger site measuring 1225 Sq. Mtrs. another smaller site measuring 467 Sq. Mtrs. has been allotted to the petitioner. It is not the case of the respondent-BDA that the earlier allotment of the bigger site made under its order dated 9-8-1994 had been fully cancelled. Thus, there was no sufficient legal justification for BDA to take away the said allotted site from the petitioner-lessee and to compel it to accept another smaller site indicated in its subsequent order dated 3-8-1998 in lieu thereof. The impugned Annexure dated 3-8-1998 is quashed. Respondents are directed to deliver to the petitioner-lessee the physical possession of the site shown in the BDA's order dated 9-8-1994 in terms of the lease deed.— The Secretary, Committee of Management, Sree Siddalingeswara Swamy Shrine, Yediyur, Kunigal Taluk, Tumkur District v. The Bangalore Development Authority and Another, 2002(3) Kar L.J. 262 : ILR 2001 Kar 3034.

Delay in passing order

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 10(3) and 13(9) — Allotment of site obtained by ineligible applicant by suppressing fact — Order of Authority for cancellation of — Delay in passing order — Effect — Finding of Authority that husband and wife separately applied for allotment of site and got separate sites allotted to them in breach of statutory condition that in respect of family only one application can be made for allotment of site — Though no period of limitation is prescribed for initiating action for cancellation of allotment obtained illegally, action initiated after lapse of eighteen years from date of allotment and after construction of house by allottee with permission of Authority, cannot be sustained in law.

It is the case of the BDA that both of them made applications to the Chairman of the BDA the same day, i.e., 28-4-1978. If we go by the version of the BDA, it cannot be said that there was a deliberate and intentional omission on the part of the respondent in not disclosing the fact of allotment of site in favour of her husband. But, it is a fact that subsequently, the respondent had filed her sworn affidavit which is in the prescribed form, in which, it is stated that none of the named relatives therein have been allotted site or own a site. Here again, it is the case of the respondent that she was not aware of the order made by the Chairman on the application of her husband.
alloting a site to him. Clause (9) of Rule 13 enables the BDA to forfeit the sital value deposited and to resume the site only if the particulars furnished by the applicant in the “prescribed application form” for allotment of site are found to be incorrect or false. If the Courts were to find that the respondent even on the date of filing sworn affidavit was aware of the fact of allotment of a site made in favour of her husband by the Chairman of the BDA, it was expected of her to disclose that fact. There are no convincing material to show that when she filed the application on 28-4-1978 before the Chairman of the BDA or subsequently when the sworn affidavit was filed by her, she was staying with her husband and she was aware of the allotment of site made in favour of her husband. . . . Though the power of the BDA under clause (9) of Rule 13 to forfeit the sital value deposited and to resume the site for non-disclosure of relevant particulars cannot be questioned, the impugned action taken by the BDA after a long lapse of 18 years could not be sustained on the ground of unreasonableness. Further, after having issued show-cause notice on 12-4-1996 and received the reply of the respondent to the show-cause notice on 30-4-1996, the BDA did not take prompt action nearly for three years. . . . The respondent had constructed a residential house investing more than Rs. 28,00,000/- in those days. After the allotment of the site, she did everything under the nose of the BDA. She had to seek several clearance certificates, permissions from various statutory authorities for the purpose of construction of the house and obtained permissions for civic amenities like water, electricity and sanitation etc. At no stage, any objection was taken by the BDA or any other statutory authorities like the BMP or other authorities. It cannot be said that the BDA was not aware of what the respondent did after the allotment of site and she was put in actual possession of the site. On the other hand, the fact stated by the BDA in its statement . . . objections would indicate that they were aware of the allotment of site in favour of the respondent well-before it issued the show-cause notice. The BDA has not disclosed in the statement of objections as to when it detected the non-disclosure made by the respondent and came to know the fact that her husband was also allotted a site by the Chairman of the BDA on 28-4-1978. . . . In these peculiar facts and circumstances of the case, we do not find any justification to interfere with the discretionary order made by the learned Single Judge. . . . Taking into account the totality of the circumstances as well as the equities of the case, we are convinced that this is not a fit case where we should interfere with the order of the learned Single Judge. — The Bangalore Development Authority v Smt. Sumitradevi, 2005(3) Kar. L.J. 67 (DB).

Allotment of sites — Conditions governing

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 13 — Constitution of India, Article 226 — Allotment of sites — Conditions governing — Amendment of rule deleting therefrom condition prohibiting alienation of allotted site for specified period — Since
condition deleted has been restored to rule, challenge laid in this regard to amendment of rule, no longer survives for consideration.

Rule 13 provided for execution of a lease-cum-sale agreement and a prohibition for alienation of the site for a period of 10 years. The said rule was amended and the period of non-alienation clause was deleted. In a writ petition filed for challenging the acquisition, the acquisition proceedings, the aforesaid fact had no relevance in deciding the validity of acquisition. However, the BDA after taking note of the aforesaid observations has restored the non-alienation clause which was there earlier with effect from 27-4-2005. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 1N (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 4(2), 11, 13 and 14 — Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978, Sections 3(1)(b), 4, 5 and 11 — Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Rules, 1979, Rules 2(c) and 3 — House site allotted by Bangalore Development Authority — Allottee unauthorisedly, i.e., in breach of condition of allotment, making alienation of — Allottee, after willfully alienating site for profit, making application to “prescribed authority” under Act of 1978, for restoration of site by evicting alienee from possession, as provided in Act of 1978, on ground that he belonged to Scheduled Castes and allotment made to him was out of quota of sites reserved for that caste — Such provision contained in Act of 1978 can be invoked only in case of unauthorised alienation of “granted land” (i.e., agricultural lands granted by Government) same cannot be invoked in case of unauthorised alienation of site allotted by authority, merely because allottee belongs to Scheduled Castes — “Prescribed authority” under Act of 1978, held, was wholly justified in rejecting allottee’s application for restoration.

In the instant case, there is an indication that the site in question was allotted to the petitioner because she belonged to a Scheduled Caste under a special quota. However, this was under the provisions of the Bangalore Development Authority (Allotment of Sites) Rules, 1984. Under the Rules, apart from providing for allotment of sites under a special quota to persons belonging to Scheduled Castes and Scheduled Tribes, the Rules contemplate such special quotas for various categories of persons including the backward tribes, economically weaker sections, physically handicapped persons, defendants of deceased servicemen. State Government employees, persons who have outstanding achievements in the field of arts, science or sports, employees of Central Government and Public Sector Undertakings etc. The further concession that is provided to persons belonging to the Scheduled Caste is that in the selection of applicants for allotment of sites and
reservation of sites, while considering the applications for allotment on merit, the criteria, whether the person was married or single and has dependent children and whether the income of the applicant and his capacity to purchase a site and build a house thereon, is not considered is the case of applicants belonging to Scheduled Caste. Thus, the allotment made is for a market price. The petitioner after having paid the consideration in respect of such allotment has willfully executed an agreement of sale, in favour of respondent 1 for a profit. This was in violation of the terms of allotment and Rule 14 of the BDA Rules, which prescribes that if it is so alienated, the authority namely, the BDA could, after due notice, cancel the allotment, resume the site, and forfeit the amount paid by the lessee. This is a consequence prescribed under the Rules. The BDA not having initiated any such action, in respect of alienation admittedly made under the agreement of sale is not the subject-matter of this writ petition. – Smt. R. Dhanalakshmi v Sandeep Kangonkar and Others, 2010(6) Kar. L.J. 274A.

Unauthorised sale of allotted site

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 14(2)(a) — As amended by notification dated 6-2-1998 — Unauthorised sale of allotted site — Regularisation of — Law pronounced by Apex Court in its judgment dated 18-1-2000 is applicable not only to sales effected by legislators who were parties to case before that Court, but also to such sales made by others who were not made parties thereto — Purchaser of site under such unauthorised sale is liable to pay 25% of sital value determined as rates specified by State Government, for regularisation of sale.

The alienation was held to be invalid. Because of Rule 14 of the Rules the said alienation can be legalised only if 25% value of the property is paid. The vendor of the petitioner obtained the order to sell the property by letter dated 27/28-10-1995 wherein the Government has granted permission among others the vendor of the petitioner to alienate the property. That also was held to be invalid. Therefore, notwithstanding the fact that the vendors therein were not parties and their alienation was not specifically questioned in the writ petitions before this Court, which was set aside by the Supreme Court, the order under which the permission was accorded was set aside holding that the Government had no power to grant such permission to alienate the property. That being so, the Rule 14 is made applicable. Only if the purchasers paid 25% of the value of the site, then the regularisation could be granted. In pursuance of this order, rightly the BDA has issued a notice dated 21-8-2000 to the petitioner which is in consonance with the order passed by the Supreme Court. — N.R. Sridhar v Bangalore Development Authority and Another, 2002(1) Kar. L.J. 524.
Unauthorised transfer of allotted site

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 14(2)(a) — As amended by notification dated 6-2-1998 — Unauthorised transfer of allotted site — Regularisation of — Rule amended to enable Authority to regularise unauthorised transfer on payment by transferee, of 25% of sital value determined at rates specified by State Government, from time to time — Only if payment is not made, can allotment be cancelled.

Rule 14 has now been amended by Notification dated 6th February, 1998. Rule 5 of the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1997 makes the amendment in Rule 14. As a result of the Rules where there has been alienation of site in contravention of sub-rule (2), then on an application being made by the purchaser the said sale or alienation in his favour can be regularised on the purchaser paying an amount equal to 25 per cent of the sital value determined at the rates specified by the State Government from time to time. Inasmuch as the permission which was granted in 1994 and 1995 for transferring the land was illegal, the effect would be that the original allottees had transferred the land in violation of the provisions of sub-rule (2) of Rule 14 and now after the amendment of the said rule regularisation of the said alienation can take place by the purchaser paying the amount referred to in sub-rule (2-A). If this payment is not made, the result obviously would be that the alienation will not be validated and the allotment of land itself would stand cancelled. It is obvious that under Rule 14 permission to transfer can be granted under the circumstances provided by sub-rule (3). The said sub-rule provides that an application for transfer can be made by an allottee on the grounds that, (a) for reasons beyond his control he is unable to reside in the city of Bangalore; or (b) by reasons of his insolvency or impecuniosity, it is necessary for him to sell the site and the building. The High Court has interpreted this Rule to mean that it is only for reason of insolvency that permission under sub-rule (3) can be granted. This does not appear to be correct because on the ground that the allottee is unable to reside in the city of Bangalore and also on the ground of impecuniosity, permission can be granted to sell the land or the land and the building constructed thereon, after the amendment of the Rule in 1998. — Commissioner, Bangalore Development Authority v S. Vasudeva and Others, 2000(7) Kar. L.J. 1C (SC).

House sites formed on acquired land

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 2(i), 3 and 5 — House sites formed on acquired land — Allotment of — Allotment of sites can be made only giving due publicity regarding availability of sites for allotment to public and allotments should be to persons eligible for allotment under Rules — Person who had
purchased land on which sites were formed, subsequent to notification of land for acquisition under Section 4(1) of the Land Acquisition Act, cannot claim site allotted to him straightaway by virtue of his being in possession of land, as he cannot be considered as owner of land, having right, title or interest therein, as sale in favour was void.

BDA should offer these six intermediary sites for allotment to the eligible persons only as per the Rules. As sites will have to be allotted to only eligible persons, by inviting applications, the learned Single Judge has rightly rejected the prayer of the appellants for a direction to BDA to allot these sites to them at the prevailing allotment price. The appellants are not entitled for any of the reliefs sought. — Sudha S. Patil v State of Karnataka and Another, 2009(5) Kar. L.J. 266B.

Cancellation of Allotment of site

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 9(2) — Powers of Attorney Act, 1882, Section 2 — Allotment of site — Cancellation of — Cancellation on ground that application for allotment of site was signed, not by applicant herself, but by her agent in her absence when she was abroad during relevant period — Where agent who signed application was duly authorised to make application, under instrument in form of power of attorney, cancellation of allotment on such ground is to be held bad in law, when there is no rule requiring signing of application personally by applicant — Application signed by donee of power of attorney, held — Valid — Order of cancellation of allotment, to be set aside.

Rule 9 of the BDA Rules does not require signing of the application personally by the applicant himself. What is required by sub-rule (2) of Rule 9 is the presentation of the applications in person or by registered post so as to reach the office of the authority before the date and time fixed for the receipt of such applications. This cannot be equated to a requirement of personally signing the application by the applicant himself. . . . . . Where a person authorises another to sign for him, the signature of the person so signing is the signature of the person authorising it. However, if the statute requires personal signature, then the signature through an agent may be said to have been excluded. But that is not so in the rules in question. The order of cancellation passed by the respondent-BDA cancelling the allotment, therefore, deserves to be set aside. . . . . Accordingly, the impugned order is set aside. A direction is issued to the BDA to take steps to act in accordance with the BDA Rules for registering the sale deed and for delivery of possession of the site allotted to the 1st petitioner. — Asha Ramesh kumar and Another v Bangalore Development Authority, Bangalore, 2009(1) Kar. L.J. 620.
Procedure for selection of institution for allotment of

Section 69(2)(h) — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 7(1). — Civic amenity site. — Procedure for selection of institution for allotment of — Case of each institution which has applied for allotment has to be considered — Where in respect of particular civic amenity site, allotment made to one applicant-institution, without considering cases of other applicants on merits, is to be held vitiated and liable to be quashed.

Held. — Sub-rule (1) of Rule 7 provides that the authority shall consider the case of each institution on its merits. Sub-rule (2) of Rule 7 provides for constitution of the Committee for the purpose of allotment of Civic Amenities Sites. Pursuant to sub-rule (2) of Rule 7, the Committee has been constituted. The B.D.A. has placed all the applications filed before the Committee. Sub-rule (1) of Rule 7 provides that every application filed by the institution is to be considered on its own merits. From the proceedings, it is seen that there is no consideration of any of the application filed seeking allotment of Site No. 4 of Pillanna Garden by the Committee. Therefore, selection of respondent 2 without considering the other applications on their own merit is in breach of sub-rule (1) of Rule 7 of the Rules. … The B.D.A. has not produced any material to show that each of the applications filed has been considered on merits. If that is so, the allotment of site made by the B.D.A. on the basis of the selection made by the Committee is totally illegal and is liable to be quashed. — Vineeth Education Society (R), Bangalore v The Bangalore Development Authority, Bangalore and Another, 1999(6) Kar. L.J. 101.

Notification after acquisition of land

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 3 — Allotment of sites — Notification inviting applications with deposit money from public for — Issuance of such notification after acquisition of land cannot be said to be illegal or unauthorised.

In the instant case, a scheme was formulated under Sections 15 and 16 of the BDA Act, and preliminary notification was issued under Section 17(1) and after obtaining sanction from the Government under Section 18(3), final notification was issued under Section 19(1) of the Act. It is only after following the aforesaid procedure prescribed under law, applications were called for under the Rules prescribed. Therefore, the action of the BDA was not only authorised and it was not opposed to any provisions of the BDA Act. — The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another, 2006(1) Kar. L.J. 1F (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR-Kar. R: 383 (DB).

A KLJ PUBLICATION
Allotment of stray sites

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 5 — Allotment of site — Cancellation of — Allotment of stray sites made by Chairman of B.D.A. in his individual capacity, in contravention of statutory rules and guidelines issued by Government — Government, held, is entitled to cancel such allotment in exercise of its general power to set at naught illegal act done by its instrumentalities — Absence of specific provision in Act enabling Government to cancel allotment later found to be illegal, is no bar to exercise of power by Government.

The moment an act is done by the Authority outside the scope of the Act, the Government could intervene and nullify the said act whether or not the statute provides for such a power. The moment an act is done outside the scope of the statute it goes without saying that the State, being the source from where the statute derived its powers, would have every right to intervene and to set at naught the illegal act done by any of its instrumentalities. The various bodies and Authorities are nothing but extended arms of the State. The allotment in the present case being outside the scope of the statute, the Government was entitled to cancel the same. . . . The Chairman of the B.D.A. has no power to allot a stray site in his individual capacity. The Government has authority of law to cancel the allotment so made by the Chairman. — Under Secretary, Housing and Urban Development Department, Government of Karnataka, Bangalore and Another v A. Rajendra Naidu and Another, 2000(2) Kar. L.J. 334B (DB).

Cancellation of Allotment of Stray site

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 5 and 13(9) — Stray site — Cancellation of allotment of — Power to cancel allotment for any valid reason rests with Authority which has made allotment and such power is exercisable only by Authority independently — State Government cannot direct Authority to cancel particular allotment made by Authority, as such direction would take away discretion of Authority leaving it no choice except to cancel allotment in mechanical obedience to direction — Such cancellation order issued by Authority in mechanical obedience to governmental direction is liable to be set aside.

No power is conferred under the Rules upon the State Government either to issue the show-cause notice or the cancellation of the site. On the other hand, Rule 13(9) of the Rules expressly confers power upon the Authority to cancel the site allotted in favour of the persons on the grounds mentioned under sub-rule (9) of Rule 13. . . . Therefore, the cancellation order has not been passed exercising power by the Authority independently as contemplated under Rule 13(9) of the Rules. Ex facie, the exercise of power by
the BDA is at the instructions and on the basis of the Government endorsement, the exercise of power by Authority at the directions of the Government is bad in law. . . . BDA has not exercised its power independently in cancelling the site allotted in favour of the petitioner therefore, the impugned orders are liable to be quashed. — K.R. Pradeep v The Secretary, Housing and Urban Development Department, Bangalore and Another, 2000(4) Kar. L.J. Sh. N. 33.

Stray sites — Guidelines for disposal of

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 5 — Stray sites — Guidelines for disposal of — Guidelines issued by State Government in its circular dated 17-10-1992, providing for allotment of 10% of stray sites to "deserving persons" by Authority at its discretion — Such discretionary power, held, is conferred on Authority as body consisting of several members and not exclusively on Chairman alone — Allotment made by Chairman in his individual capacity, to person whom Chairman alone considers deserving, is to be held as allotment made in contravention of statutory rules and guidelines issued thereunder.

The circular provides for allotment of 10% of stray sites to deserving persons by the Authority. The discretion should be exercised by the authority only in case of deserving persons. It was submitted by the learned Counsel for the Authority that the allotment in favour of first respondent was made by the Chairman and not by the Authority. Since that was a statement made at the Bar by the learned Counsel for the Authority we should take it as a fact. Thus, on the very face of it, the allotment made by the Chairman cannot be sustained as it is violative of Rule 5 of the said Rules which makes it mandatory that such allotment should be made by the Authority and not by the Chairman. What is more, it was also submitted by the learned Counsel for the Authority that it was made in total disregard of the guidelines issued by the State Government. . . . The 'Authority' consists of several persons and not the Chairman alone. . . . In the case on hand, the allotment is made by the Chairman in his individual capacity and, therefore, in contravention of the Bangalore Development Authority (Allotment of Sites) Rules, 1984. — Under Secretary, Housing and Urban Development Department, Government of Karnataka, Bangalore and Another v A. Rajendra Naidu and Another, 2000(2) Kar. L.J. 334A (DB).

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 2(j), 3 and 5 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984; Rule 3 — Stray site — Meaning of — Only site which was once allotted but its allotment was subsequently cancelled for any reason or site formed on account of readjustment in plan subsequent to issue of notification inviting applications
for allotment of sites — Only such sites, called stray sites, have to be disposed of in accordance with guidelines issued by Government — Intermediary sites lying between corner sites, which were not notified for allotment at any time, cannot be treated as "stray sites", and hence such sites cannot be disposed of through auction sale along with corner sites — Such intermediary sites are to be offered for allotment to persons eligible under Rules.

Out of ten sites put up for auction, four sites are residential corner sites, therefore they are required to be disposed of only by public auction as per the provisions of BDA (Disposal of Corner Sites and Commercial Sites) Rules, 1984. The other sites are residential intermediary sites. As per Rule 5 of the Allotment Rules stray sites should be disposed in accordance with the guidelines issued by the Government. These intermediary sites cannot be construed as stray sites so that they could be disposed off by public auction as per Rule 5 of the Rules. In view of the above, these intermediary sites are required to be offered for allotment to eligible persons as per Rule 3 of the Rules. These intermediary sites cannot be disposed of by public auction. Therefore, the act on the part of BDA in putting up six intermediary sites for public auction is not in accordance with the statutory rules framed under the BDA Act. — Sudha S. Patil v State of Karnataka and Another, 2009(5) Kar. L.J. 266C.

Condition for forfeiture of sital value

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 10(3) and 13(9) — Contract Act, 1872, Section 74 — Allotment of site — Condition for forfeiture of sital value paid and resumption of site allotted if allotment is found to have been secured by furnishing false particulars — Condition, held, is not genuine pre-estimate of liquidated damages, but is stipulated as penalty in terrorem of offending allottee — Bangalore Development Authority is not entitled to act as Criminal Court and impose penalty — It can only recover reasonable amount of expenditure incurred by it in making allotment which had to be revoked — Where Bangalore Development Authority has failed to estimate such expenditure, Court can determine same to be awarded as damages — Where Bangalore Development Authority had not handed over possession of site to allottee who had secured allotment by giving false particulars, it is held reasonable to forfeit only initial deposit and not entire amount of sital value.

Admittedly the rule provides for penalty for not having given the required information while applying for the allotment of site. It is in the nature of penalty, and therefore, Section 74 of Contract Act applies. In every case of contract, the person aggrieved by breach is not required to prove the actual loss or damage suffered by him before he could claim a decree and the Court is competent to award a reasonable compensation in case of breach even if no actual damage is proved to have been suffered in consequence of
the breach of contract. Where loss in terms of money can be determined, party claiming compensation must prove the loss suffered by him and in other case, the Court could grant reasonable compensation. In the present case, admittedly the facts are that even though the petitioner was notified about the allotment of site, the site allotted was in fact not given to the possession of the petitioner. No material is produced by the respondent in order to show that any damage was suffered by the respondent in intimating about the allotment of site to the petitioner. Even if it is assumed that the respondent has suffered some damages in pursuing with the allotment proceedings, the damages suffered could only be nominal which could be towards the amount of labour involved in issuing notices etc., and nothing more. Therefore, it is reasonable to forfeit Rs. 6,885.00: the initial deposit made by the petitioner and not the entire consideration amount deposited by the petitioner with the respondent. However, the petitioner is not entitled to any interest on the amount to be refunded... It is true that the rule in question prescribes that if the allotment sought for is based on incorrect and false information, the sital value deposited shall be forfeited. The said rule is in the nature of penalty. The respondents are not entitled to act as a Criminal Court and impose penalty for giving false information. If at all, they can only estimate the reasonable expenditure incurred by them in the proceeding culminating in just intimating the allotment of site and recovering the deposit of the moneys. The possession of the site was also not delivered. Further, while issuing notice regarding cancellation of the allotment of site, respondents did not direct forfeiture of the sital value and it was only when the petitioner sought for refund of the money, the respondent stated that they would forfeit the sital value. That shows that the respondents did not intend to direct forfeiture... The first respondent is directed to refund the money deposited by the petitioner except the sum of Rs. 6,885.00 which is liable to be forfeited. — Smt. L. Saroja v Bangalore Development Authority and Another, 2002(3) Kar. L.J. 443 : ILR 2002 Kar. 1624.

Auction sale of corner/commercial sites

Section 69(2)(h) — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 6(3) — Constitution of India. Article 226 — Auction sale of corner/commercial sites — Rule requiring auction purchaser whose bid is accepted to deposit at once on the spot 25% of amount of his bid, and providing for forfeiture of this deposit in event of his default in paying balance amount within 45 days from date of receipt of letter communicating confirmation of sale — Provision is mandatory and leaves no discretion with authority to relax its rigour in its application to individual cases.

S.R. Nayak and H.N. Nagamohan Das, JJ.; Held: Sub-rule (3) of Rule 6 of the Rules is mandatory in nature and no discretion is vested in the Bangalore Development Authority either to forfeit or to grant exemption from
forfeiture. The words "the deposit of 25% made by the auction purchaser shall be liable to be forfeited to the authority", does not leave any doubt in our mind that in the contingency envisaged in the first part of sub-rule (3), the Bangalore Development Authority is legally bound to forfeit the deposit of 25% made by the auction purchaser and it has no discretion not to forfeit the said deposit. . . . . Since the action of the Bangalore Development Authority impugned in the writ petition is in conformity with the mandatory provisions of sub-rule (3) of Rule 6 of the Rules, the order of the learned Single Judge is justified. There is no warrant for our interference. — M. Ramesh v The Bangalore Development Authority and Another, 2005(1) Kar. L.J. 211 (DB).

Communicating to auction purchaser, confirmation of

Section 69 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 3 — Corner site sold in auction sale — Liability of authority to clear unauthorised occupation of — Doctrine of caveat emptor — Application of — Where auction purchaser had willingly participated in auction sale, paid bid amount and accepted possession certificate, doctrine applies, and authority cannot be directed to clear unauthorised occupation and it is for auction purchaser to protect his possession.

The site was put up for public auction by notification dated 3-12-1992 and the public auction was held on 23-12-1992. Admittedly, the appellant participated in the public auction. Therefore, it is reasonable to infer that as a prudent person, before offering her bid on 23-12-1992 the appellant must have visited the site for which she was offering her bid. If really there was any unauthorised structure on the said site, she would not have offered her bid for the said site. Therefore, the very fact that she offered her bid in respect of the site bearing No. 83 in the public auction held on 23-12-1992 would indicate that the alleged unauthorised structure was not existing on the site as on 23-12-1992. The appellant deposited last installment towards the cost of site on 16-3-1993. Therefore, it is reasonable to hold that even as on 16-3-1993 there was no unauthorised structure as otherwise the appellant would not have deposited the balance amount if there was any unauthorised structure on the site and she would have certainly made a representation to the BDA in that regard. On 4-1-1994, the BDA has executed an agreement in favour of the appellant in respect of the auctioned site. If there was unauthorised structure as sought to be contended by the appellant, she would not have accepted the agreement from the BDA on 4-1-1994. After the execution of the agreement as per the acknowledgement made by the appellant on the reverse side of the possession certificate, she has received the possession of the auctioned site on 24-2-1994 and subsequently possession certificate was issued on 18-6-1994. In the light of the acknowledgement by the appellant with regard to accepting delivery of possession of the site, it is not open to the appellant to
contend that actual physical possession was not at all delivered to her and that only formal possession certificate was issued. From the aforesaid facts, it is reasonable to hold that the alleged unauthorised structure was not in existence on the auctioned site when the possession of the said site was delivered to the appellant. By delivering possession of the site, the BDA performed all the acts, which it was required to do in respect of the auctioned site. After accepting the delivery of possession of site, it was for the appellant to protect her property. If some unauthorised structure is put up by some one, after the delivery of possession of the site to the appellant, BDA cannot be held responsible for the same nor BDA could be asked to clear the unauthorised structure. — Mrs. Nayana B. Mehta v Bangalore Development Authority, Bangalore and Others, 2009(1) Kar. L.J. 45C.

Section 69 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 3 — Corner site sold in auction sale — Offer made by Authority to allot alternative site in lieu of — Offer made on representation made by auction purchaser that auctioned site was under unauthorised occupation by third party — Withdrawal of offer — Legality — When there is no statutory provision for allotment of alternative site in lieu of auctioned site for any reason, offer made by authority was without authority of law, and same was rightly withdrawn — Challenge laid to order of withdrawal on ground that it was passed without notice and opportunity of being heard given to auction purchaser is not maintainable, when site offered as alternative was not acceptable to auction purchaser.

The appellant did not accept even that alternative site on certain grounds and sought for allotment of another alternative site in lieu of auctioned corner site. The BDA has rightly issued the impugned endorsement to the appellant that her request for allotment of alternative site cannot be acceded to. There is absolutely no error committed by the BDA in issuing the impugned endorsement. In view of the fact that the appellant did not even accept the alternative site No. 4099, question of BDA issuing any notice to the appellant before cancelling the same did not arise. — Mrs. Nayana B. Mehta v Bangalore Development Authority, Bangalore and Others, 2009(1) Kar. L.J. 45B.

Section 69 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 3 — Corner site sold in auction sale — Right of auction purchaser to claim allotment of alternative site in lieu of — Claim made on ground that auctioned site is under unauthorised occupation which vendor — Authority has not been able to clear — When Rules do not provide for allotment of alternative site in lieu of auctioned site for any reason, no mandamus lies to authority to allot alternative site, as per its offer, which it has since withdrawn — Where auction purchaser has been put in possession of auctioned site and given possession certificate which she has acknowledged, it is for auction purchaser to protect his possession against unauthorised occupant — However, in view of offer made by authority to-
refund entire amount paid towards price of auctioned site if auction purchaser is not willing to get sale deed executed in her favour, it is open to her accept offer.

As per the provisions of the aforesaid Rules, the corner sites in any layout formed by BDA are required to be disposed of in public auction. The said Rules do not provide for allotment of an alternative site in lieu of auctioned site for any reason. There is no provision in that regard in the said rules. In the instant case, possession of auctioned site was handed over to the appellant and the same was acknowledged by her. The BDA had no power to allot an alternative site to the appellant in lieu of the auctioned site. In view of this, the initial allotment of alternative Site No. 4099 in lieu of auctioned site itself was illegal and without authority of law. If BDA is directed to refund the amount, it will not be incurring any loss as, the BDA is at liberty to put up the said site for auction by clearing the unauthorised structures if thereon. — Mrs. Nayana B. Mehta v Bangalore Development Authority, Bangalore and Others, 2009(1) Kar. L.J. 45A.

Section 69 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rules 3, 6 and 7 — Constitution of India, Articles 226 and 227 — Auction sale of corner site — Failure of authority, even after lapse of nearby four years of auction sale, to execute sale deed and hand over site to auction purchaser, pursuant to — Order passed in writ petition, directing authority to refund bid amount deposited by auction purchaser, with interest at 18% per annum from date of deposit till refund — Said order, held, is justified and warrants no interference in writ appeal.

Sale deed was not executed on the ground that some civil suit is pending in respect of the property. Wherefore, the fact that litigation was pending in respect of the property to which the writ petitioner-respondent herein was the highest bidder which was accepted and not disputed. Since the property itself is in dispute, the respondent was not interest in pursuing the allotment of the said site. Therefore, BDA is bound to refund the amount deposited by the respondent as the site which is under litigation was auctioned and there was no fault on the part of the respondent. Wherefore, the order passed by the learned Single Judge directing refund of Rs. 1,19,70,000/- with interest at 18% p.a. from 10-2-2007 cannot be found fault with. — The Commissioner, Bangalore Development Authority, Bangalore v K. Shiva Kumar, 2011(3) Kar. L.J. 359A.

Section 69 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 6(2) and (3) — Civil Procedure Code, 1908, Section 11 — Constitution of India, Article 226 — Auction sale of corner sites or commercial sites — Conditions of — Rule laying down condition that auction sale is subject to right of authority to refuse any bid and to cancel auction sale — Decision in earlier writ petition that rule is not
unreasonable or arbitrary and that authority cannot be compelled to confirm auction sale cannot be challenged against as same has become final — Bangalore Development Authority can regulate manner of auction sale, as it is matter of contract.

In the earlier round of litigation as against the cancellation of the bid held in W.P. Nos. 33146 to 33150 of 1993, this Court having noted the legal position regarding Rule 6(2) and 6(3) of the Rules having regard to the tenor of the Rules regarding confirmation of sale in bid within 45 or 60 days, has held the sale could be confirmed. If the decision is not taken to confirm, it is open to the auction purchaser to withdraw the amount deposited and to demand interest. Further, regarding quashing of the Rules is concerned, this Court has held that they are neither unreasonable nor arbitrary. Hence, the same is not open to challenge in this petition. . . . . In the earlier round of litigation it is also held by this Court that the decision not to accept the bid is not open to challenge. As such question of directing the authorities to confirm the sale does not arise. — V.S. Gopalaswamy and Others v Bangalore Development Authority, Bangalore, 2008(6) Kar. L.J. 692B.

Section 69 — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 6(2) and (3) — Constitution of India, Article 226 — Auction sale of corner site — Cancellation of — Offer, made by Authority to auction purchasers to allot alternative sites in lieu of sites, auction sale of which has been cancelled — When there is no obligation on authority to confirm auction sale or to make such offer, offer made by it is to be considered as matter of gratis — Auction purchaser, therefore, cannot take offer as obligation on authority to sell alternative site offered for sale at price prevailing at time of auction sale which has been cancelled — If auction purchaser finds that price fixed for alternative site is high, it is open to him to reject offer and to take back his earnest money deposit with interest at rate of 8% per annum from date of deposit till its refund — No mandamus lies to authority to fix price of alternative site on basis bid made by auction purchaser.

Insofar as the cancellation of the auction sale, in the earlier round of litigation this Court has specifically held that it is primarily a matter of contract. BDA can regulate the manner in which it will auction its sites. An auction purchaser has no right to require the BDA to sell its sites by auction in a particular manner. . . . . When such being the case, for reasons known to BDA when the civil petition was filed there was an undertaking given by the BDA that alternative sites would be allotted for having cancelled the auction sale although it was not binding on the respondent-BDA. The grievance of the petitioners is, the rate quoted subsequently by the BDA is unreasonable and on the higher side . . . . When the BDA has come forward to consider the request of the petitioners for allotment of alternative site as a matter of gratis, petitioners cannot take the same as obligation on the BDA to fix the price then
prevailing at the time of auction purchase. As there was no obligation on the BDA to confirm the auction sale or else to allot alternative sites. . . . . In the event if the petitioners cannot afford to pay the rates fixed by the BDA, they can seek for return of the initial deposit with 8% interest from the date of deposit till refund. — V.S. Gopala Krishna and Others v Bangalore Development Authority, Bangalore, 2008(6) Kar. L.J. 692A.

Section 69(2)(j) — Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, Rule 6(3) — Karnataka General Clauses Act, 1899, Section 27 — Auction sale — Communicating to auction purchaser, confirmation of — Service of communication directing purchaser to pay balance amount of sale consideration for site within 45 days of receipt of communication, is deemed to be effected by properly addressing pre-paying and posting by registered post, letter containing communication — Presumption is rebuttable one and evidence can be led to show that there was no service — Where letter posted was returned undelivered by postal authorities, and another letter personally served was not actually served on person himself but on another, service of communication cannot be presumed — In absence of service of communication, forfeiture made by authority, of initial deposit of part of sale of consideration, is not proper — Purchaser is entitled to be given another opportunity to pay amount with interest within one month.

Held: Section 27 of the General Clauses Act provides for a presumption as to the factum of ‘service’ upon proof of the conditions spelt out therein. The presumption is admittedly rebuttable. The Courts are required to be guided in each case by its special circumstance as to how far effect can be given to the cover endorsed, refused or words to the like effect. Once the presumption under Section 27 is held to be rebuttable, it is obligatory on the part of respondents to have afforded an opportunity to appellant to show that letter of confirmation allegedly sent to him was in fact not served. No such opportunity appears to have been given to the appellant in the instant case. No presumption under Section 27 would arise where the notice was admittedly not served on the addressee but upon some other person. . . . The peculiar facts of this case indicate that the letter of confirmation was not served upon the appellant and the receipt of the aforesaid letter by his father cannot be held to be a service upon the appellant. The bona fides of the appellant to retain the auction site is evident from the fact that he had not demanded the refund of the amount of Rs. 1,05,000/- deposited by him on 15-2-1991. The appellant was admittedly not afforded any opportunity to rebut the presumption allegedly arising against him. . . . It is held that order of forfeiture of the amount shall not be given effect to. The respondents were not justified to pass such an order during the pendency of the litigation in this Court. . . . A direction is issued to the respondents to afford another opportunity to the appellant for payment of the balance amount with
interest. It is directed that in case the appellant pays or deposits the balance of the auction amount along with interest at the rate of 18% p.a. within a period of one month from today, the possession of the auction site shall be delivered to him. — S. Mahesha v The Bangalore Development Authority, Bangalore and Another, 1999(4) Kar. L.J. 54.

Allotment of site as incentive for voluntary surrender of land

Section 69 — Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989, Rule 5 — Constitution of India, Articles 226 and 227 — Allotment of site as incentive for voluntary surrender of land — Application made by land owner for — Even though land in question was surrendered voluntarily as far back as in year 2001, no decision has been taken by authority so far regarding allotment of site as envisaged by Rules — Direction, therefore, lies to authority to consider application made by erstwhile land owner and pass appropriate order thereon in accordance with law.

In respect of these two acres of land, the petitioner is claiming the benefit under the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989. Before approaching this Court, the petitioner got issued a notice to the respondent claiming the benefit under the rules. No prejudice will be caused to the respondents if they are directed to consider the request of the petitioner’s notice dated 2nd September, 2009, in accordance with law and to pass appropriate order as expeditiously as possible. — Smt. Puttalakshamma v Bangalore Development Authority, Bangalore and Another, 2010(3) Kar. L.J. 292.

Allotment of civic amenity site on long-term lease basis to institution for construction of community hall

Section 69 — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989. Rules 3, 6 and 9 — Constitution of India, Articles 14 and 226 — Allotment of civic amenity site on long-term lease basis to institution for construction of community hall — Notification issued by Authority making offer of, and inviting application from eligible institutions, for — Applications received in response to offer was not considered by authority, and site in question was allotted to another for different purpose, viz., construction of maternity home — Action of authority, held, was in breach of statutory rule which required allotment to be made only after notifying availability of site for allotment, inviting applications from eligible institutions, examination of merits of applicants, etc. — Therefore, allotment made, to institution, which was not even applicant, held, is arbitrary and illegal.

The site in question, as per the Notification dated 31-1-2009, is meant for community hall. Petitioner applied for allotment of site in question for construction of a community hall. 2nd respondent did not apply for
allotment of site for construction of a community hall. Viewed from any angle, the arbitrariness on the part of the BDA is writ large. Firstly, the site having been offered for allotment, without even an application being filed by the 2nd respondent, the site specified for the purpose of community hall could not have been allotted to the 2nd respondent, which had proposed to construct maternity home. Secondly, petitioner and other institutions having submitted applications seeking allotment of the site in question, before the same could be withdrawn by the BDA, from the allotment process, for valid reasons, if any, ‘the Committee’ has no power to withdraw the site from allotment notification. Thus, the decision taken by the BDA to allot the site in question in favour of the 2nd respondent is highly arbitrary and illegal. - Vokkaligara Sangha, Bangalore v Bangalore Development Authority, Bangalore and Another, 2012(4) Kar. L.J. 673A.

Powers and functions of Civic Amenity Site Allotment Committee

Section 69 — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 7(2) — Civic Amenity Site Allotment Committee — Powers and functions of — Its function is to select applicant-Institution in accordance with set norms, criteria or guidelines — It has no power to withdraw offer of allotment, and allot site notified for one purpose for another purpose, to institution which was not even applicant for allotment.

The Civic Amenity Site Allotment Committee, constituted under sub-rule (2) of Rule 7 by the BDA, has limited role to perform i.e., select the Institution/s, for leasing out of the offered civic amenity site/s. The Committee’s role is limited for consideration of case of each of the Institution on its merits having regard to the principles enlisted in clauses (a) to (f) of Rule 7(1). In the instant case, the Committee, in passing the resolution to withdraw the site in question from the offer notification, has travelled beyond its scope. It is not the job of the ‘Committee’ to pass a resolution to withdraw the site from the offer notification, and allot a site in respect of which, no application had been submitted. The BDA has mechanically accepted the decision of the Committee in withdrawing the site in question from the offer notification. - Vokkaligara Sangha, Bangalore v Bangalore Development Authority, Bangalore and Another, 2012(4) Kar. L.J. 673C.

Voluntary surrender of, by allottee institution

Section 69 — Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, Rule 11 — Allotment of civic amenity site for specific purpose — Voluntary surrender of, by allottee institution — Allottee-Institution may, at any time after allotment, surrender site allotted to it, and on such surrender, institution is entitled to be refunded amount paid by it — Authority, on such surrender, cannot allot, to institution by way of alternative site, another site earmarked for different purpose.

A civic amenity site was offered on lease basis by the BDA as per a notification dated 31-1-2009, for the purpose of construction of ‘community hall’. The petitioner, submitted an application in the prescribed form. 2nd
respondent, in pursuance of the said notification, did not even submit an application to allot the site in question. The request made by the 2nd respondent was for allotment of an alternate site, for the purpose of construction of 'Maternity Home'. As per Rule 11, if the allotted site is not acceptable to the allottee, such site can be surrendered and, refund of the amount claimed by the allottee. The 2nd respondent, on 2-2-2008, having volunteered to surrender Site No. 3, Karnataka HBCS Layout, BDA, by obtaining the return of allotment records and after their cancellation, should have refunded the amount paid by the 2nd respondent. BDA has not been conferred with the power to allot a civic amenity site, without even an application being submitted in terms of Rule 9, that too, when such site was offered for allotment by issue of a notification under Rule 3(3), inviting applications from the Institutions at large. Once the BDA offered the civic amenity site, by the process of advertisement under Rule 3(3), it cannot jettison the process and allot the site to a non-applicant. - Vokkaligara Sangha, Bangalore v Bangalore Development Authority, Bangalore and Another, 2012(4) Kar. L.J. 673B.

Allotting alternative site in lieu of revenue site acquired

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 3 — Indian Evidence Act, 1872, Section 115 — Constitution of India, Articles 226 and 14 — Allotting alternative site in lieu of revenue site acquired — Promise made by authority to owner of revenue site, for promise not fulfilled even after lapse of over two decades, stating that rules do not permit making such allotment, even though authority has made such allotments in case of others similarly placed as petitioner in instant case — Refusing to perform promise, held, is arbitrary, and reason given is untenable — Writ of mandamus issues to authority to allot site as promised within four months.

The respondents decided to consider the petitioner’s request for allotment of alternative site, because he has lost the revenue site; now the respondents cannot turn around and say that the revenue site loser is not entitled to allotment of an alternative site. The promissory estoppel and legitimate expectation operate in favour of the petitioner and against the respondents. The respondents are also not justified in raising the objections in piecemeal. In the earlier rounds, no objection that there is no such provision for allotment of an alternative site to the revenue site loser was ever taken. The objections taken were that the petitioner's application was not in the prescribed form and the petitioner's application is barred by time. Hence, the Court do not find any tenable defence to this petition. The respondents sought the enlargement of time before the Division Bench for compliance with the learned Single Judge's order. . . . . The respondents ought to have passed the order within two months from 10-12-2008. However, they have belatedly passed the order on 20-6-2009, which contains no tenable reason for refusing to allot alternative site to the petitioner. The impugned order is reflective of taking into account of the irrelevant aspects of the matter. . . . .

In more or less similar situations, this Court has given a positive direction to
the respondents to allot an alternative site to the similarly placed persons. Following this Court’s orders passed in the cases of the petitioner and of the similarly placed persons, I direct the respondents to allot an alternative site to the petitioner in any layout measuring 40 ft. x 60 ft. at the current price within four months today. . . . . As the respondents have imposed the litigation on the petitioner for no fault on his part and even when his conduct is absolutely flawless and blemishless, I also deem it just to impose the costs of Rs. 5,000/-.- N.V. Ranganatha Rao v Bangalore Development Authority, Bangalore and Another, 2012(2) Kar. L.J. 359.

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rule 3 — Indian Evidence Act, 1872, Section 115 — Constitution of India, Articles 226 and 14 — Allotting alternative site in lieu of revenue site acquired — Promise made by authority to owner of Revenue site — Not fulfilled even after lapse of over two decades, stated to be for want enabling provision in Rules for making such allotments, though such allotments have been made in case of others similarly placed — Writ of mandamus issues to authority to make promised allotment within four months in instant case also.

The petitioner like other land losers has been fighting to get alternative site allotted in her favour since 1982 and till this day no positive action is taken by the respondents, though the certain other land losers are allotted the sites. The respondents are directed to consider the prayer of the petitioner as per law in the light of the judgment of this Court passed in W.P. No. 28388 of 2009, disposed of on 20-9-2011, for allotment of alternative site in any layout at the current price within four months from today. - Smt. S. Nagarattha v Bangalore Development Authority, Bangalore and Another, 2012(2) Kar. L.J. 363.

Cancellation of allotment of site and forfeiture of sital value deposited

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 10(3) and 13(10) — Cancellation of allotment of site and forfeiture of sital value deposited — Validity — Person is ineligible to apply for allotment of site if he already owns site or house allotted to him by statutory authorities like B.D.A., Trust Board, Housing Board or housing co-operative society mentioned in Rule 10(3) of the Rules — Ownership of site or house acquired by private purchase, or under gift, exchange or in any other manner recognised by law such as inheritance, succession, bequeath, settlement, etc., held, would not render person ineligible to apply for allotment of site — Order of authority for cancellation of allotment and forfeiture of sital value deposited on ground that applicant had suppressed material fact of his ownership of site under gift deed and hence ineligible to make application, held, is arbitrary and without of authority of law and hence to be set aside.

If an applicant comes into ownership of a site or has been allotted a site in any manner apart from what has been expressly stated in sub-rule (3) of Rule 10 it would not be a bar for making an application. Neither would it make such an applicant ineligible for seeking an allotment of a site from the BDA.
The object of the sub-rule is to ensure that a person is not a beneficiary of allotment from agencies which are stated therein twice. Therefore, any allotment made by any of the statutory bodies referred to in sub-rule (3) or by any house building co-operative society would disentitle such a person to once again seek an allotment of a site from the BDA. The object is to ensure that no person who has already been in ownership of a site or has been allotted a site is not again enriched by allotment of a site from the BDA. The object of the said rule is to ensure that when largess is distributed by the State through statutory authorities or by the house building co-operative societies, no person would receive a double benefit. Therefore, the said Rule is only in the context of distribution or allotment of sites by statutory bodies or house building co-operative societies. The same does not take into consideration acquisition of house sites or house in any other manner known to law particularly under private transactions........The sub-rule (3) of Rule 10 does not state that if a person has come into ownership of a house or a site in any other manner known to law, then in that event also he would be ineligible to apply for allotment of a site. In fact, a person can come into ownership of a site or a house by virtue of a private sale, gift, exchange or in any other manner recognised in law such as by inheritance, succession, settlement etc. Such manner of gaining ownership of a house or a site would not disentitle a person for allotment of a site by the BDA. In the absence of there being any express provision stating that if a person has become owner of a site by a sale or a gift etc., or in any other manner known to law, the BDA cannot contend that such category of persons also would become ineligible to apply for a site........Site No. 47 at Amariyoti Layout was not allotted to the petitioner’s husband at all. He was not even a member of the said society. He had become the owner of the said site under a gift deed executed by his mother who had inherited the said site under a Will executed by her daughter who is none other than the petitioner’s elder sister and who was the owner of the said site No. 47. A benefit under a gift deed cannot be construed to be a benefit which has been received directly from the house building society i.e., Amariyoti House Building Society, merely because the said site was originally allotted by the said society in the name of the petitioner’s husband’s elder sister. It is also not the case of the petitioner that any dependent member of the petitioner’s husband or the petitioner was allotted a site by any of the authorities mentioned in sub-rule (3) of Rule 10. In the absence of there being any material to show that the petitioner was allotted a site by any of the statutory authorities or any house building society as mentioned in sub-rule (3) of Rule 10, the invocation of sub-rule (10) of Rule 13 stating that there has been misrepresentation or suppression of material facts or that there has been incorrect or false information given by the petitioner’s husband in the application form for allotment of site is erroneous. As already stated, placing reliance on something which is not mentioned or stated in the Rules and thereby cancelling the allotment is an instance of arbitrary exercise of power apart from there being non-application of mind. Therefore, show-cause notice as well as order of cancellation have to be quashed........The respondent-BDA is directed to execute absolute sale deed in the name of the petitioner within a period of two months from the date of receipt of the
certified copy of this order. - Smt. K. Pankaja Prabhudev alias Pankaja Prabhudev v Bangalore Development Authority, Bangalore, 2012(1) Kar. L.J. 241A. (See also Sl. No. [34] under Bangalore Development Authority Act, 1976, S. 69(2)(h)]

Section 69(2)(h) — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 10(3) and 13(10) — Interpretation of statutes — Rule of strict interpretation — Rule providing for cancellation of allotment of site and forfeiture of site value deposited, held, should be interpreted strictly as it entails adverse consequences on person on against whom it is applied.

The reason for issuance of a show-cause notice or for cancellation of the allotment is one, which has to be within the four corners of the Rule. Such a rule would require a strict interpretation since it entails adverse consequences resulting in cancellation of an allotment. On a strict interpretation of the said sub-rule, it would imply that if a person has come to ownership of a house or a site by any manner not stated in the sub-rule would not disentitle such a person nor would make him ineligible to apply for a site. Column 18 in the application form is nothing but an information being sought on the basis of sub-rule (3) of Rule 10. In the instant case, the petitioner's husband answered the said column in the 'negative' since he was neither the owner of a site or house nor was allotted one from any of the entities stated therein. - Smt. K. Pankaja Prabhudev alias Pankaja Prabhudev v Bangalore Development Authority, Bangalore, 2012(1) Kar. L.J. 241B

Final and possession notifications and notices

Section 69(2)(h) — Civil Procedure Code, 1908, Order 41, Rule 27 — Scheduled property was acquired by Bangalore Development Authority (BDA) on 28-11-1986 — Petitioner contends he has no knowledge as preliminary — Final and possession notifications and notices were in the name of his father — Petitioner filed O.S. No. 102 of 2002 — Dismissed by the Trial Court and Appellate Court — However, right was reserved to petitioner to challenge the acquisition proceedings — Held, the writ petition has to be dismissed on the ground of delay and latches.

The petitioner has called in question the validity of the preliminary notification at Annexure-Q, dated 15-12-1984 and the final notification dated 28-11-1986 issued by the Competent Authority for acquiring the schedule property and the possession notice dated 21-10-1993. . . . . . . . It is further contended that in the family partition in the year 2001, the schedule property has fallen to his share. The father of the petitioner was not notified in the acquisition proceedings in respect of the schedule property. When respondents 1 and 2 interfered with his possession and enjoyment of the said property, he filed a suit in O.S. No. 102 of 2002 on the file of the 9th Additional City Civil and Sessions Judge, Bangalore for injunction restraining respondents 1 and 2 from interfering with his possession and enjoyment of the property. Though, the respondents filed their written statement, they have not let in any evidence. The Trial Court dismissed the suit on 1-8-2011. Feeling aggrieved, petitioner filed an appeal in RFA No. 1728 of 2011. During the course of the said proceedings, Bangalore
Development Authority (for short, 'BDA') has produced the documents relating to the acquisition of the land along with an application under Order 41, Rule 27 of the Civil Procedure Code, 1908. Taking note of the documents filed along with the application, the appeal was dismissed on 13-12-2012 reserving liberty to the petitioner to challenge the acquisition proceedings. It is clear that the land in question has been acquired by the respondents. As noticed above, there is a long delay of 26 years in approaching this Court for challenging the acquisition proceedings. The contention of the petitioner is that he was not aware of the proceedings initiated for acquisition of land. The name of the father of the petitioner is found in the preliminary notification, final notification and the possession notice. It is not in dispute that the petitioner has been residing in the schedule property. It is common knowledge that when notifications are issued for acquisition of large extent of lands, it will be talk of the town in a short-while. Writ petition has to be dismissed on the ground of delay and latches and not on the ground that it is barred by time. - K. Muniswamappa v The Commissioner, Bengaluru Development Authority, Bengaluru and Others, 2012(6) Kar. L.J. 323.

Allotment of site reserved for economically weaker sections society

Section 69 — Bangalore Development Authority (Allotment of Sites) Rules, 1984, Rules 2(d), 2(e), 4 and 10(3) — Allotment of site reserved for economically weaker sections society by ineligible person on basis of her income alone declared for purpose and suppressing fact that her husband is Government employee with whom she is living in Government Quarters and that their combined income takes their family out of category of "economically weaker sections" — Cancellation of — Held, warrants no interference.

The object of Rule 4 providing for reservation of 40% of the total number of sites in any area for allotment to persons belonging to economically weaker sections and that too at 50% of the value of the sites is, to allot sites to socially and economically weaker sections and not allow the sites to socially and economically advanced person/family to avail the benefit of reservation and obtain the allotment of reserved sites. If an applicant whose spouse is having separate income, is fitted into economically weaker sections category and allotted the site only on the basis of declared income of the applicant, the very object of reservation of sites in the category-EWS would be defeated. It is only to check that there is no concealment of material particulars, Form II is prescribed which has several columns and out of them columns (12), (13), (14), (20) and (24) are of material importance in the matter of selection for allotment of site, having regard to the principles stipulated in Rule 11. The instant case is a classic example, as to how the benefit of reservation meant for persons falling under EWS category was sought to be defeated. Though the petitioner's husband is a Government servant and has assured income, the petitioner claiming as a tailor and showing the annual income as ₹ 8,000/- had become successful in obtaining allotment of a site reserved for EWS category. If the income of the applicant alone is taken into consideration, in disregard of the marital status even though the spouse
being employed and having assured income, there can be virtually no allotment in favour of those to whom the reservation is actually meant. In the circumstances, no fault can be found with the cancellation of allotment of site made in favour of the petitioner. - Smt. A.N. Jayalakshmi v Bangalore Development Authority, Bangalore, 2014(2) Kar. L.J. 416.

70. Power to make regulations.—(1) The authority may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder to carry out the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for:—

(a) the summoning and holding of meetings of the authority the time and place where such meetings are to be held, the conduct of business at such meeting and the number of members necessary to form a quorum threat;

(b) giving instructions to the Committees;

(c) the form of contract or agreement to be entered into by the authority;

(d) the appointment of persons for enforcement of processes for recovery of dues;

(e) the procedure to be followed for the carrying out of the functions of the authority under Chapters II and III;

(f) for regulating the grant of leave, leave allowances, pensions and gratuities and other matters relating to conditions of service of the Officers and servants of the authority not being Officers in Government service lent to the authority;

(g) any other matter which is to be prescribed by regulations under the Act;

(2) The Government may, by notification, rescind any regulation made under this section and thereupon, the said regulation shall cease to have effect.

(3) All regulations made under this section shall be published in the Official Gazette.

COMMENTS

Appointment of official in lower cadre

Sections 70(1) and 50 — Bangalore Development Authority Cadre and Recruitment and Conditions of Service Regulations, 1995, Regulation 6 — Karnataka Civil Services Rules, 1958, Rule 32 — Constitution of India, Articles 14 and 16 — Seniority — Promotion — Appointment of official in lower cadre to vacant post in higher cadre on charge allowance as ad hoc arrangement, by authority in exercise of discretion, during “no rule zone
period" and appointment continued and regularised after promulgation of Regulations governing promotions, overlooking claims of seniors, by assigning him higher seniority in lower cadre on basis of his service on charge allowance — Action of authority which is not in accordance with Regulations cannot be sustained.

Having regard to the fact that the second respondent had continued in independent charge even after the 1995 Regulations were brought into force and the second respondent having been promoted after the Regulations were in force, the qualifications prescribed for Accounts Superintendent required that he possessed five years service experience in the cadre of First Division Accounts Assistant. And, having regard to these qualifications, which is prescribed, the promotion could not have been made on the footing that he had continued in independent charge from the year 1992. And, the reasoning of the first respondent that since the second respondent was placed under Rule 32 of the Karnataka Civil Services Rules, 1958, while he was in the cadre of First Division Accounts Assistant, but excluding the services rendered by Accounts Superintendent the financial benefits came to be conferred by the second respondent in pursuance of the Karnataka State Civil Services (RPFP) Rules, the case of the second respondent would fall within the above rule and as such, the order made in his favour was legal, is not tenable. Appointments made de hors the Rules and not in accordance with the prescribed procedure, even though the respondent might have possessed the prescribed qualifications for being appointed, this itself would not constitute an appointment in accordance with the rules and therefore, the petitioner's seniority could be counted only from the date that he was actually promoted and this was not in accordance with the rules. . . . The first respondent is directed to redo the final gradation list of First Division Accounts Assistant in accordance with the Bangalore Development Authority Cadre and Recruitment and Conditions of Service Regulations, 1995, after affording an opportunity to all concerned, to consider their case for promotion to the next higher grade and consequently Annexure-D is quashed. — K. Divakar v Commissioner, Bangalore Development Authority and Others, 2007(1) Kar. L.J. 360B:

71. Power to make bye-laws.—(1) The authority may, with the previous approval of the Government make bye-laws not inconsistent with the rules or the regulations made under this Act, in respect of the following matters namely.—

(a) the management, use and regulation of houses constructed under any scheme;

(b) regulating the construction and reconstruction of building in regard to such matters as the following, namely; the notice to be given previous to erection the plans to be submitted, 'the line of frontage' with neighbouring buildings, the free space to be left about the buildings, the level and width of foundation, the stability of structure, the materials to be used and the provision to be made for the drainage and ventilation; and
the forming of extensions or layouts and the laying out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or layouts and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon.

(2) The Government may, by notification, rescind any bye-law made under this section and thereupon, the said bye-law shall cease to have effect.

(3) All bye-laws made under this section shall be published in the Official Gazette and also in at least two newspapers in English and Kannada having large circulation in the City of Bangalore.

72. Penalty for breach of the provisions of the Act.—Whoever contravenes any of the provisions of this Act or of any rule, regulation, or bye-law or scheme made or sanctioned thereunder shall be punished with fine which may extend to twenty-five rupees and in the case of a continuing contravention, with fine which may extend to five rupees for each day after the first during which the contravention continues.

73. Act to override other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

COMMENTS

Overriding effect to the provisions

Section 73 — Giving overriding effect to the provisions of Act — Karnataka Land Reforms Act, 1961, Section 138 also giving overriding effect — Construction of — Land Reforms Act and orders passed thereunder prevails over all other enactments except the Bangalore Development Authority Act as it is a later enactment.

While it is true that Section 138 of the Land Reforms Act, 1961, gives overriding effect to the provisions of that Act and the orders made thereunder, the Bangalore Development Authority Act contains Section 73, which gives overriding effect to the provisions of the Bangalore Development Authority Act, 1976. This being a special and later enactment, insofar as matters covered by the Bangalore Development Authority Act are concerned, its provision prevails over all other enactments including the Land Reforms Act. — Note: Order in W.P. No. 3755 of 1986, etc., dated 2-2-1988, affirmed. — The Kengal Credit Co-operative Society Ltd. v The Bangalore Development Authority and Others, 1991(4) Kar. L.J. 35-C (DB) : ILR 1991 Kar. 3593 (DB).

74. Removal of difficulties.—Notwithstanding anything contained in this Act if any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette not inconsistent with the provisions of this Act, remove the difficulty.
75. Dissolution of the Authority.—(1) The Government may, by notification, declare that with effect from such date as may be specified in the notification, the authority shall be dissolved:

Provided that no such declaration shall be made by the Government unless a resolution to that effect has been moved in and passed by both Houses of the State Legislature.

(2) With effect from the date specified in the notification under sub-section (1).—

(a) all properties, funds, and dues which are vested in and realisable by the authority shall vest in and be realisable by the Government;

(b) all liabilities enforceable against the authority shall be enforceable against the Government to the extent of the properties, funds and dues vested in and realised by the Government.

(3) Nothing in this section shall affect the liability of the Government in respect of loans or debentures guaranteed under sub-section (5) of Section 39.

76. Repeal and savings.—(1) On the issue of the notification under sub-section (1) of Section 3 constituting the Bangalore Development Authority, the City of Bangalore Improvement Act, 1945 (Karnataka Act 5 of 1945) shall stand repealed.

(2) On such repeal the Board constituted under the said Act shall stand dissolved and all the members thereof including the Chairman shall cease to hold office.

(3) Subject to the provisions of sub-section (2) nothing in sub-section (1) shall affect.—

(a) the previous operation of the said Act or and thing duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(d) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, forfeiture or punishment as aforesaid.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, punishment may be imposed as if this Act had not been enacted:

Provided that all the assets and liabilities of, and all contracts made by or on behalf of the Board of Trustees for the improvement of the City of Bangalore before the date of commencement of this Act and subsisting on that day shall subject, to such conditions as may be specified by the State Government, devolve on the authority:
Provided further that anything done or any action taken (including any appointment, notification, rule regulation, order, scheme or bye-law made or issued; any permission granted) under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act:

Provided also that any reference in any enactment or in any instrument to any provision of the repealed Act shall unless a different intention appears be construed as a reference to the corresponding provision of this Act.

(4) Notwithstanding the provisions of sub-section (1).—

(a) every Officer and other employee serving under the Board constituted under the City of Bangalore Improvement Act, 1945 immediately before the date of commencement of this Act shall, on and from such date, be transferred to and become an Officer or other employee of the authority and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if one Act had not been repealed and shall continue to do so unless and until such tenure remuneration and terms and conditions are duly altered by the authority:

Provided that any service rendered by any such Officer or other employee before the repeal of the City of Bangalore Improvement Act, 1945 shall be deemed to be service rendered under the authority:

Provided further that the authority may employ any such Officer or other employee for the discharge of such functions under this Act as it may think proper and every such Officer or other employee shall discharge those functions accordingly;

(b) the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 and the City of Bangalore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1972, relating to allotment of sites shall be continued to be in force unless and until superseded by or under the provisions of this Act as if the provisions of the said rules had not been repealed, but references to the Board shall be construed as references to the authority.

77. Repeal of Karnataka Ordinance No. 29 of 1975.—(1) The Bangalore Development Authority Ordinance No. 29 of 1975 (Karnataka Ordinance No. 29 of 1975) is hereby, repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provision of this Act.
BANGALORE DEVELOPMENT AUTHORITY (AMENDMENT) ACTS

THE
BANGALORE DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1977
KARNATAKA ACT No. 8 OF 1977

(First published in the Karnataka Gazette, Extraordinary, on the Twenty-third day of April, 1977)

(Received the assent of the Governor on the Twenty-first day of April, 1977)

An Act to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Twenty-eighth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the fourth day of March, 1977.

2. Amendment of Section 3.—In sub-section (3) of Section 3 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act).—

(i) after clause (g), the following clause shall be inserted, namely.—

"(gg) two persons of whom one shall be woman and one shall be a person belonging to the Scheduled Castes or the Scheduled Tribes."

(ii) for clause (h) the following clause shall be substituted, namely:—

"(h) four others of whom one shall represent the labour;"

(iii) for clause (k) the following clause shall be substituted, namely:—

"(k) a representative of the Karnataka State Road Transport Corporation."
3. Amendment of Section 62.—In Section 62 of the principal Act, for the words "such Officer" the words "such whole time member or Officer" shall be substituted.

4. Substitution of New Section for Section 68.—For Section 68 of the principal Act, the following section shall be substituted, namely:—

"68. Housing Board not to undertake any Housing Scheme after the commencement of this Act.—The Housing Board established under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) shall not undertake any Housing Scheme in any area within the Bangalore Metropolitan Area except in conformity with the layout plan of the Bangalore Development Authority:

Provided that any Housing Scheme undertaken by the Karnataka Housing Board before the commencement of this Act shall be executed by the said Board in accordance with the said scheme."

5. Repeal of Karnataka Ordinance No. 5 of 1977.—(1) The Bangalore Development Authority (Amendment) Ordinance, 1977 (Karnataka Ordinance 5 of 1977) is hereby, repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 8 OF 1977
Karnataka Gazette, Extraordinary, dated 28-3-1977

The Bangalore Development Authority Act, 1976 came into force on the 20th day of December, 1975. There is no provision under this Act for the reservation of seats for persons belonging to the Scheduled Castes/Tribes and for women in the Bangalore Development Authority. It is also considered desirable to delegate to the Engineering Staff of the Bangalore Development Authority powers of scrutinising estimates to the same extent to which such powers have been delegated to the Engineering Staff of the Public Works Department so as to ensure quick implementation of development schemes.

As a number of housing schemes have been taken up in the Bangalore City by the Housing Board before the commencement of the Act, it is desirable to permit the Housing Board to execute these works in accordance with the said scheme. The Housing Board can also be permitted to take up scheme in an area within the purview of the Bangalore Development Area, in conformity with the layout plan of the Bangalore Development Authority. Clause (k) of Section 3(ii) refers to the Karnataka Road Transport Corporation where the correct nomenclature of this Corporation is the Karnataka State Road Transport Corporation. This requires to be modified.
With a view to giving representation to persons belonging to Scheduled Castes and Scheduled Tribes as also to women, to delegating the financial powers to the Engineering members and officers for scrutinising the estimates to indicating the correct nomenclature of the Karnataka State Road Transport Corporation and to enabling the Karnataka Housing Board to undertake the Housing activities in Bangalore, necessary amendments to the Bangalore Development Authority Act, 1976 are proposed.

Hence this Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1981

KARNATAKA ACT No. 18 OF 1981

(First published in the Karnataka Gazette, Extraordinary, on the Seventh day of April, 1981)

(Received the assent of the Governor on the Sixth day of April, 1981)

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in Thirty-second Year of the Republic of India as follows:

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1981.

(2) It shall be deemed to have come into force on the Thirtieth day of December, 1980.

2. Amendment of Section 2.—In Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act) after clause (h), the following clause shall be inserted namely:

“(hh) ‘Commissioner’ means the Commissioner appointed under Section 12.”

3. Amendment of Section 3.—In Section 3 of the principal Act, in sub-section (3) at the end, the following clause shall be inserted, namely:

“(m) the Commissioner, ex officio.”

4. Amendment of Sections 10, 23, 29, 32, 33, 39, 42, 46, 50 and 62.—In Section 10, 23, 29, 32, 33, 39, 42, 46, 50 and 62 of the principal Act, for word
"Chairman" wherever it occurs, the word "Commissioner" shall be substituted.

5. Substitution of new sections for Sections 12 and 13.—In Sections 12 and 13 of the principal Act, the following sections shall be substituted, namely.

"12. Appointment of Commissioner.—(1) The State Government shall appoint an Officer, not below the rank of Divisional Commissioner, to be the Commissioner for the authority.

(2) The Commissioner shall receive such monthly salary and other allowance as the State Government may, from time to time determine.

(3) The State Government may, from time to time, grant leave of absence for such period as thinks fit to the Commissioner. A copy of every order granting such leave shall be communicated to the Chairman.

13. Powers and duties of the Commissioner.—(1) The Commissioner shall be the Chief Executive and Administrative Officer of the authority.

(2) The Commissioner shall in addition to performing such functions as are conferred on him by or under this Act or under any law for the time being in force.

(a) Carry into effect the resolutions of the authority;

(b) Keep and conduct the authority's correspondence;

(c) Carry out and execute such schemes and works as the State Government may direct and incur necessary expenditure therefor;

(d) Be responsible for implementing the schemes of the authority;

(e) Operate the accounts of the authority and be responsible for the maintenance of the accounts of the authority;

(f) Exercise supervision and control over the accounts and proceedings of all Officers and servants of the authority in matters executive administration and in the matters concerning the accounts of and records of the authority and to the extent specified in sub-section (1) of Section 50 dispose of all questions relating to the service of such Officers and servants and their pay, privileges and allowances; and

(g) Furnish to the Government a copy of the minutes of the authority's proceedings and any return or other information which the Government may, from time to time, call for;
(h) Authenticate by his signature all permissions, orders, decisions, notices and other documents of the authority and the orders of the Chairman.

(3) The Commissioner shall have all the powers of a major Head of the Department of the State Government under the Karnataka State Civil Services Rules for the time being in force as respects the Officers and servants of the authority”.

6. Omission of Section 57.—Section 57 of the principal Act shall be omitted.

7. Repeal and Savings.—(1) The Bangalore Development Authority (Amendment) Ordinance 1980 (Karnataka Ordinance 18 of 1980) is hereby, repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 18 OF 1981
Karnataka Gazette, Extraordinary, dated 3-2-1981

Due to his being burdened with very heavy administrative and the executive responsibilities the Chairman of the Bangalore Development Authority was not able to provide the necessary leadership with regard to policy matters of the Bangalore Development Authority. Government therefore considered that it was necessary in the interest of the better administration of the Authority to appoint a senior officer of the rank of a Secretary to Government, as Commissioner of the Authority for the purposes of the better and more effective administration of the Bangalore Development Authority so as to leave sufficient time to the Chairman to guide, the proceedings of the Authority.

Hence the Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1982
KARNATAKA ACT NO. 37 OF 1982
(First published in the Karnataka Gazette, Extraordinary, on the Thirty-first day of December, 1982).
(Received the assent of the Governor on the Twenty-eighth day of December, 1982)

An Act further to amend the Bangalore Development Authority Act, 1976.
Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Thirty-third Year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1982.

(2) It shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), for clause (n), the following clause shall be substituted, namely.—

“(n) "Local Authority" means a municipal corporation or a municipal council constituted or continued under any law for the time being in force.”

3. Amendment of Section 3.—In sub-section (3) of Section 3 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

“(ff) an Officer of the Secretariat Department in charge of urban development, not below the rank of a Deputy Secretary to Government.”

4. Insertion of new Section 65-A.—After Section 65 of the principal Act, the following section shall be inserted, namely.—

"65-A. Transfer of employees.—(1) Notwithstanding anything contained in this Act or in any law for the time being in force, the State Government may transfer any Officer or servant of the authority to the service of any Local Authority.

(2) The State Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect transfers made under sub-section (1) and such directions shall be complied with by the Local Authority concerned.”

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 37 OF 1982
Karnataka Gazette, Extraordinary, dated 24-11-1982

In the Bangalore Development Authority Act, 1976 there is no provision for transfer of the employees of the Authority. It is now proposed to transfer any officer or servant of the Authority to an equivalent post in any Municipal Corporation or Municipal Council. Powers have been conferred on the State Government to issue directions in this behalf for compliance by the Local Authority. It is also considered necessary to have a representative from the
Administrative Department, namely Housing and Urban Development Department as a member of the said Authority.

Hence the Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1984

KARNATAKA ACT No. 17 OF 1984

(First published in the Karnataka Gazette, Extraordinary, on the Twenty-first day of April, 1984)

(Received the assent of the Governor on the Seventeenth day of April, 1984)

An Act furthér to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Thirty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1984.

(2) It shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:—

“(bb) “civic amenity” means a market, a post office, a bank, a fair price shop, a milk booth, a school, a dispensary, a maternity home, a child care centre, a library, a gymnasium, a recreation centre run by the Government or the Corporation, a police station, an area office or a service station of the corporation or the Bangalore Water Supply and Sewerage Board or the Karnataka Electricity Board and such other amenity as the Government may by notification specify.”

3. Amendment of Section 16.—In Section 16 of the principal Act.—

(i) in sub-section (1), after clause (c), the following shall be inserted, namely:—

“(d) the reservation of not less than fifteen per cent of the total area of the layout for public parks and playgrounds and an additional area of
not less than ten per cent of the total area of the layout for civic amenities.”;

(2) in sub-section (2), clause (d) shall be omitted.

4. Insertion of new Section 38-A.—After Section 38 of the principal Act, the following section shall be inserted namely:

“38-A. Prohibition of the use of area reserved for parks, playgrounds and civic amenities for other purposes.—The Authority shall not sell or otherwise dispose of any area reserved for public parks and playgrounds and civic amenities, for any other purpose and any disposition so made shall be null and void.”

5. Substitution of Section 47.—For Section 47 of the principal Act, the following sections shall be substituted namely:

“47. Accounts and audit.—(1) The Commissioner shall cause to be maintained such books of accounts and other registers as may be prescribed and shall prepare in the prescribed manner an annual statement of accounts.

(2) The accounts of the Authority shall be audited annually by an auditor appointed by the Government.

(3) The auditor shall for the purpose of the audit have access to all the accounts and other records of the authority.

(4) The authority shall pay from its funds such charges for the audit as may be prescribed.

(5) As soon as the accounts of the authority have been audited, the Commissioner shall send a copy of the audited accounts together with a copy of the report of the auditor to the State Government. The audited accounts and the report of the auditor shall be published by the Authority in the prescribed manner. The audited accounts and the report shall be laid before each house of the State Legislature, as soon as may be, after it is received by the Government.

(6) The Authority and the Commissioner shall comply with such directions as the State Government may, after perusal of the report of the auditor, thinks fit to issue.

47-A. Reports.—The Authority shall before such date and in such form and at such intervals as may be prescribed submit to the State Government a report on such matters as may be prescribed. Every such report shall be laid before each House of the State Legislature, as soon as may be, after it is received by the Government.”
6. Amendment of Section 50.—In sub-section (1) of Section 50 of the principal Act, for the words "one hundred and fifty rupees" the words "one thousand and five hundred rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 17 OF 1984
Karnataka Gazette, Extraordinary, dated 18-1-1984

There is no provision in the Bangalore Development Authority Act making it obligatory on the part of the Authority to reserve any area for civic amenities and public parks and playgrounds. There is also no provision in the Bangalore Development Authority Act prohibiting the allotment or diversion of areas or sites reserved for civic amenities, parks or playgrounds, for other purposes.

The Committee on Public Accounts in the Third Report (1979-80) has observed that many of the Boards and Corporations do not furnish their accounts for being presented to the Legislature after audit.

It is therefore considered necessary to amend the Act providing for the following,—

(a) to define the term "civic amenity";
(b) that at least fifteen per cent of the total area of a layout should be reserved for public parks and playgrounds and an additional ten per cent should be reserved for civic amenities;
(c) that the authority shall not have the power to dispose of sites reserved for parks, playgrounds and other civic amenities for any other purposes;
(d) fixing the responsibility on the Commissioner for the maintenance of accounts, the preparation of the annual statement of accounts and sending them to the State Government;
(e) requiring the State Government for getting the accounts audited to place them before the Legislature; and
(f) to enhance the power of the Chairman under Section 50.

Hence the Bill.
THE KARNATAKA MUNICIPAL CORPORATIONS AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 1984

KARNATAKA ACT No. 34 OF 1984

(First published in the Karnataka Gazette, Extraordinary, on the Twenty-sixth day of June, 1984)

(Received the assent of the Governor on the Twenty-fifth day of June, 1984)

An Act further to amend the Karnataka Municipal Corporations and certain other laws, as in force in the State of Karnataka.

Whereas it is expedient further to amend the Karnataka Municipal Corporations and certain other laws, as in force in the State of Karnataka for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Thirty-fifth Year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Karnataka Municipal Corporations and Certain Other Laws (Amendment) Act, 1984.

(2) It shall come into force at once.

6. Amendment of Karnataka Act 12 of 1976.—In the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), after Section 33, the following section shall be inserted, namely:—

"33-A. Prohibition of unauthorised occupation of land.—(1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the authority to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who having unauthorisedly occupied whether before or after the commencement of the Karnataka Municipal Corporations and Certain Other Laws (Amendment) Act, 1984, any land belonging to the authority to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of Section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine
which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections."

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**STATEMENT OF OBJECTS AND REASONS**

**KARNATAKA ACT No. 34 OF 1984**


The problem of encroachments on lands belonging to Municipalities, Bangalore Development Authority, Improvement Boards and other Local Bodies has assumed serious proportions. It is necessary to provide deterrent punishment for such encroachments.

2. Hence it is proposed to introduce a provision to make encroachment on lands belonging to the City Improvement Trust Board, Mysore, Village Panchayats, Taluk Boards, Municipal Councils, Municipal Corporations, Improvement Boards and the Bangalore Development Authority an offence punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees. Further, it is also proposed that any person who had unauthorisedly occupied land belonging to any of the said bodies and who fails to vacate such land in pursuance of an order under Section 5(1) of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974, shall on conviction be punished with imprisonment for a term which may extend to three years and with a further fine which may extend to Rs. 50 per acre of land or part thereof for every day on eviction. A person who intentionally aids or abets the commission of these offences shall also be liable to receive the same punishment, it is proposed to introduce this provision in the following statutes:

1. The City of Mysore Improvement Act, 1903;
2. Karnataka Village Panchayats and Local Boards Act, 1959;
5. Karnataka Improvement Boards Act, 1976;

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(3) It is also proposed to extend the application of Chapter III-A of the Karnataka Slum Areas (Improvement and Clearance) Act, 1974 to the whole State and to make the Tahsildar of the Taluk the licensing authority, where there is already no licensing authority.

Hence the Bill.

THE BANGALORE DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1986

KARNATAKA ACT No. 34 OF 1986

(First published in the Karnataka Gazette, Extraordinary, on the Seventh day of October, 1986)

(Received the assent of the Governor on the Seventh day of October, 1986)

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Thirty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1986.

(2) Sections 3, 4, 5, 6 and 10 shall be deemed to have come into force on the Sixth day of June, 1986 and the remaining provisions shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), in clause (i), for the words, “City of Bangalore Municipal Corporation”, the words, “Corporation of the City of Bangalore” shall be substituted.

3. Amendment of Section 3.—In Section 3 of the principal Act.—

(i) in sub-section (3), for clause (f), the following clause shall be substituted, namely.—

“(f) the Commissioner, Corporation of the City of Bangalore, ex-officio.”

(ii) in sub-section (4), for the words, letters and brackets, “clauses (a) to (h)”, the words, letters and brackets “clauses (a) to (e) and (f) to (h)” shall be substituted.
4. Amendment of Section 10.—In Section 10 of the principal Act,—

(1) in sub-section (1), for the words "one lakh", the words "twenty lakhs" shall be substituted;

(2) in sub-section (2),—

(a) for the words, "one lakh", the words "twenty lakhs" shall be substituted, and

(b) for the words "five lakhs" in two places where they occur, the words "fifty lakhs" shall be substituted.

5. Amendment of Section 13.—In Section 13 of the principal Act, in sub-section (2), after clause (a), the following proviso shall be inserted, namely:

"Provided that, if, in the opinion of the Commissioner any resolution of the authority contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial or detrimental to the interest of the authority, he shall, within fifteen days of the passing of the resolution refer the matter to the Government for orders and inform the authority at its next meeting of the action taken by him and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to the resolution."

6. Amendment of Section 17.—In Section 17 of the principal Act, in sub-section (6), for the word "Chairman", the word "Commissioner" shall be substituted.

7. Amendment of Section 23.—In Section 23 of the principal Act, for the words and figures "City of Bangalore Municipal Corporation Act, 1949", the words and figures "Karnataka Municipal Corporations Act, 1976" shall be substituted.

8. Amendment of Section 28.—In Section 28 of the principal Act, for the words and figures "City of Bangalore Municipal Corporation Act, 1949", the words and figures "Karnataka Municipal Corporations Act, 1976" shall be substituted.

9. Amendment of Section 29.—In Section 29 of the principal Act,—

(i) in the heading, for the words and figures, "Mysore Act 69 of 1949", the words and figures "Karnataka Act 14 of 1977" shall be substituted;

(ii) in sub-section (1), in clause (i), for the words and figures "City of Bangalore Municipal Corporation Act, 1949", the words and figures "Karnataka Municipal Corporations Act, 1976" shall be substituted.
10. Insertion of new Section 65-B.—After Section 65-A of the principal Act, the following section shall be inserted, namely.—

"65-B. Submission of copies of resolution and Government's power to cancel the resolution or order.—(1) The Commissioner shall submit to the Government copies of all resolutions of the authority.

(2) If the Government is of opinion that the execution of any resolution or order issued by or on behalf of the authority or the doing of any act which is about to be done or is being done by or on behalf of the authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to a breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the authority, it may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the authority to show cause, within the specified period which shall not be less than fifteen days, why.—

(a) the resolution or order may not be cancelled in whole or in part; or

(b) any regulation or bye-law concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the authority and after such inquiry as it thinks fit, Government may pass orders cancelling the resolution or order or repealing the regulation or bye-law and communicate the same to the authority.

(4) Government may at any time, on further representation by the authority or otherwise, revise, modify, or revoke an order passed under sub-section (3)."

11. Repeal and savings.—(1) The Bangalore Development Authority (Amendment) Ordinance, 1986 (Karnataka Ordinance 6 of 1986) is hereby, repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.
STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 34 OF 1986
Karnataka Gazette, Extraordinary, dated 19-8-1986

Under Section 10 of the Bangalore Development Authority Act, the Commissioner has been empowered to sanction any estimate etc., if the value not exceeding one lakh rupees and the Authority may sanction any estimate etc., of the value exceeding rupees five lakhs. Now it is proposed to enhance this outer limit to rupees twenty lakhs and rupees fifty lakhs respectively.

2. Provision has been made to make the Commissioner of the Corporation of the City of Bangalore as ex officio member of the Authority in place of an officer of the Health and Family Welfare Department.

3. At present the Commissioner has no discretion in implementing any resolution of the Authority even if such resolution contravenes any provision of the Act or any other law for the time being in force. It is proposed to empower the Commissioner to submit such resolution to Government for orders and not to implement such resolution etc., till he receives the orders of the Government thereon.

4. Provision has been made for submission of copies of resolutions to the Government and to empower the Government to cancel the resolution or order or repeal any resolution or bye-law.

5. Opportunities are also taken to make certain consequential amendments.

6. As the Karnataka Legislative Council was not in session and as the matter was very urgent, the Bangalore Development Authority (Amendment) Ordinance, 1986, (Karnataka Ordinance 6 of 1986) was promulgated.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1988
KARNATAKA ACT No. 11 OF 1988

(First published in the Karnataka Gazette, Extraordinary, on the Seventh day of May, 1988)

(Received the assent of the Governor on the Twenty-Eighth day of April, 1988)

An Act further to amend the Bangalore Development Authority Act, 1976.
Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Thirty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1988.

(2) It shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), for clause (bb), the following clause shall be deemed to have been substituted with effect from the Twenty-first day of April, 1984, namely:—

“(bb) “civic amenity” means.—

(i) a market, a post office, a telephone exchange, a bank, a fair price shop, a milk booth, a school, a dispensary, a hospital, a pathological laboratory, a maternity home, a child care centre, a library, a gymnasmium, a bus stand or a bus depot;

(ii) a recreation centre run by the Government or the Corporation;

(iii) a centre for educational, social or cultural activities established by the Central Government or the State Government or by a body established by the Central Government or the State Government;

(iv) a centre for educational, religious, social or cultural activities or for philanthropic service run by a Co-operative Society Registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or a Society Registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or by a Trust Created wholly for Charitable, Educational or Religious purposes;

(v) a Police Station, an Area Office or a Service Station of the Corporation or the Bangalore Water Supply and Sewerage Board or the Karnataka Electricity Board; and

(vi) such other amenity as the Government may, by notification, specify.”

3. Amendment of Section 3.—In Section 3 of the principal Act, in sub-section (3), after clause (m), the following clause shall be inserted, namely:—

“(n) the Secretary of the authority, who shall be an ex officio member”.

4. Insertion of new Section 12-A.—After Section 12 of the principal Act, the following section shall be inserted, namely:—
"12-A. Appointment of Secretary.—(1) The State Government shall appoint an Officer not below the rank of a Senior Scale Officer of the Karnataka Administrative Service, to be the Secretary of the authority.

(2) The Secretary shall receive such monthly Salary and other Allowance as the State Government may from time to time determine."

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 11 OF 1988
Karnataka Gazette, Extraordinary No. 71, dated 5-2-1988

With a view to make the definition of 'civic amenity' more comprehensive and to provide for allotment of Civic Amenity Sites not only to Government and Local Bodies, but also to private organisations doing yeoman service to the public, amendment to clause (b) of Section 2 is proposed.

Having regard to the nature of his duties the Secretary, Bangalore Development Authority, who is now an almost permanent invitee to the meeting of the Bangalore Development Authority, is proposed to be given statutory status and to be made ex officio member. So it is proposed to amend Section 3 and to insert a new Section 12-A.

Hence the Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1991
KARNATAKA ACT No. 18 OF 1991
(First published in the Karnataka Gazette, Extraordinary, on the Nineteenth day of April, 1991)

(Received the assent of the Governor on the Nineteenth day of April, 1991)

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing,

Be it enacted by the Karnataka State Legislature in the Forty Second Year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1991.

(2) It shall be deemed to have come into force with effect from the Sixteenth day of January, 1991.
2. Substitution of Section 38-A.—For Section 38-A of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), the following shall be deemed to have been substituted with effect from the Twenty-first day of April, 1984, namely.—

"38-A. Grant of area reserved for civic amenities etc.—(1) The authority shall have the power to lease, sell or otherwise transfer any area reserved for civic amenities for the purpose for which such area is reserved.

(2) The authority shall not sell or otherwise dispose of any area reserved for public parks and playgrounds and civic amenities, for any other purpose and any disposition so made shall be null and void:

Provided that where the allottee commits breach of any of the conditions of allotment, the authority shall have right to resume such site after affording an opportunity of being heard to such allottee.

3. Validation of allotment of civic amenity sites.—Notwithstanding anything contained in any law or judgment, decree or order of any Court or other authority, any allotment of civic amenity site by way of sale, lease or otherwise made by the authority after the twenty-first day of April, 1984, and before the seventh day of May, 1988 for the purposes specified in clause (bb) of Section 2 of the principal Act, shall, if such site has been made use of for the purpose for which it is allotted, be deemed to have been validly made and shall have effect for all purposes as if it had been made under the principal Act, as amended by this Act and accordingly.—

(i) all acts or proceedings, or things done or allotment made or action taken by the authority shall, for all purposes be deemed to be and to have always been done or taken in accordance with law; and

(ii) no suit or other proceedings shall be instituted, maintained or continued in any Court or before any authority for cancellation of such allotment or demolition of building constructed on the sites so allotted after obtaining building licences from the authority or the Local Authority concerned or for questioning the validity of any action or things taken or done under Section 38-A of the principal Act, as amended by this Act and no Court shall enforce or recognise any decree or order declaring any such allotment made, action taken or things done under the principal Act, as invalid.

4. Repeal and Savings.—(1) The Bangalore Development Authority (Amendment) Ordinance, 1991 (Karnataka Ordinance 1 of 1991) is hereby, repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.
STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 18 OF 1991
Karnataka Gazette, Extraordinary No. 121, dated 20-3-1991

The Bangalore Development Authority Act, 1976 was amended with effect from the twenty first day of April, 1984 and clause (bb) was inserted in Section 2 defining the civic amenities. Section 38-A was also inserted by the same amendment prohibiting the use of area reserved for parks, playgrounds and civic amenities for other purposes. But even after the aforesaid amendment, the Bangalore Development Authority allotted civic amenity sites for purposes other than those enumerated in clause (bb) of Section 2, like mosques, churches, temples, private schools, etc. The allotment of civic amenity sites for purposes other than those enumerated in clause (bb) were questioned in the High Court and the same was quashed on the ground that the Authority could not allot for such purposes. Representations were made to the Government and accordingly the Bangalore Development Authority Act was amended on Seventh day of May, 1984 substituting clause (bb) with effect from the twenty first day of April, 1984 enlarging the definition of civic amenities. But the allotments made during the period from twenty first day of April, 1984 and the Seventh day of May, 1988, for purposes other than those specified in clause (bb) as existed earlier were not saved by the 1988 amendments. It is considered necessary to validate such allotments, if site is used for the purpose for which it is allotted.

As the matter was urgent, the Bangalore Development Authority (Amendment) Ordinance, 1991 was promulgated.

This Bill seeks to replace the said Ordinance.

Hence this Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1993

KARNATAKA ACT No. 6 OF 1993
(First published in the Karnataka Gazette, Extraordinary, on the Tenth day of February, 1993)

(Received the assent of the Governor on the Tenth day of February, 1993)

An Act further to amend the Bangalore Development Authority Act, 1976.

A\'KUJ PUBLICATION
Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Forty-third Year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1993.

(2) The provisions of Section 6 shall come into force at once and the rest of the provisions shall be deemed to have come into force on the Twenty-fourth day of July, 1992.

2. Insertion of new Sections 28-A, 28-B and 28-C.—After Section 28 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), (hereinafter referred to as the principal Act), the following sections shall be and shall always be deemed to have been inserted, namely.—

“28-A. Duty to maintain streets etc.—It shall be incumbent on the authority to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or take, for the following matters, namely.—

(a) the maintenance, keeping in repair, lighting and cleansing of the streets formed by the authority till such streets are vested in the corporation; and

(b) the drainage sanitary arrangement and water supply in respect of the streets formed by the authority.

28-B. Levy of tax on lands and buildings.—(1) Notwithstanding anything contained in this Act, the authority may levy a tax on lands or buildings or on both, situated within its jurisdiction (hereinafter referred to as the property tax) at the same rates at which such tax is levied by the Corporation within its jurisdiction.

(2) The provisions of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 14 of 1977) shall mutatis mutandis apply to the assessment and collection of property tax.

28-C. Authority is deemed to be a Local Authority for levy of cesses under certain Acts.—Notwithstanding anything contained in any law for the time being in force the authority shall be deemed to be a local authority for the purpose of levy and collection of.—

(i) education cess under Sections 16, 17 and 17-A of the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961);

(ii) health cess under Sections 3, 4 and 4-A of the Karnataka Health Cess Act, 1962 (Karnataka Act 28 of 1962);
(iii) library cess under Section 30 of the Karnataka Public Libraries Act, 1965 (Karnataka Act 10 of 1965); and

(iv) beggary cess under Section 31 of the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975).

3. Amendment of Section 29.—In Section 29 of the principal Act, in sub-section (1), in clause (i), after the words “functions of the Corporation”, the brackets and words “(including the power to levy, assess and collect property tax)” shall be and shall always be deemed to have been inserted.

4. Amendment of Section 40.—In Section 40 of the principal Act, in sub-section (2), after clause (a), the following clause shall be and shall always be deemed to have been inserted, namely.—

“(aa) the property tax levied and collected under Section 28-B.”

5. Amendment of Section 41.—In Section 41 of the principal Act, in sub-section (1), the following shall be and shall always be deemed to have been inserted at the end, namely.—

“including the cost of maintaining, keeping in repair, lighting and cleansing of streets and the cost of maintaining drainage and sanitary arrangement and water supply, under Section 28-A.”

6. Insertion of new Section 62-A.—After Section 62 of the principal Act, the following shall be inserted, namely:

“62-A. Appeal against assessment etc.—(1) Any person aggrieved by the assessment, levy or imposition of any tax under Section 28-B may, within a period of one month next after service of notice of demand, appeal to such authority as the Government may, by notification, specify (hereinafter referred to as the Appellate Authority):

Provided that any person aggrieved by assessment, levy or imposition of any tax made after the 24th day of July, 1992, may, prefer an appeal against such assessment levy or imposition of tax, within a period of one month from the date of coming into force of the provisions of this section:

Provided further that the Appellate Authority may admit an appeal after the expiry of the period specified above, if sufficient cause is shown to its satisfaction for not preferring it within the said period.

(2) No such appeal shall be heard and determined unless.—

(a) a memorandum of appeal in writing stating the grounds on which the demand made is disputed has been presented; and

(b) the amount admitted by the appellant has been paid or deposited by him in the office of the authority.
(3) The Appellate Authority shall, after giving a reasonable opportunity of being heard to both the parties pass such order as it deems fit. This decision of the Appellate Authority in any appeal under this section shall be final."

7. Validation of levy and collection of property tax and cesses.—Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, levy, assessment or collection of any tax on land or building or on both and levy and collection of cesses on such tax on land or building made or purporting to have been made and any action or thing taken or done (including any notice or orders issued or assessment made and all proceedings held and any levy and collection of tax or cess or amount purported to have been collected by way of tax or cesses) in relation to such levy, assessment or collection under the principal Act before the twenty fourth day of July, 1992 shall be and shall be deemed to be valid and effective as if such levy, assessment or collection or action or thing, had been made, taken or done under the principal Act as amended by this Act and accordingly.—

(a) all acts, proceedings or things done or taken by the authority or any of its Officer in connection with the levy, assessment or collection of such tax and cesses for all purposes be deemed to be and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such tax or cesses;

(c) no Court shall enforce any decree or order directing the refund of any such tax or cesses.

8. Repeal and savings.—(1) The Bangalore Development Authority (Amendment) Ordinance, 1992 (Karnataka Ordinance No. 7 of 1992) is hereby, repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 6 OF 1993

The Bangalore Development Authority has been levying tax on land and building and also certain cesses on such tax on the strength of the power conferred on it under Section 29 of the Bangalore Development Authority Act, 1976. The High Court in W.P. No. 4394 of 1988 and other connected matters has held that the Authority is not discharging municipal functions like maintaining public streets, supply of drinking water etc. It has further held that there is no specific provision to levy tax and fees. Accordingly the
writ petition was allowed and the Authority was directed to refund the tax. This decision was confirmed in Writ Appeal No. 223 to 239 of 1992, with the result the Authority had to refund the tax levied and collected already unless suitable amendments are made in the Act.

The Bangalore Development Authority is in fact maintaining the streets and providing certain civic amenities within its jurisdiction. In the circumstances it was considered necessary to amend the Bangalore Development Authority Act, 1976.

(i) to specifically impose a duty on the Authority to maintain, keep in repair, light and cleanse street;

(ii) to empower the Authority to levy tax on land and buildings;

(iii) to declare the Authority as a local authority for the purpose to levy and collection of certain cesses;

(iv) to validate the levy and collection of tax on land and building and cesses on such tax.

Since, the matter was urgent and both the Houses were not in session the above amendments were carried out by promulgation of the Bangalore Development Authority (Amendment) Ordinance, 1992.

This Bill seeks to replace the said ordinance.

THE
BANGALORE
DEVELOPMENT AUTHORITY (THIRD AMENDMENT) ACT, 1993

KARNATAKA ACT No. 17 OF 1994

(First published in the Karnataka Gazette, Extraordinary, on the 31st day of March, 1994)

(Received the assent of the Governor on the 31st day of March, 1994)

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Forty-fourth year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Third Amendment) Act, 1993.

(2) It shall come into force at once.
2. Amendment of Section 10.—In Section 10 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), in sub-section (2),—

(i) for the words “does not exceed fifty lakhs of rupees” the words “does not exceed such amount as may be specified by the Government, from time to time” shall be substituted;

(ii) for the words “exceeds fifty lakhs of rupees”, the words “exceeds the amount so specified” shall be substituted.

3. Amendment of Section 17.—In Section 17 of the principal Act, in sub-section (3), the words “three consecutive issues of” shall be omitted.

4. Amendment of Section 32.—In Section 32 of the principal Act.—

(i) after sub-section (5), the following sub-section shall be deemed to have been inserted with effect from the Twentieth day of June, 1987, namely.—

“(5-A) Notwithstanding anything contained in this Act, the authority may require the applicant to deposit before sanctioning the application such further sums in addition to the sums referred to in sub-section (5) to meet such portion of the expenditure as the authority may determine towards the execution of any scheme or work for augmenting water supply, electricity, roads, transportation and such other amenities within the Bangalore Metropolitan Area”;

(ii) in sub-section (6), after clause (iii), the following shall be inserted, namely.—

“(iii-a) if the proposed extension or layout is on the land which is proposed to be acquired for the purpose of the development scheme under this Act, and in respect of which a notification under sub-section (3) of Section 17 is already published or.”

5. Insertion of new Sections 38-B and 38-C.—After Section 38-A of the principal Act, the following shall be deemed to have been inserted with effect from the Twentieth day of December, 1975, namely.—

"38-B. Power of Authority to make bulk allotment.—Notwithstanding anything contained in this Act or Development Scheme sanctioned under this Act, the authority may, subject to any restriction, condition and limitation as may be prescribed, make bulk allotment by way of sale, lease or otherwise of any land which belongs to it or is vested in it or acquired by it for the purpose of any development scheme.—

(i) to the State Government; or

(ii) to the Central Government; or
(iii) to any Corporation, Body or Organisation owned or controlled by the Central Government or the State Government; or

(iv) to any Housing Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959); or

(v) to any society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960); or

(vi) to a trust created wholly for charitable, educational or religious purpose:

Provided that prior approval of the Government shall be obtained for allotment of land to any category listed above.

38-C. Power of authority to make allotment in certain cases.—Notwithstanding anything contained in this Act or in any other law or any development scheme sanctioned under this Act, or City Improvement Trust Board Act, 1945, where the authority or the erstwhile City Improvement Trust Board, Bangalore has already passed a resolution to convey in favour of any persons any site formed in the land which belong to them or vested in or acquired by them for the purpose of any development scheme and on the ground that it is not practicable to include such site for the purpose of the development scheme, the authority may allot such site by way of sale or lease in favour of such person subject to the following conditions.—

(a) the allottee shall be liable to pay any charges as the authority may levy from time to time; and

(b) the total extent of the site allotted under this section together with the land already held by the allottee shall not exceed the ceiling limit specified under Section 4. of the Urban Land (Ceiling and Regulation) Act, 1976.

6. Amendment of Section 50.—In Section 50 of the principal Act.—

(i) in sub-section (1), for the words “whose monthly salary does not exceed one thousand and five hundred rupees” the words “who are not above the rank of Group ‘B’ Officer of the State Civil Services” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely.—

“Provided that, in the case of Officers in Government service lent to the authority.—

(i) who are not above the rank of Group ‘A’ Junior scale, the Commissioner may exercise the powers of sanctioning or
withholding increment, fining or suspending or granting leave to the Officers and shall report the fact to the Head of the Department of Government to which such Officers belong;

(ii) who are above the rank of Group A Junior Scale, the Commissioner may exercise the powers of granting leave and making in charge arrangement.”

7. Amendment of Section 64.—Section 64 of the principal Act, shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely.—

“(2) A suit to obtain an urgent or immediate relief against the authority or any member or any Officer or servant of the authority in respect of any act done or purporting to be done by such Officer or servant in his official capacity may be instituted with the leave of the Court, without serving any notice as required by sub-section (1) but the Court shall not grant relief in the suit whether inter alia or otherwise except after giving to the authority, Officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of relief prayed for in the suit:

Provided that the Court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with requirements of sub-section (1).”

8. Validation of bulk allotment.—Notwithstanding anything contained in any law or any judgment, decree or order of any court or other authority, any bulk allotment of land by way of sale, lease or otherwise made by the authority after the Twentieth day of December, 1975, and before the commencement of this Act, in favour of.—

(i) the State Government; or

(ii) the Central Government; or

(iii) any Corporation, body or organisation owned or controlled by the Central Government, or the State Government; or

(iv) any Housing Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959); or

(v) any society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960); or

(vi) a trust created wholly for charitable, educational or religious purposes:
(hereinafter referred to as allottee) shall be deemed to have been validly made and shall have effect for all purposes as if, it had been made under Section 38-B of the principal Act as amended by this Act and accordingly.—

(a) all acts, proceedings or things done or allotment made or action taken by the authority, formation of layout or sites on the allotted land or distribution of such sites by the allottee in accordance with the relevant rule, regulation or bye-law or construction of buildings on such sites after obtaining building licences from the authority or the Local Authority concerned shall, for all purposes be deemed to be and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be instituted, maintained or continued in any Court or before any authority for cancellation of such allotment or distribution of such sites or demolition of such buildings or for questioning the validity of any action or things, taken or done under Section 38-B of the principal Act, as amended by this Act and no Court shall enforce or recognise any decree or order declaring such bulk allotment made or any action taken or things done under the principal Act as invalid.

9. Validation of certain allotment.—Notwithstanding anything contained in any law or any judgment, decree or order of any Court where in pursuance to any resolution passed by the authority or the erstwhile City Improvement Trust Board, Bangalore to reconvey in favour of any person any site out of the land which belonged to them or vested in or acquired by them for the purpose of any development scheme, the authority has made allotment of such site by way of sale, lease or otherwise in favour of such person after the Twentieth day of December, 1973 and before Eighth day of May, 1986, such allotment shall be deemed to have been validly made and shall have effect for all purposes as if, it had been made under Section 38-c of the principal Act as amended by this Act and accordingly.—

(a) all acts, proceedings and things done or allotment made or action taken by the authority shall for all purposes be deemed to be and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be instituted, maintained or continued in any Court for cancellation of such allotment or for questioning the validity of any action or things taken or done under Section 38-C of the principal Act as amended by this Act, and no Court shall enforce or recognise any decree or order declaring such allotment made or any action taken or things done under the principal Act as invalid.
STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 17 OF 1994

Some of the bulk allotments made by the Authority in favour of the State and Central Government Organisations, House Building Co-operative Societies, etc., have been quashed by the High Court of Karnataka in various writ petitions because there is no provision in the Act for making bulk allotment. Therefore, it was considered necessary to amend the Bangalore Development Authority Act.—

(i) to take power to make bulk allotment;
(ii) to validate bulk allotment made earlier.

Opportunities are also taken to make certain consequential amendments. Hence this Bill.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 1995
KARNATAKA ACT No. 26 OF 1995

(First published in the Karnataka Gazette, Extraordinary, on the Seventh day of October, 1995)

(Received the assent of the Governor on the Fifth day of October, 1995)

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purpose hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Forty-sixth year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1995.

(2) It shall come into force at once.

2. Amendment of Section 3.—In Section 3 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), in sub-section (3), in clause (c), after the words “Karnataka Engineering Service”, the words “or an Officer employed in any undertaking owned or controlled by the State Government”, shall be inserted.
STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 26 OF 1995
Karnataka Gazette, Extraordinary, dated 5-9-1995

The Bangalore Development Authority Act, 1976, provides for
appointment of an engineer who shall be an officer of the Karnataka
Engineering Service not below the rank of a Chief Engineer to the Bangalore
Development Authority.

It is considered necessary to provide either for appointment of the
engineer as above, or appointment of an engineer who is an officer employed
in any undertaking owned or controlled by the State Government.

Hence the Bill.

THE
BANGALORE DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 1999
KARNATAKA ACT No. 1 OF 2000

(First published in the Karnataka Gazette, Extraordinary, on Fifth day of
January, 2000)

(Received the assent of the President on Twenty-eighth day of December, 1999)

An Act further to amend the Bangalore Development Authority Act,
1976.

Whereas, it is expedient further to amend Bangalore Development
Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter
appearing;

Be it enacted by the Karnataka State Legislature in the Fiftieth year of the
Republic of India, as follows:

1. Short title and commencement.—(1) This Act may be called the
Bangalore Development Authority (Amendment) Act, 1999.

(2) It shall come into force on such date as the Government may, by
notification, appoint.

2. Amendment of Section 38-C.—Section 38-C of the Bangalore
Development Authority Act, 1976 (Karnataka Act 12 of 1976), shall be
renumbered as sub-section (1) thereof and after the sub-section (1) as so
renumbered, the following shall be inserted, namely:—

“(2) Notwithstanding anything contained in this Act or in any other
law or any development scheme sanctioned under this Act or the City of
Bangalore Improvement Act, 1945, but without prejudice to sub-section
(1), where the Authority after carrying out a survey of land, vested in or
acquired by it, is of the opinion that such land cannot be used by it on
account of existing structure or building thereon or it is not practicable to include such land for the purpose of development scheme or formation of sites, the Authority may with prior approval of the Government allot such land by sale in favour of the original owner of the land or the purchaser from the original owner or a General Power of Attorney holder from such original owner or purchaser in respect of the land, who has put up the structure or building on the land or in favour of such original owner, purchaser or General Power of Attorney holder who is in possession of the land, subject to the conditions that.—

“(i) the structure or building was in existence on such land prior to the First day of January, 1995 or such original owner, purchaser or General Power of Attorney holder has been in possession of the land since prior to the First day of January, 1995 and has continued to be in possession of the land as on the date of commencement of the Bangalore Development Authority (Amendment) Act, 1999;

(ii) the allottee makes payment towards the allotment of land, such amount as the Authority may, subject to the general or special order of the Government determine from time to time; and

(iii) the total extent of the land allotted under this sub-section together with the land already held by the allottee shall not exceed the ceiling limit specified under Section 4 of the Urban Land (Ceiling and Regulation) Act, 1976.

Explanation.—For the purpose of this sub-section.—

(a) ‘land’ includes site,

(b) ‘original owner of the land’ means a person who was occupant of the land immediately before publication of the development scheme which contained proposal for acquisition of such land”.”

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 1 OF 2000
Karnataka Gazette, Extraordinary, dated 31-3-1999

It is considered necessary to amend the Bangalore Development Authority Act, 1976, to provide for allotment of lands vested in Bangalore Development Authority or acquired by it, to the original owner or any other person who is in occupation of the land or has put up structure on the land which is in his occupation on the date of commencement of the amendment subject to the condition of his paying the amount fixed by the Authority in
cases where the Authority after carrying out a survey is of the opinion that
the land so occupied cannot be used by it on account of existing structure or
building thereon or it is not practicable to include such land for the purpose
of development scheme or formation of site.

Hence the Bill.

THE
KARNATAKA REPEALING AND AMENDING ACT, 2000
KARNATAKA ACT No. 22 OF 2000

(First published in the Karnataka Gazette, Extraordinary, on the Twenty-ninth
day of November, 2000)
(Received the assent of the Governor on the Twenty-eighth day of November,
2000)

An Act to repeal certain enactments and to amend certain other
enactments.

Be it enacted by the Karnataka State Legislature in the Fifty-first year of
the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the

(2) It shall come into force at once.

2. Repeal of certain enactments.—The enactments specified in the First
Schedule are hereby repealed.

3. Amendment of certain enactments.—The enactments specified in
columns (2) and (3) of the Second Schedule are hereby amended to the extent
and in the manner mentioned in column (4) thereof.

4. Savings.—(1) The repeal by this Act of any enactment shall not affect
any other enactment in which the repealed enactment has been applied,
incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences
of anything already done or suffered, or any right, title, obligation or liability
already acquired, accrued or incurred, or any remedy or proceeding in
respect thereof, or any release or discharge of or from any debt, penalty,
obligation, liability, claim or demand, or any indemnity already granted, or
the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established
jurisdiction, form or course of pleading, practice or procedure, or existing
usage, custom, privilege, restriction, exemption, office, or appointment,
notwithstanding that the same respectively may have been in any manner
affirmed or recognised or derived by, in or from any enactment hereby
repealed;

AKLED PUBLICATION
nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force;

nor shall the repeal of the Appropriation Acts by this Act affect the audit, examination, accounting, investigation, inquiry or any other action taken or to be taken in relation thereto by any authority and such audit, examination, accounting, investigation, inquiry or action could be taken and/or continued as if the said Acts are not repealed by this Act.

nor shall the repeal of Acts 9 of 1975 and 29 of 1980 shall affect any proceedings initiated under those enactments before any Court or other authority to challenge, or to enforce, the rights conferred by those enactments and those proceedings shall be continued and disposed off in accordance with those enactments as if the said enactments are not repealed by this Act.

(2) For the removal of doubts it is hereby declared that where this Act repeals any enactment by which.—

(i) the text of any other enactment, was amended by the express addition, omission, insertion or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act;

(ii) any action taken (including any rule or order or bye-law or regulation made or any tax or cess or fee assessed or collected) by the Government or any other authority has been validated or saved or proceedings before one authority has been transferred to another authority or any declaration has been made or any direction has been given or limits of any municipality has been extended or scale of pay or equation of any category of post has been revised, the repeal shall not affect the operation of such validation or saving or transfer or declaration or direction or extension or revision and in operation at the commencement of this Act;

(iii) any other enactment has been amended or repealed or extended to the State of Karnataka, with or without some consequential or transitory or saving provisions the repeal shall not affect the operation of such amendment, repeal, extension or provision and in operation at the time of commencement of this Act.

(3) The provisions of Section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899), shall be applicable in respect of repeal of an enactment by this Act.
SECOND SCHEDULE
[See Section 3]
Amendments

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<th>Short title.</th>
<th>Amendments</th>
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</thead>
</table>
| 14     | 12 of 1976       | The Bangalore Development Authority Act, 1976 | (1) In Section 12, in sub-section (3), for "as thinks fit" substitute "as it thinks fit"
|        |                  |             | (2) In Section 38-C, for "City Improvement Trust Board Act, 1945" substitute "City of Bangalore Improvement Act, 1945"

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 22 OF 2000
(As appended to at the time of introduction)

It is considered necessary to prepare up-to-date Cодal Volumes of the Karnataka Acts and to repeal all the spent Acts and amendment Acts from time to time.

The Government constituted One-man Committee for the above purpose. The Committee has reviewed the Karnataka Acts for the period for 1-1-1956 to 31-12-1998 and has proposed this "Repealing and Amending Bill, 2000" which seeks to repeal the following types of Acts:

(i) Acts which amended the Karnataka Acts whether they are now in force or not;
(ii) Acts which amended regional Acts which are no longer in force;
(iii) Appropriation Acts as they are spent Acts;
(iv) Acts, which have been struck down or by necessary implication struck down by the Courts;
(v) Acts, which are by implication repealed by Central Acts; and
(vi) Acts which are temporary and spent enactments.

The Bill does not include—

(i) Acts which amend the Central Acts and regional Acts which are in force; and
(ii) Acts which are already repealed expressly.
This Bill seeks to repeal and remove all spent and amendment Acts from the Statute Book.

Hence the Bill.

THE

BANGALORE DEVELOPMENT AUTHORITY
AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2002
KARNATAKA ACT No. 19 OF 2002

(First published in the Karnataka Gazette, Extraordinary on the Ninth day of September, 2002)

(Received the assent of the Governor on the Sixth day of September, 2002)

An Act further to amend the Bangalore Development Authority Act, 1976 and the City of Bangalore Improvement Act, 1945.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) and the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the fifty-third year of the Republic of India, as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority and Certain Other Law (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from the Twentieth day of December, 2001.

2. Amendment of Karnataka Act 12 of 1976.—In Section 28-B of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the following explanation shall be and shall be deemed to have been inserted with effect from the twentieth day of December, 1975, namely.—

"Explanation.—For the purpose of this section "property tax" means a tax simpliciter requiring no service at all and not in the nature of fee inquiring service."

3. Amendment of Mysore Act V of 1945.—In the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945).—

(1) after Section 20, the following sections shall be and shall be deemed to have been inserted with effect from the date of commencement of that Act, namely.—

"20-A. Duty to maintain streets etc.—It shall be incumbent on the Board to make reasonable and adequate provision by any means or
measures which it is lawfully competent to use or take, for the following matters, namely—

(a) the maintenance, keeping in repair, lighting and cleaning of the streets formed by the Board till such streets are vested in the Corporation; and

(b) the drainage sanitary arrangement and water supply in respect of the streets formed by the Board.

20-B. Levy of tax on lands and buildings.—(1) Notwithstanding anything contained in this Act, the Board may levy a tax on lands or buildings or on both, situated within its jurisdiction (hereinafter referred to as the property tax) at the same rates at which such tax is levied by the Corporation within its jurisdiction.

(2) The provisions of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) shall mutatis mutandis apply to the assessment and collection of property tax.

Explanation.—For the purpose of this section 'property tax' means a tax simpliciter requiring no service at all and not in the nature of fee requiring service.”

20-C. Board is deemed to be a local authority for levy of cesses under certain Acts.—Notwithstanding anything contained in any law for the time being in force the Board shall be deemed to be a local authority for the purpose of levy and collection of education cess, health cess, library cess, beggary cess or any other cess payable under any law for the time being in force.”

(2) in Section 21, in sub-section (1), in clause (i), after the words "functions of the Corporation", the brackets and words "(including the power to levy, assess and collect property tax)" shall be and shall be deemed to have been inserted with effect from the date of commencement of that Act.

(3) in Section 30, in sub-section (2), after clause (a), the following clause shall be and shall be deemed to have been inserted with effect from the date of commencement of the Act, namely.—

“(aa) the property tax levied and collected under Section 20-B.”

(4) in Section 31, in sub-section (1), the following shall be and shall be deemed to have been inserted at the end with effect from the date of commencement of that Act, namely.—

“including the cost of maintaining, keeping in repair, lighting and cleansing of streets and the cost of maintaining drainage and sanitary arrangement and water supply under Section 20-A.”

A KLJ PUBLICATION
4. Validation of levy and collection of property tax.—Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, levy, assessment or collection of any tax on land or building or on both made or purporting to have been made and any action or thing taken or done (including any notices or orders issued) or assessment made and all proceedings held and any levy and collection of tax or amount purported to have been collected by way of tax in relation to such levy, assessment or collection under the provisions of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) and the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945) before he twenty-fourth day of July, 1992 shall be and shall be deemed to be valid and effective as if such levy, assessment or collection or action or thing, had been made, taken or done under the said Acts, as amended by this Act and accordingly.—

(a) all acts, proceedings or things done or any action taken by the Authority or as the case may be, the Board or any of its officer in connection with the levy, assessment or collection of such tax for all purposes be deemed to be, and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such tax; and

(c) no Court shall enforce any decree or order directing the refund of any such tax.

5. Repeal and savings.—(1) The Bangalore Development Authority and Certain Other Law (Amendment) Ordinance, 2001 (Karnataka Ordinance 9 of 2001) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Acts as amended by the said ordinance shall be deemed to have been done or taken under the said Acts as amended by this Act.

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 19 OF 2002

The Bangalore Development Authority was levying and collecting property tax on lands and buildings on the strength of a notification issued under Section 29 of the Bangalore Development Authority Act, 1976. Levy and collection of tax by the Bangalore Development Authority was challenged before the High Court in Writ Petition No. 4394-4410 of 1988. The Single Judge of the Court held that.—

(a) the Bangalore Development Authority has no power to levy and collect property tax as the Bangalore Development Authority Act has not authorised the Bangalore Development Authority to levy and collect such tax;
(b) the property tax is service related and as the Bangalore Development Authority has not rendered any service to the property owners it is not legally permissible to levy such tax; and

(c) the tax collected has to be refunded.

The said order was confirmed in Appeal in Writ Appeal No. 223-39 of 1992 by a Division Bench of the High Court.

In order to remedy the defect and to validate the levy Amendment Act was enacted in 1993 introducing new Sections 28-A, 28-B and 28-C along with a validating provision. The said Amendment Act was challenged before the High Court in Writ Petition No. 5173 of 1993 on the ground that it suffered from the vice of excessive delegation and is arbitrary and violative of Article 14 of the constitution. The High Court by its order dated 4-4-1997 negatived all those contentions. Against that order a Special Leave Petition was filed before the Supreme Court, in Civil Appeal No. 7791-1997 by Shri B. Krishna Bhat.

The Supreme Court has upheld the validity of Section 28-A to 28-C of the Bangalore Development Authority Act, 1976, which were incorporated by 1993 Amendment Act. But it has set-aside Section 7 of the Amendment Act which provided for validation of collection of property tax made by the Bangalore Development Authority prior to the date of amendment on the ground that validation of such collection is impermissible. Further, it has also held that the tax already collected is liable to be refunded.

The decision of the Supreme Court is based on the finding of the High Court of Karnataka that the Bangalore Development Authority is not authorised to levy property Tax since it is not performing municipal functions. However, the Bangalore Development Authority has been providing most of the Civil Amenities provided by the local authority in the layouts formed by it. In practice, Bangalore Development Authority was discharging municipal functions in respect of its layouts till they were handed over to either Bangalore Mahanagara Palike or the concerned City Municipal Councils.

In the circumstances, apprehensions are that there will be innumerable requests for refund of tax in accordance with the Supreme Court judgement, which would be impossible for the Bangalore Development Authority to concede to such requests. In order to overcome such a situation, it is considered necessary to amend the Bangalore Development Authority Act, 1976 and the City of Bangalore Improvement Act, 1945 to validate the collection of tax keeping in view the observations of the Apex Court.

Hence the Bill.
THE
BANGALORE DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 2005
KARNATAKA ACT No. 19 OF 2005

(First published in the Karnataka Gazette, Extraordinary on the First day of June, 2005)

(Received the assent of the Governor on the Thirtieth day of May, 2005)

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas, it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Fifty-sixth year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 2005.

(2) It shall come into force at once.

2. Amendment of Section 10.—In Section 10 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), in sub-sections (1) and (2), for the words “twenty lakhs”, the words “fifty lakhs” shall be substituted.
NOTIFICATION
No. UDD 93 MNJ 97, dated 19-3-1997
Karnataka Gazette, Extraordinary, dated 20-3-1997

S.O. 395.—In exercise of the powers conferred by Section 62-A of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby specify the following officers to be the Appellate Authority for the purpose of the said section.

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NOTIFICATION
No. UDD 77 MNJ 2008, Bangalore, dated 3rd November, 2009
Karnataka Gazette, dated 3-12-2009

In exercise of the powers conferred by sub-clause (vi) of clause (bb) of Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby specifies the following amenity to be “civic amenity” for the purpose of the said Act, namely.—


NOTIFICATION
No. UDD 433 MNJ 2012, Bangalore, dated 23rd November, 2012
Karnataka Gazette, Extraordinary No. 843, dated 23-11-2012

In exercise of the powers conferred by sub-clause (vi) of clause (bb) of Section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), read with Section 21 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), the Government of Karnataka hereby amends the Notification No. HUD 152 MNJ 90, dated 29-8-1990 as follows, namely.—

In the said notification, for item 1, the following shall be substituted namely.—

"1. Liquefied Petroleum Gas Godowns including Gas Management Centre/Gas Storage Centre/Natural Gas Storage and Associated Activities/S.V. Station".
# THE
# BANGALORE DEVELOPMENT AUTHORITY RULES, 1975

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(As amended by GSR 88, dated 5/12-3-1976; GSR 367, dated 20-10-1976 and GSR 150, dated 26-5-1984.)

**GSR 18.—** In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Ordinance, 1975 (Karnataka Ordinance 9 of 1975) the Government of Karnataka hereby makes the following rules.

1. Published in the Karnataka Gazette, Extraordinary, dated 14-1-1976, vide Notification No. HMA 176 MNT 75, dated 14-1-1976
1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority Rules, 1975.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) "Authority" means the Bangalore Development Authority constituted under Section 3;

(b) "Chairman" means the Chairman of the Board;

(c) "Committee" means the committee appointed under Section 9;

(d) "Government Servant" means a person in the employment of Government;

(e) "Ordinance" means the Bangalore Development Authority Ordinance, 1975 (Karnataka Ordinance 29 of 1975);

(f) "Section" means a section of the Ordinance.

3. Allowances etc.—(1) Where the person appointed as the Chairman of the Authority is a Government Servant he shall be paid his grade pay plus a special pay of rupees One hundred and fifty per month. Where the person appointed is a non-official, [the Chairman shall be paid as follows:—

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Travelling Allowance and D.A.

T.A. by Air: Actual expenses by Air

By Rail: One and half times the single first class Fare.

By Road: Road mileage at 0-75 paise per K.M.

D.A. Rs. 31 (Rupees thirty-one) per day for tours within the State and Rs. 50 (Rupees fifty) per day for tours outside the State.

Tour outside India.—Actual expenses for journey by Air/Sea or Train and D.A. at rates permitted by Government of India:

Provided that where the person appointed is a Minister or a Legislator he shall not be entitled to any remuneration.

(2) The Engineer Member, the Finance Member and the Town Planner Member shall be paid their Grade pay and other allowances such as C.A., D.A. and H.R.A. at the rates admissible to them and a special pay of rupees One hundred per month.

(3) The other members shall be entitled to sitting fee of rupees Forty per day of sitting at the meetings of the authority and no other allowances or remuneration.

4. Leave.—Leave may be granted to the Chairman by Government. The Chairman shall be the authority competent to grant leave to the other whole time members.

5. Travelling allowance.—A member who is a Government servant until he retires from service continues to be governed by the Travelling allowances rules applicable to him in Government Service. After retirement he shall be governed as regards Travelling Allowances in the same manner as provided in the Karnataka Civil Services Rules.

6. Proceedings.—The proceedings of every meeting of the Authority shall be recorded in a minute book kept for the purpose and shall be signed by the Chairman of the meeting of that day or at the next succeeding meeting.

7. Restriction on matters to be discussed at meeting.—Notwithstanding anything contained in these rules, the Authority shall not be bound to furnish any information at a meeting of the Board. If, in the opinion of the Chairman or a person presiding over the meeting, it would not be in the public interest to furnish such information.

8. Manner of election of two persons by the Councillors of the Corporation.—The two persons referred to in clause (1) of sub-section (3) of Section 3 shall be elected by the Councillors of the Corporation from among themselves by simple majority of the Councillors present at a meeting called for the purpose and voting.

1. Rule 5 substituted by GSR 88, dated 5/12-3-1976.
THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) RULES, 1976

GSR 88.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Ordinance, 1975 (Karnataka Ordinance 29 of 1975) the Government of Karnataka hereby makes the following rules to amend the Bangalore Development Authority Rules, 1975.

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Amendment) Rules, 1976.

(2) They shall come into force at once.

2. Amendment of Rule 5.—For Rule 5 the following rule shall be substituted, namely.—

“5. Travelling allowance.—A member who is a Government servant until he retires from service continues to be governed by the Travelling allowances rules applicable to him in Government Service. After retirement he shall be governed as regards Travelling Allowances in the same manner as provided in the Karnataka Civil Services Rules”.

THE
BANGALORE
DEVELOPMENT AUTHORITY (AMENDMENT) RULES, 1976

GSR 367.—In exercise of the powers conferred by sub-section (1) of Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976); the Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Amendment) Rules, 1976.

(2) They shall come into force at once.

2. Amendment of Rule 3.—In Rule 3 of the Bangalore Development Authority Rules, 1975, in sub-rule (1), for the words and figures.—

“The Chairman shall be paid as follows.—

1. Published in the Karnataka Gazette, dated 18-3-1976, vide Notification No. HMA 176 MNT 75, dated 5/12-3-1976
2. Published in the Karnataka Gazette, dated 11-11-1976, vide Notification No. HMA 124 MNT 76, dated 20-10-1976

A'KLJ PUBLICATION
Remuneration Rs. 1,000 per month
H.R.A. Rs. 500 per month
Conveyance allowance Rs. 500 per month

Rs. 2,000 per month

No house will be provided. The incumbent will be paid only house rent allowance referred to above”.

The words and figures,

"The Chairman.—

(i) shall be paid Remuneration of Rs. 1,000/- per month;

(ii) The Chairman shall be provided with Official quarters and till such time house Rent allowance of Rs. 500/- per month shall be paid;

(iii) The Chairman shall be provided free conveyance for his official use”,

shall be substituted.

1THE
BANGALORE
development authority (amendment) rules, 1984

GSR 150.—In exercise of the powers conferred by sub-section (1) of Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) the Government of Karnataka 1976, hereby makes the following rules further to amend the Bangalore Development Authority Rules, 1975, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Amendment) Rules, 1984.

(2) They shall come into force at once.

2. Insertion of new Rules 8. — After Rule 7 of the Bangalore Development Authority Rules, 1975, the following rule shall be inserted, namely.—

“8. Manner of election of two persons by the Councillors of the Corporation.—The two persons referred to in clause (1) of sub-section (3) of Section 3 shall be elected by the Councillors of the Corporation from among themselves by simple majority of the Councillors present at a meeting called for the purpose and voting”.

1. Published in the Karnataka Gazette, dated 14-6-1984, vide Notification No. HUD 27 MNJ 84, dated 26-5-1984

A KLJ PUBLICATION
THE BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF BUILDINGS UNDER SELF-FINANCING HOUSING SCHEME)
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THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF BUILDINGS UNDER
SELF-FINANCING HOUSING SCHEME)
RULES, 1982

(As amended by GSR 105, dated 17-1-1984; Notification No. UDD 253
MNJ 98, dated 30-7-1999 and UDD 150 MNJ 2002, dated 22-8-2002)

GSR 79.—In exercise of the powers conferred by Section 69 of the
Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) the
Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the
Bangalore Development Authority (Allotment of Buildings under

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) "Act" means the Bangalore Development Authority Act, 1976;

(b) "Allottee" means the person to whom a building is allotted under
these rules;

(c) "Building" includes a flat;

(d) "Form" means a Form appended to these rules;

(e) "Physically handicapped person" means a person who.—

(i) suffers from total absence of sight or whose visual acquity
does not exceed 3/60 or 10/200 (sncilen) in the better eye with
correcting lences; or

(ii) in whom the sense of hearing is fully non-functional for the
ordinary purpose of life; or

1. Published in the Karnataka Gazette, Extraordinary, dated 5-5-1982, vide Notification No.
HUD 99 MNX 82, dated 5-5-1982

A KLJ PUBLICATION
(iii) who has physical defect or deformity which causes inadequate interference to impede normal functioning of the bones, muscles and joints and who has been certified to that effect by the Surgeon of the concerned faculty in the Victoria Hospital, Bangalore, or in the Minto Eye Hospital, Bangalore, as the case may be.

3. Offer of buildings for allotment.—(1) Whenever the authority proposes to construct buildings in pursuance of any scheme, it may, subject to the general or specific orders of the Government, offer all or any of the buildings for allotment to persons eligible for allotment of buildings under these rules.

(2) The offer shall be published in at least two important local newspapers and shall specify the Extensions/Layouts wherein the proposed houses are to be constructed, the number proposed to be built under each category namely, High Income Group, Middle Income Group and Low-Income Group, the approximate cost of each house (which would be subject to escalation), the initial deposit required to be made and any other particulars which the authority may wish to specify.

4. Eligibility.—(i) The applicant must be a citizen of India and should have attained the age of majority and must be domiciled in Karnataka for a period of not less than ten years;

(ii) The applicant must not own any building or house or site in the Bangalore Metropolitan areas either in his name of in the name of his spouse or in the name of his minor children;

(iii) The applicant must have registered his name under Rule 5.

5. Registration.—(i) The persons who desire to apply for allotment of the houses under the Self-financing Housing Scheme should get their names registered in the office of the authority in the prescribed form (Form I) which will be available in the Office of the authority on payment of Rs. 10 which will not be refunded;

(ii) The registration fee for various categories of persons is as follows.—

(a) For Higher Income Group (whose annual income is more than Rs. 35,000) Rs. 5,000

(b) For Middle Income Group (whose annual income is more than Rs. 15,000 but not more than Rs. 35,000) Rs. 1,000

(c) For Lower Income Group (whose annual income is above Rs. 5,000 but not more than Rs. 15,000) Rs. 200

A KLP PUBLICATION
An applicant may, if he has not been allotted a building, claim refund of the registration fee which would be refunded to him after deducting 10% towards service charges.

6. Application for allotment.—(i) A person who desires the allotment of building under the scheme shall send to the authority along with the initial deposit specified by the authority from time to time in this regard within the stipulated time. The application may be presented in person or sent by registered post with acknowledgement due addressed to the Commissioner, Bangalore Development Authority, Bangalore. Every application shall be accompanied by a receipt, draft or challan evidencing deposit of the initial deposit and a certificate from a Competent Authority showing that the applicant is domiciled in Karnataka for a period of not less than ten years prior to the date of application.

Note.—Competent Authority for the purpose of this rule shall be, a Chairman of the Village Panchayat, a Municipal Councillor or a Councillor of a Municipal Corporation;

(ii) The application should be signed only by the person to be registered under the scheme;

(iii) The application shall be attested by a Magistrate of the First Class or an Officer empowered to administer the Oath or affirmation.

Note.—"Prescribed application forms (Form II) will be available on payment of Rs. 10/- each in the branches of the Banks as may be specified by the authority from time to time."

7. Mode of allotment.—(i) 50% of the buildings in each category shall be allotted by draw of lots in respect of each class of persons from the registered applicants according to the principles specified in Rule 8. In respect of the allotment of the remaining 50% of the buildings, the Bangalore Development Authority (Allotment of sites) Rules, 1982, shall mutatis mutandis apply;

(ii) The date, time and place of draw shall be published in at least two important local newspapers;

(iii) The cost of the building indicated in the offer shall be tentative and subject to escalation;

(iv) No preference for blocks or floors or pockets shall be entertained. Mutual exchange of building among allottees within the same category would, however, be permissible with the prior approval of the authority;

(v) The authority reserves the right to withdraw or add to the number of buildings notified for allotment;

Physically handicapped persons will have preference for allotment of the lowest floor in the buildings to be allotted.

8. Principles for allotment.—The building shall be allotted among the different classes of persons as indicated below.—

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Explanation.—(1) If, at the time of making an allotment, sufficient number of applications from persons belonging to category (a) are not received, then the remaining buildings reserved for that category shall be transferred to category (b); and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining buildings reserved for these categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received, then the remaining buildings reserved for these categories shall be transferred to category (i).

(2) At the time of making an allotment, if sufficient number of applications from persons belonging to category (e) are not received, then notwithstanding anything contained in these rules, the remaining building reserved for that category shall be treated as stray buildings and allotted only to the said persons belonging to the said category.
CASE LAW


9. **Mode of Payment.**—(i) The applicant shall pay 25% of the notified cost of building excluding the amount paid as registration fee, as initial deposit at the time of filing the application;

(ii) The allottee shall pay, out of the balance (a) 25% of the cost of the building within 90 days from the date of allotment and another 25% within 90 days thereafter; and (b) the last instalment of 25% together with any amount payable on account of escalation before executing the Lease-cum-Sale Agreement;

(iii) The demand-cum-allotment order issued will indicate the prescribed date by which the payments will be required to be made as per the above schedule except the last instalment. It will be obligatory on the part of the allottee to make the payment within the due dates indicated therein. In the event of default, the allocation of the building under the scheme will be cancelled without any prior intimation.

10. **Conditions of allotment.**—[(1) After the payments are made, under Rule 9 the authority shall execute and register a sale deed in favour of the allottee. The expenses on account of stamp duty, registration fee and any other incidental charges in respect of the conveyance shall be borne by the allottee.]

2[(2) xxxxxx

(3) xxxxxx.]

11. **Delivery of possession, Issue of sale deed.**—(i) The allottee shall be entitled to the delivery of possession only after the construction of the building, the observation of all formalities, payment of all dues and the furnishing or execution of all documents as required in the allotment-cum-demand letter;

(ii) The property will be delivered on ‘as-is-where-is basis’. The authority will not entertain request for any additions, alterations or any complaints regarding the cost of the building, its design, the quality of material used and workmanship;

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2. Sub-rules (2) and (3) omitted by Notification No. UDD 150 MJN 2002, dated 22-8-2002, w.e.f. 26-9-2002
[(iii) xxxxx.]

CASE LAW

Rules 10, 11, 12 and 17 — Karnataka Stamp Act, 1957, Art. 5(d) — Allotment of house under lease-cum-sale agreement — No title passes to allottee — Provisions of rules empowering B.D.A. to cancel allotment for violating conditions of allotment — Prohibition of additions and alterations to building and of alienation of same — Levy of stamp duty under Article 5(d) of Stamp Act on such lease-cum-sale agreement at rate applicable to deed of conveyance under Article 20 of the Act — Levy under Act contrary to description of transaction under rules — Article 5(d) of Schedule to Act cannot be struck down for conflicting with rules — Only rule can be struck down on ground of its conflicting with statute under which it is framed or of its conflicting with some other statute.

S. Rajendra Babu and Kumar Rajarathnam, JJ., Held: A subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent legislature and the validity thereof could be questioned on the ground that it is contrary to some other statute. The contention that the stamp duty will have to yield to the rules framed under the Bangalore Development Authority is plainly contrary to the law. A rule will have to be in conformity with the law under which it is made and also in conformity with the other statutes. The contention that the Act will have to be struck down or that it is not applicable to lease-cum-sale agreement cannot be accepted. — G.S. Rajashekar v Bangalore Development Authority, Bangalore and Another, 1995(5) Kar. L.J. 1B (DB).

[11-A. Execution and registration of sale deed in case of lease-cum-sale agreement already executed. — Notwithstanding anything contained in these rules and the lease-cum-sale agreement in Form III, executed and registered prior to the commencement of the Bangalore Development Authority (Allotment of Buildings under Self-Financing Housing Scheme) (Amendment) Rules, 2002, the Commissioner may on the request of the allottee or lessee of a house, execute a deed of sale. The expenses on account of stamp duty, registration fee and other incidental charges either during the subsistence or expiry of the period of lease shall be borne by the allottee or lessee as the case may be.]

12. Misuse, additions, alterations, etc. — (i) The building shall not be used for any purpose other than that of residence. The allottee shall not be entitled to sub-divide the dwelling unit or amalgamate it with any other dwelling

unit or to make any structural additions, alterations without the prior written permission of the authority;

(ii) In case of violation of the above conditions, the allotment shall be liable to be cancelled and the amount deposited may be forfeited.

13. Death of applicant, allottee.—If the applicant dies before the allotment, his legal heirs would at their option be entitled to refund of the deposit or allotment of the building.

14. Voluntary surrender.—An allottee may at any time after allotment, surrender the allotment of building made to him to the authority. On such surrender, the allottee is entitled to refund of all amounts except the registration fee paid by him to the authority in respect of the said allotment.

15. (i) The authority shall reserve the right to make reasonable modifications in the approved plan of the building depending upon the exigencies;

(ii) If the applicant wishes to correspond with the authority he shall invariably quote the registration number in this regard;

(iii) The unsuccessful applicants will be eligible for consideration for allotment of buildings in similar future schemes of the authority provided the initial deposit of 25% made is not withdrawn by them;

(iv) The decision of the authority is final in all matters pertaining to this scheme.

16. Misrepresentation or suppression of facts.—If the applicant furnishes false information or suppresses any material fact, the application for allotment shall be rejected and any allotment if made cancelled summarily. Rejection or cancellation under these circumstances, will render the applicant ineligible for allotment in future also. All the amounts paid by such applicant shall be forfeited. The applicant will also be liable for criminal prosecution.

17. Restrictions, additions and alterations on sales of buildings.—(1) Notwithstanding anything contained in these rules, and the bye-laws or orders governing allotment of the buildings by the authority, the authority may at the request of the allottee of building, execute a deed of conveyance subject to the following.—

(a) The purchaser shall not alienate the building within a period of 10 years from the date of allotment except.—

(i) by way of mortgage in favour of the Government of India, the Government of Karnataka, Life Insurance Corporation of India, Corporate bodies like Bangalore Development Authority, Karnataka Electricity Board, Karnataka Housing
Board, Bangalore Water Supply and Sewerage board and the like, Housing Co-operative Societies or Banks to secure loans advanced by such Governments or bodies for the purchase of the building;

(b) In the event of the purchaser committing breach of any of the above conditions, the authority may at any time, after giving the purchaser reasonable notice, resume the building free from all encumbrance and the amounts will be forfeited.

All transactions entered into in contravention of the conditions specified above shall be null and void ab initio.

1[(1-A) Notwithstanding anything contained in sub-rule (1), where an allottee has alienated the Building in contravention of clause (a) of sub-rule (1), the Authority may on an application of the transferee of such Building and subject to payment by such transferee an amount equal to twenty-five per cent of the value of the Building determined at the rates specified by the State Government from time to time for the purpose of Registration order for regularisation of sub-alienation and may also convey title to such transferee.]

2[(2) Notwithstanding anything contained in these rules, where the allottee makes an Application to the Authority seeking permission to sell the building during the lease period of ten years on the ground that for reasons beyond his control he is unable to reside in the City of Bangalore or that by reason of his insolvency or improvidence, it is necessary for him to sell the building allotted, the authority may permit him to sell such building subject to his paying to the authority an amount equivalent to fifteen per cent of the allotted value of the building.]

18. Revision.—(i) The Government may suo motu or otherwise call for the record of any decision order or proceeding of the authority under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding;

(ii) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

1. Sub-rule (1-A) inserted by Notification No. UDD 253 MNJ/98, dated 30-7-1999, w.e.f. 5-8-1999
2. Sub-rule (2) substituted by Notification No. UDD 253 MNJ/98, dated 30-7-1999, w.e.f. 5-8-1999
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## FORM 2

**BANGALORE DEVELOPMENT AUTHORITY**

**APPLICATION FORM FOR ALLOTMENT OF BUILDING UNDER SELF-FINANCING HOUSING SCHEME**

| 1. | Name of the applicant (in block letters) |
| 2. | Father/Husband's Name |
| 3. | Date of Birth |
| 4. | Address |
| 5. | Registration No. and date |
| 6. | Initial Deposit |
| | Amount |
| | D.D. No. |
| | Date |
| | Name of the Bank and the Branch |
| 7. | (i) Do you belong to any of the following classes namely:— |
| | (a) Wandering Tribes/Nomadic Tribes/Denotified Tribes/Semi-Nomadic Tribes; |
| | (b) Scheduled Tribes; |
| | (c) Scheduled Castes; |
| | (d) Ex-servicemen or members of the families of deceased servicemen; |
| | (e) Persons domiciled in the State of Karnataka but serving in the armed forces of the Union outside the State of Karnataka |

A KLJ PUBLICATION
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7. (ii) Applied for which category of house:

8. Name of the layout (in order of preference) (1) (2) (3) (4)

9. Have you already applied for allotment of B.D.A. House or site in any other scheme. If so please give application No. with date and Scheme

10. Have you secured a house/site under any other schemes?

11. Do you own a building, house or site in the Bangalore Metropolitan area either in your name or in the name of your spouse or minor children?

I hereby declare that the above information is true to the best of my knowledge and nothing has been concealed. If the above information furnished by me is found to be wrong or false, my application for allotment be rejected and the amount paid be forfeited by the Bangalore Development Authority.

Bangalore: Signature of the applicant.

Date:

Attested:

Magistrate of the First Class or Officer empowered to administer Oath or Affirmation.
FORM 3
[See Rules 10 and 11-A]

Sale Deed

This deed of sale executed on the ............... day of .......... by the Bangalore Development Authority, Bangalore, represented by its Deputy Secretary (hereinafter called the vendor), which term shall include its successors, assigns, etc., of the first part in favour of Sri/Smt. ............... S/o, D/o, W/o, Sri/Smt. ............... aged about ............... years, residing at No. ............... (hereinafter called the purchaser) which term shall include his/her heirs, executors, administrators, successors and assignees etc.) of the second part witnesseth as follows:

Whereas, the vendor has allotted to the purchaser the House No. .......... which is fully described in the Schedule below as per Allotment letter No. BDA/Adm./DS. ............... dated ............... subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Buildings under Self-Financing Housing Scheme) Rules, 1982.

Whereas, the purchaser has paid the full house value of Rupees ............... in cash/D.D. No. ............... dated ............... drawn on ............... Bank ............... Branch, Bangalore and the vendor has acknowledged the receipt of the same.

Now this indenture, witnesses that the vendor for having received the valuable consideration of Rupees ............... from the purchaser, do hereby put the purchaser in actual possession of the schedule house and conveys absolute title to the purchaser all that part and parcel of schedule house, to have, to hold and to enjoy the same peacefully forever as his/her personal and absolute property, free from all encumbrances.

SCHEDULE

All the piece and parcel of House No. .......... Extension/Layout, Bangalore, measuring East to West ............... North to South ............... in all measuring ............... Sq. Mtrs., together with all rights, appurtenances whatsoever whether underneath or above the surface and bounded on:

EAST BY: WEST BY:

NORTH BY: SOUTH BY:

In witness whereof the vendor has affixed his signature to this the day, month and year first written at Bangalore.

Witnesses:
1.
2.
VENDOR.]
1. THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF BUILDINGS
UNDER SELF-FINANCING HOUSING SCHEME) (AMENDMENT)
RULES, 1983

GSR 105.—In exercise of the powers conferred by Section 69 of the
Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) the
Government of Karnataka hereby makes the following rules further to
amend the Bangalore Development Authority (Allotment of buildings under
self-financing housing scheme) Rules; 1982, namely.—

1. Title and commencement.—(1) These rules may be called the
Bangalore Development Authority (Allotment of Buildings under
Self-financing Housing Scheme) (Amendment) Rules, 1983.

(2) They shall come into force at once.

2. Amendment of Rule 5.—For sub-rule (iii) of Rule 5 of the Bangalore
Development Authority (Allotment of Buildings under Self-financing
Housing Scheme) Rules, 1982, the following shall be substituted, namely.—

“(iii) An applicant may, if he has not been allotted a building, claim
refund of the registration fee which would be refunded to him after
deducting 10% towards service charges”.

2. THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF
BUILDINGS UNDER SELF-FINANCING HOUSING SCHEME)
(AMENDMENT) RULES, 1999

GSR 41.—In exercise of the powers conferred by Section 69 of the
Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the
Government of Karnataka hereby makes the following rules, further to
amend the Bangalore Development Authority (Allotment of Buildings under
Self-Financing Housing Scheme) Rules, 1982, namely.—

1. Short title and commencement.—(1) These rules may be called the
Bangalore Development Authority (Allotment of Buildings under

(2) These rules shall come into force from the date of their publication in
the Official Gazette.

1. Published in the Karnataka Gazette, dated 3-5-1984, vide Notification No. HUD 734 MNX 83(II), dated 17-1-1984
2. Published in the Karnataka Gazette, dated 5-8-1999, vide Notification No. UDD/253/MNJ)/98, dated 30-7-1999

A KJ PUBICATION
2. Amendment of Rule 17.—In Rule 17 of the Bangalore Development Authority (Allotment of Buildings under Self-Financing Housing Scheme) Rules, 1982.—

(1) After sub-rule (1), the following shall be inserted, namely.—

"(1-A) Notwithstanding anything contained in sub-rule (1), where an allottee has alienated the Building in contravention of clause (a) of sub-rule (1), the Authority may on an application of the transferee of such Building and subject to payment by such transferee an amount equal to twenty-five per cent of the value of the Building determined at the rates specified by the State Government from time to time for the purpose of Registration order for regularisation of sub-alienation an may also convey title to such transferee."

(2) for sub-rule (2), the following shall be substituted, namely.—

"(2) Notwithstanding anything contained in these rules, where the allottee makes an Application to the Authority seeking permission to sell the building during the lease period of ten years on the ground that for reasons beyond his control he is unable to reside in the City of Bangalore or that by reason of his insolvenCy or impeccuniosity, it is necessary for him to sell the building allotted, the authority may permit him to sell such building subject to his paying to the authority an amount equivalent to fifteen per cent of the allotted value of the building."

THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF BUILDINGS UNDER SELF-FINANCING HOUSING SCHEME) (AMENDMENT) RULES, 2002

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Buildings Under Self-Financing Housing Scheme) Rules, 1982, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Buildings under Self-Financing Housing Scheme) (Amendment) Rules, 2002.

(2) They shall come into force at once.

1. Published in the Karnataka Gazette, dated 26-9-2002, vide Notification No. UDD 150 MNJ 2002, dated 22-8-2002

A.K.I.J PUBLICATION
2. Amendment of Rule 10.—In Rule 10 of the Bangalore Development Authority (Allotment of Buildings under Self-Financing Housing Scheme) Rules, 1982 (hereinafter referred to as the 'said rules').—

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

"(1) After the payments are made, under Rule 9 the authority shall execute and register a sale deed in favour of the allottee. The expenses on account of stamp duty, registration fee and any other incidental charges in respect of the conveyance shall be borne by the allottee;"

(2) sub-rules (2) and (3) shall be omitted.

3. Amendment of Rule 11.—In Rule 11 of the said Rules, sub-rule (iii) shall be omitted.

4. Insertion of new Rule 11-A.—After Rule 11 of the said Rules, the following rule shall be inserted, namely.—

"11-A. Execution and registration of sale deed in case of lease-cum-sale agreement already executed.—Notwithstanding anything contained in these rules and the lease-cum-sale agreement in Form III executed and registered prior to the commencement of the Bangalore Development Authority (Allotment of Buildings under Self-Financing Housing Scheme) (Amendment) Rules, 2002, the Commissioner may on the request of the allottee or lessee of a house, execute a deed of sale. The expenses on account of stamp duty, registration fee and other incidental charges either during the subsistence or expiry of the period of lease shall be borne by the allottee or lessee as the case may be."

5. Substitution of Form III.—For Form III of the said Rules, the following form shall be substituted, namely.—

"FORM III
[See Rules 10 and 11-A]
Sale Deed

This deed of sale executed on the ......................... day of ............... by the Bangalore Development Authority, Bangalore, represented by its Deputy Secretary (hereinafter called the vendor), which term shall include its successors, assigns, etc., of the first part in favour of Sri/Smt. .................. S/o, D/o, W/o, Sri/Smt. .............. aged about ................ years, residing at No. .................. (hereinafter called the purchaser) which term shall include his/her heirs, executors, administrators, successors and assignees etc.) of the second part witnesseth as follows:

Whereas, the vendor has allotted to the purchaser the House No. ............... which is fully described in the Schedule below as per Allotment letter No. BDA/Adm./DS. .................. dated ............... subject to the terms and

Whereas, the purchaser has paid the full house value of Rupees .......... in cash/D.D. No. ........... dated ............... drawn on ............ Bank ............... Branch, Bangalore and the vendor has acknowledged the receipt of the same.

Now this indenture, witnesses that the vendor for having received the valuable consideration of Rupees .......... from the purchaser, do hereby put the purchaser in actual possession of the schedule house and conveys absolute title to the purchaser all that part and parcel of schedule house, to have, to hold and to enjoy the same peacefully forever as his/her personal and absolute property, free from all encumbrances.

SCHEDULE

All the piece and parcel of House No. .......... Extension/Layout, Bangalore, measuring East to West ......... North to South ........ in all measuring ........ Sq. Mtrs.; together with all rights, appurtenances whatsoever whether underneat or above the surface and bounded on:

EAST BY: WEST BY:
NORTH BY: SOUTH BY:

In witness whereof, the vendor has affixed his signature to this the day, month and year first written at Bangalore.

Witnesses:

1.
2.

VENDOR."
THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF CIVIC AMENITY SITES)
RULES, 1989

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A KLJ PUBLICATION
THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF CIVIC AMENITY SITES)
RULES, 1989

(As amended by Notification Nos. UDD 75 MNJ 98, dated 23-4-1998;
and UDD 361 MNJ 2008, dated 27-7-2011)

GSR 72.—In exercise of the powers conferred by Section 69 of the
Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the
Government of Karnataka, hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the
Bangalore Development Authority (Allotment of Civic Amenity Sites)

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) “Act” means the Bangalore Development Authority Act, 1976
(Karnataka Act 12 of 1976);

(b) “Civic Amenity site” means a site earmarked for civic amenity in a
layout formed by the authority or a site earmarked for civic amenity in
a private layout approved by the authority and relinquished to it;

(c) “Form” means a form appended to these rules;

(d) “Institution” means an institution, society or an association
registered under the Karnataka Societies Registration Act, 1960
(Karnataka Act 17 of 1960) or a Co-operative Society registered
under the Karnataka Co-operative Societies Act, 1959 (Karnataka
Act 11 of 1959) or a trust created wholly for charitable educational
or religious purpose;

(e) “Lease amount” means the rent as may be fixed by the authority
having regard to all relevant factors including the market value of
the site;

1. Published in the Karnataka Gazette, dated 30-3-1989, vide Notification No. HUD 238 MNJ
(f) “Lessee” means an institution to which a civic amenity site is allotted and which has entered into an agreement with the authority in that behalf;

(g) “Section” means a section of the Act;

(h) Words and expressions used herein but not defined shall have the meaning respectively assigned to them in the Bangalore Development Authority Act, 1976.

CASE LAW

Rule 2(b) — Petroleum outlet — Long term lease of civic amenity site for opening of — Since State Government, in exercise of power conferred on it by Act, has issued notification specifying “petroleum outlet” also as civic amenity, lease, held, is according to law — Since, grant of lease is to Government company, want of public auction, would not vitiate grant, as such company is entitled under rules to such allotment — Since, in common parlance, “petroleum outlet” includes “diesel outlet”, sale of diesel by lessee, held, is not violative of terms and conditions of lease.

N.K. Jain, C.J. and V.G. Sabhahit, J., Held: Section 2(bb)(vi) enables Government to issue notification specifying civic amenity and in exercise of said power notification was issued on 29-8-1990. Mere fact that diesel is not specifically mentioned would not vitiate grant of lease for opening outlet as the term “petroleum outlet” is used in common parlance. Since second respondent is a Government company, in view of Civic Amenity Site Allotment Rules question of auction would not arise. Petitioners have failed to prove that impugned action of lease of site to second respondent violates fundamental rights or any legal right of the public. — Aicoboo Nagar Residents Welfare Association, Bangalore v Bangalore Development Authority, Bangalore and Another, 2002(6) Kar. L.J. 260A (DB) : ILR 2002 Kar. 4705 (DB).

3. Offer of civic amenity sites for allotment.—(1) The authority may out of the Civil amenity sites available in any area reserve such number of sites for the purpose of providing civil amenity referred to in sub-clauses (i) and (v) of clause (bb) of Section 2, by the Central Government, the State Government, Corporation or by a body established by the Central Government or the State Government.

(2) After making reservation under sub-rule (1) the authority may, subject to Section 38-A and general or special orders of the Government, and having regard to the particulars type of civic amenity required to be provided in any locality offer such of the remaining civic amenity sites for the purpose of allotment on lease basis to any institution:
Provided that the authority shall while so offering the civic amenity sites reserve eighteen per cent of such sites for being allotted to an institution established exclusively for the benefit of Schedule Castes the majority of members of which consists of persons belonging to Schedule Castes and three per cent of such sites to an institution established exclusively for the benefit of Scheduled Tribes the majority of members of which consists of persons belonging to Scheduled Tribes, [and two per cent of such sites for being allotted to an institution established for benefit of physically and mentally disabled belonging to the Scheduled Castes and the Scheduled Tribes] and if at the time of making allotment sufficient number of such institutions are not available the remaining sites so reserved may be allotted to other institutions.

(3) Due publicity shall be given in respect of civic amenity sites so offered for leasing to the institutions, specifying their location, number, dimension, purpose, and last date for submission of application and such other particulars as the Commissioner may consider necessary, by affixing a notice on the notice board of the office of the authority and also by publishing in not less than two daily news papers in English and Kannada having vide circulation in the City of Bangalore.

CASE LAW

Rule 3(3) — Offer of civic amenity sites for allotment — Rule requiring Authority to give due publicity to — Application of Rule is not attracted for leasing out sites remaining after reservation are made, as per direction of Government.

R. Gururajan, J., Held: Sub-rule (2) of Rule 3 says that after making reservation under sub-rule (1) the Authority may, subject to Section 38-A and general or special orders of the Government and having regard to the particular type of civic amenity required to be provided in any locality offer such of the remaining civic amenity sites for the purpose of allotment on lease basis to any institution. . . . A careful reading of Rule 3 would show that Rule 3(2) is subject to Section 38-A and general or special orders of the Government in the matter. When there is a standing order of the Government in the matter of lease of the land to BDA, the question of violating Rule 3 does not arise. Rule 3 would apply to only to such cases which are not governed under Section 38-A of the Act. ⇒ NAL Layout Residents’ Association, Bangalore and Another v Bangalore Development Authority and Another, 2005(3) Kar. L.J. 86.

4. Disposal of sites reserved.—Notwithstanding anything to the contrary the sites reserved under sub-rule (1) of Rule 3 may be allotted to the

---

1. Inserted by Notification No. UDD 74 MNJ 2009, dated 20-4-2010, w.e.f. 17-5-2010
categories specified therein on lease basis by the authority for the purposes of providing civic amenity subject to such terms and conditions as may be specified by it.

CASE LAW

S. 4 — Allotment of C.A. site reserved for playground and college — To start an educational institution by the Society — Whether valid?

HELD: The allotment was made in the year 1994. There was no objection by the petitioners who are the residents of the locality for reserving the site for public amenities. The Authority had leased the property in accordance with the provisions of the Act. The petitioners have not questioned the notification issued by the B.D.A. for allotment. It is not shown as to how these petitioners are affected by the allotment of C.A. site, for the purpose for which it was reserved. There is no violation of the provisions of B.D.A. Act by allotment of C.A. site. — The Residents of Mico Layout, 11th Stage, Bangalore and Others v J.S.S. Mahavidya Peetha, Mysore and Others, 1997(4) Kar. L.J. 442B.

5. Registration.—(1) Every institution applying for civic amenity site shall register itself with the authority on payment of registration fee specified in the table below. If any institution withdraws the registration, the authority shall refund to such institution the entire registration fee paid by it after deducting ten per cent of the registration fee towards service charges. The Registration shall be done in Form I.

<table>
<thead>
<tr>
<th>Area of site in sq. metres:</th>
<th>Fee (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 and below</td>
<td>2,500</td>
</tr>
<tr>
<td>Above 1000 but below 2000</td>
<td>5,000</td>
</tr>
<tr>
<td>2000 and above but below 4000</td>
<td>7,500</td>
</tr>
<tr>
<td>4000 and above</td>
<td>10,000</td>
</tr>
</tbody>
</table>

(2) The Registration once made shall be valid for subsequent allotment unless the institution withdraws the registration.

(3) The registration fee paid shall not be refundable or adjustable if a civic amenity site is allotted to an institution.

6. Eligibility.—(1) The authority may allot civic amenity site on lease basis only to an institution which is registered under Rule 5.

(2) Civic amenity site shall not be allotted to any institution unless it has capacity to provide the type of civic amenity for providing which the site is offered.
7. Principles of Selection of institutions for leasing out civic amenity sites.—(1) The authority shall consider the case of each institution on its merits and shall have special regard to the following principles in making the selection. —

(a) The objectives and activities of the institution and public cause served by it since its establishment;

(b) The financial position of the institution;

(c) The present location of the institution;

(d) The benefit likely to accrue to the general public of the locality by allotment of the civic amenity site;

(e) The bona fide and genuineness of the institution as made out in the annual reports, audit report etc.;

(f) The need of the civic amenity site by the institution for providing the civic amenity in question.

(2) For the purpose of sub-rule (1), the authority may constitute a separate committee to be called "civic amenity site allotment committee" consisting of three official members and three non-official members. The Chairman of the authority shall be the Chairman of the Civic Amenity Site Allotment Committee.

(3) Subject to the approval of the authority, the decision of the Civic Amenity Site Allotment Committee shall be final.

CASE LAW

Rule 7 — Allotment of civic amenity sites — Bangalore Development Authority notified inviting applications — Site reserved for setting up a nursing home — But allotted an applicant to start an educational institution — Unsuccessful applicant challenged allotment in writ petition — Held — In public notice issued by Bangalore Development Authority, it is earmarked for starting a nursing home — No comparative evaluation of merits of each applicant — Committee not taken decision to allot site by itself — Abdicated their power and surrendered it to Chairman and Commissioner — Allotment is contrary to statutory provisions of law and illegal — Allotment cancelled — Matter remitted back to Committee — [Constitution of India, Article 226 — Writ petition].

N. Kumar, J., Held: The property in question is a civic amenity site. It was notified for allotment by way of public notice. In the public notice issued, it is earmarked for starting a nursing home. The allotment of a civic amenity site is governed by the provisions of Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989...... According to Rules after receipt of the applications in pursuance of an advertisement issued, the
Committee shall consider of case of each of the institution which has applied for allotment of a civic amenity site on its merits. In considering the claim of each of the applicants on merits, sub-rule (1) categorically provides what are the factors which should weigh in the minds of the members of the Committee while making a selection. It is after comparative comparison on the merits of each applicant, they have to take a decision. After the decision is taken, if it is approved by the authority i.e., the Bangalore Development Authority, this decision of the Committee would be final. A reading of the resolution makes it clear that they have received four applications and one statement of objections insofar as site which is earmarked for nursing home. A discussion took place in the said meeting. Thereafter they have taken a decision to authorise the Chairman and Commissioner of the Bangalore Development Authority to take a decision in the matter of allotment. The proceedings of the Bangalore Development Authority shows that the proceedings of this Committee is confirmed. It is thereafter the allotment letter has been issued. From undisputed facts, it is clear in the first place that there is no reference to the application of the applicant in the resolution. There is no comparative evaluation of merits of each applicant. Moreover the committee has not taken any decision to allot the site by itself. They have abdicated their power and surrendered the same to the Chairman and the Commissioner of the Authority. Therefore, it is clear the allotment made in those circumstances is contrary to the statutory provisions of law, illegal and cannot be sustained. — S.G.R. Technical and Educational Society, Bangalore v State of Karnataka and Others, 2008(1) Kar. L.J. 642.

Rule 7 — Civic amenity site — Selection of institution for allotment of — Institution not qualified or eligible for allotment cannot question made — Where authority has made allotment after inviting applications and after duly considering cases of all applicants, decision making process followed by authority is to be held as just and proper and Court cannot in exercise of writ jurisdiction, re-examine comparative merits of applicants. — S.G. Heble and Others v Bangalore Development Authority and Others, 1997(7) Kar. L.J. 352D.

Rule 7 — Civic amenity site — Institution selected for allotment of, for construction of community hall — Ground for cancellation of allotment — Mere apprehension that institution may utilise community hall to be constructed by it, for commercial purpose by using it as Kalyan Mantap, cannot be ground for cancellation of allotment — It is for authority to take appropriate action if conditions of allotment are violated. — S.G. Heble and Others v Bangalore Development Authority and Others, 1997(7) Kar. L.J. 352C.

Rule 7(1) — Civic amenity site — Procedure for selection of institution for allotment of — Case of each institution which has applied for allotment has to be considered — Where in respect of particular civic amenity site,
allotment made to one applicant-institution, without considering cases of
other applicants on merits, is to be held vitiated and liable to be quashed.

Chandrashekaraiah, J.,—Sub-rule (1) of Rule 7 provides that the authority
shall consider the case of each institution on its merits. Sub-rule (2) of Rule 7
provides for constitution of the Committee for the purpose of allotment of
Civic Amenities Sites. Pursuant to sub-rule (2) of Rule 7, the Committee has
been constituted. The B.D.A. has placed all the applications filed before the
Committee. Sub-rule (1) of Rule 7 provides that every application filed by the
institution is to be considered on its own merits. From the proceedings, it is
seen that there is no consideration of any of the application filed seeking
allotment of Site No. 4 of Pillanna Garden by the Committee. Therefore,
selection of respondent 2 without considering the other applications on their
own merit is in breach of sub-rule (1) of Rule 7 of the Rules.... The B.D.A. has
not produced any material to show that each of the applications filed has
been considered on merits. If that is so, the allotment of site made by the
B.D.A. on the basis of the selection made by the Committee is totally illegal
and is liable to be quashed. — Vineeth Education Society (R), Bangalore v The

8. Lease amount of the allotted to institutions.—(1) The lease amount of
the site to be allotted on lease basis in any area shall be fixed by the authority:

1[Provided that the lease amount of a site allotted to the Bangalore
Mahanagar Transport Corporation, for the purpose of constructing a bus
depot or a bus stand in the layouts formed by the authority, shall be the cost
of the land plus twenty per cent thereof towards expenses.]

(2) The lease amount may be notified while inviting or in annual
installments during the lease period.

(3) The lease amount of a site notified while inviting applications may be
altered by the authority and the institutions may accept the site at the altered
rate or decline allotment.

(4) Allotment may be made at fifty per cent of the lease amount fixed by
the authority in the following case.—

(a) Institutions established for the welfare of physically and mentally
handicapped[2], Scheduled Castes and the Scheduled Tribes:

2[Provided that in respect of an allottee under clause (a) who is not
allowed with the benefit of reduction of fifty per cent of lease amount shall be
allowed fifty per cent reduction in the annuity lease amount from the date of

2. Inserted by Notification No. UDD 74 MNJ 2009, dated 20-4-2010, w.e.f. 17-5-2010
3. Proviso inserted by Notification No. UDD 74 MNJ 2009, dated 20-4-2010, w.e.f. 17-5-2010

A KLJ PUBLICATION
commencement of the Bangalore Development Authority (Allotment of Civic Amenity Sites) (Amendment) Rules, 2009.]

(b) Educational institutions running the schools in only Kannada medium;

(c) The departments of the Central Government or the State Government, Corporation, or a body established by the Central Government or the State Government.

CASE LAW

Rule 8 — Allotment of site — Resolution for — Mere passing of resolution by Authority to allot particular site at specified rate does not create any right in applicant unless allotment letter is issued to him.

Held: The site that was proposed to be allotted under Resolution dated 16-4-1994 was not available and as a result of which the petitioner was not issued the allotment letter. Since allotment letter was not issued to the petitioner, the petitioner did not accrue any right on the said site. — Matadahally Jagajivan Ram Sarvodaya Sangha (Registered), Bangalore v Bangalore Development Authority, Bangalore, 1999(2) Kar. L.J. 212B.

Rule 8(3) — Lease amount — Alteration of — Authority is competent to alter lease amount notified while calling for applications — No right vested in applicant to insist that allotment must be at ‘notified rate’ — Where applicant could not be allotted site notified for allotment in 1994 at Rs. 150 per sq. metre and was therefore, offered alternative site in 1997 at Rs. 650 per sq. metre, choice open to applicant is either to accept offer at altered rate or to decline it.

Held: Assuming that the rate is the altered rate, as per Rule 8(3) of the Rules it is for the petitioner to accept the same or decline to accept the allotment. The option is left to the petitioner. — Matadahally Jagajivan Ram Sarvodaya Sangha (Registered), Bangalore v Bangalore Development Authority, Bangalore, 1999(2) Kar. L.J. 212A.

9. Application.— (1) The institutions registered under Rule 5 may apply in Form II for allotment of a civic amenity site along with initial deposit at ten per cent of the notified lease amount of the site.

(2) The applications shall be presented in person or sent by registered post so as to reach the office of the Commissioner before the last date and time fixed for the receipt of such applications. The applications received after the due date and time fixed and which are defective and incorrect are liable to be rejected.
10. Conditions of allotment of civic amenity sites.—(1) Allotment of civic amenity sites under these rules shall be on a lease basis for a period not exceeding thirty years.

(2) The institutions to which the civic amenity sites are allotted shall within a period of ninety days from the date of receipt of notice of allotment pay to the authority either the balance lease amount after deducting the initial deposit in one lumpsum or pay the first annual installment of the lease amount in which case initial deposit paid along the application shall be adjusted only towards last installments.

(3) If the lease amount or the annual installment is not paid within the period of ninety days, further extension of time not exceeding sixty days may be given and the institution shall pay in addition, interest at the rate of eighteen per cent on the said amount for the extended period. If the lease amount or the installment is not paid within such extended period also, then registration fee and the initial deposit shall be liable to forfeiture and the allotment cancelled without any period intimation:

[Provided that no interest shall be levied, demanded or collected from Government Departments or undertakings for the delayed payment of the lease amount or annual instalments.]

(4) After payment under sub-rule (2) or, as the case may be, under sub-rule (3) is made, the authority shall call upon the institution to execute a lease agreement in Form III and after the execution of such agreement by it and the authority, the same shall be registered by the institution. If the agreement is not executed within forty five days after the authority has called upon the institution, to execute such agreement, the registration fee and initial deposit paid by the institution may be forfeited and the allotment of the site cancelled. The amount paid by the institution towards the lease amount shall be refunded to the institution after deducting such expenditure as might have been incurred by the authority.

(5) As soon as may be possible after the registered agreement is submitted to the authority, the possession of the site shall be handed over the lessee. The lease period commences from the date of registration of the lease agreement.

(6) The annual installment shall be paid by the lessee in terms of the lease agreement executed under sub-rule (4):

2[x x x x x.]

(7) The lessee shall complete the construction of the building within a period of three years from the date of registration of the lease agreement or
[such extended period, not exceeding three years, as the Authority may in
specified case by written order permit, subject to payment of penalty at such
rates as may be notified by the State Government from time to time]. If the
building is not constructed within the said period, the allotment may, after
giving reasonable notice to the institution, be cancelled, the agreement revoked
and the lessee evicted from the site by the authority and after forfeiting twelfth
and half per cent of the lease amount paid by the institution the authority shall
refund the balance to the institution.

(8) With effect from the date of taking possession of the site, the lessee
shall be liable to pay the taxes, fees and cesses payable in respect of the civic
amenity site and any building erected thereon.

(9) The lessee shall not become the owner of, or derive any title to, the site
allotted.

(10) The lessee shall not sub-divide or alienate or create any charge on, the
civic amenity site.

(11) The lessee shall exclusively use the site for providing the civic
amenity for which it is allotted.

(12) If the lease is not renewed, or has been determined or terminated
before the expiry of lease the site allotted along with the buildings thereon
shall after the expiry of the lease or as the case may be after the termination or
determination of the lease vest in the authority free of cost and free from any
encumbrance and the authority shall have right to enter premises and take
possession thereof.

(13) The lessee shall comply with the conditions of the agreement
executed and other rules, bye-laws of the authority or the Corporation, as the
case may be, for the time being in force.

CASE LAW

Rule 10(5) — Possession of site allotted — Failure of authority to hand
over to allottee — Allottee who had paid sital value and has executed lease
agreement, is entitled to be put in possession of site — Where authority,
instead of handing over possession of site, had, after lapse of four years,
made fresh allotment of smaller site for higher value in lieu of larger site
already allotted, and demanded payment of differential sital value, such
action of authority, held, is legally unjustified — Mandamus lies to authority
to hand over to allottee possession of site in respect of which he had already
executed lease agreement.

1. Substituted for the words “such extended period as the authority may in any specified
case by written order permit” by Notification No. UDD 75 MNJ 98, dated 23-4-1998, w.e.f.
24-4-1998
Mohamed Anwar, J., Held: An application in the prescribed form for allotment of a civic amenity site in Nandini Layout formed by BDA, for the purpose of Community Hall was made by the petitioner to the BDA authorities. On that application, the site measuring 1225 Sq. Mtrs. was duly allotted by the BDA to the petitioner under its order dated 9-8-1994 fixing the price therefor at Rs. 3,67,500/-. The price amount of the said site was also duly paid to the BDA and that the registered lease deed in the prescribed form has been executed. Then what was required on the part of BDA was to put the allottee in actual physical possession of the allotted site. The authority was legally duty-bound to deliver possession of the site to the lessee for its enjoyment in terms of the lease deed. Instead of delivering possession of the site to the lessee, the BDA after about 4 years proceed to issue another allotment order dated 3-8-1998 in petitioner’s favour, stating that in lieu of the said bigger site measuring 1225 Sq. Mtrs. another smaller site measuring 467 Sq. Mtrs. has been allotted to the petitioner. It is not the case of the respondent-BDA that the earlier allotment of the bigger site made under its order dated 9-8-1994 had been fully cancelled. Thus, there was no sufficient legal justification for BDA to take away the said allotted site from the petitioner-lessee and to compel it to accept another smaller site indicated in its subsequent order dated 3-8-1998 in lieu thereof. The impugned Annexure dated 3-8-1998 is quashed. Respondents are directed to deliver to the petitioner-lessee the physical possession of the site shown in the BDA’s order dated 9-8-1994 in terms of the lease deed. — The Secretary, Committee of Management, Sree Siddalingeswara Swamy Shrine, Yediyur, Kunigal Taluk, Tumkur District v The Bangalore Development Authority and Another, 2002(3) Kar. L.J. 262 : ILR 2001 Kar. 3034.

Rule 10(7) — Petitioner failed to construct a building in accordance with terms and conditions of lease — Cancelled allotment of site — Forfeited entire lease amount paid by petitioner — (i) Whether respondent right in forfeiting entire lease amount? — (ii) Whether respondent can cancel lease without giving adequate opportunity for petitioner? — Due to financial constraints petitioner could not commence construction — Case of petitioner not considered in a proper perspective — Sub-rule (7) of Rule 10 of Rules does not empower respondent to forfeit entire lease amount — At best respondent can forfeit only 12.5% of lease amount and has to refund balance to petitioner — Writ petition allowed — Matter remitted to respondent to reconsider case of petitioner — [Constitution of India, Articles 226 and 227].

K.L. Manjunath, J., Held: It is clear that respondent has not considered the request of the petitioner for extension of time. Only on the ground that petitioner has failed to construct he building within the stipulated time, resolution was passed to forfeit the amount and to cancel the lease. The site in question was leased in favour of the petitioner to commence a Kannada Medium School. According to the petitioner, due to financial constraints,
petitioner could not commence the construction. This aspect of the matter has not been considered by the respondent in its resolution dated 13-11-2001. Since the reasons assigned for cancellation of the lease is on an altogether different ground, it has to be held that the case of the petitioner has not been considered by the respondent in a proper perspective. . . . While cancelling allotment made in favour of the petitioner, respondent has forfeited the entire lease amount deposited by the petitioner: Sub-rule (7) of Rule 10 of the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, does not empower the respondent to forfeit the entire lease amount. — Indian Education Society (R), Bangalore v. The Commissioner, Bangalore Development Authority, 2004(6) Kar. L.J. 272 : ILR 2004 Kar. 4349.

11. Voluntary surrender.—An allottee may at any time after the allotment, surrender the civic amenity site allotted by the authority. On such surrender, the authority shall refund the amount paid by the institution to the authority in respect of the said civic amenity site.

Allotment of Civic Amenity Sites Rules, 1989

FORM 1

BANGALORE DEVELOPMENT AUTHORITY

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<tr>
<th></th>
<th>Registration No.</th>
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<tr>
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<td>(a) Name of the Person, registered (Institution, society, Association, Public Trust)</td>
<td>(a) Name of the persons registered (Institution, society, Association, Public Trust)</td>
</tr>
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<td></td>
<td>(b) The name of the authorised representative of Institution, the Association, society or public Trust</td>
<td>(b) The name of the authorised representative of Institution, the Association, Society or public Trust</td>
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<td>3.</td>
<td>Address</td>
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<td>4.</td>
<td>Has Registration fee been paid Amount D.D. No. Date Name of the Bank and the Branch</td>
<td>Has Registration fee been paid Amount D.D. No. Date Name of the Bank and the Branch</td>
</tr>
<tr>
<td>5.</td>
<td>Signature of the registered person</td>
<td>Signature of the Registered person</td>
</tr>
<tr>
<td></td>
<td>Signature of the Person received the deposit Bangalore Date</td>
<td>Signature of the Person received the deposit Bangalore Date</td>
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</table>
Allotment of Civic Amenity Sites Rules, 1989

FORM 2
BANGALORE DEVELOPMENT AUTHORITY

Application form for allotment of civic amenity site under the Bangalore Development Authority Allotment of Civic Amenity Sites Rules, 1989

Name of Layout:
The Category of Civic Amenity

<p>| | |</p>
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<tbody>
<tr>
<td>1.</td>
<td><strong>(a)</strong> Name of the Applicant (Institution, Association, Trust or Society (in Block letters))</td>
</tr>
<tr>
<td></td>
<td><strong>(b)</strong> Name of the Office bearers of the Institution</td>
</tr>
<tr>
<td></td>
<td><strong>(c)</strong> If Institution is registered under any law, number and date of such registration. (Enclose a copy of the certificate of registration)</td>
</tr>
<tr>
<td>2.</td>
<td>The date of the Resolution passed for seeking allotment. (a copy may be enclosed)</td>
</tr>
<tr>
<td>3.</td>
<td>Address of the applicant</td>
</tr>
<tr>
<td>4.</td>
<td>Number of Registration with BDA and date</td>
</tr>
<tr>
<td>5.</td>
<td><strong>Initial deposit</strong></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Size of the site applied for:</td>
</tr>
<tr>
<td>7.</td>
<td>How many times have you already applied to the BDA for Civic Amenity site. Give details of application No. with date and initial amount deposited</td>
</tr>
<tr>
<td>8.</td>
<td>Details of the capacity of the institution to provide the type of Civic Amenity for which site is offered.</td>
</tr>
<tr>
<td>9.</td>
<td>Whether your Institution is established exclusively for the benefit of Scheduled Castes/Scheduled Tribes and whether the majority of members belong to Scheduled Castes/Scheduled Tribes</td>
</tr>
</tbody>
</table>

A KLJ PUBLICATION
10. The objectives and the activities of the institution and public cause served since its establishment. (copy of annual report and audit report, if any may be enclosed).

11. The Financial position of your Institution

12. Present Location of the Institution.

I hereby declare that the above information is true to the best of my knowledge and nothing has been concealed. If the above information furnished by me is found to be wrong or false, my application for allotment shall be rejected and the amount paid be forfeited to the BDA.

Bangalore:

Dated: 

Signature of Applicant.

FORM 3
Lease Agreement

1. That this agreement of lease entered into this .......day of .......One Thousand Nine Hundred and Eighty Nine between the ....... ....... hereinafter called the Lessee on the one part and the Bangalore Development Authority, Bangalore represented by its Secretary, hereinafter called the Lessor on the other part. The terms 'Lessee' and 'Lessor' mentioned above in this agreement shall mean and include the successors in office or representatives or assigns witnesseth as follows.—

2. That the Lessee applied for the lease of Civic amenity site to the Lessor for the benefit and use of the said site for the construction of ....... ....... for the specific purpose mentioned hereunder the lessor having agreed to for lease of the scheduled land to the lessee subject to the terms and conditions mentioned hereafter. That the lease property which is more fully described in the scheduled to this agreement has been leased for a period of Thirty years (30 years) commencing from the date of issue of the Possession Certificate.

3. That the lessee having agreed to pay the Lessor the principal of the lease amount of Rs. ....... ....... (Rupees. ....... ....... ) which is worked out in accordance with the policy decision of the authority.

4. That the lease period of thirty years prescribed in this agreement in the first instance may be renewed subject to the renewal for a period to be determined by the Lessor, on payment of rent of Rs. ....... only per annum or for any other amount then to be fixed by the Lessor by a separate deed.

5. That the lessee shall use the schedule property only for the purpose of construction of ....... .......and for providing ....... civic amenity and shall not use it for any other purpose.
6. That the lessee shall not sub-divide or alienate by way of lease or otherwise or create any charge or otherwise deal with the schedule property either wholly or in part.

7. That the Lessee shall obtain licence and start construction of the..........
...building, as per plan approved and mentioned by the lessor within six
months, and will complete the same within two years.

8. That the Lessee shall not put up any permanent structures on the land
other than the above mentioned structures specially mentioned hereunder.

9. That the lessee shall not become the owner or derive any title to the
property.

10. That the Lessee agrees that the lease amount fixed is tentative and is
subject to enhancement and agrees to pay the enhanced lease amount in case
the compensation for the land in which the schedule property is included is
enhanced by the Court under the Land Acquisition Act.

11. That the Lessee shall not violate or infringe any of the terms and
conditions mentioned above and if Lessee were to violate any of the terms
and conditions the Lessor is at liberty to resume the schedule property with
thirty days notice to the Lessee and to re-enter the property free of all
objections from the lessee or any person claiming through him and the
money, if any, paid shall also be liable to be forfeited by the Lessors.

12. That in consideration of the sum of Rs. ........... (Rs. ...............) which the
Lessor hereby acknowledge the parties to this agreement with free will and
consent set their hands and seals the day above mentioned in this schedule.

SCHEDULE

Civic Amenity site. ................. bounded on the:

EAST BY :
WEST By :
NORTH BY :
SOUTH BY :

WITNESSES :
1.
2. Signature of the Lessor

WITNESSES :
1.
2. Signature of the Lessee.

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THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) (AMENDMENT) RULES, 1998

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka, hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Civic Amenity Sites) (Amendment) Rules, 1998.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In Rule 10 of the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, in sub-rule (7), for the words “such extended period as the Authority may in any specified case by written order permit”, the words “such extended period, not exceeding three years, as the Authority may in specified case by written order permit, subject to payment of penalty at such rates as may be notified by the State Government from time to time” shall be substituted.

THE
BANGALORE
DEVELOPMENT AUTHORITY
(ALLOTMENT OF CIVIC AMENITY SITES) (AMENDMENT)
RULES, 2007

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Civic Amenity Sites) (Amendment) Rules, 2007.

1. Published in the Karnataka Gazette, Extraordinary, dated 24-4-1998, vide Notification No. UDD 75 MNJ 98, dated 23-4-1998
(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 8.—In Rule 8 of the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989 (hereinafter referred to as ‘said rules’), after sub-rule (1), the following proviso shall be inserted, namely.—

“Provided that the lease amount of a site allotted to the Bangalore Mahanagar Transport Corporation, for the purpose of constructing a bus depot or a bus stand in the layouts formed by the authority, shall be the cost of the land plus twenty per cent thereof towards expenses”.

3. Amendment of Rule 10.—In Rule 10 of the said rules, after item (6), the following proviso shall be inserted, namely.—

“Provided that no interest shall be levied, demanded or collected from Bangalore Mahanagar Transport Corporation, for the delayed payment of the lease amount or annual installment upto 120 days”.

THE BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) (AMENDMENT) RULES, 2009

In exercise of the powers conferred under Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Civic Amenity Sites) (Amendment) Rules, 2009.

(2) They shall come into force the date of its publication in the Official Gazette.

2. Amendment of Rule 3.—In the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989 (hereinafter referred to as the ‘said rules’). In Rule 3, in sub-rule (2), in the proviso, after the words “which consists of persons belonging to Scheduled Tribes”, the words “And two per cent of such sites for being allotted to an institution established for benefit of physically and mentally disabled belonging to the Scheduled Castes and the Scheduled Tribes” shall be inserted.

1. Published in the Karnataka Gazette, Extraordinary No. 523, dated 17-5-2010, vide Notification No. UDD 74 MNJ 2009, dated 20-4-2010

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3. Amendment of Rule 8.—In Rule 8 of the said rules, in sub-rule (4), in clause (a).—

(i) after the words "Physically and mentally handicapped" a "comma" and the words "Scheduled Castes and the Scheduled Tribes" shall be inserted; and

(ii) after clause (a), the following proviso shall be inserted, namely.—

"Provided that in respect of an allottee under clause (a) who is not allowed with the benefit of reduction of fifty per cent of lease amount shall be allowed fifty per cent reduction in the annuity lease amount from the date of commencement of the Bangalore Development Authority (Allotment of Civic Amenity Sites) (Amendment) Rules, 2009".

THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF CIVIC AMENITY SITES) (AMENDMENT) RULES, 2010

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Civic Amenity Sites) (Amendment) Rules, 2010.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In the Bangalore Development Authority (Allotment of Civic Amenity Sites) Rules, 1989, in Rule 10.—

(a) proviso to item (6) shall be omitted; and

(b) after sub-rule (3), the following shall be inserted, namely.—

"Provided that no interest shall be levied, demanded or collected from Government Departments or undertakings for the delayed payment of the lease amount or annual instalments".

1. Published in the Karnataka Gazette, dated 8-9-2011, vide Notification No. UDD 361 MNJ 2008, dated 27-7-2011

A KIJ PUBLICATION
THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) RULES, 1984

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THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) RULES, 1984


GSR 210.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976, (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, namely:—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) Rules, 1984.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Bangalore Development Authority Act, 1976, (Karnataka Act 12 of 1976);

(b) “Allottee” means the person to whom a site is allotted under these rules;

(c) “Category I” means the Category I of Other Backward classes as may be notified by the State Government from time to time.

(d) “Economically Weaker Section” means, “person considered to be belonging to Economically Weaker Section as notified by Government from time to time”, provided that the person satisfies the conditions laid down in sub-rule (2) of Rule 10.

1. Published in the Karnataka Gazette, Extraordinary, dated 20-8-1984, vide Notification No. HUD 622 MNX 83, dated 18-8-1984
2. Clause (c) substituted by Notification No. UDD 265 MNJ 2014, dated 7-10-2015, w.e.f. 8-10-2015
3. Clause (d) substituted by Notification No. UDD 129 MNJ 97, dated 6-2-1998, w.e.f. 14-2-1998
(e) "Family" in relation to a person means such person, the wife or husband, as the case may be of such person, and the children, parents, sisters and brothers of such person, and wholly dependent on him;

(f) "Form" means a form appended to these rules;

(g) "Income" means the annual income of a person;

(h) "Person with disabilities" means a person who is defined as such in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996);

(i) "Scheduled Castes" and "Scheduled Tribes" means the Scheduled castes and the Scheduled Tribes specified in respect of the State of Karnataka in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950 for the time being in force;

(j) "Stray sites" means a site which was once allotted but subsequently the allotment was either cancelled by the Authority or surrendered by the allottee or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

CASE LAW

Rules 2(j) and 5 — Marginal land — Stray site distinction — There is no law relating to allotment of marginal land — There are guidelines to allot stray sites — Alleged marginal land treated as independent site allotted to third respondent — Petitioner claiming same — Held, petitioner is dis-entitled to claim marginal land and further quashed the endorsement allotting the disputed marginal land in favour of 3rd respondent thus petition is allowed in part.

Ram Mohan Reddy, J., Held: Petitioner is said to have made a representation dated 24-11-2004 to allot the marginal land measuring 360 sq. ft. which was responded to by endorsement dated 12-10-2011 Annexure-T stating that the marginal land is allotted to the 3rd respondent on 2-2-2011. Petitioner having instituted CCC No. 1861 of 2011 (Civil), the Division Bench by order dated 14-10-2011 reserved liberty to the petitioner to challenge the endorsement dated 12-10-2011, and disposed of the said petition. Hence, this petition. . . . .

. BDA points to the definition of the term stray site in Rule 2(j) of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 to mean that, a site which was once allotted, but subsequently, allotment was either cancelled by the authority or surrendered by the party or a site which has been formed on account of re-adjustment and subsequent to the issue of the

1. Clause (h) substituted by Notification No. UDD 265 MNJ 2014, dated 7-10-2015, dated 8-10-2015

A KI Publication
notification inviting applications for allotment of sites, to submit that the site in question bearing No. 3C-501 is one of those sites, which is formed on a re-adjustment and subsequent to the issue of the notification inviting applications for allotment of sites. ....... If that is so, then the site in question being a stray site falling within the definition of the said term under Rule 2(j) of the Rules, its allotment must comply with Rule 5 relating to the allotment of stray sites in accordance with guidelines issued by the Government ....... Keeping in mind, the fact that there is neither a site called as marginal land nor a law relating to allotment of marginal land and the fact that the site in question is a stray site, to be allotted only in terms of the guidelines as provided in the circular, the petitioner is dis-entitled to a direction to the BDA to consider allotting the alleged marginal land on the eastern boundary of the petitioner’s property. The relief to quash the endorsement Annexure-T indicating site No. 3C-501 is an alternative allotment in favour of 3rd respondent, cannot be sustained and calls for interference. This petition is allowed in part. The allotment of site No. 3C-501 in favour of 3rd respondent is quashed. - Smt. Nirmala v Bengalooru Development Authority (BDA), Bengalooru and Others, 2013(6) Kar. L.J. 323.

3. Offer of sites for allotment.—(1) Whenever the Authority forms an extension or layout in pursuance of any scheme, the Authority may, subject to the general or special orders of the Government, offer any or all the sites in such extension or layout for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the last date for submission of applications and such other particulars, as the Commissioner may consider necessary, by affixing a notice to the Notice Board and the Office of the Authority and any other office as the Commissioner may decide from time to time and by publication in not less than three daily newspapers published in the City of Bangalore in English and in Kannada, having a wide circulation in the city.

CASE LAW

Rule 3 — Allotment of sites — Notification inviting applications with deposit money from public for — Issuance of such notification after acquisition of land cannot be said to be illegal or unauthorised.

N.K. Sodhi, C.J. and N. Kumar, J., Held: In the instant case, a scheme was formulated under Sections 15 and 16 of the BDA Act, and preliminary notification was issued under Section 17(1) and after obtaining sanction from the Government under Section 18(3), final notification was issued under Section 19(1) of the Act. It is only after following the aforesaid procedure
prescribed under law, applications were called for under the Rules prescribed. Therefore, the action of the BDA was not only authorised and it was not opposed to any provisions of the BDA Act. — *The Commissioner, Bangalore Development Authority and Another v State of Karnataka and Another*, 2006(1) Kar. L.J. 1F (DB) : ILR 2006 Kar. 318 (DB) : 2006(1) AIR Kar. R. 383 (DB).

**Rule 3** — Land Acquisition Act, 1894, Section 16 — Offer of sites for allotment — Issue of notification for — When lands acquired have not been taken possession of land notified and when no sites are formed, offer of sites for allotment is without authority of law.

_V. Gopala Gowda, J._ Held: BDA proceeded to invite applications for allotment of sites without forming the sites. Section 16 of the L.A. Act stipulates that after award is made, the Deputy Commissioner shall take possession of the land. The fact of taking over possession shall be notified under Section 16(2) of the L.A. Act. Thereafter, the land will absolutely vest in the Government, free from all encumbrances. . . . Notifications under Section 16(2) of L.A. Act are not yet published in the Gazette for having taken possession of the lands by the Deputy Commissioner. Possession of the lands were alleged to have been taken by the Land Acquisition Officer of the BDA. Even for that also, the signatures of the owners are not obtained. The Deputy Commissioner has not transferred the lands to BDA. . . . The procedure contemplated is not followed. Mere taking symbolic possession, which is not permissible in law. — *Sharadamma and Others v State of Karnataka and Others*, 2005(4) Kar. L.J. 481J.

**Rule 3** — Revenue sites acquired by Bangalore Development Authority — Intimation by Bangalore Development Authority to allot alternate site at old rate — Site not allotted — In the absence of Rule providing for allotment of alternate site under Bangalore Development Authority Rules, site cannot be allotted. — *B.S. Puttanna Setty v The Commissioner, Bangalore Development Authority*, 1991(1) Kar. L.J. 512.

**Rules 3, 6 and 7** — Constitution of India, Article 226 — Interest — Award for payment of — Refund of bid amount deposited by bidder in auction sale of corner site, on failure of authority to hand over site after accepting bid — Award of interest at 18% per annum, held, is justified as authority is also collecting interest from bidder at same rate for delay in depositing full amount of bid.

_V.G. Sabhahit and B. Manohar, JJ._ Held: Award of interest at 18% p.a. is also reasonable as BDA itself had charged interest at 18% p.a. for the belated payment of the auction amount offered by the respondent. Accordingly, we hold that the order passed by the learned Single Judge is justified and does not suffer from any error or illegality as to call for interference in this appeal.
The Commissioner, Bangalore Development Authority, Bangalore v K. Shiva Kumar, 2011(3) Kar. L.J. 359B.

4. Reservation of sites to economically weaker sections.—(1) The Authority may set apart \[40\%\] of the total number of sites in any area for allotment to persons belonging to economically weaker section at 50% of the value of the sites.

(2) Out of the sites set apart under sub-rule (1), the Authority shall allot not less than 15%, 3% and 2% of the sites to the persons belonging to Scheduled Castes, Scheduled Tribes and Backward Tribes respectively and the remaining sites to other persons belonging to economically weaker sections.

CASE LAW

Rules 4(2), 11, 13 and 14 — Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978, Sections 4, 5 and 11 — Interpretation of statutes — Rule of purposive construction — Provision contained in Act of 1978 for restoration of unauthorisedly alienated granted land to grantee by evicting alienee in possession — Rule of "purposive construction" cannot be invoked to apply such provision to restore house site to allottee who had willfully sold site allotted under Act of 1976, for profit, in breach of condition of allotment — Overriding effect given to Act of 1978 cannot be invoked to extend application of its provisions to allotment of sites under Act of 1976.

Anand Byrareddy, J., Held: It would be incongruous to apply the provisions of the KPTCL Act, where it is contemplated that the State Government resumes any granted land, which is alienated in violation of any Rule or after the coming into force of the Act without the sanction of the Government. Further, the petitioner candidly admitting that there was an agreement of sale, under which possession was parted within favour of respondent 1, in violation of the lease-cum-sale agreement and the law, cannot seek the intervention of this Court, merely on the ground that the petitioner belongs to a Scheduled Caste and hence, the provisions of the Act could be invoked to restore the property to the petitioner. — Smt. R. Dhanalakshmi v Sandeep Kangonkar and Others, 2010(6) Kar. L.J. 274B.

1. Substituted for the figures "30%" by Notification No. UDD 411 MNJ 2000(P), dated 23-10-2000, w.e.f. 24-10-2000
5. Allotment of stray sites.—(1) Notwithstanding anything contained in these rules, allotment of stray sites shall be in accordance with the provisions hereinafter provided.

(2) The authority shall at least once in a year cause to be prepared a list of stray sites, giving details of layouts and dimension of sites and offer any or all the sites for allotment under this rule to persons eligible for allotment.

(3) Due publicity shall be given in respect of sites offered for allotment specifying their location, number, last date for submission of application and such other particulars as the Commissioner may consider necessary, by affixing a notice on the notice board of the office and website of the authority and any other office as the Commissioner may decide and by publication in not less than two daily newspapers published in City of Bangalore in English and Kannada, having wide circulation in the city.

(4) Sites shall be allotted among different categories as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Disposal by auction</td>
<td>30</td>
</tr>
<tr>
<td>B</td>
<td>Persons who have recognition in the field of sports at International/National Level</td>
<td>10</td>
</tr>
<tr>
<td>C</td>
<td>Persons who have won special recognition in the field of Art, Painting, Sculpture, Music, Dance, Drama, Films, Science, Literature, Education, Medicine, Press and Electronic media and Public Administration at the National/International Level and sitting or former members of Higher Judiciary</td>
<td>15</td>
</tr>
<tr>
<td>D</td>
<td>Ex-Military personnel or military personnel</td>
<td>05</td>
</tr>
<tr>
<td>E</td>
<td>Freedom fighters who are residents of Bangalore Metropolitan Area for a period of not less than ten years</td>
<td>05</td>
</tr>
<tr>
<td>F</td>
<td>Dependents of Karnataka Government Servants who died while on duty</td>
<td>05</td>
</tr>
<tr>
<td>G</td>
<td>Persons in public life</td>
<td>30</td>
</tr>
</tbody>
</table>

Explanation.—For the purpose of Category “G”, “Persons in public life” means persons who are serving the public or available to the people for service as a whole and involved in the affairs of the Community in different capacities and includes persons who are or were elected or nominated to the Parliament or the State Legislature.

(5) Allotment through auction under Category ‘A’ shall be made only to a person if—

(i) he is not a minor; and

(ii) he is a citizen of India.

(6) Allotment to any person falling under Categories ‘B’ to ‘G’ shall be made only if—

1. Rule 5 substituted by Notification No. UDD 475 MNJ 2014, dated 20-5-2015, w.e.f. 20-5-2015
(i) he is not a minor;

(ii) he is a domicile of Karnataka for not less than fifteen years;

(iii) he or any member of his family does not own a site or a house in the Bangalore Metropolitan Area and has not been allotted a site or house by the Bangalore Development Authority or any other Authority within the Bangalore Development Authority or any other Authority within the Bangalore Metropolitan Area; and

(iv) he satisfies the Authority that he is in a reasonable position to put up a building on the site allotted, within a period of three years from the date of handing over possession of the site:

Provided that requirement of fifteen years domicile may be relaxed by the Authority.

(i) in case of persons who are domiciled in the State of Karnataka but are in the Armed Forces of the Union and serving outside the State of Karnataka;

(ii) in the case of persons who are domiciled in the State of Karnataka but have gone outside the State for employment, business, studies or training and who bona fide intend to reside in the Bangalore Metropolitan Area; and

(iii) in the case of persons belonging to Categories ‘B’ and ‘C’ with the prior permission of the Government.

(7) Sites earmarked for disposal under Category ‘A’ shall be allotted by the Authority based on the result of auction.

(8) Sites to persons falling under Categories ‘B’ to ‘F’ (both inclusive) shall be allotted by the Authority on the recommendation of a committee constituted by it.

(9) In the case of persons falling under Category ‘G’, the Authority shall scrutinise all applications received and submit them to the Government for approval and after getting the approval allot the sites to such persons.

(10) Value of sites to be allotted to persons falling under Categories ‘B’ to ‘G’ shall be fixed at ten per cent above the current value of sites which are allotted under Rule 11.

(11) The provisions of Rules 7, 8, 9, 13, 14 and 15 shall apply for allotment made under this rule in respect of Categories ‘B’ to ‘G’.

CASE LAW

Rule 5 — Allotment of site — Cancellation of — Allotment of stray sites made by Chairman of B.D.A. in his individual capacity, in contravention of statutory rules and guidelines issued by Government — Government, held, is entitled to cancel such allotment in exercise of its general power to set at naught illegal act done by its instrumentalities — Absence of specific provision in Act enabling Government to cancel allotment later found to be illegal, is no bar to exercise of power by Government.
Y. Bhaskar Rao, C.J. and A.V. Srinivasa Reddy, J., Held: The moment an act is done by the Authority outside the scope of the Act, the Government could intervene and nullify the said act whether or not the statute provides for such a power. The moment an act is done outside the scope of the statute it goes without saying that the State, being the source from where the statute derived its powers, would have every right to intervene and to set at naught the illegal act done by any of its instrumentalities. The various bodies and Authorities are nothing but extended arms of the State. The allotment in the present case being outside the scope of the statute, the Government was entitled to cancel the same. . . . The Chairman of the B.D.A. has no power to allot a stray site in his individual capacity. The Government has authority of law to cancel the allotment so made by the Chairman. — Under Secretary, Housing and Urban Development Department, Government of Karnataka, Bangalore and Another v A. Rajendra Naidu and Another, 2000(2) Kar. L.J. 334B (DB).

Rule 5 — Government of Karnataka Circular No. HUD 616 MNX 89, dated 17-10-1992, Clause G of Guidelines — Stray sites — Allotment of — B.D.A. to make allotment in accordance with guidelines issued by Government — Government guidelines as revised on 17-10-1992 reserve 10% of stray sites for allotment by B.D.A. at its discretion, to deserving persons — Discretionary power is vested in B.D.A. and not conferred on Chairman — Allotment made out of such discretionary quota can be cancelled only if it is shown that allotment was made by Chairman and not by B.D.A. — Cancellation of allotment 3½ years after allotment and recovery of cost of site from allottee is illegal when it is not shown how allotment is bad.

Held: Rule 5 of the rules prescribes that the stray sites shall be allotted in accordance with the guidelines issued by the Government, in supersession of all earlier circulars, the State Government issued a circular dated October 17, 1992 providing guidelines to the B.D.A. for allotment of stray sites. From the circular, it is seen that no discretionary power is vested or conferred upon the Chairman to allot any stray site. However, the authority is vested with the discretionary power to allot 10% of the stray sites. From the papers produced, it is not possible to infer with reasonable accuracy whether the site in question was allotted by the Chairman or by the authority. In the case on hand the petitioner with the hope of securing the site deposited Rs.1,66,220/- on November 28, 1992 and was told by the Government on May 29, 1995, nearly after 3½ years that the allotment has been cancelled as the same has been made in violation of the guidelines. In these circumstances, it is not possible to decide as to who is at fault. — A. Rajendra Naidu v Bangalore Development Authority, Bangalore and Others, 1998(1) Kar. L.J. 17A.

Rule 5 — Stray sites — Guidelines for disposal of — Guidelines issued by State Government in its circular dated 17-10-1992, providing for allotment of 10% of stray sites to “deserving persons” by Authority at its discretion — Such discretionary power, held, is conferred on Authority as body consisting of several members and not exclusively on Chairman alone — Allotment made by Chairman in his individual capacity, to person whom Chairman alone considers deserving, is to be held as allotment made in contravention of statutory rules and guidelines issued thereunder.

Y. Bhaskar Rao, C.J. and A.V. Srinivasa Reddy, J., Held: The circular provides for allotment of 10% of stray sites to deserving persons by the Authority. The discretion should be exercised by the authority only in case of deserving persons. It was submitted by the learned Counsel for the Authority that the
allotment in favour of first respondent was made by the Chairman and not by the Authority. Since that was a statement made at the Bar by the learned Counsel for the Authority we should take it as a fact. Thus, on the very face of it, the allotment made by the Chairman cannot be sustained as it is violative of Rule 5 of the said Rules which makes it mandatory that such allotment should be made by the Authority and not by the Chairman. What is more, it was also submitted by the learned Counsel for the Authority that it was made in total disregard of the guidelines issued by the State Government. . . . The 'Authority' consists of several persons and not the Chairman alone. . . . In the case on hand, the allotment is made by the Chairman in his individual capacity and, therefore, in contravention of the Bangalore Development Authority (Allotment of Sites) Rules, 1984. — Under Secretary, Housing and Urban Development Department, Government of Karnataka, Bangalore and Another v A. Rajendra Naidu and Another, 2000(2) Kar. L.J. 334A (DB).

Rules 5 and 13(9) — Stray site — Cancellation of allotment of — Power to cancel allotment for any valid reason rests with Authority which has made allotment and such power is exercisable only by Authority independently — State Government cannot direct Authority to cancel particular allotment made by Authority, as such direction would take away discretion of Authority leaving it no choice except to cancel allotment in mechanical obedience to direction — Such cancellation order issued by Authority in mechanical obedience to governmental direction is liable to be set aside.

V. Gopala Gowda, J., Held: No power is conferred under the Rules upon the State Government either to issue the show-cause notice or the cancellation of the site. On the other hand, Rule 13(9) of the Rules expressly confers power upon the Authority to cancel the site allotted in favour of the persons on the grounds mentioned under sub-rule (9) of Rule 13. . . . Therefore, the cancellation order has not been passed exercising power by the Authority independently as contemplated under Rule 13(9) of the Rules. Ex facie, the exercise of power by the BDA is at the instructions and on the basis of the Government endorsement, the exercise of power by Authority at the directions of the Government is bad in law. . . . BDA has not exercised its power independently in cancelling the site allotted in favour of the petitioner therefore, the impugned orders are liable to be quashed. — K.R. Pradeep v The Secretary, Housing and Urban Development Department, Bangalore and Another, 2000(4) Kar. L.J. Sh. N. 33.

6. Allotment of sites to institutions.—Notwithstanding anything contained in these rules, the Authority may on lease basis, allot sites other than sites reserved for civic amenities, public parks and play grounds to educational, religious or charitable institutions which are either societies registered under the Societies Registration Act, or Trusts for public purposes, on such rent or subject to such conditions as may be specified by the Authority:

Provided that the total area allotted to such institutions in each layout shall not exceed five per cent of the total sital area.

1[6-A. Allotment of free sites to dependents of deceased service-men/physically disabled servicemen.—(1) Subject to the following conditions; allotment of sites free of cost may be made to dependents of

1. Rule 6-A inserted by Notification No. UDD 04 MNI 2004, dated 29-9-2004, w.e.f. 29-10-2004
servicemen who died during war or in operation of maintenance of internal security of the Country or who became physically disabled during war or in operation of maintenance of Internal Security of the country as hereunder:

(i) Commissioned Officers 40' x 60'
(ii) Non-commissioned Officers and others 30' x 40'

Explanation.—For the purpose of this rule “dependent” means widow, son, unmarried daughter.

(2) Allotment of sites under this rule shall be considered, if it is recommended by the Directorate of Sainik Welfare and Rehabilitation.

(3) The allotee under this rule shall be called upon by the Authority to execute a lease-cum-sale agreement in Form IV-A. If the allotee has failed to execute the lease deed within forty-five days from the date of intimation of allotment of site, the allotment of stands cancelled and registration fee paid shall be forfeited. The allotee shall get the lease-cum-sale agreement registered at his cost.

(4) The allotee under this rule, shall within a period of three years from the date of execution of lease-cum-sale agreement or within the extended period by the Authority construct a building in accordance with the plan and designs approved by the Authority. If the building is not constructed within the stipulated period or extended period, the allotment may, after reasonable notice to the allotee, be cancelled, the agreement revoked, the lease determined and the allotee be evicted from the site. If in any case or it is considered necessary to include any other condition in the lease-cum-sale agreement, the Authority may include such conditions at the time of execution of lease-cum-sale agreement.

(5) The allotee shall comply with conditions of agreement executed by him and building bye-laws of the authority or the Corporation or any other authority as the case may be, for the time being in force.

(6) If on the expiry of the period of ten years from the date of execution of lease-cum-sale agreement and the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement, the allotee shall call upon the Authority, to execute the sale deed at his own cost and the Authority shall execute the sale deed of the site.

(7) With effect from the date of taking possession of the site, the allotee or his heirs or successors shall pay the tax, fees and cesses payable in respect of the site and any building constructed thereon.

(8) If the particulars furnished by the applicant in the specified application form for allotment of site are found to be incorrect or false, the allotment shall be cancelled and the site shall be resumed by the Authority.

1[7. Allottee to be Lessee.—The site allotted under these rules, shall be deemed to have been leased to the allotee until the lease is determined or the site is conveyed in the name of the allotee in accordance with these rules. During the period of the lease, the allotee shall pay to the authority before the commencement of each year, rent at the rate of rupees five per annum

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1. Rule 7 inserted by Notification No. UDD 59 MNJ 2005, dated 27-4-2005, w.e.f. 30-4-2005
where the area of the site does not exceed two hundred square metres, rupees ten per annum where the area of the site exceeds two hundred square metres, but does not exceed five hundred square metres and rupees twenty per annum where the area of the site exceeds five hundred square metres.

8. Registration.—(1) Every applicant for a site shall register his name on payment of registration fees as specified in the table below. If an applicant withdraws the registration the Authority shall refund to such applicant the entire registration fee paid by him after deducting ten per cent of the registration fee towards service charges. The Registration shall be done in Form No. I.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Area/Dimension of the Site (in square meters)</th>
<th>Registration Card Fee (in rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>6 X 9</td>
<td>500 For (EWS)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1000 For (General)</td>
</tr>
<tr>
<td>2.</td>
<td>9 X 12</td>
<td>2000</td>
</tr>
<tr>
<td>3.</td>
<td>12 X 18</td>
<td>4000</td>
</tr>
<tr>
<td>4.</td>
<td>15 X 24</td>
<td>5000</td>
</tr>
</tbody>
</table>

(2) Registration made shall be valid for subsequent allotments unless the applicant has withdrawn the registration.

CASE LAW

Rule 8 — Condition for allotment of sites — Requiring payment of registration fee and registration of name — Purpose of fee not indicated and has no relation to service rendered — Fee appears in the nature of mobilisation of developmental resources — Irrational and Unsustainable — No authority to collect tax in the guise of registration fee — Ultra vires; and unconstitutional under the rule.

H.G. Balakrishna, J., Held. — The first aspect relates to the element of compulsion on an aspiring allottee to pay the stipulated registration fee and for registration of his name. The element of compulsory exaction of money is involved in the process. The second aspect is the rationality or otherwise of the basis for stipulation of registration fee on consideration of the sital area. The third aspect is the service element and its existence or otherwise. In this context, it is necessary to determine whether the exaction of registration fee is in the nature of a tax and if so, whether Bangalore Development Authority is competent to levy and recover tax whatever the nomenclature given to it. The rule does not indicate the purpose behind the collection of registration fee apart from the extent of the sital area as the basis for collection as to what purpose is sought to be achieved. The plea that registration of the name of the applicant could be equated to service rendered cannot be accepted. If the intention of Bangalore Development Authority is to utilise the registration charges collected from the applicants in order to augment the financial resources for developmental activity, it partakes the character of a tax and not a fee. — Vishwabharathi House Building Co-operative Society Ltd. v Bangalore Development Authority, ILR 1990 Kar. 2975.

1. Table substituted by Notification No. UDD 206 MNJ 2015, dated 3-8-2015, w.e.f. 4-8-2015

A KLJ PUBLICATION
Rules 8, 9, 13 and 14 — Specific Relief Act, 1963, Section 31 — Allotment of site — Proof of — Party claiming allotment in his favour is not producing letter of allotment issued by Authority, but producing as proof only registered lease-cum-sale deed, possession certificate, katha certificate and registered sale deed, all executed/issued by Authority within six months from alleged date of allotment, in addition to producing building plan duly approved by Authority and photographs of building constructed in accordance with approved plan — Authority seeking cancellation of registered instruments on ground that they are ab initio void for being fraudulently obtained — Whether registered instruments are genuine or not is question of fact — Such question of fact cannot be gone into in exercise of jurisdiction under Article 226 of Constitution — Burden of proof is on party claiming allotment in his favour and it is for party to discharge burden by producing letter of allotment.

Held: The petitioner has not produced the allotment letter. When the site in question was notified for allotment, when the petitioner applied for allotment of site and when it was allotted to him are not forthcoming. Petitioner claims that the site in question was allotted to him in the year 1992. All the documents in respect of the site in question were obtained in his favour within a short span of six months. The lease-cum-sale agreement is dated 16-9-1992. Clause 12 of the said agreement stipulated that at the end of 10 years the sale deed shall be executed by the BDA in favour of the petitioner. However, the recitals in the conditional deed of sale would show that the petitioner applied for execution of the sale deed and accordingly the conditional sale deed was executed on 30-10-1992. This document came into existence in a short period of less than two months from the date of the lease-cum-sale agreement. This is contrary to Bangalore Development Authority (Allotment of Sites) Rules. The documents produced by the petitioner in proof of his title clearly prove that they are obtained fraudulently and contrary to the rules. The documents which came into existence within such a short period cannot be believed and no reliance can be placed on them. Prima facie they are fictitious, concocted and bogus documents. . . . There are no documents for having allotted the site in favour of the petitioner. In these circumstances, the relief sought for by the petitioner cannot be granted. . . . The BDA seriously disputes the documents produced and relied upon by the petitioner. This Court cannot venture upon to find out the genuineness or otherwise of those documents under Article 226 of the Constitution of India. Disputed questions of fact cannot be embarked upon and decided in exercise of the powers under Article 226 of the Constitution of India. . . . Since the petitioner claims allotment of site in question and the BDA seriously disputes the same, the petitioner has to prove his title to the site in question and the burden of discharging the said onus is upon the petitioner. — M. Shrikumar v Bangalore Development Authority, Bangalore and Others, 1999(1) Kar. L.J. 434.

'8-A. Death of a person after registration. — Notwithstanding anything contained in these rules, where a person who has registered himself under Rule 8, dies before withdrawal of registration, his or her spouse and if there is no surviving spouse, his or her dependent children shall be deemed to be persons registered for the purpose of these rules and shall be entitled to apply and for being considered for allotment of site in accordance with the provisions of these rules.]

9. Application. — (1) A person so registered as above has to apply in the prescribed Form II for allotment of a site along with the initial deposit of 12½% of the notified cost of the site. The initial deposit shall be 5% in the case

1. Rule 8-A inserted by Notification No. UDD 411 MNJ 2000(P), dated 23-10-2000, w.e.f. 24-10-2000
of persons applying for sites under the categories of Scheduled Castes, Scheduled Tribes and ¹[Category I].

(2) The applications shall be presented in person or sent by registered post so as to reach the office of the Authority before the date and time fixed for the receipt of such applications. Applications received after the date and time fixed or which are defective and incorrect shall be rejected.

²[3) In a case where applications have already been made for allotment of sites in response to a Notification already issued by the Authority and where the applications are still pending without a decision as to their disposal and fresh applications have been called for, for allotment of further sites, the applicant who has already applied for allotment of a site and paid the initial deposit in response to the first Notification, need not pay once again the initial deposit. However, he should make application in response to the second Notification in Form-II (A) which is appended to these rules.]

10. Eligibility.—No person—

(1) who is a minor.

³[(1-A) x x x x x.]

(2) who is not a domicile of Karnataka for not less than ⁴[fifteen years] immediately prior to the date of registration; and

⁴[(3) who or any dependent member of whose family, owns a site or a house or has been allotted a site or a house by the Bangalore Development Authority or a Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or any such other Authority within the Bangalore Metropolitan Area or has been allotted a site or a house in any part in the State by any other Urban Development Authority or the Karnataka Housing Board or such other Agency of the Government; shall be eligible to apply for allotment of a site:]

Provided that the requirement of ⁴[fifteen years] domicile may be relaxed;

(i) in the case of persons who are domiciled in the State of Karnataka but being in the armed forces of the Union and servicing outside the State of Karnataka;

(ii) in the case of persons who are domiciled in the State of Karnataka but have gone outside the State for employment or higher studies and who bona-fide intend to reside in the Bangalore Metropolitan Area.

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1. Substituted for the words "Backward Tribes" by Notification No. UDD 265 MNJ 2014, dated 7-10-2015, w.e.f. 8-10-2015
2. Sub-rule (3) inserted by GSR 108, dated 30-4-1987, w.e.f. 5-5-1987.
3. Clause (1-A) omitted by Notification No. UDD 411 MNJ 2000(P), dated 23-10-2000, w.e.f. 24-10-2000
4. Substituted for the words “ten years” by GSR 21, dated 18-1-1997, w.e.f. 6-2-1997.
5. Clause (3) substituted by Notification No. UDD 310 MNJ 2005, dated 14-12-2005, w.e.f. 14-12-2005
6. Substituted for the words “ten years” by GSR 21, dated 18-1-1997, w.e.f. 6-2-1997.
7. Substituted for the words “employment, business, studies or training” by GSR 21, dated 18-1-1997, w.e.f. 6-2-1997.

A KLJ PUBLICATION
[(iii) xxxxx.]

[(iv) in the case of officers belonging to All India Service, whose services are allotted to the Karnataka State Cadre and domiciled in the State of Karnataka for not less than two years immediately prior to the date of registration;

(v) in the case of serving soldiers who are either serving in the State or outside the State of Karnataka.]

**CASE LAW**

**Rule 10(1) — Minor — Allotment of site to — Such allotment contravenes Rule 10(1) which lays down that minor is ineligible for allotment of site — Where allotment is made to minor by mistake, it is open to Authority to cancel allotment and to refund sital value paid on behalf of minor — Petition on behalf of allottee to challenge Authority's order for cancellation of allotment is not maintainable in absence of enforceable legal right in allottee.

*Held:* In the present case, the applicants at the time of allotment were minors *i.e.*, in the year 1986. The authority in January 1989 cancelled the allotment. In view of Rules 3 and 10, itself, allotment could be made only in favour of the persons who are eligible for the allotment of sites under the rules. A minor is always taken to be not competent to enter into contract. Even under law of contract, a guardian cannot fasten any of liability on minor under the contract. In such circumstances, when an application is made for allotment of site, terms under the allotment could not be made binding on the minor. Therefore, Rule 10(1) can be said to be reasonable when it provides that a minor shall not be eligible to make application for allotment either by themselves or through their guardian. . . . When the application was of a person who is not eligible at the time when the application for allotment was being considered by the authority, but some how allotment had been made, it was open to the authority to rectify the mistake. As the petitioners had no right to get the allotment, writ of *mandamus* also cannot be issued. — *Felicia Fali Varia and Another v The Bangalore Development Authority, Bangalore, 1999(2) Kar. L.J. 684A.*

**Rule 10(3) — Allotment of site — Eligibility of applicant for — Applicant already having site allotted to him within Bangalore Metropolitan Area is ineligible — Allotment made in contravention of rule, to applicant who suppressed fact of earlier allotment by filing false affidavit, is liable to be cancelled — Order cancelling illegal allotment, which Government was compelled to issue when allottee refused to execute deed of surrender, and subsequent order of Bangalore Development Authority allotting same site to another applicant who was eligible, are valid, and challenge to same by allottee by invoking writ jurisdiction of Court is not maintainable, and his petition is liable to be dismissed with exemplary cost under Section 35-A of Civil Procedure Code, for making false and vexatious claim.

*Held:* When Site No. 165 was allotted in favour of the petitioner, petitioner was not eligible for the site being allotted in his favour, as he had already got

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1. Clause (iii) omitted by Notification No. UDD 310 MNJ 2005, dated 14-12-2005, w.e.f. 14-12-2005
2. Clauses (iv) and (v) inserted by Notification No. UDD 411 MNJ 2000(P), dated 28-10-2002, w.e.f. 14-11-2002

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Site No. 1133, HAL II Stage, Indiranagar, as long back as in 1973-74. But the petitioner had made a false affidavit before the authorities of the Co-operative Society and got the allotment of Site No. 165, in R.T. Nagar. . . . Here is the case in which a person who held the Office of Minister and was a member of Legislative Assembly at the relevant time, has filed a false affidavit before the Authority in 1981 or so, when he had applied for Site No. 165 being allotted to him, whereunder the false affidavit he stated that “neither he, nor the members of his family did own any site or house allotted to him in Bangalore Metropolitan Area, either allotted by the B.D.A., or any other authority” . . . The writ petition, in view of the fact that the material facts have been concealed, has to be dismissed. . . . The writ petition is hereby dismissed with exemplary costs being imposed in exercise of powers under Section 35-A of the Civil Procedure Code. Exemplary costs which are imposed are to the tune of Rs. 15,000/- — B. Shrianna v Bangalore Development Authority, Bangalore and Others, 1998(4) Kar. L.J. 276.

Rule 10(3) — Allotment of sites — On facts — Whether the communication dated 19-2-2009 of the BDA cancelling the allotment of site allotted to the petitioner, in exercise of jurisdiction under sub- rule (3) of Rule 10 of the Rules is vitiated on account of principles of natural justice?

Ram Mohan Reddy, J., Held: Thus under the pre-amendment to Rule 10(3), the embargo on an applicant seeking allotment of a site is, he or members of his family ought not to own a site or house or secured an allotment by the BDA or Co-operative Society within Bangalore Metropolitan Area. In the instant case, there is no material forthcoming as to whether the petitioner or any member of his family, which is said to be HUF, consisting of brothers and sisters and parents dependent upon him or otherwise and whether those persons own a site or a house allotted by the Bangalore Development Authority or a Co-operative Society within the Bangalore Metropolitan area, having regard to the definition of the term ‘family’ in Rule 2(e). . . . Had the BDA issued a show-cause notice in terms of Rule 10(3) as in force on the date of allotment of the site, the petitioner would have had an opportunity to put forth his defence and that having not been done, the order impugned of the BDA, suffers from the vice of violation of the Rule of ‘audi alteram partem’. . . . . Counsel for the respondents next contend that the petitioner did neither seek prior permission of the State for raising a loan to purchase a site, as required by Rule 21 nor brought to the knowledge of the prescribed authority over the proposed acquisition of the immovable property as required by Rule 23 of the Karnataka Civil Services (Conduct) Rules, 1966. The action of the State against its employees for non-compliance of service rules, cannot constitute to direct the respondent-BDA to cancel the allotment. The conduct of the petitioners vis-a-vis the employer-the State is subject-matter in the correspondence dated 12-7-2005 of the Secretary, Department of Commerce and the show-cause notice dated 28-11-2007 Annexure-R2, which is yet to attain a finality and on that score too there is no justification for the BDA to cancel the allotment . . . . The contention that the KHB conveyed the site in favour of the petitioner for a consideration which was at a subsidised rate, cannot be gathered from the covenants in the sale deed Annexure-C, except that it states Rs. 1,94,636/- is the sital value. The contention of the learned Counsel for the BDA that site value not being the market value and therefore, it must be deemed a subsidised rate is a fantastic plea which finds support neither under the Bangalore Development Authority Act, 1976 or the “allotment rules of BDA”. If truly the KHB conveyed the site under the sale
deed Annexure-C at a subsidised rate, the BDA and the State Government ought to have made necessary enquiries from KHB to ascertain whether the petitioner did secure an allotment of a site at a subsidised rate. In the absence of such an enquiry, the contention being unsubstantiated, cannot be countenanced. . . . . . . . The Government circular dated 29-10-2002 Annexure-F states that a Government servant or a member of his family when allotted a site or house in any part of the State of Karnataka on or after 18-1-1997 at a subsidised price, shall not be eligible to get a site allotted by the BDA or other authorities. “Subsidised price” is not defined in the circular. In the absence of relevant material constituting substantial legal evidence of the said fact, it is not possible to accept the plea of the respondents that the sale of the site by the KHB was at a subsidised price and in terms of the circular the petitioner was ineligible to apply for and obtain allotment of a site at Bangalore from the respondent-BDA. — Ranojirao T.K. v Bangalore Development Authority, Bangalore and Another, 2011(3) Kar. L.J. 47A.

Rule 10(3) — Allotment of site under general category — Petitioner/allottee holding a post of authority, securing allotment of BDA site in the first attempt within five months of the application — BDA directed to enquire into the said allotment.

Ram Mohan Reddy, J., Held: The petitioner holding a post of authority in the Commerce Department of the State Government, secured allotment of a site from the BDA in the first attempt through by now it is common knowledge that at least four to five attempts are required for consideration of allotment of a site in the General category, under the “allotment rules of the BDA”. It is not known as to the compelling reason for the Commissioner, and the Board of the BDA to allot the site in undue haste, within five months of the application dated 20-12-2002 of the petitioner, that too in the first attempt to issue the letter dated 7-4-2003 allotting the site. It is for the BDA to enquire into the said allotment to satisfy itself over the legality in the matter of allotting the said site. In my opinion, the allotment requires to be enquired into not only over the clout that the petitioner had with the officers of the BDA at that time, but also misuse of the office held by the petitioner in the Department of Industries and Commerce, since there appears to be something more than what meets the eye. . . . . . . . In the result, the writ petition is allowed in part. The cancellation of the site allotted by communication dated 19-2-2009 Annexure-A of the BDA is quashed and in the circumstances, there is no necessity to quash the circular Annexure-F. Liberty is reserved to: (i) the 2nd respondent-State to conclude the action initiated, if so advised, over the conduct of the petitioner, in accordance with the Karnataka Civil Services (Conduct) Rules, 1966; and (ii) the respondent-BDA to enquire into the allotment of the site at the very first attempt of the petitioner, and pass orders strictly in accordance with law. — Ranojirao T.K. v Bangalore Development Authority, Bangalore and Another, 2011(3) Kar. L.J. 47B.

Rule 10(3) — Alternative site — Allotment of — Such allotment is made only in case of mistake on part of authority or in case where possession of site
allotted could not be given to allottee on account of litigation — Allottee has no vested right to seek allotment of particular site either by way of original allotment or by way of alternative allotment — Allottee is free to reject allotment of alternative site made in his favour, but he has no right to claim that particular site must be allotted to him by way of alternative allotment.

Held: The allotment of alternative sites would be confined only in cases where there is mistake on the part of the BDA and where possession of the sites allotted could not be given on account of litigation and stay orders. . . . No doubt the first allotment of site was under litigation and hence the BDA allotted alternative site. The petitioner again sought for allotment of another alternative site in lieu of it and he is particular in getting the site allotted in favour of the first respondent. Even assuming that he is entitled for allotment of alternative site as per the guidelines of the Government and the rules, such allotment shall not necessarily of a particular site. It is for the BDA to allot any other alternative site depending upon various factors. . . . Merely because the petitioner’s application for allotment of alternative site was processed earlier but acting on the claim of the first respondent does not confer legal right on the petitioner. No allottee can insist the BDA for allotment of a particular site. Petitioner has no vested right to seek allotment of particular site. — Narendra Kumar Rampuri v Dr. Vanamala Vishwanath and Others, 1999(2) Kar. L.J. 82.

Rules 10(3) and 13(9) — Allotment of site obtained by ineligible applicant by suppressing fact — Order of Authority for cancellation of — Delay in passing order — Effect — Finding of Authority that husband and wife separately applied for allotment of site and got separate sites allotted to them in breach of statutory condition that in respect of family only one application can be made for allotment of site — Though no period of limitation is prescribed for initiating action for cancellation of allotment obtained illegally, action initiated after lapse of eighteen years from date of allotment and after construction of house by allottee with permission of Authority, cannot be sustained in law.

S.R. Nayak and Ajit J. Gunjal, JJ., Held: It is the case of the BDA that both of them made applications to the Chairman of the BDA the same day, i.e., 28-4-1978. If we go by the version of the BDA, it cannot be said that there was a deliberate and intentional omission on the part of the respondent in not disclosing the fact of allotment of site in favour of her husband. But, it is a fact that subsequently, the respondent had filed her sworn affidavit which is in the prescribed form, in which, it is stated that none of the named relatives therein have been allotted site or own a site. Here again, it is the case of the respondent that she was not aware of the order made by the Chairman on the application of her husband allotting a site to him. Clause (9) of Rule 13 enables the BDA to forfeit the sital value deposited and to resume the site only if the particulars furnished by the applicant in the “prescribed
application form” for allotment of site are found to be incorrect or false. If the Courts were to find that the respondent even on the date of filing sworn affidavit was aware of the fact of allotment of a site made in favour of her husband by the Chairman of the BDA, it was expected of her to disclose that fact. There are no convincing material to show that when she filed the application on 28-4-1978 before the Chairman of the BDA or subsequently when the sworn affidavit was filed by her, she was staying with her husband and she was aware of the allotment of site made in favour of her husband. . . . . .

. Though the power of the BDA under clause (9) of Rule 13 to forfeit the sital value deposited and to resume the site for non-disclosure of relevant particulars cannot be questioned, the impugned action taken by the BDA after a long lapse of 18 years could not be sustained on the ground of unreasonableness. Further, after having issued show-cause notice on 12-4-1996 and received the reply of the respondent to the show-cause notice on 30-4-1996, the BDA did not take prompt action nearly for three years. . . . .

The respondent had constructed a residential house investing more than Rs. 28,00,000/- in those days. After the allotment of the site, she did everything under the nose of the BDA. She had to seek several clearance certificates, permissions from various statutory authorities for the purpose of construction of the house and obtained permissions for civic amenities like water, electricity and sanitation etc. At no stage, any objection was taken by the BDA or any other statutory authorities like the BMP or other authorities. It cannot be said that the BDA was not aware of what the respondent did after the allotment of site and she was put in actual possession of the site. On the other hand, the fact stated by the BDA in its statement of objections would indicate that they were aware of the allotment of site in favour of the respondent well-before it issued the show-cause notice. The BDA has not disclosed in the statement of objections as to when it detected the non-disclosure made by the respondent and came to know the fact that her husband was also allotted a site by the Chairman of the BDA on 28-4-1978. . . . .

. In these peculiar facts and circumstances of the case, we do not find any justification to interfere with the discretionary order made by the learned Single Judge. . . . Taking into account the totality of the circumstances as well as the equities of the case, we are convinced that this is not a fit case where we should interfere with the order of the learned Single Judge. — The Bangalore Development Authority v Smt. Sumitradevi, 2005(3) Kar. L.J. 67 (DB).

Rules 10(3) and 13(9) — Contract Act, 1872, Section 74 — Allotment of site — Condition for forfeiture of sital value paid and resumption of site allotted if allotment is found to have been secured by furnishing false particulars — Condition, held, is not genuine pre-estimate of liquidated damages, but is stipulated as penalty in terrorem of offending allottee — Bangalore Development Authority is not entitled to act as Criminal Court and impose penalty — It can only recover reasonable amount of expenditure incurred by it in making allotment which had to be revoked — Where Bangalore
Development Authority has failed to estimate such expenditure, Court can determine same to be awarded as damages — Where Bangalore Development Authority had not handed over possession of site to allottee who had secured allotment by giving false particulars, it is held reasonable to forfeit only initial deposit and not entire amount of sital value.

A.M. Farooq, J., Held: Admittedly the rule provides for penalty for not having given the required information while applying for the allotment of site. It is in the nature of penalty, and therefore, Section 74 of Contract Act applies. In every case of contract, the person aggrieved by breach is not required to prove the actual loss or damage suffered by him before he could claim a decree and the Court is competent to award a reasonable compensation in case of breach even if no actual damage is proved to have been suffered in consequence of the breach of contract. Where loss in terms of money can be determined, party claiming compensation must prove the loss suffered by him and in other case, the Court could grant reasonable compensation. . . In the present case, admittedly the facts are that even though the petitioner was notified about the allotment of site, the site allotted was in fact not given to the possession of the petitioner. No material is produced by the respondent in order to show that any damage was suffered by the respondent in intimating about the allotment of site to the petitioner. Even if it is assumed that the respondent has suffered some damages in pursuing with the allotment proceedings, the damages suffered could only be nominal which could be towards the amount of labour involved in issuing notices etc., and nothing more. Therefore, it is reasonable to forfeit Rs. 6,885.00, the initial deposit made by the petitioner and not the entire consideration amount deposited by the petitioner with the respondent. However, the petitioner is not entitled to any interest on the amount to be refunded. . . It is true that the rule in question prescribes that if the allotment sought for is based on incorrect and false information, the sital value deposited shall be forfeited. The said rule is in the nature of penalty. The respondents are not entitled to act as a Criminal Court and impose penalty for giving false information. If at all, they can only estimate the reasonable expenditure incurred by them in the proceeding culminating in just intimating the allotment of site and recovering the deposit of the moneys. The possession of the site was also not delivered. Further while issuing notice regarding cancellation of the allotment of site, respondents did not direct forfeiture of the sital value and it was only when the petitioner sought for refund of the money, the respondent stated that they would forfeit the sital value. That shows that the respondents did not intend to direct forfeiture. . . . The first respondent is directed to refund the money deposited by the petitioner except the sum of Rs. 6,885.00 which is liable to be forfeited. — Smt. L. Saroja v Bangalore Development Authority and Another, 2002(3) Kar. L.J. 443: ILR 2002 Kar. 1624.
11. Principles of selection of applicants for allotment of sites and reservation of sites.—(1) The sites shall be allotted among the different categories as follows.—

<table>
<thead>
<tr>
<th>Category</th>
<th>Name of the Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Category I</td>
<td>2%</td>
</tr>
<tr>
<td>(b)</td>
<td>Scheduled Tribes</td>
<td>3%</td>
</tr>
<tr>
<td>(c)</td>
<td>Scheduled Caste</td>
<td>15%</td>
</tr>
<tr>
<td>(d)</td>
<td>Backward Classes, Category II-A II-B</td>
<td>10%</td>
</tr>
<tr>
<td>(e)</td>
<td>Members of the Armed Forces of the Union, Ex-servicemen and members of the families of deceased servicemen</td>
<td>5%</td>
</tr>
<tr>
<td>(f)</td>
<td>Employees of the State Government and Public Sector Undertakings and Statutory Bodies owned or controlled by the State Government</td>
<td>![08%]</td>
</tr>
<tr>
<td>(g)</td>
<td>Employees of the Central Government and Public Sector Undertakings and Statutory Bodies owned or controlled by the Central Government serving in Bangalore</td>
<td>2%</td>
</tr>
<tr>
<td>(h)</td>
<td>Persons with disability</td>
<td>![3%]</td>
</tr>
<tr>
<td>(i)</td>
<td>General Public</td>
<td>50%</td>
</tr>
<tr>
<td>(j)</td>
<td>Persons who have outstanding achievements in the field of Arts, Science, Sports or etc.</td>
<td>2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Explanation.—(i) If at the time of making an allotment sufficient number of applications from persons belonging to category — (a) are not received then the remaining sites reserved for the category shall be transferred to category (b) and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining sites reserved for these categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received, then the remaining sites reserved for these categories shall be transferred to category (h).

(ii) If at the time of making an allotment, sufficient number of applications from persons belonging to any of the categories (d), (e), (f) ![4|(g) and (i)] are not received, then the remaining sites reserved for the category concerned shall be transferred to category (h).

1. Items (a) to (j) and entries relating thereto substituted by Notification No. UDD 265 MNJ 2014, dated 7-10-2015, dated 8-10-2015
2. Substituted for the figures “10%” by Notification No. UDD 16 MNJ 2016, dated 7-4-2016, w.e.f. 12-4-2016
3. Substituted for the figures “1%” by Notification No. UDD 16 MNJ 2016, dated 7-4-2016, w.e.f. 12-4-2016
4. Substituted for the word and letter “and (g)” by Notification No. UDD 411 MNJ 2000(P), dated 23-10-2000, w.e.f. 24-10-2000

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(iii) "outstanding achievement" means achievement at the State, National or International level as the case may be where award or medal is presented by the authorities duly registered and recognised by the State or Central Government, in recognition of such achievement in the field of arts, science or sports supported by requisite certificate or document.

(2) In respect of the categories (a) to (h) the Authority shall consider the case of each application on its merits and shall have regard to the following principles in making section:

(i) The marital status of the applicant, that is, whether he is married or single and has dependent children,

(ii) The income of the applicant and his capacity to purchase a site and build a house thereon for his residence;

Provided that this condition shall not be considered in the case of applicants belonging to Schedules Castes, Scheduled Tribes and (Category I).

(iii) the number of times the applicant had applied for allotment of a site and the fact that he did not secure a site earlier though he was eligible and had applied for a site:

Provided that if number of eligible applicants with equal number of attempts is more than the number of sites notified for allotment in respect of any particular category the applicant elder in age shall be considered.

(iv) the fact that the land belonging to the applicant has been acquired by the authority for the formation of the layout for which he has applied;

(3) For the purpose of sub-rule (2) the authority shall constitute a committee called the 'Allotment Committee' consisting of three official members and three non-official members. The Chairman of the authority shall be the Chairman of the Allotment Committee.

(4) Subject to the approval of the authority the decision of the Allotment Committee shall be final.

(5) Subject to the provision of rules 8, 9 and 10 the authority shall allot the sites under category (i) x x x x.
CASE LAW

Rule 11 — Residential site allotted to applicant — Subsequently cancelled noticing applicant not eligible — Not mentioned age in application — Orders cancelling allotment challenged in writ petition — Found column (9) in application for date of birth not filled in — All other columns meticulously filled in — Applicant student aged 23 — Age and number of attempts are criteria for allotment — Without information Bangalore Development Authority selected the applicant for allotment — After realising the blunder issued show-cause notice to the allottee cancelled allotment as he being not eligible — Cancellation justified — [Constitution of India, Articles 226 and 227 — Writ petition].

N. Kumar, J., Held: In the application filed by the petitioner for allotment of the site, there is a specific column i.e., column (9) for date of birth. Petitioner as a student has deliberately not filled up the said column mentioning the date of birth. Except the said column, all other columns have been meticulously filled up by the petitioner. Without the information regarding the age of the petitioner, the Bangalore Development Authority has selected the petitioner for allotment. The Bangalore Development Authority has ignored the mandatory provisions. They have turned their blind eyes to this material omissions in the application which do not contain the date of birth of the petitioner. Without knowing the date of birth of the petitioner, consequently the age of the petitioner, they have selected the petitioner and allotted a site measuring 50 ft. x 80 ft. to the petitioner, a student who is aged 23 years, who had no independent income. . . . . . After realising the blunder they have committed, a show-cause notice was issued calling upon the petitioner to show cause why the allotment should not be cancelled because of his age and his failure to give date of birth in the application form. . . . . . Failure to mention the date of birth in the application is not a mistake, it is a deliberate omission. His contention that he is not aware of any condition regarding the age limit for being eligible for allotment shows, not only he was conscious of the significance of the age as a criteria in selection, he deliberately has not filled up the column meant for date of birth, to facilitate the allotment of the site by the officials of the Bangalore Development Authority in his favour. . . . . . The officials who selected the petitioner cannot plead that, by mistake the petitioner was allotted the site. It is clear from the material contained in the application, the officials have clearly favoured the petitioner by throwing to winds the law governing allotment of site, obviously for some extraneous consideration. It is a clear case of breach of trust. A great injustice is done to persons who were standing in the queue and who were eligible to get the allotment of the site. . . . . . It is because of this deliberate omission on the part of the petitioner, the Bangalore Development Authority was enabled on the pretext of being misled, in allotting the site and therefore that action of the Bangalore Development Authority is wholly illegal and void.
Authority, even, if it is held that it is a mistake, is directly attributable to the petitioner and therefore he is not entitled to the benefit of the said mistake. Authorities were fully justified in issuing a show-cause notice and after hearing the petitioner as he had no tenable defence to put forth and his date of birth was not in dispute, were justified in cancelling the allotment. — Arjun Baljee v Bangalore Development Authority, Bangalore, 2007(6) Kar. L.J. 504.

11-A. Allotment of alternative site.— Where the Authority is unable to hand over possession of a site allotted under these rules to any allottee, due to stay orders of the Courts or for any other reason, the Authority may allot an alternative site to such allottee, subject to the following conditions.—

(i) An alternative site may be allotted only where the mistake was on the part of the Authority while making the allotment of sites or where possession of the sites allotted originally could not be given to the allottees due to stay orders of the Courts or due to other disputes.

(ii) Subject to clause (i), and the availability of sites, alternative sites may be allotted by the Authority in the same layout in which sites were originally allotted or in the layouts formed by the Authority subsequent to the formation of the layout in which the sites were originally allotted.

(iii) Alternative sites shall not be allotted in layouts formed prior to the layout in which sites were originally allotted, even if sites are physically available in the layout/s formed prior to the layout in which original allotment was made.

(iv) While allotting alternative sites, sites bigger in dimension than the sites originally allotted shall not be considered for allotment. However, an alternative site upto ten per cent over and above the area of the originally allotted site may be allotted and in such cases for the extra sital area involved, additional sital value applicable in that layout for that site shall be collected by the Authority in addition to the difference in sital value to be collected:

(v) Provided that extension of time of three months may be given to collect additional sital value in cases where it is applicable.

(vi) While allotting alternative sites eligibility of the applicant shall be verified in accordance with these rules.]
12. Value of the site.—The value of a site notified while inviting applications may be altered by the authority and an allottee may accept the site at the altered price or decline allotment:

1[Provided also that, where an allottee is a person with disability classified under Item (h) of sub-rule (1) of Rule 11 he shall be eligible for five per cent concession on the value of site subject to a maximum of rupees one lakh. The others conditions of allotment shall remain the same.]

13. Conditions of allotment and sale of site.—The allotment of a site under these rules shall be subject to the following conditions:

2[(1) The allottee shall, within a period of sixty days from the date of receipt of notice of allotment pay to the Authority, the balance sital value deducting the initial deposit. If the balance sital value is not paid within a period of sixty days, the Authority may on application of the allotted, extend the time for payment for a further period not exceeding one hundred twenty days as a final chance and the allottee shall pay an additional interest at the rate of eighteen per cent on the balance sital value for the first thirty days of the extended period and at the rate of twenty-one per cent for the next ninety days of the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to be forfeited and the allotment may be cancelled without prior intimation:

2[Provided that where an allottee is a person belonging to—

(a) the Scheduled Castes and Scheduled Tribes, 4[Category I], or to a family of a defence personnel killed or disabled during hostilities and who has been allotted a site of 6x9 M and 9x12 M or 12x18 M dimensions; or

(b) belonging to economical weaker section of the society as notified by Government from time to time, and who has been allotted a site of 6x9 M dimension,

the balance of the value of the site required to be paid under this sub-rule shall be paid by him or her without interest, within a period of three years in equal annual installments from the date of receipt of the notice of allotment:

3[Provided further that, where an allottee of Nadaprabhu Kempegowda Layout is a person belonging to:

(a) The Schedule Castes and Scheduled Tribes or Category-1 who has been allotted a site of 15 x 24 meters, the allottee, if not remitted shall within a period of one year from the date of commencement of the Bengaluru Development Authority (Allotment of Sites) (Amendment) Rules, 2018, pay 50% to the Authority, the balance

1. Proviso inserted by Notification No. UDD 267 MNJ 2017, dated 17-8-2017, w.e.f. 21-9-2017
2. Sub-rule (1) substituted by Notification No. UDD 74 MNJ 2007, dated 19-11-2008, w.e.f. 16-12-2008
3. Provisos shall be and shall always be deemed to have been substituted from 1-1-2002 by Notification No. UDD 09 MNJ 2005, dated 16-3-2005
4. Substituted for the words "Backward Tribes" by Notification No. UDD 265 MNJ 2014, dated 7-10-2015, dated 8-10-2015
5. Proviso inserted by Notification No. UDD 410 MNJ 2017, w.e.f. 19-2-2018, w.e.f. 19-2-2018]
sital value deducting the initial deposit, 25% on second year and another 25% on third year totally, three installments in three years;

(b) If the balance sital value is not paid within such extended period also, the registration fee shall be liable to forfeiture and the allotment cancelled without prior intimation."

Provided that in case of allotment made from 1-1-2002 till the date of publication of these rules the balance of the value of the site required to be paid under this rule shall be paid by him or her without interest within a period of six months from the date receipt of the notice.

1[(2) After payment under sub-rule (1) is made, the Authority shall call upon the allottee to execute a lease-cum-sale agreement in Form III. If the allottee fails to execute the lease-cum-sale agreement within 60 days after the authority has called upon him to execute such agreement, the registration fee paid by the allottee may be forfeited, and the allotment of the site cancelled, and the amount paid by the allottee, may be refunded by the Authority after deducting such expenditure as might have been incurred by the authority.

Provided that the authority may on application of the allottee permit him/her to execute a lease-cum-sale agreement in Form III in the joint name of the allottee and him/her spouse.]

2[(2-A) Wherever the allottee is married, the lease-cum-sale agreement in Form III shall be executed jointly in the name of the allottee and his/her spouse.]

3[(3) Every allottee shall construct a building on the site so allotted in accordance with the plans and designs approved by the authority.

(4) The Authority may impose additional conditions in the lease-cum-sale deed as may be considered necessary.

(5) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the authority as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the authority and the allottee.

(6) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the authority or the Corporation, as the case may be for the time being in force.

(7) The allottee shall construct a building within a period of five years from the date of execution of the agreement or such extended period as the Authority may in any specified case by written order permit. If the building is not constructed within the said period the allotment may after reasonable notice to the allottee be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the authority and after forfeiting twelve and half per cent of the value of the site paid by the allottee the authority shall refund the balance to the allottee.

(8) (i) On the expiry of a period of ten years from the date of the lease-cum-sale agreement and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement the authority shall by notice call upon the allottee to get the

1. Sub-rule (2) substituted by Notification No. UDD 59 MNJ 2005, dated 27-4-2005, w.e.f. 30-4-2005
2. Sub-rule (2-A) inserted by Notification No. UDD 129 MNJ 97, dated 2-1-1999, w.e.f. 4-2-1999
3. Sub-rules (3), (4), (5), (6), (7), (8), (9) and (10) substituted by Notification No. UDD 59 MNJ 2005, dated 27-4-2005, w.e.f. 30-4-2005
sale deed of the site executed at his own cost within the time specified in the
said notice.

(ii) If the allottee fails to get the sale deed executed within the time
specified the authority shall itself execute the same and recover the cost and
other charges if any incidental thereto from the allottee.

(9) With effect from the date of taking possession of the site, the allottee or
his legal heirs and successors shall be liable to pay the taxes, fees and cesses
payable in respect of the site and any building erected thereon.

(10) If the particulars furnished by the applicant in the prescribed
application form for allotment of site are found to be incorrect or false, the
site value deposited shall be forfeited and the site shall be resumed by the
authority.]

CASE LAW

Rule 13 — If mathematics is applied to the judgments — Resultant will be,
filming of unnecessary writ petitions will be avoided a site was allotted to
petitioner — Not chosen to pay balance amount within stipulated period —
Single Judge applied mathematics — As per rules the time may be extended
upto 300 days (90+60+150 = 300 days) — Petitioner not availed benefit of this
provision — Thus writ petition dismissed — Held, there is no ground made
out to extend the time thus appeal came to be dismissed.

K.L. Manjunath and Ravi Malimath, JJ., Held: The appellant was allotted a
site bearing No. 254, in 9th Phase, 3rd Block, J.P. Nagar Extension, measuring
40 feet x 60 feet, on 26-2-1998. At the time of filing the application a sum of Rs.
3,440/- was paid by the appellant. The balance site value of Rs. 2,86,460/- had
to be deposited by the appellant in 90 days, from the date of receipt of
allotment letter, etc. The learned Counsel for the appellant contends that in
terms of Rule 13 of the Bangalore Development Authority (Allotment of
Sites) Rules, 1984, an extension of time requires to be granted, in view of the
fact that the appellant belongs to Scheduled Caste. It is further submitted that
in terms of equity, the time granted requires to be extended, etc. The
learned Single Judge considered the contentions advanced by the appellant,
so far as the applicability of Rule 13 of the Bangalore Development Authority
(Allotment of Sites) Rules, 1984, and held that in terms of the Rules, even if
time is to be extended, the same can be extended upto 90+60+150 days i.e.,
about 300 days, that too by paying appropriate interest. However, the
appellant did not take the benefit of the provision. No payment was made
before 300 days. Therefore, the same could not be applied at the belated
stage. Under these circumstances, the writ petition was dismissed, etc. On
considering the contentions, we are of the considered view that there is no
error committed by the learned Single Judge that calls for interference. The
allotment has been made as far as in the year 1998 and it was cancelled in the
year 1999. There is no ground made out as to how the B.D.A. could extend the
time in terms of Law, etc. For all these reasons, the learned Single Judge was
justified in passing the impugned order. Consequently, the appeal being

13-A. Conditions of allotment of sites to persons who have outstanding achievements in Arts, Science or Sports.— (1) Notwithstanding anything contained in these rules, where allotment of sites is made to persons who have outstanding achievements in Arts, Science or Sports falling under category (i) of Rule 11 and the allottee has made payment under sub-rule (1) of Rule 13, the Authority shall call upon the allottee to execute a lease-cum-sale agreement in Form IV and after the agreement is executed by the allottee and the Authority, it shall be registered at the cost of the allottee. If the agreement is not executed within forty-five days after the Authority has called upon the allottee to execute such agreement, the registration fee paid by the allottee may be forfeited, and the allotment of site cancelled and the amount paid by the allottee after deducting such expenditure as might have been incurred by the Authority by refund to him.

(2) The allottee shall construct a building on the site in accordance with the plans and designs approved by the Authority. If in any case, it is considered necessary to include any additional conditions in the lease-cum-sale agreement, to be executed under sub-rule (1), the Authority may include such conditions at the time of execution of the lease-cum-sale agreement.

(3) The allottee shall comply with the conditions of agreement executed by him and the building bye-laws of the Authority or the Corporation as the case may be, for the time being in force.

(4) The allottee shall construct building within a period of three years from the date of execution of the agreement or such extended period as the Authority, may, in any specified case by written order permit. If the building is not constructed within the said period, the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Authority and after forfeiting twelve and half per cent of the value of the site paid by the allottee, the Authority shall refund the balance amount of the allottee.

(5) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the Authority as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Authority and the allottee.


A KLJ PUBLICATION
(6) If on the expiry of the period of ten years from the date of execution of lease-cum-sale agreement, the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement, the allottee shall call upon the Authority to execute the sale deed at his own cost and the Authority shall execute the sale deed of the site at its own cost.

(7) With effect from the date of taking possession of the site, the allottee or his heirs or successors shall be liable to pay the tax, fees and cesses payable in respect of the site and any building erected thereon.

(8) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found to be incorrect or false, the allotment shall be cancelled, sital value deposited shall be forfeited and the site shall be resumed by the Authority.]

14. Restrictions, conditions on sales of sites.—(1) The allottee shall not alienate the site within the lease period of ten years except mortgaging the site in favour of Government of India or the State Government or any financial institutions for the purpose of securing loan for the construction of building.

(2) If the site is alienated within the lease period except for the purpose specified in sub-rule (1), the authority after a due notice to the lessee, shall cancel the allotment, resume the site and forfeit the amount paid by the lessee.

(3) Notwithstanding anything contained in these rules if the lessee applies for reasons beyond his control or by reasons of his insolvency or impecuniosities to sell the site or the site with the building constructed thereupon, the authority may, with the previous approval of the Government either.—

(a) require him to surrender the site, whereupon no building is constructed. The authority after such surrender shall pay to the lessee the allotted value of the site together with the interest at the rate of 12% per annum thereon;

(b) where the building is constructed on the site so allotted the Authority shall permit him to sell the building provided the lessee pays to the authority an amount calculated at 12% per annum on the allotted value of the site.]

CASE LAW

Rule 14 — Site allotted — Restrictions, conditions and limitations regarding alienation of — Citation of wrong set of rules in letter of allotment

1. Rule 14 substituted by Notification No. UDD 59 MNJ 2005, dated 27-4-2005, w.e.f. 30-4-2005
and applicability of those rules — Letter of allotment issued by B.D.A. in respect of allotment made in May, 1984, stating that allotment was governed by “City of Bangalore Improvement (Allotment of Sites) Rules, 1972”, when those rules were no longer in force — It is to be read as “B.D.A. (Allotment of Sites) Rules, 1984” and provisions thereof are to be applied.

Held: The letter of allotment was issued by the Bangalore Development Authority on 5-5-1984 and the Allotment Rules applicable to the case were 1984 Rules and not 1972 Rules, as it had been so stated wrongly in the lease-cum-sale agreement. It is to be noted that when the 1982 Rules came into force on 3-7-1982 as per Rule 18 of that Rules i.e., 1982 Rules, the 1972 Rules came to be repealed, and in the same way when 1984 Rules came into force, as per Rule 17 of the said Rules i.e., 1984 Rules, the earlier Rules i.e., 1982 Rules came to be repealed. In the lease-cum-sale agreement, it is mentioned that the Allotment Rules applicable were the 1972 Rules. When the 1972 Rules were no longer in force as on the date of lease-cum-sale agreement, mentioning therein that the 1972 Rules as applicable was erroneous and that therefore, it is clear that what were applicable to the case were the 1984 Rules. — Y.R. Mahadev v K. Dayalan, 1997(4) Kar. L.J. 264C.

Rule 14(2)(a) — As amended by notification dated 6-2-1998 — Unauthorised sale of allotted site — Regularisation of — Law pronounced by Apex Court in its judgment dated 18-1-2000 is applicable not only to sales effected by legislators who were parties to case before that Court, but also to such sales made by others who were not made parties thereto — Purchaser of site under such unauthorised sale is liable to pay 25% of sital value determined as rates specified by State Government, for regularisation of sale.

M.P. Chinnappa, J., Held: The alienation was held to be invalid. Because of Rule 14 of the Rules the said alienation can be legalised only if 25% value of the property is paid. The vendor of the petitioner obtained the order to sell the property by letter dated 27/28-10-1995 wherein the Government has granted permission among others the vendor of the petitioner to alienate the property. That also was held to be invalid. Therefore, notwithstanding the fact that the vendors therein were not parties and their alienation was not specifically questioned in the writ petitions before this Court, which was set aside by the Supreme Court, the order under which the permission was accorded was set aside holding that the Government had no power to grant such permission to alienate the property. That being so, the Rule 14 is made applicable. Only if the purchasers paid 25% of the value of the site, then the regularisation could be granted. In pursuance of this order, rightly the BDA has issued a notice dated 21-8-2000 to the petitioner which is in consonance with the order passed by the Supreme Court. — N.R. Sridhar v Bangalore Development Authority and Another, 2002(1) Kar. L.J. 524.

Rule 14(2)(a) — As amended by notification dated 6-2-1998 — Unauthorised transfer of allotted site — Regularisation of — Rule amended to enable Authority to regularise unauthorised transfer on payment by transferee, of 25% of sital value determined at rates specified by State Government, from time to time — Only if payment is not made, can allotment be cancelled.

B.N. Kirpal and M.B. Shah, J.J., Held: Rule 14 has now been amended by Notification dated 6th February, 1998. Rule 5 of the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1997 makes the amendment in Rule 14. . . . . As a result of the Rules where there has been
alienation of site in contravention of sub-rule (2), then on an application being made by the purchaser the said sale or alienation in his favour can be regularised on the purchaser paying an amount equal to 25 per cent of the sital value determined at the rates specified by the State Government from time to time. Inasmuch as the permission which was granted in 1994 and 1995 for transferring the land was illegal, the effect would be that the original allottees had transferred the land in violation of the provisions of sub-rule (2) of Rule 14 and now after the amendment of the said rule regularisation of the said alienation can take place by the purchaser paying the amount referred to in sub-rule (2-A). If this payment is not made, the result obviously would be that the alienation will not be validated and the allotment of land itself would stand cancelled. It is obvious that under Rule 14 permission to transfer can be granted under the circumstances provided by sub-rule (3). The said sub-rule provides that an application for transfer can be made by an allottee on the grounds that, (a) for reasons beyond his control he is unable to reside in the city of Bangalore; or (b) by reasons of his insolvency or impeckuniosity, it is necessary for him to sell the site and the building. The High Court has interpreted this Rule to mean that it is only for reason of insolvency that permission under sub-rule (3) can be granted. This does not appear to be correct because on the ground that the allottee is unable to reside in the city of Bangalore and also on the ground of impeckuniosity, permission can be granted to sell the land or the land and the building constructed thereon, after the amendment of the Rule in 1998. — Commissioner, Bangalore Development Authority v S. Vasudeva and Others, 2000(7) Kar. L.J. 1C (SC).

Rule 14(2)(a) — Jurisdiction of BDA to regularise allotment of sites — Procedure for — Held, in facts, circumstances, BDA ought to have exercised jurisdiction to convey the site in question to the petitioner's mother.

Ram Mohan Reddy, J., Held: There is force in the submission of the learned Senior Counsel that Rule 14(2)(a) of the Rules, as it existed prior to its substitution by notification dated 23-10-2000 did invest a jurisdiction in the BDA on an application of the purchaser of a site in contravention of sub-clause (iii) of clause (a) of sub-rule (2) of the Rules on payment by the purchaser of an amount equal to 25% of the sital value, determined at the rates specified by the State Government, from time to time, for the purpose of registration, to order regularisation of such alienation and convey title to such purchaser. BDA in the circumstances of the case ought to have exercised that jurisdiction to convey the site in question to the petitioner's mother, on receipt of ₹ 32,758/- as on 17-8-1992 towards value of the said site. On that score too, action impugned of the respondent-BDA is unjust and arbitrary. — Ajay R. Gowda v The Bangalore Development Authority, Bangalore, 2016(1) Kar. L.J. 619C.

Rule 14(2)(a)(iii) — Petitioner-owner in possession of property — Sale made during non-alienation period and fine leviable in terms of Rule 14(2)(a)(iii) of Rules — When request for regularisation of sale made Bangalore Development Authority demanded Rs. 3,00,000/- — Notification provides for levy of fine of an amount equal to 25% of sital value — Petition stands rejected.

R. Gururajan, J., Held: Admittedly, BDA is demanding a sum of Rs. 3,00,000/- for the purpose of regularisation of the transfer of site in favour of the petitioner. Admitted acts would reveal that the petitioner is the fourth
purchaser. Admitted facts also would reveal that alienation has taken place during the non-alienation period. When request for regularisation was made BDA demanded Rs. 3,00,000/- Let me see as to whether the said claim is justifiable or not. The Supreme Court in S. Vasudeva’s case has considered the same on similar matter. The present demand is admittedly made in terms of Rule 14(2)(a)(iii). The Government has chosen to issue a notification dated 26-3-1999. The said notification provides for levy of fine of an amount equal to 25% of the site value determined at the rates specified by the State Government from time to time. — S. Ravinára v Bangalore Development Authority and Another, 2005(3) Kar. L.J. 595.

Rule 14(3) — Alienation of sites — Restrictions regarding — Provision prohibiting allottee from alienating site and building, if any, he might have put up thereon, within 10 years from date of execution of lease-cum-sale agreement — Restrictions can be relaxed only if it is proved that allottee, for reason beyond his control, is unable to stay in Bangalore, or if he is adjudged insolvent or impecunious — Even in such case, allottee can only surrender site to Authority and get back value paid, with interest thereon at 12% p.a. and if he has put up building, he can be permitted to sell site along with building, only on condition that he should pay to Authority interest at 12% p.a. on site value paid by him from date of allotment to date of such sale — Orders issued by State Government permitting allottees to sell where these statutory conditions are not satisfied and merely on basis of self-declaration made by allottees that they have since become insolvent or impecunious, held, illegal — Status of insolvent cannot be conferred by order of Government, but can be granted only by decree of Court of competent jurisdiction.

Held: In most of the cases the beneficiaries-allottees had violated the terms and conditions of allotment as prescribed by Rule 13 and the conditions of lease-cum-sale agreement executed between the parties. Despite there being violation of the rules to the knowledge of the respondent-Authority, no action appears to have been initiated against any of such allottees. The respondent-Authority is therefore shown to have failed in the discharge of its statutory obligations. All such allottees who had not constructed the buildings within the time specified under the rules, without getting any extension had incurred the liability of losing the site and the revocation of the agreement. Lapses on the part of the Authority would not be deemed to have been conferred any additional benefit or right upon the defaulting allottees. . . Most of the allottees had alienated the sites either without permission or with permission which was obtained by mis-representation of facts and position of the law. Rule 14 of the Allotment Rules provided that an allottee of a site could request to the Commissioner to execute a deed of conveyance in his favour which was subject to the restrictions, conditions and limitations prescribed under sub-rule (2) thereof. No such purchaser had the right to
alienate the site within a period of 10 years from the date of conveyance except by mortgage in favour of the Government of India or Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any company or Co-operative Society approved by the Authority or any Corporation set up, owned or controlled by the State Government or the Central Government to secure money advanced by such Government, Corporation, Company, Board, Society or Corporation, as the case may be for the construction of the building on the site. In the case of a site on which building had been constructed, the purchasers could not alienate the site and the building constructed thereon within a period of 10 years from the date of agreement. In the event of purchasers committing breach of any of the conditions in clause (a) or clause (b), the Authority had the jurisdiction to resume the site free from all encumbrances at any time after giving the purchaser the reasonable notice. However, under sub-rule (3) of Rule 14 where the lessee applied that for reasons beyond his control he was unable to reside in the city of Bangalore or by reasons of his insolvency or impecuniosity it was necessary for him to sell the site and the building, the Authority with the previous approval of the State Government, was either required him to surrender the site, where there was no building in BDA's favour; or where there was a building put up, permit him to sell the vacant site and building. In case the Authority required the purchasers to surrender the sites in its favour it had to pay to the lessee the allotted value of the site and an additional sum equal to the amount of interest at 12% per annum thereon. The sale could be permitted by directing the allottee to pay to the Authority a sum equal to the amount of interest at the rate of 12% per annum on the allotted value of the site. A large number of allottees have been granted the permission to transfer the sites in favour of third parties. The Authority has, however, expressed its inability to adhere to the rules as according to it. The exercise of power and grant of permission at the instance of Government wholly being contrary to the law is not sustainable and all such permissions granted to the allottees at the instance of the Government are therefore nullity, void and inoperative which do not effect the right of the Authority. The State Government and the Authority are shown to have succumbed to the pressure of the allottees while granting permissions for sale which are shown to have been obtained by such allottees ostensibly for making profit by abusing the process of law and their position as Legislators. ... Sub-rule (3) of Rule 14 of the Allotment Rules provides that where a lessee applies stating that for reasons beyond his control, he is unable to reside in the city of Bangalore or by reasons of his insolvency or impecuniosity it is necessary for him to sell the site and the building, if any, the Bangalore Development Authority, with the previous approval of the State Government require him to surrender the site, where there is no building in its favour; or where there is a building put up, permit him to sell the site and the building. It follows, therefore, that even if the conditions prescribed by
the aforesaid sub-rule are complied with, the permission to sell the site can be
given only if there is a building put upon it and in accordance with the rules
applicable. In other words, a site where no building is put up, cannot be
permitted to be sold under any circumstance. Upon fulfilment of the
conditions prescribed under sub-rule (3) of Rule 14, the lessee, in case where
no building is put upon the site, is liable to surrender the site in favour of the
Authority who is required to pay him the allotted value of the site and an
additional sum equal to the amount of the interest at 12% per annum thereon.
Where, however, the building is put up and the permission is sought to sell
the vacant site and the building, the lessee is required to prove that he was
unable to reside in the city of Bangalore or by reasons of his insolvency or
impecuniosity he was not in a position to retain the site or construct the
building. Where a person finds himself unable to reside in the city of
Bangalore, he is under an obligation to surrender the site as required under
clause (a) of sub-rule (3) of Rule 14 read with proviso (i) of the Allotment
Rules. On such a ground the lessee is not entitled to be granted the
permission to sell the site or building to any other person. Inability to reside
in the city of Bangalore warrants the lessee to surrender the possession and
get the payment in accordance with the rules as noticed herein above. . . . So
far as the sale of the site where a building is put up, the lessee can be granted
permission to sell only if he proves to be insolvent or for reasons of
impecuniosity. Neither insolvency nor impecuniosity has been defined
under the Act or the Rules. The insolvency or impecuniosity have, therefore,
to be assigned meanings as provided under the provisions of the
corresponding law or as understood in the ordinary parlance. . . . Keeping in
view the scheme of the Act, the purpose and object sought to be achieved by
it and the language used in sub-rule (3) of Rule 14 of the Allotment Rules, we
have no doubt in our mind that the words “Insolvency” or “impecuniosity”
have been used in the same manner as are understood under the Provincial
Insolvency Act. Such a status cannot be unilaterally claimed by any person or
Authority for seeking the benefits under the Allotment Rules but is required
to be declared as such by a competent Court of jurisdiction before granting
any benefit on the basis of the proclaimed status on the ground of insolvency
or impecuniosity. No person shall be entitled to the benefit of clauses (a) and
(b) of sub-rule (3) read with provisos (i) and (ii) unless and until his financial
status is determined by competent Court of jurisdiction. Before approaching
the Authority or the State Government for permission to sell the site or the
building, the lessee is required to obtain a decree or declaration in that behalf
in the manner prescribed and as noticed by us herein above. Such a position
of law is applicable not only to the respondents herein or the members of
respondent 39- Society, but also to all the allottees under the Act. — S.

Rule 14(3) — Sale of site by allottee — Restrictions on — Direction issued
by State Government to Authority to permit allottee to sell allotted site in
disregard of restrictions — Such direction, held, is ultra vires State Government's powers under Act — Sale, held, is illegal.

B.N. Kirpal and M.B. Shah, JJ., Held: Rule 14 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 provides for restrictions and conditions on sale of sites. . . . According to Section 65, the Government has no power to issue any directions which are in conflict with the provisions of the Act and, by necessary implication, in conflict with the Rules framed under the said Act. The directions which can be given under Section 65 are such which are necessary or expedient for the carrying out of the purposes of the Act. When Rule 14, as it stood in the year 1994-95, did not permit sale of vacant sites by an allottee to anybody else, even after getting permission from the BDA, the Government could not have permitted or directed the said land to be sold or transferred. This being the position, the transfer of land by 13 such ex-Legislators and ex-Ministers who were members of the respondent-Society, and whose names are included in the BDA’s letter was clearly illegal and the permission so granted and the consequent transfer of land would become liable to be set aside. — Commissioner, Bangalore Development Authority v S. Vasudeva and Others, 2000(7) Kar. L.J. 1B (SC).

15. Voluntary surrender.— An allottee may at any time after allotment, surrender the site allotted to him to the Authority. On such surrender the Authority shall refund all amounts paid by the allottee to the Authority in respect of the said site.

16. Savings.— Nothing in these rules shall be applicable to the sale or transfer of sites by the Authority to—

(a) The Karnataka Housing Board for construction of houses; or
(b) the State Government for any purpose;
(c) the Karnataka State Road Transport Corporation, the Bangalore Water Supply and Sewerage Board and the Karnataka Electricity Board.

17. Repeal.— The Bangalore Development Authority (Allotment of Sites) Rules, 1982 are hereby repealed:

Provided that such repeal shall not affect the previous operation of the said rules or anything duly done or any action duly taken under the said rules.
FORM No. I

Bangalore Development Authority

<table>
<thead>
<tr>
<th>Registration No.</th>
<th>Registration No.</th>
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<tbody>
<tr>
<td>Name of the persons registered (in Block Letters)</td>
<td>Name of the persons registered (in Block Letters)</td>
</tr>
<tr>
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<td>Address</td>
</tr>
<tr>
<td>Annual Income</td>
<td>Annual Income</td>
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<td>Amount</td>
<td>Amount</td>
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<tr>
<td>Date</td>
<td>Date</td>
</tr>
<tr>
<td>Name of the Bank and the Branch</td>
<td>Name of the Bank and the Branch</td>
</tr>
<tr>
<td>Whether the applicant is a domicile of Karnataka State for a period of not less than 15 years (Affidavit should be enclosed)</td>
<td>Whether the applicant is a domicile of Karnataka State for a period of not less than 15 years (Affidavit should be enclosed)</td>
</tr>
<tr>
<td>Signature of the registered person</td>
<td>Signature of the registered person</td>
</tr>
<tr>
<td>Signature of the person received the deposit</td>
<td>Signature of the person received the deposit</td>
</tr>
<tr>
<td>Bangalore Date</td>
<td>Bangalore Date</td>
</tr>
</tbody>
</table>

3 FORM II

BANGALORE DEVELOPMENT AUTHORITY

Application form for Allotment of Site under the Bangalore Development Authority (Allotment of Sites) Rules, 1984

WITH INITIAL DEPOSIT

Notification No. .......... Passport size photograph
Cost of application Rs. .......... with signature should be affixed here
B.D.A. system number............

1. Substituted for the words “ten years” by GSR 21, dated 18-1-1997, w.e.f. 6-2-1997.
2. Substituted for the words “ten years” by GSR 21, dated 18-1-1997, w.e.f. 6-2-1997.
3. Form II substituted by Notification No. UDD 129 MNJ 97, dated 6-2-1998, w.e.f. 14-2-1998 again the Government has made the rules, by its Notification No. UDD 265 MNJ 2011, dated 7-10-2015 further to amend Form No. II of the said rules, which is not matching with Sl. No. 9 of Form II.
1. Dimension of the Site:
   (indicate the dimension)  
   Application No.

2. Name of the Layout, mention
   only Sl. Nos. in order of preference

3. Name of the Applicant
   (write in capital letters)

4. Father’s/Husband’s name
   (write in capital letters)

5. Sex
   (1) Male/Female
   (2) Married/unmarried
   (3) No. of Dependent Children

6. If married furnish the following
   particulars of your spouse
   (1) Husband’s/Wife’s name
   (2) Date of Birth
   (3) Occupation
   (4) Name and Address of the Employer
   (5) Annual Income of Spouse
   (6) Permanent Income-tax No.

7. (1) Date of Birth of Applicant
   (2) Age
   (3) Annual Income of Applicant Rs....................

8. Applicant’s Address
   (Do not write name)

9. Registration particular
   (1) Registration number
   (2) Date of registration
   (3) Registration fee paid

10. Particulars of initial deposit now paid
    (1) Amount Rs. ..................................................
    (2) Mode of payment: Cash/D.D. ...........................
(3) D.D. No. .................................................................

(4) Date: .................................................................

(5) Name of the Bank issuing D.D. .........................

11. Your Bank Account particulars
    (for refunding the Initial Deposit)

    (1) Name and Address of the Bank ..............
        Bank Name .........................

    Pin Code ...................... Bank Code ............ A/c. No. .....................

12. Category under which application for site is
    now made (Fill up only one Sl. No. of the Category)

13. Number of attempts made previously for
    allotment of site (Excluding this application)

14. Details of your previous attempts with the
    BDA for allotment of site

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Application No.</th>
<th>Regn No.</th>
<th>Name of the Layout</th>
<th>Category applied</th>
<th>Dimension</th>
<th>Date</th>
<th>Initial Deposit paid</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Note.—Please see instruction No. 4(a) and (b) before filling up the above particulars.

15. Have you applied for a site of any other
dimension in the present notification?
    If so furnish the details:

    (1) Application Number

    (2) Initial Deposit

    (3) Dimension

16. Whether any land of the applicant has been
    acquired by the BDA for forming the layout
    now notified. If so furnish the Survey No.,
    Village, the extent of land acquired and the year
    of acquisition. The additional information in the
format available at notified banks on payment
of Rs. .......... should also be furnished

17. Are you residing in Karnataka for not less than
15 years prior to the date of registration for site?
(indicate Yes or No)

18. Do you or your wife/husband or your dependent
children or your dependent parents or your
dependent parents or your dependent brothers
or sisters own site or a house in the Bangalore
Metropolitan Area or have been allotted a site or a House
in the Bangalore Metropolitan area by the erstwhile City
Improvement Trust Board, the Bangalore Development
Authority, Karnataka Housing Board, House Building
Co-operative Society or any other Authority. Indicate
Yes or No. If yes, furnish details

19. Do you own a site or house in any part of our State
or Country which was allotted at subsidised price?

20. Have you any outstanding achievements in the field
of Arts/Science/Sports or any other field at State/
National/International Level? (If yes enclose
certificate/s)

I hereby declare that the above information is true to the best of my
knowledge and nothing has been concealed. If the above information
furnished by me is found to be wrong or false, my application for allotment
be rejected and the amount paid as Registration fee and initial deposit be
forfeited by the BDA.

I hereby further declare that I shall be subject to the terms and conditions
specified in the Bangalore Development Authority (Allotment of Sites)

Bangalore

Date:  

Signature of the Applicant]
FORM III

Lease-Cum-Sale Agreement

[See Rule 13-A]

This agreement of lease-cum-sale executed this ........... day ....... between the Bangalore Development Authority, Bangalore, represented by its Deputy Secretary (hereinafter called the 'Lessor') (which term shall wherever the context so permits, mean and include its successors in interest and assigns) on the one part, and ............... (hereinafter called 'Lessee') (which term shall wherever the context so permits, mean and include his/her heirs, executors, administrators and legal representatives) on the other part.

Whereas, the Bangalore Development Authority advertised for allotment of building sites in ................ Extension.

And whereas, one of such building site in Site No. .............morefully described in the Schedule hereunder and referred to as property.

And whereas, there were negotiations between the Lessee on the one hand and the Lessor on the other for allowing the Lessee to occupy the property as Lessee until the payment in full of the price of the aforesaid site as might be fixed by the Lessor as hereinafter provided.

And whereas, the Lessor agreed to do so subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984 and the terms and conditions hereinafter contained.

And whereas, thus the Lessor has agreed to lease the property and the Lessee has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder:

Now, therefore, this indenture witnesseth as hereunder:

1. The Lessee is hereby put in possession of the property and the Lessee shall occupy the property as a tenant thereof for a period of ten years from the date of taking possession or in the event of lease being determined earlier till the date of such termination. The amount deposited by the Lessee towards the value of property shall during the period of tenancy, be held by the Lessor as security deposit for the due performance of all terms and conditions of these presents;

2. The Lessee shall pay a sum of Rupees ........... per year as rent on or before ............. commencing from ...........,

1. Form III substituted by Notification No. UDD 59 MNJ 2005, dated 27-4-2005, w.e.f. 30-4-2005
3. The Lessee shall construct a building on the site as per plan, designs and conditions to be approved by the Lessor in conformity with the provisions of the Karnataka Municipal Corporations Act, 1976 and the relevant building bye-laws made thereunder within five years from the date of this agreement:

Provided that where the Lessor for sufficient reasons extends in any particular case the time for construction of the building, the Lessee shall construct the building within such extended period;

4. The Lessee shall not sub-divide the site or construct multi-dwelling house on it;

5. The Lessee shall plant at least two trees in the site leased to him/her;

6. The Lessee shall not alienate the site or the building that may be constructed thereon during the period of tenancy. The Lessor may, however permit the mortgage of the right, title or interest of the Lessee in favour of the Government of Karnataka, the Central Government or bodies corporate like Karnataka Housing Board or the Life Insurance Corporation of India, Housing Co-operative Societies or banks to secure moneys advanced by such Government or bodies for the construction of the building;

7. The Lessee agrees that the Lessor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site subject to the rights of the mortgage created by the allottee in favour of the institution from which he/she raises the loan;

8. The property shall not be put to any use except as residential building without the consent in writing of Lessor;

9. The Lessee shall be liable to pay all outstanding dues with reference to the property including taxes due to the Government and the Corporation of Bangalore;

10. On matters not specifically stipulated in these presents, the Lessor shall be entitled to give directions to the Lessee which Lessee shall carry out and default in carrying out such directions will be a breach of conditions of these presents;

11. In the event of the Lessee committing default in the payment of rent or committing breach of any conditions of this agreement or the provisions of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, the Lessor may determine the tenancy at any time after giving the Lessee, fifteen days notice ending with the month of the tenancy and take possession of the property. The
Lessor may also forfeit twelve and half per cent of the value of the site treated as security deposit under Clause 1 of these presents;

12. If the Lessee has performed all the conditions mentioned herein and committed no breach thereof the Lessor shall, at the end of ten years referred to in Clause 1 sell the property to the Lessee and all attendant expenses in connection with the sale such as stamp duty, registration charges, etc., shall be borne by the Lessee;

13. The Lessee hereby also confirms that this agreement shall be subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984, and agreed to by the Lessee in his/her application for allotment of the site;

14. In case the Lessee is evicted under Clause 11, he/she shall not be entitled to claim from the Lessor any compensation towards the value of the improvement or the super structure erected by him/her on the schedule property by virtue of and in pursuance of these presents;

15. It is also agreed between the parties hereto that Rs. ........... (Rupees ............... ) in the hands of the Lessor received by it from the Lessee shall be held by it as security for any loss or expense that the Lessor may be put to in connection with any legal proceedings including eviction proceedings that may be taken against the Lessee and all such expenses shall be appropriated by the Lessor from and out of moneys of the Lessee held in its hands.

SCHEDULE

Site No. .......... formed by the Bangalore Development Authority in Block No. .......... in the .......... Extension.

Site bounded on

<table>
<thead>
<tr>
<th>Side</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>East by</td>
<td>:</td>
</tr>
</tbody>
</table>
| West by | :
| North by | :
| South by | :

and measuring East to West .......... North to South ...... in all measuring .......... Square feet/Square Metres.

In witness whereof of the parties have fixed their signature to this agreement.

Witnesses:

1.

2.

A KLJ PUBLICATION
Deputy Secretary,
Bangalore Development Authority

Witnesses:

1.

2.

LESSEE].

[FORM IV

[See Rule 13-A]

Lease-cum-sale agreement

This agreement of lease-cum-sale executed this........... day ............
between the Bangalore Development Authority, Bangalore, represented by
its Deputy Secretary hereinafter called the 'lessor' (which term shall
whenever the context so permits, mean and include its successors in
interested and assigns) on the one part and ................. hereinafter called lessee
(which term shall whenever the context so permits, mean and include his/her
heirs, executors, administrators and legal representatives) on the other part.

Whereas, the Bangalore Development Authority advertised for allotment
of building sites in ............ extension.

And whereas, one of such building site in Site No. ............ more fully
described in the Schedule hereunder and referred to as property.

And whereas, there were negotiations between the lessee on the one hand
and the lessor on the other for allowing the lessee to occupy the property as
lessee until the payment in full of the price of the aforesaid site as might be
fixed by the lessor as hereinafter provided.

And whereas, the lessor agreed to do so subject to the terms and
conditions specified in the Bangalore Development Authority (Allotment of
Sites) Rules, 1984 and the terms and conditions hereinafter contained.

And whereas, the lessor has agreed to lease the property and the lessee
has agreed to take it on lease subject to the terms and conditions specified in
the said rules and the terms and conditions specified hereunder.

Now, therefore, this indenture witnesseth as hereunder.—

1. The lessee is hereby put in possession of the property and the lessee
shall occupy the property as a tenant thereof for a period of ten years from the


A KLJ PUBLICATION
date of taking possession or in the event of lease being determined earlier till the date of such termination. The amount deposited by the lessee towards the value of property shall during the period of tenancy, be held by the lessor as security deposit for the due performance of all terms and conditions of these presents.

2. The lessee shall pay a sum of Rupees ............... per year as rent on or before ............... commencing from ..........  

3. The lessee shall construct a building in the property as per plans, designs and conditions to be approved by the lessor and in conformity with the provisions of the Karnataka Municipal Corporations Act, 1976 and bye-laws made thereunder within three years from the date of the agreement:

Provided that where the lessor for sufficient reason extends in any particular case the time for construction of the building, the lessee shall contract the building within such extended period.

4. The lessee shall not sub-divide the property or construct more than one dwelling-house on it.

The expression “dwelling-house” means building constructed to be used wholly for human habitation and shall not include any apartments to the building whether attached thereto or not used as a shop or a warehouse or building in which manufacturing operations are conducted by mechanical power or otherwise.

5. The lessee shall plant at least two trees in the site leased to him/her.

6. The lessee shall not alienate the site or the building that may be constructed thereon during the period of tenancy. The lessor may, however permit the mortgage of the right, title or interest of the lessee in favour of the Government of Karnataka, the Central Government or bodies corporate like Karnataka Housing Board or the Life Insurance Corporation of India, Housing Co-operating Societies or Banks to secure moneys advanced by such Government or bodies for the construction of the building.

7. The lessee agrees that the lessor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site subject to the rights of the mortgage created by the allottee in favour of the institution from which he/she raises the loan.

8. The property shall not be put to any use except as residential building without the consent in writing of lessor.

9. The lessee shall be liable to pay all outstanding dues with reference to the property including taxes due to the Government and the Corporation of Bangalore.
10. On matters not specifically stipulated in these presents, the lessor shall be entitled to give directions to the lessee which the lessee shall carry out and default in carrying out such directions will be a breach of conditions of these presents.

11. In the event of the lessee committing default in the payment of rent or committing breach of any conditions of this agreement or the provisions of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, the lessor may determine the tenancy at any time after giving the lessee, fifteen days notice ending with the month of the tenance and take possession of the property. The lessor may also forfeit twelve and half per cent of the value of the site treated as security deposit under Clause I of these presents.

12. If the lessee has performed all the conditions mentioned herein and commits no breach thereof the lessor shall, at the end of ten years referred to in Clause I sell the property to the lessee and all attendant expenses in connection with the sale such as stamp duty, registration charges, etc., shall be borne by the lessee.

13. The lessee hereby also confirms that this agreement shall be subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984, and agreed to by the lessee in his/her application for allotment of the site.

14. In case the lessee is evicted under Clause II, he/she shall not be entitled to claim from the lessor any compensation towards the value of the improvement or the superstructure erected by him/her on the schedule property by virtue of and in pursuance of these presents.

15. It is also agreed between the parties hereto that Rs. .......... (Rupees ..............) in the hands of the lessor received by it from the lessee shall be held by it as security for any loss or expense that the lessor may be put to it connection with any legal proceedings including eviction proceedings that may be taken against the lessee and all such expenses shall be appropriated by the lessor from and out of moneys of the lessee held in its hands.

SCHEDULE

Site No. ................ formed by the Bangalore Development Authority in Block No. ................. in the ................. extension.

Site bounded on East by

West by

North by

South by

and measuring East to West .......... North to South ................. in all measuring ................. square feet/square metres.
In witness whereof the parties have fixed their signature of this Agreement:

Witnesses:

1. Deputy Secretary,
   B.D.A., Bangalore

Witnesses:

1. 

2. Lessee.]
THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 1987

GSR 94.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1987.

(2) They shall come into force at once.

2. Amendment of Rule 13.—In Rule 13 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, in sub-rule (1),—

(i) for the words "further extension of time for a period not exceeding sixty days, shall be given and the allottees shall pay in addition interest at the rate of eighteen per cent on the said amount for the extended period", the words "the authority shall, on application of the allottee, extend the time for payment for a further period not exceeding two hundred and ten days and the allottee shall pay in addition, interest at the rate of eighteen per cent on the said amount for the first sixty days of the extended period and at the rate of twenty one per cent for the next hundred and fifty days of the extended period" shall be substituted;

(ii) after the first proviso, the following proviso shall be inserted, namely.—

"Provided further that Government may, on application of the allottee and for reasons to be recorded in writing, extend the period specified under this sub-rule till such time as it deems fit and the allottee shall pay in addition to the balance sital value interest at the rate of twenty one per cent on such balance sital value in respect of the period so extended in addition to the interest payable for the period of two hundred and ten days extended by the Authority".

1. Published in the Karnataka Gazette, Extraordinary, dated 13-4-1987, vide Notification No. HUD 135 MNX 86, dated 9-4-1987
1. THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 1987

GSR 108.—In exercise of the powers conferred by Section 69 of the
Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the
Government of Karnataka hereby makes the following rules, further to
amend the Bangalore Development Authority (Allotment of Sites) Rules,
1984, namely.—

1. Title and commencement.—(1) These rules may be called the
Bangalore Development Authority (Allotment of Sites) (Amendment)

(2) They shall come into force at once.

2. Insertion of sub-rule to the existing Rule 9 of the Bangalore
Development Authority (Allotment of Sites) Rules, 1984.—After sub-rule
(2) of Rule 9 of the Bangalore Development Authority (Allotment of Sites)
Rules, 1984 the following sub-rule shall be inserted as sub-rule (3), namely.—

"(3) In a case where applications have already been made for
allotment of sites in response to a Notification already issued by the
Authority and where the applications are still pending without a
decision as to their disposal and fresh applications have been called for,
for allotment of further sites, the applicant who has already applied for
allotment of a site and paid the initial deposit in response to the first
notification, need not pay once again the initial deposit. However, he
should make application in response to the second Notification in Form
II(A) is appended to these rules."

2. THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 1997

GSR 21.—In exercise of the powers conferred by Section 69 of the
Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the
Government of Karnataka hereby makes the following rules, further to
amend the Bangalore Development Authority (Allotment of Sites) Rules,
1984, namely.—

1. Published in the Karnataka Gazette, Extraordinary, dated 5-5-1987, vide Notification No. HUD 223 MNX 87, dated 30-4-1987
2. Published in the Karnataka Gazette, dated 6-2-1997, vide Notification No. UDD 18 MIB 94(P), dated 18-1-1997

A KLJ PUBLICATION
1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. Amendment of Rule 10.—In Rule 10 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (hereinafter referred to as the said rules).—

(1) after clause (1), the following clause shall be inserted, namely.—

"(1-A) who has been allotted a Site or House in any part of our State or Country at a subsidised price"

(2) in clause (2), for the words "ten years", the words "fifteen years" shall be substituted.

(3) in clause (3), in the proviso.—

(i) for the words "ten years", the words "fifteen years" shall be substituted;

(ii) for the words "employment, business, studies or training", the words "employment or higher studies" shall be substituted.

3. Amendment of Rule 11.—In Rule 11 of the said rules in sub-rule (1).—

(i) in clause (d), for the figure "5%", the figure "10%" shall be substituted;

(ii) in clause (h), for the figures "52%", the figures "47%" shall be substituted.

4. Amendment of Form I.—In Form I of the said rules, for the words "ten years" in two places, where they occur, the words "fifteen years" shall be substituted.

5. Amendment of Form II.—In Form II of the said rules.—

(i) in Item 13, for the words, "ten years", the words "fifteen years" shall be substituted;

(ii) after Item 14, the following shall be inserted, namely.—

"15. Do you own a site or house in any part of our State or Country which was allotted at a subsidised price"
THE

BANGALORE DEVELOPMENT AUTHORITY (ALLOC TMENT OF SITES) (AMENDMENT) RULES, 1997

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Short title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1997.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment to Rule 2.—In Rule 2 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 for clause (d), following shall be substituted.—

""Economically Weaker Section" means, "person considered to be belonging to Economically Weaker Section as notified by Government from time to time", provided that the person satisfies the conditions laid down in sub-rule (2) of Rule 10."

3. Amendment of Rule 11.—In Rule 11 of the said Rules, in sub-rule (2), after clause (iii), the following proviso shall be inserted, namely.—

"Provided that if number of eligible applicants with equal number of attempts is more than the number of sites notified for allotment in respect of any particular category the applicant elder in age shall be considered."

4. Amendment of Rule 13.—In Rule 13 of the said Rules,—

(1) in sub-rule (2), the following proviso shall be inserted, namely.—

"Provided that the Authority may on application of the allottee permit him/her to execute a lease-cum-sale agreement in Form III in the joint name of the allottee and his/her spouse."

(2) for sub-rule (6), the following shall be substituted, namely.—

"(6) The allottee shall construct a building within a period of three years from the date of execution of the agreement or such extended period as the Authority may in any specified case by order in writing permit:

1. Published in the Karnataka Gazette, Extraordinary, dated 14-2-1998, vide Notification No. UDD 129 MNJ 97, dated 6-2-1998

A KLJ PUBLICATION
Provided that permission for such extension of time for construction of a building shall be subject to payment of penalty at such rates as may be notified by the State Government from time to time."

5. Amendment of Rule 14.—In Rule 14 of the said Rules.—

(1) after sub-rule (2), the following shall be inserted, namely.—

"(2-A) Notwithstanding anything contained in sub-rule (2), where a lessee has alienated the site in contravention of sub-clause (iii) of clause (a) of sub-rule (2), the authority may on application of the purchaser of such site and subject to payment by the purchaser an amount equal to twenty-five per cent of the sital value determined at the rates specified by the State Government from time to time for the purpose of registration, order for regularisation of such alienation and may also convey title to such purchaser."

(2) in sub-rule (3),—

(i) after clause (a), the following clause shall be inserted, namely.—

"(aa) permit the allottee to sell the site during the lease period of ten years."

(ii) in the proviso, after clause (i), the following clause shall be inserted, namely.—

"(i-a) in case covered by clause (aa), mentioned above, the lessee shall pay to the Authority an amount equivalent to fifteen per cent of the sital value determined at the rates specified by the State Government from time to time for the purpose of registration."

6. Substitution of Form II.—For Form II of the said rules, the following shall be substituted, namely.—

"FORM II

"BANGALORE DEVELOPMENT AUTHORITY
Application form for Allotment of Site under the Bangalore Development Authority (Allotment of Sites) Rules, 1984

WITH INITIAL DEPOSIT

Notification No. ................... Passport size photograph
Cost of application Rs. ............... with signature should be affixed

B.D.A. system number............. here

1. Dimension of the Site:
   (indicate the dimension) Application No.

A.K.L.J PUBLICATION
2. Name of the Layout, mention only Sl. Nos. in order of preference

3. Name of the Applicant (write in capital letters)

4. Father’s/Husband’s name (write in capital letters)

5. Sex
   (1) Male/Female
   (2) Married/unmarried
   (3) No. of Dependent Children Sons Daughters Total

6. If married furnish the following particulars of your spouse
   (1) Husband’s/Wife’s name
   (2) Date of Birth
   (3) Occupation
   (4) Name and Address of the Employer
   (5) Annual Income of Spouse
   (6) Permanent Income-tax No.

7. (1) Date of Birth of Applicant
   (2) Age
   (3) Annual Income of Applicant Rs. 

8. Applicant’s Address (Do not write name)

9. Registration particular
   (1) Registration number
   (2) Date of registration
   (3) Registration fee paid

10. Particulars of initial deposit now paid
    (1) Amount Rs. 
    (2) Mode of payment: Cash/D.D. 
    (3) D.D. No. 

A KLJ PUBLICATION
(4) Date: ..............................................................................

(5) Name of the Bank issuing D.D. .........................

11. Your Bank Account particulars
   (for refunding the Initial Deposit)
   (1) Name and Address of the Bank ....................
       Bank Name ........................................

12. Category under which application for site is
    now made (Fill up only one Sl. No. of the Category)

13. Number of attempts made previously for
    allotment of site (Excluding this application)

14. Details of your previous attempts with the
    BDA for allotment of site

    | Sl. No. | Application | Regn No. | Name of the Layout | Category applied | Dimension | Date 1 | Initial Deposit paid |
    |--------|-------------|----------|-------------------|------------------|-----------|--------|---------------------|
    |        | No.         |          |                   |                  |           |        |                     |
    |        |             |          |                   |                  |           |        |                     |

Note.—Please see instruction No. 4(a) and (b) before filling up the above particulars.

15. Have you applied for a site of any other
dimension in the present notification?
If so furnish the details:
   (1) Application Number
   (2) Initial Deposit
   (3) Dimension

16. Whether any land of the applicant has been
    acquired by the BDA for forming the layout
    now notified. If so furnish the Survey No.,
    Village, the extent of land acquired and the year
    of acquisition. The additional information in the
    format available at notified banks on payment
    of Rs. .......... should also be furnished
17. Are you residing in Karnataka for not less than 15 years prior to the date of registration for site? (indicate Yes or No)

18. Do you or your wife/husband or your dependent children or your dependent parents or your dependent parents or your dependent brothers or sisters own site or a house in the Bangalore Metropolitan Area or have been allotted a site or a House in the Bangalore Metropolitan area by the erstwhile City Improvement Trust Board, the Bangalore Development Authority, Karnataka Housing Board, House Building Co-operative Society or any other Authority. Indicate Yes or No. If yes, furnish details

19. Do you own a site or house in any part of our State or Country which was allotted at subsidised price?

20. Have you any outstanding achievements in the field of Arts/Science/Sports or any other field at State/ National/International Level? (If yes enclose certificate/s)

I hereby declare that the above information is true to the best of my knowledge and nothing has been concealed. If the above information furnished by me is found to be wrong or false, my application for allotment be rejected and the amount paid as Registration fee and initial deposit be forfeited by the BDA.

I hereby further declare that I shall be subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984.

Bangalore

Date: ___________________________ Signature of the Applicant.”

7. Amendment of Form III.—In Form III of the said rules for condition No. 4, the following condition shall be substituted, namely.—

“4. Lessee or the purchaser shall not sub-divide the property during the lease period.”
THE BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1998

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976, (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Short title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1998.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 11.—In Rule 11 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984.—

(1) in sub-rule (1), for item (i), the following shall be substituted, namely.—

“(i) persons who have outstanding achievements in the field of Arts, Science or Sports or any other field 5%;

(2) in sub-rule (5), the words “at its discretion with preference being given to persons who have outstanding achievements in the Arts, Science, Sports or in any other field” shall be omitted.

THE BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1998

GSR 6.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Published in the Karnataka Gazette, Extraordinary, dated 22-4-1998, vide Notification No. UDD 129 MNJ 97, dated 22-4-1998
2. Published in the Karnataka Gazette, dated 4-2-1999, vide Notification No. UDD 129 MNJ 97, dated 2-1-1999.
1. Short title and commencement.—These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1998.

2. They shall come into force from the date of their publication in the Official Gazette.

3. Amendment of Rule 13.—In Rule 13 of the said rules, (i) in sub-rule (2), the following proviso shall be inserted.

"2-A. Wherever the allottee is married, the lease-cum-sale-agreement in Form III shall be executed jointly in the name of the allottee and his/her spouse."

4. The proviso in Rule 13 of the said rules, (i) in sub-rule (2) is omitted.

THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 2000

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2000.

(2) They shall come into force at once.

2. Amendment of Rule 4.—In Rule 4 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (hereinafter referred to as the said rules), in sub-rule (1), for the figures "30%", the figures "40%" shall be substituted.

3. Omission of Rule 7.—Rule 7 of the said Rules shall be omitted.

4. Insertion of new Rule 8-A.—After Rule 8 of the said Rules, the following rule shall be inserted, namely.—

"8-A. Death of a person after registration.—Notwithstanding anything contained in these rules, where a person who has registered himself under Rule 8, dies before withdrawal of registration, his or her spouse and if there is no surviving spouse, his or her dependent children shall be deemed to be persons registered for the purpose of

1. Published in the Karnataka Gazette, Extraordinary, dated 24-10-2000, vide Notification No. UDD 411 MNJ 2000 (P), dated 23-10-2000

A KIJ PUBLICATION
these rules and shall be entitled to apply and for being considered for
allotment of site in accordance with the provisions of these rules”.

5. Amendment of Rule 10.—In Rule 10 of the said Rules.—

(1) clause (1-A) shall be omitted;

(2) in clause (3), for the words “any other Authority”, the words and
figures “a Co-operative Society registered under the Karnataka
Co-operative Societies Act, 1959 or any other Authority” shall be
substituted.

6. Amendment of Rule 11.—In Rule 11 of the said Rules.—

(1) in sub-rule (1),—

(i) in category “(h) General public”, for the figures “47%”, the
figures “50%” shall be substituted;

(ii) in category (i),—

(a) the words “or any other field” shall be omitted; and

(b) for the figure “5%”, the figure “2%” shall be
substituted;

(iii) in the explanation,—

(a) in clause (ii), for the word and letter “and (g)”, the
letters and word “(g) and (i)” shall be substituted;

(b) after clause (ii), the following clause shall be inserted,
namely.—

“(iii) “outstanding achievement” means achievement at the State,
National or International level as the case may be where award or
medal is presented by the authorities duly registered and recognised by
the State or Central Government, in recognition of such achievement in
the field of arts, science or sports supported by requisite certificate or
document”.

7. Amendment of Rule 13.—In the Rule 13 of the said Rules.—

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

“(1) The allottee shall, within a period of thirty days from the date of
receipts of notice of allotment, pay to the authority, the balance sital
value deducting the initial deposit. If the balance sital value is not paid
within a period of thirty days, the Authority shall on application of the
allottee extend the time for payment for a further period as a final
chance not exceeding sixty days and the allottee shall pay, in addition
interest at the rate of eighteen per cent on the said amount for the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to forfeiture and the allotment cancelled without prior intimation:

Provided that where an allottee is a person belonging to the Scheduled Castes, the Scheduled Tribes or the Backward Tribe or the family of a defence personnel killed or disabled during hostilities and whose annual income from all sources does not exceed rupees eleven thousand and eight hundred only or belonging to an economically weaker section as notified by the Government from time to time, the balance of the value of the site required to be paid under this sub-rule shall be paid by him or her without interest, within a period of three years in equal annual instalments from the date of receipt of the notice of allotment:

Provided further that where application made by the allottee to the Authority for extension of time is pending for its consideration on the date of commencement of the Bangalore Development Authority (Amendment) Rules, 2000, the Authority may for reasons to be recorded in writing extend the time for a further period of not exceeding two hundred and ten days and the allottee shall pay in addition to the balance sital value, interest at the rate of eighteen per cent on the said amount for the first sixty days of the extended period and at the rate of twenty-one per cent for the next one hundred and fifty days of the extended period and if the amount is not paid within such extended period also, the registration fee shall be liable to forfeiture and the allotment cancelled without prior intimation;

(2) for sub-rule (2), the following sub-rule shall be substituted, namely.—

"(2) After payment is made by the allottee, under sub-rule (1), the Authority shall execute and register in Form III a sale deed in his or her favour. The expenses on account of stamp duty, registration fee and any other incidental charges in respect of the conveyance shall be borne by the allottee";

(3) in sub-rule (2-A), for the words "lease-cum-sale agreement", the words "sale deed" shall be substituted;

(4) sub-rules (3), (4), (5), (6), (7) and (8) shall be omitted;

(5) sub-rule (7) shall be renumbered as sub-rule (3) thereof.

8. Substitution of Rule 14.—For Rule 14 of the said Rules, the following shall be substituted, namely.—

"14. Execution and Registration of sale deed in case of lease-cum-sale agreement already executed.—Notwithstanding
anything contained in these rules and the lease-cum-sale agreement in
Form III executed and registered prior to the coming into force of the
Bangalore Development Authority Amendment Rules, 2000, the
Commissioner may on the request of the allottee or lessee of a site
execute a deed of Sale in Form III at his or her expenses on account of
stamp duty, registration fee and other incidental charges either during
the subsistence or expiry of the period of lease”.

9: Substitution of Form III.—For Form III, of the said Rules the following
Form shall be substituted, namely.—

"FORM III
Sale Deed

[See Rules 13 and 14]

This deed of sale executed on the........day of........by the Bangalore
Development Authority, Bangalore, represented by its Deputy Secretary
(hereinafter called the 'Vendor') which term shall include its successors,
assigns, etc.; of the first part in favour of Sri/Smt........S/o........D/o, W/o
Sri/Smt........aged about........years, residing at No........(hereinafter
called the 'Purchaser') which term shall include his/her heirs; executors,
administrators, successors and assignees etc.) of the second part witnesseth
as follows:

Whereas, the Vendor has allotted to the purchaser the Site No........which
is fully described in the Schedule below as per Allotment letter No.
BDA/Adm./DS........dated........subject to the terms and conditions
specified in the Bangalore Development Authority (Allotment of Sites)

Whereas, the Purchaser has paid the full sital value of Rupees........in
Cash/D.D. No........Dated........drawn on........Bank........Branch,
Bangalore and the Vendor has acknowledged the receipt of the same.

Now this indenture witnesses that the vendor for having received the
valuable consideration of Rupees........from the Purchaser, do hereby put
the Purchaser in actual possession of the Schedule site and conveys absolute
title to the Purchaser all that part and parcel of Schedule site, to have; to hold
and to enjoy the same peacefully forever as his/her personal and absolute
property, free from all encumbrances.

SCHEDULE

All the piece and parcel of Site No........in Block No........
Extension/Layout, Bangalore measuring East to West........North to South,
in all measuring........Sq. Mtrs., together with all rights, appurtenances
whatever whether underneath or above the surface and bounded on:
THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 2002

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2002.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In Rule 10 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (hereinafter referred to as the ‘said rules’), after sub-rule (3), after clause (iii), the following clauses shall be inserted, namely.—

“(iv) in the case of officers belonging to All India Service, whose services are allotted to the Karnataka State Cadre and domiciled in the State of Karnataka for not less than two years immediately prior to the date of registration;

(v) in the case of serving soldiers who are either serving in the State or outside the State of Karnataka.”

3. Amendment of Rule 13.—In Rule 13 of the said Rules, for sub-rule (1), the following sub-rule shall be substituted, namely.—
“(1) The allottee shall, within a period of sixty days from the date of receipt of notice of allotment pay to the Authority, the balance sitatal value deducting the initial deposit. If the balances sitatal value is not paid within a period of sixty days, the Authority may on application of the allottee, extend the time for payment for a further period not exceeding sixty days as a final chance and the allottee shall pay in addition interest of the rate of eighteen per cent on the said amount for the first thirty days of the extended period and at the rate of twenty-one per cent for the next thirty days of the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to forfeiture and the allotment cancelled without prior intimation:

Provided that where an allottee is a person belonging to the Scheduled Castes, the Scheduled Tribes or the Backward Tribes or the family of a defence personnel killed or disabled during hostilities and whose annual income from all sources does not exceed rupees eleven thousand and eight hundred only or belonging to an economically weaker section as notified by the Government from time to time, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest, within a period of three years in equal annual instalments from the date of receipt of the notice of allotment.”

4. Insertion of new Rule 13-A.—After Rule 13 of the said Rules, the following rule shall be inserted, namely.—

"13-A. Conditions of allotment of sites to persons who have outstanding achievements in Arts, Science or Sports.—(1) Notwithstanding anything contained in these rules, where allotment of sites is made to persons who have outstanding achievements in Arts, Science or Sports falling under category (i) of Rule 11 and the allottee has made payment under sub-rule (1) of Rule 13, the Authority shall call upon the allottee to execute a lease-cum-sale agreement in Form IV and after the agreement is executed by the allottee and the Authority, it shall be registered at the cost of the allottee. If the agreement is not executed within forty-five days after the Authority has called upon the allottee to execute such agreement, the registration fee paid by the allottee may be forfeited, and the allotment of site cancelled and the amount paid by the allottee after deducting such expenditure as might have been incurred by the Authority by refund to him.

(2) The allottee shall construct a building on the site in accordance with the plans and designs approved by the Authority. If in any case, it is considered necessary to include any additional conditions in the lease-cum-sale agreement, to be executed under sub-rule (1), the
Authority may include such conditions at the time of execution of the lease-cum-sale agreement.

(3) The allottee shall comply with the conditions of agreement executed by him and the building bye-laws of the Authority or the Corporation as the case may be, for the time being in force.

(4) The allottee shall construct building within a period of three years from the date of execution of the agreement or such extended period as the Authority, may, in any specified case by written order permit. If the building is not constructed within the said period, the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Authority and after forfeiting twelve and half per cent of the value of the site paid by the allottee, the Authority shall refund the balance amount of the allottee.

(5) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the Authority as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Authority and the allottee.

(6) If on the expiry of the period of ten years from the date of execution of lease-cum-sale agreement, the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement, the allottee shall call upon the Authority to execute the sale deed at his own cost and the Authority shall execute the sale deed of the site at his own cost.

(7) With effect from the date of taking possession of the site, the allottee or his heirs or successors shall be liable to pay the tax, fees and cesses payable in respect of the site and any building erected thereon.

(8) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found to be incorrect or false, the allotment shall be cancelled, sital value deposited shall be forfeited and the site shall be resumed by the Authority.”

5. Insertion of new Form IV.— After Form III of the said rules, the following form shall be inserted, namely. —

"FORM IV
[See Rule 13-A]
Lease-cum-sale agreement

This agreement of lease-cum-sale executed this .......... day .......... between the Bangalore Development Authority, Bangalore, represented by its Deputy Secretary hereinafter called the 'lessor'
(which term shall wherever the context so permits, mean and include its successors, in interested and assigns) on the one part and ........................ hereinafter called lessee (which term shall wherever the context so permits, mean and include his/her heirs, executors, administrators and legal representatives) on the other part.

Whereas, the Bangalore Development Authority advertised for allotment of building sites in ............ extension.

And whereas, one of such building site in Site No. ............... more fully described in the Schedule hereunder and referred to as property.

And whereas, there were negotiations between the lessee on the one hand and the lessor on the other for allowing the lessee to occupy the property as lessee until the payment in full of the price of the aforesaid site as might be fixed by the lessor as hereinafter provided.

And whereas, the lessor agreed to do so subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984 and the terms and conditions hereinafter contained.

And whereas, the lessor has agreed to lease the property and the lessee has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder.

Now, therefore, this indenture witnesseth as hereunder.—

1. The lessee is hereby put in possession of the property and the lessee shall occupy the property as a tenant thereof for a period of ten years from the date of taking possession or in the event of lease being determines earlier till the date of such termination. The amount deposited by the lessee towards the value of property shall during the period of tenancy, be held by the lessor as security deposit for the due performance of all terms and conditions of these presents.

2. The lessee shall pay a sum of Rupees .................. per year as rent on or before ............... commencing from ............... .

3. The lessee shall construct a building in the property as per plans, designs and conditions to be approved by the lessor and in conformity with the provisions of the Karnataka Municipal Corporations Act, 1976 and bye-laws made thereunder within three years from the date of the agreement:

Provided that where the lessor for sufficient reason extends in any particular case the time for construction of the building, the lessee shall contract the building within such extended period.
4. The lessee shall not sub-divide the property or construct more than one dwelling-house on it.

The expression "dwelling-house" means building constructed to be used wholly for human habitation and shall not include any apartments to the building whether attached thereto or not used as a shop or a warehouse or building in which manufacturing operations are conducted by mechanical power or otherwise.

5. The lessee shall plant at least two trees in the site leased to him/her.

6. The lessee shall not alienate the site or the building that may be constructed thereon during the period of tenancy. The lessor may, however permit the mortgage of the right, title or interest of the lessee in favour of the Government of Karnataka, the Central Government or bodies corporate like Karnataka Housing Board or the Life Insurance Corporation of India, Housing Co-operating Societies or Banks to secure moneys advanced by such Government or bodies for the construction of the building.

7. The lessee agrees that the lessor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site subject to the rights of the mortgage created by the allottee in favour of the institution from which he/she raises the loan.

8. The property shall not be put to any use except as residential building without the consent in writing of lessor.

9. The lessee shall be liable to pay all outstanding dues with reference to the property including taxes due to the Government and the Corporation of Bangalore.

10. On matters not specifically stipulated in these presents, the lessor shall be entitled to give directions to the lessee which the lessee shall carry out and default in carrying out such directions will be a breach of conditions of these presents.

11. In the event of the lessee committing default in the payment of rent or committing breach of any conditions of this agreement or the provisions of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, the lessor may determine the tenancy at any time after giving the lessee, fifteen days notice ending with the month of the tenancy and take possession of the property. The lessor may also forfeit twelve and half per cent of the value of the site treated as security deposit under Clause I of these presents.

12. If the lessee has performed all the conditions mentioned herein and commits no breach thereof the lessor shall, at the end of ten years
referred to in Clause I sell the property to the lessee and all attendant expenses in connection with the sale such as stamp duty, registration charges, etc., shall be borne by the lessee.

13. The lessee hereby also confirms that this agreement shall be subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984, and agreed to by the lessee in his/her application for allotment of the site.

14. In case the lessee is evicted under Clause II, he/she shall not be entitled to claim from the lessor any compensation towards the value of the improvement or the superstructure erected by him/her on the schedule property by virtue of and in pursuance of these presents.

15. It is also agreed between the parties hereto that Rs. .......... (Rupees, ...........) in the hands of the lessor received by it from the lessee shall be held by it as security for any loss or expense that the lessor may be put to in connection with any legal proceedings including eviction proceedings that may be taken against the lessee and all such expenses shall be appropriated by the lessor from and out of moneys of the lessee held in its hands.

SCHEDULE

Site No. .......... formed by the Bangalore Development Authority in Block No. .......... in the .......... extension.

Site bounded on

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and measuring East to West .......... North to South .......... in all measuring .......... square feet/square metres.

In witness whereof the parties have fixed their signature of this Agreement:

Witnesses:

1. Deputy Secretary, B.D.A., Bangalore
2.

Witnesses:

1.
2. Lessee.

A KLJ PUBLICATION
THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 2003

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2003.

(2) They shall come into force at once.

2. Insertion of new Rule 11-A.—In the Bangalore Development Authority (Allotment of Sites) Rules, 1984, after Rule 11, the following rule shall be inserted, namely.—

"11-A. Allotment of alternative site.—Where the Authority is unable to hand over possession of a site allotted under these rules to any allottee, due to stay orders of the Courts or for any other reason, the Authority may allot an alternative site to such allottee, subject to the following conditions.—

(i) An alternative site may be allotted only where the mistake was on the part of the Authority while making the allotment of sites or where possession of the sites allotted originally could not be given to the allottees due to stay orders of the Courts or due to other disputes.

(ii) Subject to clause (i), and the availability of sites, alternative sites may be allotted by the Authority in the same layout in which sites were originally allotted or in the layouts formed by the Authority subsequent to the formation of the layout in which the sites were originally allotted.

(iii) Alternative sites shall not be allotted in layouts formed prior to the layout in which sites were originally allotted, even if sites are physically available in the layout/s formed prior to the layout in which original allotment was made.

(iv) While allotting alternative sites, sites bigger in dimension than the sites originally allotted shall not be considered for allotment. However, an alternative site upto ten per cent over and above the..."
area of the originally allotted site may be allotted and in such cases for the extra sital area involved, additional sital value applicable in that layout for that site shall be collected by the Authority in addition to the difference in sital value to be collected:

(v) Provided that extension of time of three months may be given to collect additional sital value in cases where it is applicable.

(vi) While allotting alternative sites eligibility of the applicant shall be verified in accordance with these rules.

THE BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2004

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2004.

(2) They shall come into force at once.

2. Insertion of New Rule 6-A.—After Rule 6 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (hereinafter referred to as the ‘said rules’), the following shall be inserted, namely.—

“6-A. Allotment of free sites to dependents of deceased service-men/physically disabled servicemen.—(1) Subject to the following conditions; allotment of sites free of cost may be made to dependents of servicemen who died during war or in operation of maintenance of internal security of the Country or who became physically disabled during war or in operation of maintenance of Internal Security of the country as hereunder:

(i) Commissioned Officers 40' x 60'

(ii) Non-commissioned Officers and others 30' x 40'

Explanation.—For the purpose of this rule “dependent” means widow, son, unmarried daughter.

1. Published in the Karnataka Gazette, Extraordinary No. 1227, dated 29-10-2004, vide Notification No. UDD 04 MNI 2004, dated 29-9-2004
(2) Allotment of sites under this rule shall be considered, if it is recommended by the Directorate of Sainik Welfare and Rehabilitation.

(3) The allottee under this rule shall be called upon by the Authority to execute a lease-cum-sale agreement in Form IV-A. If the allottee has failed to execute the lease deed within forty-five days from the date of intimation of allotment of site, the allotment of stands cancelled and registration fee paid shall be forfeited. The allottee shall get the lease-cum-sale agreement registered at his cost.

(4) The allottee under this rule, shall within a period of three years from the date of execution of lease-cum-sale agreement or within the extended period by the Authority construct a building in accordance with the plan and designs approved by the Authority. If the building is not constructed within the stipulated period or extended period, the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee be evicted from the site. If in any case or it is considered necessary to include any other condition in the lease-cum-sale agreement, the Authority may include such conditions at the time of execution of lease-cum-sale agreement.

(5) The allottee shall comply with conditions of agreement executed by him and building bye-laws of the authority or the Corporation or any other authority as the case may be, for the time being in force.

(6) If on the expiry of the period of ten years from the date of execution of lease-cum-sale agreement and the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement, the allottee shall call upon the Authority, to execute the sale deed at his own cost and the Authority shall execute the sale deed of the site.

(7) With effect from the date of taking possession of the site, the allottee or his heirs or successors shall pay the tax, fees and cesses payable in respect of the site and any building constructed thereon.

(8) If the particulars furnished by the applicant in the specified application form for allotment of site are found to be incorrect or false, the allotment shall be cancelled and the site shall be resumed by the Authority."
THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 2004

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2004.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In Rule 10 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, for proviso (v) to sub-rule (3), the following shall be substituted, namely.—

“(v) In the case of Serving Soldiers who are either serving in the State or Outside the State of Karnataka and domiciled in the State of Karnataka for not less than two years immediately prior to the date of registration with effect from commencement of the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2004”.

THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 2005

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2005.

(2) They shall come into force at once.

1. Published in the Karnataka Gazette, Extraordinary No. 1398, dated 13-12-2004, vide Notification No. UDD 157 MNJ 2004, dated 30-11-2004
2. Published in the Karnataka Gazette, Extraordinary No. 397, dated 17-3-2005, vide Notification No. UDD 09 MNJ 2005, dated 16-3-2005

A KLJ PUBLICATION
2. Amendment of Rule 13.—In Rule 13 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 in sub-rule (1), for the proviso, the following shall be and shall always be deemed to have been substituted from 1st January, 2002.

"Provided that where an allottee is a person belonging to—

(a) the Scheduled Castes and Scheduled Tribes, Backward Tribes, or to a family of a defence personnel killed or disabled during hostilities and who has been allotted a site of 6x9 M and 9x12 M or 12x18 M dimensions; or
(b) belonging to economical weaker section of the society as notified by Government from time to time, and who has been allotted a site of 6x9 M dimension,

the balance of the value of the site required to be paid under this sub-rule shall be paid by him or her without interest, within a period of three years in equal annual installments from the date of receipt of the notice of allotment:

Provided that in case of allotment made from 1-1-2002 till the date of publication of these rules the balance of the value of the site required to be paid under this rule shall be paid by him or her without interest within a period of six months from the date receipt of the notice."

THE
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 2005

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2005.

(2) They shall come into force at once.

2. Insertion of Rule 7.—After Rule 6 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (hereinafter referred to as the ‘said Rules’), the following rule shall be inserted, namely.—

"7. Allottee to be lessee.—The site allotted under these rules, shall be deemed to have been leased to the allottee until the lease is

1. Published in the Karnataka Gazette, Extraordinary No. 769, dated 30-4-2005, vide Notification No. UDD 59 MNJ 2005, dated 27-4-2005

A KLJ PUBLICATION
determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease, the allottee shall pay to the authority before the commencement of each year, rent at the rate of rupees five per annum where the area of the site does not exceed two hundred square metres, rupees ten per annum where the area of the site exceeds two hundred square metres, but does not exceed five hundred square metres and rupees twenty per annum where the area of the site exceeds five hundred square metres”.

3. Amendment of Rule 13.—In Rule 13 of the said rules.—

(i) for sub-rule (2), the following rule shall be substituted, namely.—

“(2) After payment under sub-rule (1) is made, the Authority shall call upon the allottee to execute a lease-cum-sale agreement in Form III. If the allottee fails to execute the lease-cum-sale agreement within 60 days after the authority has called upon him to execute such agreement, the registration fee paid by the allottee may be forfeited, and the allotment of the site cancelled, and the amount paid by the allottee, may be refunded by the Authority after deducting such expenditure as might have been incurred by the authority:

Provided that the authority may on application of the allottee permit him/her to execute a lease-cum-sale agreement in Form III in the joint name of the allottee and him/her spouse”.

(ii) after sub-rule (2), the following sub-rules shall be inserted, namely.—

“(3) Every allottee shall construct a building on the site so allotted in accordance with the plans and designs approved by the authority.

(4) The Authority may impose additional conditions in the lease-cum-sale deed as may be considered necessary.

(5) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the authority as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the authority and the allottee.

(6) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the authority or the Corporation, as the case may be for the time being in force.

(7) The allottee shall construct a building within a period of five years from the date of execution of the agreement or such extended period as the Authority may in any specified case by written order permit. If the building is not constructed within the said period the allotment may after reasonable notice to the allottee be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the authority and after forfeiting twelve and half per cent of
the value of the site paid by the allottee the authority shall refund the balance to the allottee.

(8) (i) On the expiry of a period of ten years from the date of the lease-cum-sale agreement and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement the authority shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice.

(ii) If the allottee fails to get the sale deed executed within the time specified the authority shall itself execute the same and recover the cost and other charges if any incidental thereto from the allottee.

(9) With effect from the date of taking possession of the site, the allottee or his legal heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(10) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found to be incorrect or false, the sital value deposited shall be forfeited and the site shall be resumed by the authority”.

4. Substitution of Rule 14.—For Rule 14 of the said rules, the following rule shall be substituted, namely.—

"14. Restrictions, conditions on sales of sites.—(1) The allottee shall not alienate the site within the lease period of ten years except mortgaging the site in favour of Government of India or the State Government or any financial institutions for the purpose of securing loan for the construction of building.

(2) If the site is alienated within the lease period except for the purpose specified in sub-rule (1), the authority after a due notice to the lessee, shall cancel the allotment, resume the site and forfeit the amount paid by the lessee.

(3) Notwithstanding anything contained in these rules if the lessee applies for reasons beyond his control or by reasons of his insolvency or impecuniosities to sell the site or the site with the building constructed thereupon, the authority may, with the previous approval of the Government either.—

(a) require him to surrender the site, whereupon no building is constructed. The authority after such surrender shall pay to the lessee the allotted value of the site together with the interest at the rate of 12% per annum thereon;

(b) where the building is constructed on the site so allotted the Authority shall permit him to sell the building provided the lessee pays to the authority an amount calculated at 12% per annum on the allotted value of the site”.

A KLJ PUBLICATION
5. Substitution of Form III.—For Form III of the said rules, the following form shall be substituted, namely.—

"FORM III
Lease-cum-Sale Agreement

[Rule 13-A]

This agreement of lease-cum-sale executed this ............ day ....... between the Bangalore Development Authority, Bangalore, represented by its Deputy Secretary (hereinafter called the 'Lessor') (which term shall wherever the context so permits, mean and include its successors in interest and assigns) on the one part, and .............. (hereinafter called 'Lessee') (which term shall wherever the context so permits, mean and include his/her heirs, executors, administrators and legal representatives) on the other part.

Whereas, the Bangalore Development Authority advertised for allotment of building sites in ............ Extension.

And whereas, one of such building site in Site No. ............ morefully described in the Schedule hereunder and referred to as property.

And whereas, there were negotiations between the Lessee on the one hand and the Lessor on the other for allowing the Lessee to occupy the property as Lessee until the payment in full of the price of the aforesaid site as might be fixed by the Lessor as hereinafter provided.

And whereas, the Lessor agreed to do so subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984 and the terms and conditions hereinafter contained.

And whereas, thus the Lessor has agreed to lease the property and the Lessee has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder:

Now, therefore, this indenture witnesseth as hereunder—

1. The Lessee is hereby put in possession of the property and the Lessee shall occupy the property as a tenant thereof for a period of ten years from the date of taking possession or in the event of lease being determined earlier till the date of such termination. The amount deposited by the Lessee towards the value of property shall during the period of tenancy, be held by the Lessor as security deposit for the due performance of all terms and conditions of these presents;

2. The Lessee shall pay a sum of Rupees ........... per year as rent on or before ............ commencing from ............;

3. The Lessee shall construct a building on the site as per plan, designs and conditions to be approved by the Lessor in conformity with the provisions of the Karnataka Municipal Corporations Act, 1976 and the relevant building bye-laws made thereunder within five years from the date of this agreement:

Provided that where the Lessor for sufficient reasons extends in any particular case the time for construction of the building, the Lessee shall construct the building within such extended period;
4. The Lessee shall not sub-divide the site or construct multi-dwelling house on it;

5. The Lessee shall plant at least two trees in the site leased to him/her;

6. The Lessee shall not alienate the site or the building that may be constructed thereon during the period of tenancy. The Lessor may, however permit the mortgage of the right, title or interest of the Lessee in favour of the Government of Karnataka, the Central Government or bodies corporate like Karnataka Housing Board or the Life Insurance Corporation of India, Housing Co-operative Societies or banks to secure moneys advanced by such Government or bodies for the construction of the building;

7. The Lessee agrees that the Lessor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site subject to the rights of the mortgage created by the allottee in favour of the institution from which he/she raises the loan;

8. The property shall not be put to any use except as residential building without the consent in writing of Lessor;

9. The Lessee shall be liable to pay all outstanding dues with reference to the property including taxes due to the Government and the Corporation of Bangalore;

10. On matters not specifically stipulated in these presents, the Lessor shall be entitled to give directions to the Lessee which Lessee shall carry out and default in carrying out such directions will be a breach of conditions of these presents;

11. In the event of the Lessee committing default in the payment of rent or committing breach of any conditions of this agreement or the provisions of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, the Lessor may determine the tenancy at any time after giving the Lessee, fifteen days notice ending with the month of the tenancy and take possession of the property. The Lessor may also forfeit twelve and half per cent of the value of the site treated as security deposit under Clause 1 of these presents;

12. If the Lessee has performed all the conditions mentioned herein and committed no breach thereof the Lessor shall, at the end of ten years referred to in Clause 1 sell the property to the Lessee and all attendant expenses in connection with the sale such as stamp duty, registration charges, etc., shall be borne by the Lessee;

13. The Lessee hereby also confirms that this agreement shall be subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1984, and agreed to by the Lessee in his/her application for allotment of the site;
14. In case the Lessee is evicted under Clause 11, he/she shall not be entitled to claim from the Lessor any compensation towards the value of the improvement or the super structure erected by him/her on the schedule property by virtue of and in pursuance of these presents;

15. It is also agreed between the parties hereto that Rs: .......... (Rupees ............... ) in the hands of the Lessor received by it from the Lessee shall be held by it as security for any loss or expense that the Lessor may be put to in connection with any legal proceedings including eviction proceedings that may be taken against the Lessee and all such expenses shall be appropriated by the Lessor from and out of moneys of the Lessee held in its hands.

SCHEDULE

Site No. .......... formed by the Bangalore Development Authority in Block No. .......... in the .......... Extension.

Site bounded on  
East by:
West by:
North by:
South by:

and measuring East to West .......... North to South ...... in all measuring .......... Square feet/Square Metres.

In witness where of the parties have fixed their signature to this agreement.

Witnesses:
1. 
2. 

Deputy Secretary, 
Bangalore Development Authority.

Witnesses:
1. 
2. 

LESSEE”.

THE BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2005

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the

1. Published in the Karnataka Gazette, Extraordinary No. 2152, dated 14-12-2005, vide Notification No. UDD 310 MNJ 2005, dated 14-12-2005

A KLJ PUBLICATION
Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2005.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In Rule 10 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984.—

(i) for clause (3), the following shall be substituted, namely.—

"(3) who or any dependent member of whose family, owns a site or a house or has been allotted a site or a house by the Bangalore Development Authority or a Co-operative Society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or any such other Authority within the Bangalore Metropolitan Area or has been allotted a site or a house in any part in the State by any other Urban Development Authority or the Karnataka Housing Board or such other Agency of the Government; shall be eligible to apply for allotment of a site”.

(ii) in the proviso, clause (iii) shall be omitted.

1 THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 2008

Whereas, the draft to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, was published vide Notification No. UDD 74 MNJ 2007, dated 6-3-2008 of the Karnataka Gazette, Extraordinary, dated 20-3-2008, inviting objection and suggestions to the said draft from all the persons likely to be affected within 30 days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 20-3-2008.

And whereas, no objections and suggestion are received in respect of the above draft amendment.

Now, therefore, in exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka makes the following rules, further Amendment to the rules of Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Published in the Karnataka Gazette, Extraordinary No. 1297, dated 6-12-2008, vide Notification No. UDD 74 MNJ 2007, dated 19-11-2008
1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2008.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 13.—In the Bangalore Development Authority (Allotment of Sites) Rules, 1984, in Rule 13, for sub-rule (1), excluding the proviso, the following shall be substituted, namely.—

“(1) The allottee shall, within a period of sixty days from the date of receipt of notice of allotment pay to the Authority, the balance sital value deducting the initial deposit. If the balance sital value is not paid within a period of sixty days, the Authority may on application of the allottee, extend the time for payment for a further period not exceeding one hundred twenty days as a final chance and the allottee shall pay an additional interest at the rate of eighteen per cent on the balance sital value for the first thirty days of the extended period and at the rate of twenty-one per cent for the next ninety days of the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to be forfeited and the allotment may be cancelled without prior intimation”.

THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2015

NOTIFICATION
No. UDD 475 MNJ 2014, Bengaluru, dated 20-5-2015
Karnataka Gazette, Extraordinary No. 600, dated 20-5-2015

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka is hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Substitution of Rule 5.—In the Bangalore Development Authority (Allotment of Sites) Rules, 1984, for Rule 5, the following shall be substituted, namely.—

“5. Allotment of stray sites.—(1) Notwithstanding anything contained in these rules, allotment of stray sites shall be in accordance with the provisions hereinafter provided.

A KIJ PUBLICATION
(2) The authority shall at least once in a year cause to be prepared a list of stray sites, giving details of layouts and dimension of sites and offer any or all the sites for allotment under this rule to persons eligible for allotment.

(3) Due publicity shall be given in respect of sites offered for allotment specifying their location, number, last date for submission of application and such other particulars as the Commissioner may consider necessary, by affixing a notice on the notice board of the office and website of the authority and any other office as the Commissioner may decide and by publication in not less than two daily newspapers published in City of Bangalore in English and Kannada, having wide circulation in the city.

(4) Sites shall be allotted among different categories as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Disposal by auction</td>
<td>30</td>
</tr>
<tr>
<td>B</td>
<td>Persons who have recognition in the field of sports at International/National Level</td>
<td>10</td>
</tr>
<tr>
<td>C</td>
<td>Persons who have won special recognition in the field of Art, Painting, Sculpture, Music, Dance, Drama, Films, Science, Literature, Education, Medicine, Press and Electronic media and Public Administration at the National/International Level and sitting or former members of Higher Judiciary</td>
<td>15</td>
</tr>
<tr>
<td>D</td>
<td>Ex-Military personnel or military personnel</td>
<td>05</td>
</tr>
<tr>
<td>E</td>
<td>Freedom fighters who are residents of Bangalore Metropolitan Area for a period of not less than ten years</td>
<td>05</td>
</tr>
<tr>
<td>F</td>
<td>Dependents of Karnataka Government Servants who died while on duty</td>
<td>05</td>
</tr>
<tr>
<td>G</td>
<td>Persons in public life</td>
<td>30</td>
</tr>
</tbody>
</table>

Explanation.—For the purpose of Category "G", "Persons in public life" means persons who are serving the public or available to the people for service as a whole and involved in the affairs of the Community in different capacities and includes persons who are or were elected or nominated to the Parliament or the State Legislature.

(5) Allotment through auction under Category ‘A’ shall be made only to a person if—

   (i) he is not a minor; and

   (ii) he is a citizen of India.

(6) Allotment to any person falling under Categories ‘B’ to ‘G’ shall be made only if—
(i) he is not a minor;

(ii) he is a domicile of Karnataka for not less than fifteen years;

(iii) he or any member of his family does not own a site or a house in the Bangalore Metropolitan Area and has not been allotted a site or house by the Bangalore Development Authority or any other Authority within the Bangalore Development Authority or any other Authority within the Bangalore Metropolitan Area; and

(iv) he satisfies the Authority that he is in a reasonable position to put up a building on the site allotted, within a period of three years from the date of handing over possession of the site:

Provided that requirement of fifteen years domicile may be relaxed by the Authority.—

(i) in case of persons who are domiciled in the State of Karnataka but are in the Armed Forces of the Union and serving outside the State of Karnataka;

(ii) in the case of persons who are domiciled in the State of Karnataka but have gone outside the State for employment, business, studies or training and who bona fide intend to reside in the Bangalore Metropolitan Area; and

(iii) in the case of persons belonging to Categories ‘B’ and ‘C’ with the prior permission of the Government.

(7) Sites earmarked for disposal under Category ‘A’ shall be allotted by the Authority based on the result of auction.

(8) Sites to persons falling under Categories ‘B’ to ‘F’ (both inclusive) shall be allotted by the Authority on the recommendation of a committee constituted by it.

(9) In the case of persons falling under Category ‘G’, the Authority shall scrutinise all applications received and submit them to the Government for approval and after getting the approval allot the sites to such persons.

(10) Value of sites to be allotted to persons falling under Categories ‘B’ to ‘G’ shall be fixed at ten per cent above the current value of sites which are allotted under Rule 11.

(11) The provisions of Rules 7, 8, 9, 13, 14 and 15 shall apply for allotment made under this rule in respect of Categories ‘B’ to ‘G’. 
THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2015

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2015.

(2) They shall come into force from date of their publication in Official Gazette.

2. Amendment of Rule 8.—In Rule 8 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, in sub-rule (1), for the table, the following shall be substituted, namely.—

"TABLE"

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Area/Dimension of the Site (in square meters)</th>
<th>Registration Card Fee (in rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>6 X 9</td>
<td>500 For (EWS)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1000 For (General)</td>
</tr>
<tr>
<td>2.</td>
<td>9 X 12</td>
<td>2000</td>
</tr>
<tr>
<td>3.</td>
<td>12 X 18</td>
<td>4000</td>
</tr>
<tr>
<td>4.</td>
<td>15 X 24</td>
<td>5000&quot;</td>
</tr>
</tbody>
</table>

THE
BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2015

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to

1. Published in the Karnataka Gazette, Extraordinary No. 901, dated 4-8-2015, vide Notification No. UDD 206 MNJ 2015, dated 3-8-2015
2. Published in the Karnataka Gazette, Extraordinary No. 1103, dated 8-10-2015, vide Notification No. UDD 265 MNJ 2014, dated 7-10-2015

A KLJ PUBLICATION
amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 2.—In the Bangalore Development Authority (Allotment of Sites) Rules, 1984 (hereinafter referred to as the 'said rules'), in Rule 2.—

(i) for clause (c), the following shall be substituted, namely.—

"(c) "Category I" means the Category I of Other Backward classes as may be notified by the State Government from time to time."

(ii) for clause (h), the following shall be substituted, namely.—

"(h) "Person with disabilities" means a person who is defined as such in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996)."

3. Amendment of Rule 9.—In Rule 9 of the said rules, in sub-rule (1), for the words "Backward Tribes", the word and figure "Category I" shall be substituted.

4. Amendment of Rule 11.—In Rule 11 of the said rules.—

(i) in sub-rule (1), for items (a) to (i) and entries relating thereto, the following shall be substituted, namely.—

<table>
<thead>
<tr>
<th>&quot;Category&quot;</th>
<th>Name of the Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Category I</td>
<td>2%</td>
</tr>
<tr>
<td>(b)</td>
<td>Scheduled Tribes</td>
<td>3%</td>
</tr>
<tr>
<td>(c)</td>
<td>Scheduled Caste</td>
<td>15%</td>
</tr>
<tr>
<td>(d)</td>
<td>Backward Classes, Category II-A II-B</td>
<td>10%</td>
</tr>
<tr>
<td>(e)</td>
<td>Members of the Armed Forces of the Union, Ex-servicemen and members of the families of deceased servicemen</td>
<td>5%</td>
</tr>
<tr>
<td>(f)</td>
<td>Employees of the State Government and Public Sector Undertakings and Statutory Bodies owned or controlled by the State Government</td>
<td>10%</td>
</tr>
<tr>
<td>(g)</td>
<td>Employees of the Central Government and Public Sector Undertakings and Statutory Bodies owned or controlled by the Central Government serving in Bangalore</td>
<td>2%</td>
</tr>
</tbody>
</table>
(h) Persons with disability & 1%  
(i) General Public & 50%  
(j) Persons who have outstanding achievements in the field of Arts, Science, Sports or etc. & 2%  

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

(ii) in sub-rule (2), in proviso to clause (ii), for the words “Backward Tribes”, the word and figure “Category I” shall be substituted.

5. Amendment of Rule 13.—In Rule 13 of the said rules, in sub-rule (1), in the first proviso, for the words “Backward Tribes”, the word and figure “Category I” shall be substituted.

6. Amendment of Form II¹.—In Form II of the said rules, in Serial No. 9.—

(i) for item (a), the following shall be substituted, namely.—

“(a) “Category I.”

(ii) for item (e), the following shall be substituted, namely.—

“(e) employees of the State Government and public sector undertaking and statutory bodies owned or controlled by the State Government.”

(iii) for item (g), the following shall be substituted, namely.—

“(g) persons with disability.”

¹THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) (AMENDMENT) RULES, 2016

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1984 namely.—

1. **Note:** Form No. II appended to the Bangalore Development Authority (Allotment of Sites) Rules, 1984 has been substituted by Notification No. UDD 129 MNJ 97, dated 6-2-1998, w.e.f. 14-2-1998 and again the Government has made the rules, by its Notification No. UDD 265 MNJ 2011, dated 7-10-2015 further to amend Form No. II of the said rules, which is not matching with Sl. No. 9 of Form II.

2. Published in the Karnataka Gazette, Extraordinary No. 634, dated 12-4-2016, vide Notification No. UDD 16 MNJ 2016, dated 7-4-2016.
1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 11.—In the Bangalore Development Authority (Allotment of Sites) Rules, 1984, in Rule 11, in sub-rule (1), in the Table—

(i) in the entries relating to the category (f), in the corresponding entries under the heading “percentage”, for the figures “10%”, the figures “09%” shall be substituted;

(ii) in the entries relating to the category (h), in the corresponding entries under the heading “percentage”, for the figures “01%”, the figures “03%” shall be substituted.
NOTIFICATIONS UNDER
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) RULES, 1984

NOTIFICATION
No. UDD 129 MNJ 97, dated 22-4-1998
Karnataka Gazette, Extraordinary, dated 22-4-1998

In exercise of the powers conferred by the proviso to sub-rule (6) of Rule 13 of Bangalore Development Authority (Allotment of Sites) Rules, 1984, the Government of Karnataka hereby notifies the rates for the purpose of the said sub-rules, namely.—

Penalty to be imposed for grant of extension of time for construction of building (Dimensionwise)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Dimension</th>
<th>Area in Sq. ft.</th>
<th>4th Yr.</th>
<th>5th Yr.</th>
<th>6th Yr.</th>
<th>7th Yr.</th>
<th>8th Yr.</th>
<th>9th Yr.</th>
<th>10th Yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rate per square metre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>20' x 30'</td>
<td>600</td>
<td>1500</td>
<td>1500</td>
<td>1500</td>
<td>1500</td>
<td>1500</td>
<td>1500</td>
<td>1500</td>
</tr>
<tr>
<td>2.</td>
<td>30' x 40'</td>
<td>1200</td>
<td>111.48</td>
<td>30</td>
<td>40</td>
<td>50</td>
<td>60</td>
<td>70</td>
<td>80</td>
</tr>
<tr>
<td>3.</td>
<td>40' x 60'</td>
<td>2400</td>
<td>222.96</td>
<td>30</td>
<td>40</td>
<td>50</td>
<td>60</td>
<td>70</td>
<td>80</td>
</tr>
<tr>
<td>4.</td>
<td>50' x 80'</td>
<td>4000</td>
<td>371.60</td>
<td>30</td>
<td>40</td>
<td>50</td>
<td>60</td>
<td>70</td>
<td>80</td>
</tr>
</tbody>
</table>

The amount of penalty for obtaining extension in a particular year shall be the cumulative total of penalty for all the previous years minus the amount of penalty already paid in respect of a valid extension sought earlier, if any.

NOTIFICATION
No. UDD 314 MNJ 98, dated 6-7-1999
Karnataka Gazette, Extraordinary, dated 14-8-1999

In exercise of the powers conferred by the proviso to sub-rule (6) of Rule 13 of Bangalore Development Authority (Allotment of Sites) Rules, 1984, the Government of Karnataka hereby rescinds its earlier Notification No. UDD 129 MNJ 97, dated 22-4-1998 and further notifies the revised rates for the purpose of the said sub-rule, namely.—

A KLJ PUBLICATION
Penalty to be imposed for grant of extension of time for construction of building (dimensionwise)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Dimension</th>
<th>Area in Sq. ft.</th>
<th>Area in Sq. Mtrs.</th>
<th>4th Yr.</th>
<th>5th Yr.</th>
<th>6th Yr.</th>
<th>7th Yr.</th>
<th>8th Yr.</th>
<th>9th Yr.</th>
<th>10th Yr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>20' x 30'</td>
<td>600</td>
<td>55.74</td>
<td>(No penalty imposed for the sites allotted to economically weaker sections)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>30' x 40'</td>
<td>1200</td>
<td>111.48</td>
<td>15</td>
<td>20</td>
<td>25</td>
<td>30</td>
<td>35</td>
<td>40</td>
<td>45</td>
</tr>
<tr>
<td>3.</td>
<td>40' x 60'</td>
<td>2400</td>
<td>222.96</td>
<td>15</td>
<td>20</td>
<td>25</td>
<td>30</td>
<td>35</td>
<td>40</td>
<td>45</td>
</tr>
<tr>
<td>4.</td>
<td>50' x 80'</td>
<td>4000</td>
<td>371.60</td>
<td>22.50</td>
<td>30</td>
<td>37.50ps.</td>
<td>45</td>
<td>52.50ps.</td>
<td>60</td>
<td>67.50ps.</td>
</tr>
</tbody>
</table>

The amount of penalty for obtaining extension in a particular shall be the cumulative total of penalty for all the previous years minus the amount of penalty already paid in respect of a valid extension sought earlier, if any.

This shall come into the effect from the date of publication in Karnataka Gazette.

CIRCULAR UNDER
BANGALORE DEVELOPMENT AUTHORITY
(ALLOTMENT OF SITES) RULES, 1984

CIRCULAR
No. UDD 129 MNJ 97, Bângalore, dated 6th August, 1997

Subject: Revised Guidelines for allotment of stray sites by the Bangalore Development Authority.


In supersession of all the orders issued regarding allotment of stray sites the following revised guidelines for disposal of stray sites are issued as provided under Rule 5 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984.

A KLJ PUBLICATION
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category</th>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>A</td>
<td>Disposal by Auction.</td>
<td>30</td>
</tr>
<tr>
<td>2.</td>
<td>B</td>
<td>Persons who have won special recognition in the field of sports at International/National levels-persons of Karnataka domicile.</td>
<td>15</td>
</tr>
<tr>
<td>3.</td>
<td>C</td>
<td>Persons who have won special recognition in the field of Arts, Science, Literature, Education, Medicine, and Public Administration at the National/International levels.</td>
<td>10</td>
</tr>
<tr>
<td>4.</td>
<td>D</td>
<td>Ex-Military personnel, Military personnel, persons of Karnataka domicile.</td>
<td>5</td>
</tr>
<tr>
<td>5.</td>
<td>E</td>
<td>Freedom fighters who are residents of Bangalore for a period of not less than 10 years.</td>
<td>5</td>
</tr>
<tr>
<td>6.</td>
<td>F</td>
<td>Dependents of Karnataka Government Servants when the latter dies during the performance of his/her duty.</td>
<td>5</td>
</tr>
<tr>
<td>7.</td>
<td>G</td>
<td>Persons in public life as may be directed by Government.</td>
<td>30</td>
</tr>
</tbody>
</table>

2. Category ‘C’ besides Arts etc., it includes Painting, Sculpture, Music, Dance, Drama, Films etc.

3. In the case of allotment of stray site to individuals, a stray sites shall be allotted to a person only if.—

(i) he is not a minor;
(ii) he is domiciled in Karnataka for not less than 10 years immediately prior to the date of his application;
(iii) he or any member of his family does not own a site or a house in Bangalore Metropolitan Area and has not been allotted a site or a house by the Bangalore Development Authority or by any other Authority within the Bangalore Metropolitan Area; and
(iv) he satisfies the Authority that he or she is in a reasonable position to put up a residential house or other building on the site allotted within a period of three years from the date of handing over possession of the site in question.

4. The requirement of 10 years domicile may be relaxed.—
in case of persons who are domiciled in the State of Karnataka but are in the Armed Forces of the Union and serving outside the State of Karnataka;

(ii) in the use of persons who are domiciled in the State of Karnataka but have gone outside the State for employment/business, studies or training and who bona fide intend to reside in the Bangalore Metropolitan area; and

(iii) with the prior permission of the State Government in the case of persons under Categories 'B' and 'C' in para 1 above.

5. The stray sites may be allotted by a Committee consisting of the Chairman, Bangalore Development Authority, Commissioner, Bangalore City Corporation, and two other members of the Authority. The allotment be subject to final approval of the Authority.

6. The selling price of the stray sites shall be fixed at 10% above the current allotment rates of the Bangalore Development Authority under its normal rules. The list of stray sites available shall be compiled by the Secretary, Bangalore Development Authority layout-wise and dimension-wise and got it approved by the Authority, at least once in a year.

CORRIGENDUM
No. UDD 129 MNJ 97(P), Bangalore, dated 26th August, 1997

For para 5 of the Circular No. UDD 129 MNJ 97, dated 6th August, 1997, the following shall be substituted.

"The allotment of stray sites in respect of Categories 'A' to 'F' except Category 'G' shall be made by the Bangalore Development Authority on the recommendation of a Sub-Committee of the Bangalore Development Authority as constituted by it".
1. THE BANGALORE DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1982

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1. Repealed by Notification No. HUD 622 MNX 83, dated 18-8-1984, w.e.f. 20-8-1984
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1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) Rules, 1982.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) "Act" means the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

(b) "Allottee" means the person to whom a site is allotted under these rules;

(c) "Backward Class" a person shall be considered to be belonging to the Backward Class if.—

(i) his income from all sources does not exceed Rupees six thousand per annum; and

(ii) he is.—

(a) an actual cultivator;

(b) an artisan;

(c) a petty businessman;

(d) holding an appointment in inferior services (i.e. Class D in Government Service or corresponding service

1. Published in the Karnataka Gazette, Extraordinary, dated 6-7-1982, vide Notification No. HUD 9 MNX 82, dated 3-7-1982 and repealed by Notification No. HUD 622 MNX 83, dated 18-8-1984, w.e.f. 20-8-1984
under local bodies, autonomous bodies or private employment including casual labour;

Or

(e) engaged in any occupation involving manual labour;

(d) "Economically weaker section".—A person shall be considered to be belonging to Economically weaker section if (i) his total annual income including that of any of the member of his family, does not exceed Rupees 4,800 and (ii) he is a domicile of Karnataka for not less than 10 years. Provided that such person shall have to produce certificates from the employer or the Competent Authority, as the case may be;

(e) "Family" in relation to a person means such person, the wife or husband, as the case may be, of such person and the children, grand children, parents, sisters, brothers of such person and wholly dependent on him;

(f) "Form" means a form appended to these rules;

(g) "Income" means the annual income of a person;

(h) "Physically handicapped person" means a person who.—

(1) Suffers from total absence of sight or whose visual acuity does not exceed 3/60 or 10/200 (snellen) in the better eye with corrected lenses; or

(2) in whom the sense of hearing is fully non-functional for the ordinary purpose of life; or

(3) who has physical defect or deformity which causes inadequate interference to impede normal functioning of the bones, muscles, and joints and who has been certified to that effect by the Surgeon of the concerned faculty in the Victoria hospital, Bangalore or in the Minto-Eye-Hospital, Bangalore, as the case may be.

(i) "Stray site" means a site which was once allotted but subsequently the allotment was either cancelled by the Authority or surrendered by the allottee or a site left over inadvertently while notifying the sites for allotment or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

3. Offer of Sites for allotment.—(1) Whenever the Authority forms an extension or layout in pursuance of any scheme, the Authority may, subject to the general or special orders of the Government, offer any or all the sites in
such extension or layout for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the last date for submission of applications and such other particulars as the Commissioner may consider necessary, by affixing a notice to the Notice Board of the Office of the Authority and any other office as the Commissioner may decide from time to time and by publication in not less than three daily newspapers published in the City of Bangalore in English and in Kannada, having a wide circulation in the City.

CASE LAW

Rule 3 — Writ jurisdiction — Petitioner’s revenue site acquired in year 1976 by respondent-authority for formation of residential layout — Promised to allot an alternate site subject to compliance of necessary formalities — After compliance alternative site not allotted — Compensation not paid to petitioner — Very acquisition of property of petitioner is bad in eye of law — When State’s acts of omission or commission are tainted with extreme arbitrariness, they are certainly subject to interference by constitutional Courts — Court is not powerless to hold that respondent is bound to fulfill its promise and it can be enforced by a writ of mandamus — Endorsement issued by BDA rejecting prayer of petitioner stands quashed — BDA directed to allot site — Writ petition allowed.

Mohan Shantanagoudar, J., Held: Inspite of the same, neither the allotment of site is made in favour of the petitioner nor compensation is paid to him. It is the duty of the acquiring authority to pay compensation and thereafter to take possession of the property. It is not in dispute that compensation is not paid to the petitioner. If it is so, the very acquisition of the property of the petitioner is bad in the eye of law. However, in this matter, the BDA chose to acquire the property of the petitioner on the promise of allotting a site at old allotment rate in lieu of compensation. It is trite law that when one of the contracting parties is “State” within the meaning of Article 12 of the Constitution, it does not cease to enjoy the character of “State” and therefore it is subjected to all the obligations that “State” has under the Constitution. When the State’s acts of omission or commission are tainted with extreme arbitrariness, they are certainly subject to interference by the Constitutional Courts of the country. The respondent-BDA has entered into a solemn contract in discharge and performance of its statutory duty and the respondent has acted upon it. Thus, the statutory body cannot be allowed to act arbitrarily so as to cause harm and injury, flowing from its unreasonable conduct, to the petitioner. In such a situation, the Court is not powerless to hold that the respondent is bound to fulfill its promise and it can be enforced by a writ of mandamus directing it to perform its statutory duty. — B.K. Srinivas v Bangalore Development Authority, Bangalore, 2009(6) Kar. L.J. 666.
4. Reservations of Sites to economically weaker sections.—(1) The Authority may, with the previous sanction of Government, set apart 30% of the total number of sites in any area for allotment to persons belonging to economically weaker sections, at 50% of the value of the site.

(2) Where sites are set apart under sub-rule (1) the procedure to be followed for allotment of these sites shall, subject to the general or special orders of the Government, be determined by the Authority.

5. Allotment of stray sites.—Notwithstanding anything contained in Rules 3 and 11, but subject to the provisions of Rule 10, the Bengaluru Development Authority shall dispose of the stray sites in accordance with the directions issued by the Government from time to time.

6. Disposal of sites for public purposes.—Notwithstanding anything contained in these rules, sites may be allotted on lease basis to educational institutions, playgrounds, hostels, temples, community centres, recreation clubs and such other public purposes on such rents and subject to such conditions as may be specified by the Authority. After the expiry of the lease period the Authority may renew or extend the lease period, for reasons to be recorded in writing.

7. Allottee to be lessee.—The site allotted under these rules, shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease, the allottee shall pay to the Authority before the commencement of each year, rent at the rate of rupees three per annum where the area of the site does not exceed two hundred square metres, rupees six per annum where the area of the site exceeds two hundred square metres, but does not exceed five hundred square metres, and rupees twelve per annum where the area of the site exceeds five hundred square metres.

8. Registration.—(1) Every applicant for a site shall register his name on payment of registration fee as specified in the table below*: [x x x x x]. The registration shall be done in Form 1.

<table>
<thead>
<tr>
<th>Area of sites</th>
<th>Registration fee Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 350 and above square metres</td>
<td>2,000</td>
</tr>
<tr>
<td>(b) 225 to below 350 square metres</td>
<td>500</td>
</tr>
<tr>
<td>(c) Below 225 square metres</td>
<td>100</td>
</tr>
</tbody>
</table>

* The words “which amount is non-refundable and non-adjustable” omitted by GSR 104, dated 17-1-1984.
(2) Registration made shall be valid for subsequent allotments unless the applicant has withdrawn the registration.

1[(3) An applicant may, if he has not been allotted a site claim refund of the registration fee which would be refunded to him after deducting 10% towards service charges.]

9. Application.—A person so registered as above has to apply in the prescribed Form II for allotment of a site along with the initial deposit of 25% of the notified cost of the site. Application Forms can be obtained in all Branches of the Canara Bank, the Syndicate Bank and the Vijaya Bank in the Bangalore Metropolitan Area on payment of a sum of rupees ten which amount shall not be refunded.

(2) The applications shall be presented in person or sent by Registered Post so as to reach the office of the Authority before the date and time fixed for receipt of such applications. Applications received after the date and time fixed or which are defective and incorrect, shall be rejected.

10. Eligibility.—No person.—

(1) who is not a domicile of (living independently or with the members of his family) Karnataka for not less than ten years immediately prior to date of registration, and

(2) who or any member of whose family owns or has been allotted a site or house by the Bangalore Development Authority or any other Authority within Bangalore Metropolitan Area, shall be eligible to apply for allotment of a site:

Provided that the rules may be relaxed.—

(i) in case of persons who are domiciled in the State of Karnataka but being in armed forces of the Union and serving outside the State of Karnataka;

(ii) in case of persons who are domiciled in the State of Karnataka but have gone outside the State for employment, business, studies, or training and who bona fide intend to reside in the Bangalore Metropolitan Area.

11. Principles for selection of applicants for allotment of sites.—(1) The Authority shall consider the case of each applicant on its merits and shall have regard to the following principles in making selection.—

(i) the status of the applicant, that is whether he is married or single and has dependent children;

1. Sub-rule (3) inserted by GSR 104, dated 17-1-1984
(ii) the income of the applicant and his capacity to purchase a site and build a house thereon for his residence:

Provided that this condition shall not be considered in case of applicants belonging to Scheduled Castes, Scheduled Tribes, Wandering Tribes, Nomadic Tribes and other Backward Classes;

(iii) The number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for site;

(iv) Persons who are ex-servicemen or members of the family of the deceased servicemen killed in action during the last ten years.

(2) For the purpose of sub-rule (1) the Authority shall constitute a Committee called the “Allotment Committee” consisting of equal number of official and non-official members not exceeding a total of six and the Chairman of the Authority shall also be the Chairman of the Allotment Committee.

(3) Subject to the approval of the Authority, the decision of the allotment committee under the proviso to sub-rule (1) shall be final.

(4) The sites shall be allotted among the different categories as follows.—

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wandering Tribes/Nomadic Tribes</td>
<td>2</td>
</tr>
<tr>
<td>Denotified tribes/Semi-nomadic Tribes</td>
<td></td>
</tr>
<tr>
<td>Scheduled Tribes</td>
<td>3</td>
</tr>
<tr>
<td>Scheduled Castes</td>
<td>13</td>
</tr>
<tr>
<td>Ex-servicemen or members of their families of deceased servicemen and</td>
<td>8</td>
</tr>
<tr>
<td>members of the Armed Forces of the Union</td>
<td></td>
</tr>
<tr>
<td>Persons domiciled in the State of Karnataka but serving in the Armed</td>
<td>1</td>
</tr>
<tr>
<td>Forces of the Union outside the State of Karnataka</td>
<td></td>
</tr>
<tr>
<td>State Government Servants</td>
<td>12</td>
</tr>
<tr>
<td>Servants of the Central Government</td>
<td>10</td>
</tr>
<tr>
<td>Physically handicapped persons</td>
<td>2</td>
</tr>
<tr>
<td>General Public</td>
<td>49</td>
</tr>
</tbody>
</table>

**Explanation.—** (1) If at the time of making an allotment sufficient number of applications from persons belonging to category (a) are not received then
the remaining sites reserved for that category shall be transferred to category (b); and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining sites reserved for these categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received, then the remaining sites reserved for these categories shall be transferred to category (i).

(2) At the time of making an allotment, if sufficient number of applications from persons belonging to category (e) are not received, then notwithstanding anything contained in these rules, the remaining sites reserved for the category shall be treated as stray sites and allotted only to the said persons belonging to the said category.

12. Value of the site.—The value of the site notified while inviting applications may be altered by the Authority with the previous sanctions of Government and an allottee may accept the site at the altered price or decline allotment.

13. Conditions of allotment and sale of site.—The allotment of a site under these rules shall be subject to the following conditions.—

(1) The allottee shall, within a period of ninety days from the date of receipt of notice of allotment, pay to the Authority the balance site value deducting the initial deposit. If the said value is not paid within a period of ninety days, further extension of time for a period not exceeding sixty days shall be given and the allottee shall pay, in addition, interest at the rate of fifteen per cent on the said amount for the extended period. If the amount is not paid within such extended period also, the registration fee shall be liable to forfeiture and the allotment cancelled without prior intimation:

Provided that where an allottee is a person belonging to a Scheduled Caste or a Scheduled Tribe or to other Backward Classes or a Nomadic Tribe or a wandering tribe or a Denotified tribe, or to a family of Defence personnel killed or disabled during hostilities and whose annual income from all sources does not exceed rupees five thousand the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years from the date of receipt of the notice of allotment.

(2) After payment under sub-rule (1) is made, the Authority shall call upon the allottee to execute a Lease-cum-sale agreement in Form III and thereafter the execution of such agreement by the allottee and the Authority, the same shall be registered by the allottee. If the agreement is not executed within 45 days after the Authority has called upon the allottee to execute such agreement, the registration fee paid by the allottee may be forfeited, the allotment of the site cancelled and the amount paid by the allottee, after
deducting such expenditure as might have been incurred by the Authority, refunded to him.

(3) Every allottee shall construct a building on the site in accordance with the plans and designs approved by the Authority. If in any case it is considered necessary to add any additional conditions, the Authority may make such additions in the Lease-cum-sale agreement.

(4) Until the site is conveyed to the allottee, the amount paid by the allottee for the purchase of the site shall be held by the Authority as security deposit for the due-performance of the terms and conditions of the allotment and the Lease-cum-sale agreement entered into between the Authority and the allottee.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Authority or the Corporation, as the case may be, for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period as the Authority may in any specified case by written order permit, if the building is not constructed within the said period the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Authority and after forfeiting twelve and half per cent of the value of the site paid by the allottee, the Authority shall refund the balance to the allottee.

(7)(i) On the expiry of a period of ten years from the date of the lease-cum-sale agreement and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement the Authority shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice.

(ii) If the allottee fails to get the sale deed executed within the time so specified the Authority shall itself execute the same and recover the cost and other charges if any incidental thereto from the allottee as if the same amount are due to the Authority.

(8) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(9) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found to be incorrect or false, the sinal value deposited shall be forfeited and the site shall be resumed by the Authority.
14. Restrictions, conditions on sales of sites.—(1) Notwithstanding anything contained in these rules the Commissioner may at the request of the allottee of a site execute a deed of conveyance subject to the restrictions, conditions and limitations specified in sub-rule (2).

(2) The conveyance of site by the Commissioner in favour of an allottee (hereinafter referred to as the purchaser) shall be subject to the following restrictions, conditions and limitations namely.—

(a) in the case of a site on which a building has not been constructed.—

(i) the purchaser shall construct a building on the site within such period as may be specified by the Authority, as per plans, designs and conditions to be approved by the Authority or in conformity with the provisions of the Karnataka Municipal Corporation Act, 1976 and the bye-laws made thereunder;

(ii) the purchaser shall not without the Approval of the Authority, construct on the site any building other than a building for the construction of which the site was allotted, granted or sold;

(iii) the purchaser shall not alienate the site within a period of ten years from the date of the conveyance except by mortgage in favour of the Government of India or the Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any Company or Co-operative Society approved by the Authority or any Corporation set up owned or controlled by the State Government or the Central Government to secure moneys advanced by such Government, Corporation, Company, Board, Society or Corporation, as the case may be, for the construction of the Building on the site;

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of agreement, except by mortgage in favour of the Government of India, the Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any Company or Co-operative Society approved by the Authority to secure moneys advanced by such Government, Corporation, Board or Society or Company for the construction of the building on the site;

(c) in the event of the purchaser committing breach of any of the conditions in clause (a) or clause (b) the Authority may at any time, after giving the purchaser reasonable notice, resume the site free
from all encumbrances. The purchaser may remove all things which he has attached to the earth:

Provided that if he has left the site in the state in which he received it, all transactions entered into in contravention of the conditions specified in clauses (a) and (b) shall by null and void ab initio;

**Explanation.**—In this rule, references to the Authority shall be deemed to include the references to the commissioner when authorised by the Authority by the general resolution to exercise any power vested in the Authority.

(3) Notwithstanding anything contained in sub-rule (2), but without prejudice to the provisions of Rule 13 where the lessee applies that for reasons beyond his control be is unable to reside in the City of Bangalore or by reasons of his insolvency or impecuniosity it is necessary for him to sell the site or site and the building, if any, he may have put up thereon, the Bangalore Development Authority may, with the previous approval of the State Government, either.—

(a) require him to surrender the site, where there is no building, in its favour; or

(b) where there is a building put up, permit him to sell the vacant site and building:

Provided that.—

(i) in case covered by clause (a) the Authority shall pay to the lessee the allotted value of the site and an additional sum equal to the amount of interest at twelve per cent per annum thereon; and

(ii) in cases covered by clause (b) the lessee shall pay to the Authority a sum equal to the amount of interest at twelve per cent per annum on the allotted value of the site.

15. **Voluntary surrender.**—An allottee may at any time after allotment, surrender the site allotted to him to the Authority: On such surrender Authority shall refund all amounts paid by the allottee to the Authority in respect of the said site.

16. **Revision.**—(1) The Government may, suo motu or otherwise, call for the record of any decision, order or proceeding of the Chairman or Commissioner or the Authority under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceedings.
(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified, annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

17. Savings.—Nothing in these rules shall be applicable to the sale or transfer of sites by the Authority to.—

(a) the Karnataka Housing Board for construction of houses; or
(b) the State Government for any purposes;
(c) the Life Insurance Corporation of India, the Karnataka State Road Transport Corporation, the Bangalore Water Supply and Sewerage Board and the Karnataka Electricity Board.

18. Repeal.—The City of Bangalore Improvement (Allotment of Sites) Rules, 1972 are hereby repealed:

Provided that such repeal shall not affect the previous operation of the said rules or anything duly done or any action duly taken under the said rules.

### FORM I

**Bangalore Development Authority**

<table>
<thead>
<tr>
<th>Registration No.</th>
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<tbody>
<tr>
<td>Name of the persons registered (in Block Letters)</td>
<td>Name of the persons registered (in Block Letters)</td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>Annual Income</td>
<td>Annual Income</td>
</tr>
<tr>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>Name of the layout (in order of preference)</td>
<td>Name of the layout (in order of preference)</td>
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<td>(2)</td>
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<td>(3)</td>
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<td>(4)</td>
<td>(4)</td>
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<tr>
<td>Has Registration fee paid</td>
<td>Has Registration fee paid</td>
</tr>
<tr>
<td>Amount</td>
<td>Amount</td>
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<tr>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>Date</td>
<td>Date</td>
</tr>
<tr>
<td>Name of the Bank and the Branch</td>
<td>Name of the Bank and the Branch</td>
</tr>
</tbody>
</table>
Whether the applicant is a domicile of Karnataka State for a period of not less than ten years (Necessary Certificate from the Competent Authority should be enclosed)

Signature of the registered person

Signature of the person receiving the deposit

Signature of the registered person

Bangalore

Date

FORM II

Bangalore Development Authority

Application Form for Allotment of site under the Bangalore Development Authority (Allotment of Sites) Rules, 1982

1. Name of the applicant (in block letters)

2. Father/Husband's Name

3. Date of birth

4. Address

5. Annual Income

6. Registration number and date

7. Initial Deposit

   Amount

D.D.No.

Date

Name of the Bank and Branch

7. (i) Do you belong to any of the following classes namely:

   (a) Wandering Tribes/Nomadic Tribes/
       Denotified Tribes/Semi-Nomadic Tribes
   (b) Scheduled Tribes;
   (c) Scheduled Castes;
   (d) Ex-servicemen or members of the families of deceased servicemen;
(e) Persons domiciled in the State of Karnataka but serving in the Armed Forces of the Union outside the State of Karnataka;

(f) State Government Servants;

(g) Servants of the Central Government and Public Sector Undertakings and Statutory Bodies owned or controlled by the State Government or the Central Government;

(h) Physically handicapped persons;

(i) General public.

8. (ii) Applied for which category of house:

9. Name of the layout (In order of preference) (1) (3)
   (2) (4)

10. Have you already applied for allotment of BDA site in any other layout. If so please give application No. with date and Name of the Layout.

11. Have you or your wife/husband or your minor children or your dependant parents secured a site or a house in Bangalore Metropolitan area?

I hereby declare that above information is true to the best of my knowledge and nothing has been concealed. If the above information furnished by me is found to be wrong or false, my application for allotment be rejected and the amount paid be forfeited by the B.D.A.

Bangalore:

Date:  

Signature of the applicant.

FORM III

Lease-cum-sale Agreement

An agreement made this ........day ........19........between the Bangalore Development Authority, Bangalore, hereinafter called the Lessor/Vendor (which term shall wherever the context so permits, mean and include its successors in interest and assigns) of the ONE Part and ..............

hereinafter the called Lessee/Purchaser (which term shall wherever the context so permits mean and include his/her heirs, executors, administrators and legal representatives) of the other part.
Whereas, the Bangalore Development Authority advertised for allotment/sale of building sites in . . . . . . Extension.

And, whereas, one of such building site in Site No. . . . . more fully described in the Scheduled hereunder and referred to as property.

And, whereas, there were negotiations between the Lessee/Purchaser on the one hand and the Lessor/Vendor on the other for allowing the Lessee/Purchaser to occupy the price property as lessee until the payment in full of the price of the aforesaid site as might be fixed by the Lessor/or Vendor as hereinafter provided.

And, whereas, the Lessor/Vendor agreed to do so subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1982 and the terms and conditions hereinafter contained.

And, whereas, thus the Lessor/Vendor has agreed to lease the property and the Lessee/Purchaser has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder.

Now this indenture witnesseth

1. The Lessee/Purchaser is hereby put in possession of the property and the Lessee/Purchaser shall occupy the property as a tenant thereof for a Period of ten years from the date of taking possession or in the event of lease being determined earlier till the date of such termination. The amount deposited by the lessee/Purchaser towards the value of property shall during the period of tenancy, be held by the Lessee/Vendor as Security deposit for the due performance of the terms and conditions of these presents.

2. The Lessee/Purchaser shall pay a sum of rupees . . . . . . per year as rent on or before . . . . . . commencing from . . . . . .

3. The Lessee/Purchaser shall construct a building in the property as per plans, designs and conditions to be approved by the Lessor/Vendor and in conformity with the provisions of the Karnataka Municipal Corporations Act, 1976 and the bye-laws made thereunder within two years from the date of this agreement:

Provided that where the Lessor/Vendor for sufficient reasons extends in any particular case the time for construction of building, the Lessee/Purchaser shall construct the building within such extended period.

4. The Lessee/Purchaser shall not sub-divide the property or construct more than one dwelling house on it.
The expression ‘dwelling house’ means building constructed to be used wholly for human habitation and shall not include any apartments to the building whether attached thereto or not used as a shop or a building of warehouse or building in which manufactory operations are conducted by mechanical power or otherwise.

(a) “The Lessee shall plant at least two trees in the site leased to him”

5. The Lessee/Purchaser shall not alienate the site or the building that may be constructed thereon during the period of tenancy. The Lessor/Vendor may, however, permit the mortgage of the right, title and interest of the Lessee/Purchaser in favour of the Government of Karnataka the Central Government or bodies corporate like the Karnataka Housing Board or the Life Insurance Corporation of India, Housing Co-operative Societies or Banks to secure moneys advanced by such Government or bodies for the construction of the building.

6. The Lessee/Purchaser agrees that the Lessor/Vendor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site subject to the rights of the mortgage created by the allottee in favour of the institution from which he raises the loan.

7. The property shall not be put to any use except as residential building without the consent in writing of Lessor/Vendor.

8. The Lessee/Purchaser shall be liable to pay all out-goings with reference to the property include taxes due to the Government and the Municipal Corporation of Bangalore.

9. On matters not specifically stipulated in these presents the Lessor/Vendor shall be entitled to give directions to the Lessee/Purchaser which the Lessee/Purchaser shall carry out and default in carrying out such directions will be a breach of conditions of these presents.

10. In the event of the Lessee/Purchaser committing default in the payment of rent or committing breach of any conditions of this agreement or the provisions of the Bangalore Development Authority (Allotment of site) Rules, 1982, the Lessor/Vendor may determine the tenancy at any time after giving the Lessee/Purchaser fifteen days notice ending with the month of the tenancy, and take possession of the property. The Lessor/Vendor may also forfeit twelve and a half per cent of the amount treated as security deposit under Clause 1 of these presents.
11. At the end of ten years referred to in Clause 1 the total amount of rent paid by the Lessee/Purchaser for the period of the tenancy shall be adjusted towards the balance of the value of the property.

12. If the Lessee/Purchaser has performed all the conditions mentioned herein and committed no breach thereof the Lessor/Vendor shall, at the end of ten years referred to in Clause 1, sell the property to the Lessee/Purchaser and all attendant expenses in connection with such sale such as stamp duty, registration charges etc., shall be borne by the Lessee/Purchaser.

13. The Lessee/Purchaser hereby also confirms that this agreement shall be subject to the terms and conditions specified in the Bangalore Development Authority (Allotment of Sites) Rules, 1982, and agreed to by the Lessee/Purchaser in his/her application for allotment of the site.

14. In case the Lessee/Purchaser is evicted under Clause 9 he/she shall not be entitled to claim from the Lessor/Vendor any compensation towards the value of the improvements or the superstructure erected by him/her on the scheduled property by virtue of and in pursuance of these presents.

15. It is also agreed between the parties hereto that Rs. . . . . . (Rupees) . . . . . in the hands of the Lessor/Vendor received by them from Lessee/Purchaser shall be held by them as security for any loss or expense that the Lessor/Vendor may be put to in connection with any legal proceedings including eviction proceedings that may be taken against the Lessee/Purchaser and all such expenses shall be appropriated by the Lessor/Vendor from and out of moneys of the Lessee/Purchaser held in their hands.

THE SCHEDULE

Site No. . . . . . . . . . . . . . . . . . . formed by the Bangalore Development Authority in Block No. . . . . . . . . . . . . . . . . . . . . in the . . . . Extension.

Site bounded on East by:

West by:

North by:

South by:

and measuring East to West . . . .

North to South . . . . . . . . . . . . in all measuring . . . . square feet/square metres.

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In witness whereof the parties have affixed their signature to this agreement.

Witness:

(1)

(2)

Secretary,
Bangalore Development Authority,
Bangalore.

Witness:

(1)

(2)

Lessee/Purchaser.
THE
BANGALORE
DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 1983

GSR 104.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976, (Karnataka Act 12 of 1976) the Government of Karnataka hereby makes the following rules further to amend the Bangalore Development Authority (Allotment of Sites) Rules, 1982, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Allotment of Sites) (Amendment) Rules, 1983.

(2) They shall come into force at once.

2. Amendment of Rule 8.—(1) In sub-rule (1) of Rule 8 of the Bangalore Development Authority (Allotment of Sites) Rules, 1982, the words “which amount is non-refundable and non-adjustable” shall be omitted.

(2) after sub-rule (2) the following new sub-rule shall be inserted, namely.—

“(3) An applicant may, if he has not been allotted a site, claim refund of the registration fee which would be refunded to him after deducting 10% towards service charges.

1. Published in the Karnataka Gazette, dated 3-5-1984, vide Notification No. HUD 734 MNX 83(l), dated 17-1-1984
THE
BANGALORE DEVELOPMENT AUTHORITY
(ANNUAL REPORT) RULES, 1988

1. Title and commencement.—(1) These rules may be called the

(2) They shall come into force from the date of their publication in the
Official Gazette.

2. Annual Report.—The authority shall submit to the State Government
every year a report in the form appended to these rules, covering the period
from the First day of April to the Thirty first day of March of the succeeding
year.

FORM
[See Rule 2]

(a) The total extent of land acquired for the purpose of the authority;
(b) the number and names of the schemes sanctioned and the
estimated cost of each of them;
(c) the total number of layout formed;
(d) the number of sites distributed/allotted to different categories of
persons including the persons belonging to SC/ST and other
weaker sections of the society and the Government Servants;
(e) the number of stray sites allotted, the names of the persons to
whom allotted;
(f) the number of litigations pending in the Court.—against the
authority;
(g) the important events relating to administration of the authority.

1. Published in the Karnataka Gazette, dated 7-4-1988, vide Notification No. HUD 184 MNJ
THE BANGALORE DEVELOPMENT AUTHORITY (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) RULES, 1984

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(As amended by GSR 36, dated 17-3-1995 and Notification No. UDD 170 MNJ 2007, dated 27-7-2011)

GSR 124.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the

1. Published in the Karnataka Gazette, Extraordinary, dated 15-5-1984, vide Notification No. HUD 721 MNX 83, dated 9-5-1984
Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority, (Disposal of [Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable Sites]) Rules, 1984.

(2) They shall come into force at once.

2. Definitions.—In these rules unless the context otherwise requires.—

(a) "Act" means the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

(b) "Auction Purchaser" means the person who has purchased a corner site or a commercial site in the auction held by the Authority under these rules;

(c) "Commercial Site" means any site formed in any extension or layout earmarked for locating a cinema theatre, a hotel or restaurant, a shopping centre, a shop, a market area and includes sites for locating any business or commercial enterprises or undertaking but does not include any site earmarked for the location of any factory or any industry;

(d) "Corner Site" means the site at the junction of two roads having more than one side of the site facing the roads;

(e) "Intermediate site" means, a piece of vacant land situated/located in between two sites in the lands acquired for a development scheme;

(f) "Other auctionable site" means, a piece of vacant land not being civic amenity site in the lands acquired for a development scheme.—

(i) which, having regard to its location, situation or for any other reason, while preparing the plan of a layout, has been vacant without forming sites therein; or

(ii) in which sites were formed in the plan of a layout.—

(a) but because of encroachment or other disputes, sites formed therein were not 'allotted' and later encroachment was cleared and disputes were settled in Courts; or

1 Substituted for the words "Corner Sites and Commercial Sites" by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011

2 Clauses (e) and (f) inserted by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
(b) but subsequently considered to be unsuitable for use
for residential purposes.]

3. Auction of [Corner Sites, Intermediate Sites, Commercial Sites and
Other Auctionable Sites].—(1) Whenever the Authority has formed an
extension of layout in pursuance of any scheme, the Authority may, subject
to the general or special orders of Government dispose of any or all the
[Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable
Sites] in such extension or layout by auction in accordance with these rules.

(2) Due publicity shall be given in respect of the [Corner Sites,
Intermediate Sites, Commercial Sites and Other Auctionable Sites] to be
auctioned specifying their location, number, dimension and the percentage
of the highest bid amount to be deposited and such other particulars as the
Commissioner may consider necessary by affixing a notice to the Notice
Board of the Office of the Authority and any other office as the Commissioner
may decide from time to time and by publication in not less than two daily
news papers published in the City of Bangalore in English and Kannada
having a wide circulation in the City.

CASE LAW

Rule 3 — Stray site — Meaning of — Only site which was once allotted
but its allotment was subsequently cancelled for any reason or site formed on
account of readjustment in plan subsequent to issue of notification inviting
applications for allotment of sites — Only such sites, called stray sites, have
to be disposed of in accordance with guidelines issued by Government —
Intermediary sites lying between corner sites, which were not notified for
allotment at any time, cannot be treated as “stray sites”, and hence such sites
cannot be disposed of through auction sale along with corner sites — Such
intermediary sites are to be offered for allotment to persons eligible under
Rules.

V. Gopala Gowda and K.N. Keshavanarayana, JJ., Held: Out of ten sites put up
for auction, four sites are residential corner sites, therefore they are required
to be disposed of only by public auction as per the provisions of BDA
(Disposal of Corner Sites and Commercial Sites) Rules, 1984. The other sites
are residential intermediary sites. As per Rule 5 of the Allotment Rules stray
sites should be disposed in accordance with the guidelines issued by the
Government. These intermediary sites cannot be construed as stray sites so
that they could be disposed off by public auction as per Rule 5 of the Rules. In
view of the above, these intermediary sites are required to be offered for

1. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD
   170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
2. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD
   170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
3. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD
   170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011

A KLJ PUBLICATION
allotment to eligible persons as per Rule 3 of the Rules. These intermediary sites cannot be disposed of by public auction. Therefore, the act on the part of BDA in putting up six intermediary sites for public auction is not in accordance with the statutory rules framed under the BDA Act. — Sudha S. Patil v State of Karnataka and Another, 2009(5) Kar. L.J. 266C.

Rule 3 — Corner site sold in auction sale — Liability of authority to clear unauthorised occupation of — Doctrine of caveat emptor — Application of — Where auction purchaser had willingly participated in auction sale, paid bid amount and accepted possession certificate, doctrine applies, and authority cannot be directed to clear unauthorised occupation and it is for auction purchaser to protect his possession.

Mrs. Manjula Chellur and K.N. Keshavanarayana, JJ., Held: The site was put up for public auction by notification dated 3-12-1992 and the public auction was held on 23-12-1992. Admittedly, the appellant participated in the public auction. Therefore, it is reasonable to infer that as a prudent person, before offering her bid on 23-12-1992 the appellant must have visited the site for which she was offering her bid. If really there was any unauthorised structure on the said site, she would not have offered her bid for the said site. Therefore, the very fact that she offered her bid in respect of the site bearing No. 83 in the public auction held on 23-12-1992 would indicate that the alleged unauthorised structure was not existing on the site as on 23-12-1992. The appellant deposited last installment towards the cost of site on 16-3-1993. Therefore, it is reasonable to hold that even as on 16-3-1993 there was no unauthorised structure as otherwise the appellant would not have deposited the balance amount if there was any unauthorised structure on the site and she would have certainly made a representation to the BDA in that regard. On 4-1-1994, the BDA has executed an agreement in favour of the appellant in respect of the auctioned site. If there was unauthorised structure as sought to be contended by the appellant, she would not have accepted the agreement from the BDA on 4-1-1994. After the execution of the agreement as per the acknowledgement made by the appellant on the reverse side of the possession certificate, she has received the possession of the auctioned site on 24-2-1994 and subsequently possession certificate was issued on 18-6-1994. In the light of the acknowledgement by the appellant with regard to accepting delivery of possession of the site, it is not open to the appellant to contend that actual physical possession was not at all delivered to her and that only formal possession certificate was issued. From the aforesaid facts, it is reasonable to hold that the alleged unauthorised structure was not in existence on the auctioned site when the possession of the said site was delivered to the appellant. By delivering possession of the site, the BDA performed all the acts, which it was required to do in respect of the auctioned site. After accepting the delivery of possession of site, it was for the appellant to protect her property. If some unauthorised structure is put up by some
one, after the delivery of possession of the site to the appellant, BDA cannot be held responsible for the same nor BDA could be asked to clear the unauthorised structure. — Mrs. Nayana B. Mehta v Bangalore Development Authority, Bangalore and Others, 2009(1) Kar. L.J. 45C.

Rule 3 — Corner site sold in auction sale — Offer made by Authority to allot alternative site in lieu of — Offer made on representation made by auction purchaser that auctioned site was under unauthorised occupation by third party — Withdrawal of offer — Legality — When there is no statutory provision for allotment of alternative site in lieu of auctioned site for any reason, offer made by authority was without authority of law, and same was rightly withdrawn — Challenge laid to order of withdrawal on ground that it was passed without notice and opportunity of being heard given to auction purchaser is not maintainable, when site offered as alternative was not acceptable to auction purchaser.

Mrs. Manjula Chellur and K.N. Keshavanarayana, Jj., Held: The appellant did not accept even that alternative site on certain grounds and sought for allotment of another alternative site in lieu of auctioned corner site. The BDA has rightly issued the impugned endorsement to the appellant that her request for allotment of alternative site cannot be acceded to. There is absolutely no error committed by the BDA in issuing the impugned endorsement. In view of the fact that the appellant did not even accept the alternative Site No. 4099, question of BDA issuing any notice to the appellant before cancelling the same did not arise. — Mrs. Nayana B. Mehta v Bangalore Development Authority, Bangalore and Others, 2009(1) Kar. L.J. 45B.

Rule 3 — Corner site sold in auction sale — Right of auction purchaser to claim allotment of alternative site in lieu of — Claim made on ground that auctioned site is under unauthorised occupation which vendor — Authority has not been able to clear — When Rules do not provide for allotment of alternative site in lieu of auctioned site for any reason, no mandamus lies to authority to allot alternative site, as per its offer, which it has since withdrawn — Where auction purchaser has been put in possession of auctioned site and given possession certificate which she has acknowledged, it is for auction purchaser to protect his possession against unauthorised occupant — However, in view of offer made by authority to refund entire amount paid towards price of auctioned site if auction purchaser is not willing to get sale deed executed in her favour, it is open to her accept offer.

Mrs. Manjula Chellur and K.N. Keshavanarayana, Jj., Held: As per the provisions of the aforesaid Rules, the corner sites in any layout formed by BDA are required to be disposed of in public auction. The said Rules do not provide for allotment of an alternative site in lieu of auctioned site for any reason. There is no provision in that regard in the said rules. In the instant case, possession of auctioned site was handed over to the appellant and the
same was acknowledged by her. The BDA had no power to allot an alternative site to the appellant in lieu of the auctioned site. In view of this, the initial allotment of alternative Site No. 4099 in lieu of auctioned site itself was illegal and without authority of law. If BDA is directed to refund the amount, it will not be incurring any loss as, the BDA is at liberty to put up the said site for auction by clearing the unauthorised structures if any thereon. — Mrs. Nayana B. Mehta v Bangalore Development Authority, Bangalore and Others, 2009(1) Kar. L.J. 45A.

Rule 3 — Stray site — Meaning of — Only site which was once allotted but its allotment was subsequently cancelled for any reason or site formed on account of readjustment in plan subsequent to issue of notification inviting applications for allotment of sites — Only such sites, called stray sites, have to be disposed of in accordance with guidelines issued by Government — Intermediary sites lying between corner sites, which were not notified for allotment at any time, cannot be treated as "stray sites", and hence such sites cannot be disposed of through auction sale along with corner sites — Such intermediary sites are to be offered for allotment to persons eligible under Rules.

V. Gopala Gowda and K.N. Keshavanarayana, JJ., Held: Out of ten sites put up for auction, four sites are residential corner sites, therefore they are required to be disposed of only by public auction as per the provisions of BDA (Disposal of Corner Sites and Commercial Sites) Rules, 1984. The other sites are residential intermediary sites. As per Rule 5 of the Allotment Rules stray sites should be disposed in accordance with the guidelines issued by the Government. These intermediary sites cannot be construed as stray sites so that they could be disposed off by public auction as per Rule 5 of the Rules. In view of the above, these intermediary sites are required to be offered for allotment to eligible persons as per Rule 3 of the Rules. These intermediary sites cannot be disposed of by public auction. Therefore, the act on the part of BDA in putting up six intermediary sites for public auction is not in accordance with the statutory rules framed under the BDA Act. — Sudha S. Patil v State of Karnataka and Another, 2009(5) Kar. L.J. 266C.

Rules 3, 6 and 7 — Constitution of India, Articles 226 and 227 — Auction sale of corner site — Failure of authority, even after lapse of nearby four years of auction sale; to execute sale deed and hand over site to auction purchaser, pursuant to — Order passed in writ petition, directing authority to refund bid amount deposited by auction purchaser, with interest at 18% per annum from date of deposit till refund — Said order, held, is justified and warrants no interference in writ appeal.

V.G. Sabhahit and B. Manohar, JJ., Held: Sale deed was not executed on the ground that some civil suit is pending in respect of the property. Wherefore, the fact that litigation was pending in respect of the property to which the
writ petitioner-respondent herein was the highest bidder which was accepted and not disputed. Since the property itself is in dispute, the respondent was not interest in pursuing the allotment of the said site. Therefore, BDA is bound to refund the amount deposited by the respondent as the site which is under litigation was auctioned and there was no fault on the part of the respondent. Wherefore, the order passed by the learned Single Judge directing refund of Rs. 1,19,70,000/- with interest at 18% p.a. from 10-2-2007 cannot be found fault with. — The Commissioner, Bangalore Development Authority, Bangalore v K. Shiva Kumar, 2011(3) Kar. L.J. 359A.

4. Reservation of [Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable Sites].—(1) The Authority may reserve [Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable Sites] in any area for allotment to any specified class of institution, body or corporation of the City of Bangalore at such rates as the Authority may decide.

(2) Where the [Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable Sites] are reserved under sub- rule (1) the procedure to be followed for allotment of these sites shall, subject to the general or special orders of the Government, be determined by the Authority.

5. Allotment of a corner site to individuals or body of persons or institutions in special cases.—Notwithstanding anything in Rule 3, the Authority may allot any corner site, which has not been notified under Rule 3 or reserved under Rule 4 and which cannot on account of its size be treated as an independent site, to the owner of the adjacent site:

Provided that where the width of such site is.—

(a) One-third the width of the adjacent site or less, the sale shall be at such rate as the Authority may fix;

(b) More than one-third but equal to one-half of the width of the adjacent site or less, the sale shall be for the average auction rate, the said rate being determined on the basis of the rates at which sites have been sold at three previous auctions in the locality in which such site is situated;

1. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
2. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
3. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
(c) More than one-half of the width of the adjacent site the sale shall be by auction in accordance with Rule 6 as if such site were an independent site.

CASE LAW

Rule 5(a) — Courts are known as temples of peace — But the situation in this case is rather strange — Court has become furious — This is the third round of litigation — Still matter not come to an end — Naturally the Court turned angry — Mischief committee is Bangalore Development Authority (BDA) — Question is of fixation of price of marginal land — Counsel for BDA casually submits — If the decision taken by BDA is not in conformity with the directions issued in the earlier writ petition, another opportunity may be given — Held, conceding to request of the Advocate for BDA the Court directed BDA to take fresh decision within two months and imposed a fine of Rs. 25,000/- on the BDA for generating unwarranted litigation.

A.N. Venugopala Gowda, J., Held: This is the third round of litigation between the parties in the matter of fixation of price of marginal land which was allotted by the respondent to the petitioner. Sri B.V. Shankar Narayana Rao, learned Counsel for the respondent 2 was unable to point out as to how the decision taken by the respondent intimating the petitioner to pay Rs. 44,06,897/- vide Annexure-R1, being in conformity with the order passed on 15-11-2007 in W.P. No. 8916 of 2006, which was directed to be given effect to in W.P. No. 18554 of 2009 on 16-1-2012. He submitted that, if Annexure-R1 is found to be not in conformity with the earlier orders passed, BDA may be granted another opportunity to re-examine the matter and fix the price of the marginal land proposed to be allotted to the petitioner. In the result writ petition is allowed and the intimation of the BDA vide Annexure-R1 is quashed. BDA-2nd respondent shall pay cost of Rs. 25,000/- to the petitioner for generating unwarranted litigation. Delay in the matter of fixation of price of marginal land having been caused by the BDA by not taking the decision within three months period of the date of passing the order dated 16-1-2012 in W.P. No. 18554 of 2009, is prohibited from demanding any interest on the price of the said marginal land which may be fixed, with effect from 16-4-2012 till a decision is taken and communicated to the petitioner. - Pavan Agarwal v State of Karnataka and Another, 2014(1) Kar. L.J. 335.

6. Conditions of auction sale of 'Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable Sites'.—(1) The Commissioner or such other Officer authorised by the Authority to conduct the auction sale, may fix the amount by which the successive bids may be raised.

1. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
(2) The Officer conducting the auction sale shall have the right to accept or refuse any bid without assigning any reasons.

(3) The auction purchaser whose bid is accepted shall deposit twenty-five per cent of the amount of his bid at once on the spot and pay the balance within forty-five days from the date of receipt of intimation letter as in Form I communicating the confirmation of sale, in default of which the deposit of twenty-five per cent made by such auction purchaser shall be liable to be forfeited to the Authority and the Authority shall be entitled to resell the site and in such an event of resale, the defaulting auction purchaser shall be liable to make good any loss suffered by the Authority on account of such resale.

1[(4) The Commissioner may grant extension of time not exceeding two hundred and ten days for depositing the balance of the bid amount, subject to condition that during such extended period, the auction purchaser shall also pay the balance of the bid amount with an interest thereon at eighteen per cent per annum upto ninety days and at twenty-one per cent per annum thereafter upto two hundred and ten days with a penalty of rupees one hundred in each case. Failing such payment, the authority shall be entitled to forfeit the deposit made by the auction purchaser and resell the site at the risk and cost of the auction purchaser.]

(5) The site which has been designed and auctioned as a unit shall not be allowed to be split up into two or more sites without obtaining the previous approval of the Authority.

(6) As soon as the full amount of the purchase money is paid the auction purchaser shall execute an agreement in Form II and thereafter he shall be put in possession of the site and a possession certificate issued to him.

(7) The auction purchaser shall be bound to comply with all the conditions in the agreement.

2[(8) The auction purchaser shall construct a building on the site as per plans and designs approved by the Authority and in case the site is within the limits of the Corporation, in accordance with the buildings bye-laws of the Corporation.]

(9) The site shall be conveyed to the auction purchaser [only after the possession certificate is taken]. The expenses on account of stamp duty, registration fees and any other incidental charges in respect of the conveyance shall be borne by the auction purchaser.

1. Sub-rule (4) substituted by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
2. Sub-rule (8) substituted by GSR 36, dated 17-3-1995, w.e.f. 20-4-1995
3. Substituted for the words "only after the building is constructed" by GSR 36, dated 17-3-1995, w.e.f. 20-4-1995

A KLJ PUBLICATION
CASE LAW

Rule 6 — Auctioned site — Highest bidder deposited a portion of bid amount. — Before he could deposit balance amount advertisement appeared purported to have been issued by BDA cancelling the sale. — Bangalore Development Authority issued caution notice stating that the advertisement was not issued by them. — Reiterated that sale in favour of bidder has not rescinded. — Bangalore Development Authority called upon the bidder to deposit balance of sale consideration. — Bidder issued a letter requesting BDA to remit back the initial deposit made by him with interest and damages. — ‘Keeping quiet for a period of two years’ bidder requested Bangalore Development Authority to accept balance amount. — ‘During interregnum’ site in question was brought to auction again. — Aggrieved by auction notice bidder filed writ petition. — Contended that his case is of legitimate expectation. — Prayed for issue of writ to BDA to accept balance amount. — Held — Petitioner slept over his right. — When petitioner came to know that advertisement did not generate from BDA he ought to have deposited the balance amount when he was called to do so by BDA. — On contrary issued letter to BDA asking them to return money which he deposited with interest and damages. — ‘Whatever right on which doctrine of legitimate expectation could have been invoked has been lost because of this letter.‘ — It is mandatory to deposit balance amount within 45 days of auction. — No discretion vests with BDA to extend time. — Petitioner not entitled to writ of mandamus to BDA to receive balance of sale consideration. — Petition rejected. — [Constitution of India, Articles 226 and 227 —— Writ petition.

Ajit J. Gunjal, J., Held: Apparently, the petitioner has slept over his rights. Even assuming that the doctrine of legitimate expectation can be invoked in some cases, but it is not a case where indeed, the said doctrine could be invoked in favour of the petitioner. The auction was held on 14-11-1988 and the petitioner was expected to deposit the balance of sale consideration on or before 30-12-1988. But however, he has taken shelter under the advertisement which appeared in the Deccan Herald which is alleged to have been issued by the BDA. Ultimately, the petitioner came to know that such an advertisement did not generate from the office of the respondent. If really, the petitioner was interested in enforcing his rights in respect of the site in question, he ought to have deposited the amount when he was called upon by the respondent to deposit which was on 2-6-1991. But however, he does not choose to do so. On the contrary, he issues a communication/letter to the respondent calling upon them to return the entire money along with interest as well as damages. Whatever little right on which the doctrine of legitimate expectation could have been invoked has been lost because of the letter. Even after the conclusion of the proceedings before the Consumer Forum, assuming that the respondent could be bound by the statement made by its Counsel before the Commission, the petitioner chose to remain silent i.e., from 16-3-1993 till he filed the second complaint. At any point of time, the petitioner has not evinced any interest in depositing the balance of sale consideration. Indeed, the respondent has rescinded the sale deed in favour of Sri Hanumanthu in the year 2001. But however, that was by way of abundant caution. As early as on 15-12-1988, the respondent had issued a clarificatory notification indicating that the notification issued on 6-12-1988
was accentuated by *mala fides* and at the behest of certain miscreants. When that is the case, nothing prevented the petitioner from depositing the sale consideration. Even otherwise, Rule 6 of the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, would contemplate that the balance of amount shall be deposited within a period of 45 days. The said rules are mandatory in nature and no discretion vests with the respondent to extend the time. In fact, they are in *puris materiae* with Order 21, Rules 84 and 85 of Civil Procedure Code, 1908. . . . . It is to be noticed that concession will have no acceptability or relevance while determining the rights and liabilities incurred or acquired in view of the axiomatic rules without exception that there could be any estoppel against the statute. . . . . Having regard to the facts and circumstances and the conduct of the petitioner in not depositing the balance of sale consideration, the petitioner is not entitled for the writ of *mandamus* directing the respondent to receive the balance of sale consideration and execute the sale deed in respect of the petition schedule property. Petition stands rejected. — Manu Properties Private Limited, Bangalore v Bangalore Development Authority, Bangalore, 2008(1) Kar. L.J. 117.

**Rule 6(2) and (3)** — Civil Procedure Code, 1908, Section 11 — Constitution of India, Article 226 — Auction sale of corner sites or commercial sites — Conditions of — Rule laying down condition that auction sale is subject to right of authority to refuse any bid and to cancel auction sale — Decision in earlier writ petition that rule is not unreasonable or arbitrary and that authority cannot be compelled to confirm auction sale cannot be challenged against as same has become final — Bangalore Development Authority can regulate manner of auction sale, as it is matter of contract.

_Hulsewadi G. Ramesh, J., Held:_ In the earlier round of litigation as against the cancellation of the bid held in W.P. Nos. 33146 to 33150 of 1993, this Court having noted the legal position regarding Rule 6(2) and 6(3) of the Rules having regard to the tenor of the Rules regarding confirmation of sale in bid within 45 or 60 days, has held the sale could be confirmed. If the decision is not taken to confirm, it is open to the auction purchaser to withdraw the amount deposited and to demand interest. Further, regarding quashing of the Rules is concerned, this Court has held that they are neither unreasonable nor arbitrary. Hence, the same is not open to challenge in this petition. . . . . In the earlier round of litigation it is also held by this Court that the decision not to accept the bid is not open to challenge. As such question of directing the authorities to confirm the sale does not arise. — V.S. Gopala Swamy and Others v Bangalore Development Authority, Bangalore, 2008(6) Kar. L.J. 692B.

**Rule 6(2) and (3)** — Constitution of India, Article 226 — Auction sale of corner site — Cancellation of — Offer made by Authority to auction purchasers to allot alternative sites in lieu of sites, auction sale of which has been cancelled — When there is no obligation on authority to confirm auction sale or to make such offer, offer made by it is to be considered as matter of gratis — Auction purchaser, therefore, cannot take offer as obligation on authority to sell alternative site offered for sale at price prevailing at time of auction sale which has been cancelled — If auction purchaser finds that price fixed for alternative site is high, it is open to him to reject offer and to take back his earnest money deposit with interest at rate of 8% per annum from date of deposit till its refund — No *mandamus* lies to authority to fix price of alternative site on basis bid made by auction purchaser.
Huluvadi G. Ramesh, J., Held: Insofar as the cancellation of the auction sale, in the earlier round of litigation this Court has specifically held that it is primarily a matter of contract. BDA can regulate the manner in which it will auction its sites. An auction purchaser has no right to require the BDA to sell its sites by auction in a particular manner. . . . . When such being the case, for reasons known to BDA when the civil petition was filed there was an undertaking given by the BDA that alternative sites would be allotted for having cancelled the auction sale although it was not binding on the respondent-BDA. The grievance of the petitioners is, the rate quoted subsequently by the BDA is unreasonable and on the higher side. . . . . When the BDA has come forward to consider the request of the petitioners for allotment of alternative site as a matter of gratis, petitioners cannot take the same as obligation on the BDA to fix the price then prevailing at the time of auction purchase. As there was no obligation on the BDA to confirm the auction sale or else to allot alternative sites. . . . . In the event if the petitioners cannot afford to pay the rates fixed by the BDA, they can seek for return of the initial deposit with 8% interest from the date of deposit till refund. — V. S. Gopalaswamy and Others v Bangalore Development Authority, Bangalore, 2008(6) Kar. L.J. 692A.

Rule 6(5) — Family partition — Procedure to get entries in BDA Records — Held, approval is to be obtained to get a sale deed from the Bangalore Development Authority in favour of person in whose favour the BDA site allotted in the partition thus orders of Single Judge are confirmed.

N. Kumar and V. Suri Appa Rao, J.J., Held: This appeal is preferred challenging the order passed by the learned Single Judge whereby he declined to issue any direction to BDA to execute a sale deed in respect of the property, which has fallen to the share of the appellant at a family partition. . . . . When the BDA auctioned the property measuring 370.20 square meters and executed agreement in favour of successful bidder: after the period stipulated under the agreement, the BDA is under obligation to execute the sale deed in respect of what is sold in public auction. If the parties under the family arrangements have divided the properties and they want separate sale deed to be executed in respect of the said portion and then before effecting such division. In view of sub-rule (5) of Rule 6 they have to obtain previous approval of the authorities. If approval is granted then the BDA is under an obligation to execute the sale deed in terms of the transfer. In the absence of approval the BDA cannot be compelled to execute a sale deed regarding portion of the unit which was sold. . . . . The learned Single Judge was justified in rejecting the writ petition and the authorities were also justified in declining to execute a sale deed in respect of a portion of the site. — Smt. G.S. Adilakshmi v Bangalore Development Authority, Bangalore, 2013(6) Kar. L.J. 78 (DB).

Rule 6(4) — Auction sale of site — Petitioner failing to deposit 25% of bid amount, within 72 hours, as per terms of bid — BDA cancelling bid and forfeiting EMD of Rs. 4 lakhs — Issue of extension of time, under sub-rule (4) of Rule 6, held, not applicable to facts of the case — Forfeiture of EMD proper — However, to meet ends of justice, directions to BDA to treat EMD amount deposited towards any future notification whenever sites put up for auction — And permit petitioner to make his bid.

Ram Mohan Reddy, J., Held: Petition though not opposed by filing statement of objections, nevertheless, Sri K. Krishna, learned Counsel for

A KLJ PUBLICATION
respondent-BDA making reference to the records submits that no discretion is vested in the BDA to extend the period of 72 hours in the matter of payment of 25% of the bid amount, while, the only discretion available to the Commissioner is in relation to payment of balance of value of the site under Rule 6(4) of the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984. According to learned Counsel, since petitioner did not make payment of 25% of the bid amount the question of payment of balance bid amount did not arise under sub-rule (4) of Rule 6. . . . . In the light of admitted facts supra, it is needless to state that sub-rule (4) of Rule 6 has no application to the facts of the case and petitioner is not entitled in extension of time for payment of 25% of bid amount. The aforesaid rule has no application to the case of payment of 25% of the bid amount, since it cannot be equated to payment of balance of the bid amount which represents the entire bid amount. Therefore the condition in the e-Auction notification that the successful bidder must deposit 25% of the bid amount within a time frame does not attract Rule 6(4) of the ‘Rules’. – Srinivas H. v The Site Auction Confirmation Committee, Bangalore Development Authority, Bangalore and Another, 2015(6) Kar. L.J. 634.

7. Decision of the Authority.—The Authority shall have the right to confirm or cancel any sale in auction without assigning any reason and when the sale is cancelled the amount received from the auction purchaser as deposit shall be refunded to him.

8. Repeal.—The City of Bangalore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1972 are hereby repealed:

Provided that such repeal shall not affect the previous operation of the said rules or anything duly done or any action duly taken under the said rules.

FORM 1

[See Rule 6(3)]

Office of the Chairman,
Bangalore Development Authority,
Bangalore, Dated:

Board Resolution No.

To

Sri/Smt.
Sir/Madam,

Subject: Auction Sale of Site No. . . . . . . . . . in . . . . . . Extension.

I write to inform you that the sale of the above site on which you offered the highest bid at the time of auction sale of the site held on . . . . . . has been confirmed in your name.

A KIJ PUBLICATION
You are therefore required to pay the balance amount noted under column (4) within forty-five days from the date of this letter.

1. Site No. ............. and dimensions. .............

2. Total cost of the site at Rs. ............. per sq. metre Rs. .............

3. Amount already paid by you as initial deposit Rs. .............

4. Balance due within forty-five days Rs. .............

On payment of the full value you are required to execute an agreement after which possession certificate will be issued.

Yours faithfully,

Chairman

FORM 2

[See Rule 6(6)]

This Agreement entered this ............. day ............. of One thousand and Nine hundred ............. Between Sri/Smt. ............. Son/daughter/wife of ............. aged ............. years residing in ............. (hereinafter called the First party which term means and includes his/her heirs, assigns, administrators, and legal representatives) and the Bangalore Development Authority (hereinafter called the Second party) witnesseth.

Whereas, the First Party purchased the site described in the schedule at the auction held by the Second Party on ............. and the said sale has been confirmed.

And, whereas, according to Condition 5 of the sale, the auction purchaser is to execute an agreement binding himself/herself to construct over the site a dwelling house according to the plans and designs to be approved by the Bangalore Development Authority and subject to the further conditions under which the auction was held.

And, whereas, the First Party has also paid the full value of the site namely ............. to the Second Party the receipt of which sum the Second Party acknowledges.

Now, therefore, it is hereby agreed as follows.—
(1) The First Party shall be bound by the provisions contained in the Bangalore Development Authority (Disposal of [Corner Sites, Intermediate Sites, Commercial Sites and Other Auctionable Sites]) Rules, 1984.

(2) The First Party shall construct on the site a dwelling house/building which is required to be located on a commercial site, as per plans and designs approved by the [Bangalore Development Authority/Corporation.]

(3) The site which has been designed as a unit shall not be split up into two or more sites on any conditions.

(4) Only one dwelling house shall be constructed in each unit. In this condition “ Dwelling House” means a building constructed to be used wholly for human habitation and shall not include any apartments to the building, whether attached thereto or used for a purpose for which a commercial site is required to be used.

(5) The First Party shall put up out-houses such as kitchens, bath-rooms and latrines or of similar nature providing such facilities as the [Authority/Corporation] may approve for the efficient escape of effluvia, smoke etc., so as not to endanger the occupants of the main dwelling portion.

(6) The level of the floor, baths, latrines and drain-holes shall be fixed and proper cement lined drains and sewer shall be constructed by the parties to lead off sullage and sewerage from the premise into the Bangalore Development Authority Sewage System.

(7) The plinth level of the building shall be at least 45 centimetre higher than the level of the road.

(8) All the walls and flooring shall be provided with damp courses in marshy and damp sites.

(9) Only cement mortar shall be used for the foundations and basement of all structures wherever the site is marshy or in the damp area.

(10) The Building Bye-laws of the City of Bangalore Municipal Corporation shall be complied with.

1. Substituted for the words “Corner Sites and Commercial Sites” by Notification No. UDD 170 MNJ 2007, dated 27-7-2011, w.e.f. 8-9-2011
2. Substituted for the words “Bangalore Development Authority and to complete the same within a period of two years after allotment. The Authority may for sufficient reasons extend the time for such construction” by GSR 36, dated 17-3-1995, w.e.f. 20-4-1995.
3. Substituted for the word “Authority” by GSR 36, dated 17-3-1995, w.e.f. 20-4-1995.
(11) No garages or out-houses shall be constructed in the front of the houses adjoining or near the road.

(12) No material of perishable or combustible nature shall be used in the construction of the building.

(13) The Chairman of the Second Party shall have the power of fixing the type of frontages and the compound wall in front to be adopted on any particular street and shall have power of fixing the direction of frontage for the corner site at the junction of two roads.

(14) No pits shall be dug on the site for earth, for building purposes.

(15) The Second Party shall execute the sale deed in respect of the schedule property only after 'possession certificate is taken'. The entire cost of executing the sale deed, including the stamp duty and registration charges shall be borne by the first party.

(16) If the First Party fails to comply with any conditions of this agreement, the Second Party may resume the site along with any constructions then standing thereon. The Second Party may resell the same by public auction or reallocate the same to any other person at such price as it may determine. After defraying the expenses of such resale twenty-five per cent of the purchase money paid by the First Party shall be forfeited to the Second Party and the balance alone shall be payable to the First Party or such other person entitled to receive such balance.

SCHEDULE

'Site No'.—Formed by the Bangalore Development Authority in Block - in the Extension.

Site bounded on:
East by:
West by:
North by:
South by:

East to West: North to South:

In token thereof the First Party has affixed his signature to this agreement on the day of . . . . . . . 19 . . . . . . . . in the presence of the witnesses who have affixed their signature to this agreement.

Witnesses: Signature.

1.

1. Substituted for the words "building has been put up thereon" by GSR 36, dated 17-3-1995, w.e.f. 20-4-1995.
THE
BANGALORE
DEVELOPMENT AUTHORITY (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) (AMENDMENT) RULES, 1995

GSR 36.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka, hereby makes the following rules to amend the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, namely.—

1. **Title and commencement.—**(1) These rules may be called the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) (Amendment) Rules, 1995.

(2) They shall come into force at once.

2. **Amendment of Rule 6.—**In Rule 6 of the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984 (hereinafter referred to as the said rules).—

(i) for sub-rule (8), the following shall be substituted, namely.—

“(8) The auction purchaser shall construct a building on the site as per plans and designs approved by the Authority and in case the site is within the limits of the Corporation, in accordance with the buildings bye-laws of the Corporation.”

(ii) in sub-rule (9), for the words “only after the building is constructed” the words “only after the possession certificate is taken” shall be substituted.

3. **Amendment of Form 2.—**In Form 2 of the said rules.—

(i) in para 2, for the words “Bangalore Development Authority and to complete the same within a period of two years after allotment. The Authority may for sufficient reasons extend the time for such construction”, the words “Bangalore Development Authority/Corporation”, shall be substituted.

(ii) in para 5, for the words “Authority”, the word “Authority/Corporation”, shall be substituted.

(iii) in para 15, for the words “building has been put up thereon”, the words “Possession Certificate is taken”, shall be substituted.

1. Published in the Karnataka Gazette, dated 20th April, 1995, vide Notification No. HUD 117 MNU 94, dated 17-3-1995.
THE BANGALORE DEVELOPMENT AUTHORITY (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) (AMENDMENT) RULES, 2009

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984, namely,—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) (Amendment) Rules, 2009.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 1.—In Rule 1 of the Bangalore Development Authority (Disposal of Corner Sites and Commercial Sites) Rules, 1984 (hereinafter referred to as ‘said rules’), in sub-rule (1), for the words “Corner Sites and Commercial Sites”, the words “corner sites, intermediate sites, commercial sites and other auctionable sites” shall be substituted.

3. Amendment of Rule 2.—In Rule 2 of the said rules, after clause (d), the following shall be inserted, namely.—

"(e) “Intermediate site” means, a piece of vacant land situated/located in between two sites in the lands acquired for a development scheme;

(f) “Other auctionable site” means, a piece of vacant land not being civic amenity site in the lands acquired for a development scheme;—

(i) which, having regard to its location, situation or for any other reason, while preparing the plan of a layout, has been vacant without forming sites therein; or

(ii) in which sites were formed in the plan of a layout.—

(a) but because of encroachment or other disputes, sites formed therein were not allotted and later encroachment was cleared and disputes were settled in Courts; or

Published in the Karnataka Gazette, dated 8-9-2011, vide Notification No: UDD 170 MNJ 2007, dated 27-7-2011
(b) but subsequently considered to be unsuitable for use for residential purposes”.

4. **Substitution of expression.**—In the said rules, for the words “Corner sites and commercial sites”, wherever they occur except in Rule 8, the words “Corner Sites, Intermediated Sites, Commercial Sites and Other Auctionable Sites” shall be substituted.

5. **Amendment of Rule 6.**—In Rule 6 of the said rules, for sub-rule (4), the following shall be substituted, namely.—

“(4) The Commissioner may grant extension of time not exceeding two hundred and ten days for depositing the balance of the bid amount, subject to condition that during such extended period, the auction purchaser shall also pay the balance of the bid amount with an interest thereon at eighteen per cent per annum upto ninety days and at twenty-one per cent per annum thereafter upto two hundred and ten days with a penalty of rupees one hundred in each case. Failing such payment, the authority shall be entitled to forfeit the deposit made by the auction purchaser and resell the site at the risk and cost of the auction purchaser”.

A KLJ PUBLICATION
THE
BANGALORE
DEVELOPMENT AUTHORITY
(INCENTIVE SCHEME FOR VOLUNTARY SURRENDER OF LAND) RULES, 1989

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GSR 212.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989.

   (2) They shall be deemed to have come into force with effect from the First day of April, 1989.

2. Definitions.—In these rules, unless the context otherwise requires.—

   (a) "Act" means the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

1 Published in the Karnataka Gazette, Extraordinary, dated 16-11-1989, vide Notification No. HUD 750 MNX 87, dated 9-11-1989

A KLJ PUBLICATION 461
(b) "Authority" means the Bangalore Development Authority;

(c) "Form" means a form appended to these rules; and

(d) All other words and expressions used herein but not defined shall have the meaning respectively assigned to them in the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976).

3. Allotment of sites.—Notwithstanding anything to the contrary contained in the Bangalore Development Authority (Allotment of Sites) Rules, 1984, and subject to the provisions of Rule 4, the Authority, with a view to facilitating expeditious acquisition of land, may as per Annexure appended to these rules, allot sites as incentives to an owner of land:

(i) if, in response to the notice given under Section 9 of the Land Acquisition Act, 1894, he voluntarily hands over to the Deputy Commissioner possession of the land, which is being acquired from him under the said Act on behalf of the authority, free from any objection whatsoever and from any unauthorised construction and the said land has vested in the Authority; or

(ii) where his land has been acquired by the authority under Section 35 of the Act:

Provided that where two or more persons jointly own such land, unless all such persons have voluntarily handed over possession in accordance with these rules, no eligibility for allotment shall accrue to any one of them.

Explanation.—A person who had not handed over possession of the land before the commencement of this rule, shall be deemed to have voluntarily handed over possession of such land if immediately after such commencement, he hands over possession of the same free from all unauthorised constructions and after withdrawing all objections relating to possession, whether such objections have been preferred before a Court of law or not.

CASE LAW

Rule 3 - Petitioner lost his land for a developmental scheme formulated by BDA. In a writ petition challenging acquisition, High Court directed consideration of petitioners, application by BDA for allotment of site in lieu of acquisition of land — BDA issued endorsement declining petitioners request on the premise that they had not voluntarily delivered possession of the property — Hence not entitled to benefits under the Rules — Since petitioners had challenged the legality and validity of acquisition proceedings in writ and was unsuccessful — They are not entitled to the benefits of Incentive Scheme.

Ram Mohan Reddy, J., Held: To a question of the Court as to whether there was any factual matrix laid in either the earlier writ petition or the present petition over failure on the part of BDA to issue notice under Section 9 over voluntary surrender of land, learned Counsel was candid in his submission that such a plea was not raised. If that is so, then the decision rendered in
W.A. No. 3100 of 2003, on facts, is inapplicable. . . . . Regard being had to the facts noticed supra, and the fact that the petitioners had challenged the legality and validity of the acquisition proceedings, in writ proceedings and unsuccessful, are not entitled to the benefits of the Incentive Scheme. . . . . The endorsement issued to the petitioners does not call for interference in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Petitions devoid of merit, are dismissed. – Bylamarappa and Others v Bangalore Development Authority, Bangalore and Others, 2015(4) Kar. L.J. 285.

4. Conditions of allotment.—The allotment under Rule 3 shall be subject to the following conditions.—

(a) The allottee shall be liable to pay the value of the site fixed by the Authority and shall also be liable to pay any other charges which the Authority may levy in this behalf from time to time;

(b) The site shall be allotted at the discretion of the Authority but preferably in the layout for the formation of which the land is acquired and if such allotment in the said layout is impracticable, in any other layout formed subsequent to the said layout;

(c) The allottee shall not be entitled to get allotment under these rules unless he proves to the satisfaction of the authority that he has got absolute title over the land the possession of which is handed over to the Deputy Commissioner;

(d) If two or more persons jointly own such a land, they shall together be entitled to the site allotted under these rules;

(e) The total extent of land allotted under Rule 3 together with land already held by an allottee, if any, shall not exceed the ceiling limit specified under Section 4 of the Urban Land (Ceiling and Regulations) Act, 1976;

(f) The allotment shall be on out-right sale basis. The allottee shall meet necessary registration and other expenses for obtaining the sale deed.

CASE LAW

Rule 4 — Blunder mistake committed by the BDA — But let scot-free — Petitioner bona fide purchased a BDA site — It was allotted to vendor and possession certificate was also issued — Later the petitioner came to know that BDA has not acquired the disputed area — Seeks alternative site — Held, BDA to consider the representation of petitioner for alternative site.

Mohan M. Shantanagoudar, J., Held: Petitioner has sought for a direction to respondent to consider the request of the petitioner for allotment of alternative site in Banashankari 6th Phase, 9th Block, Bangalore. . . . . The records reveal that the BDA has allotted Site No. 856 to Sri Suwalal Jain in Banashankari 6th Phase, 9th Block as per Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989. Possession
certificate was issued in favour of Sri Suwalal Jain. Petitioner purchased the said site from the said Suwalal Jain for a valuable consideration under the registered sale deed. Thereafter, it is made known that the area over which Site No. 856 is situated is not acquired by BDA at all. Therefore, the petitioner has made representation as per Annexure-H, dated 7-11-2012 for allotment of alternative site. . . . . . It is for the BDA to consider the representation of the petitioner for alternative site. If the prayer of the petitioner is genuine and in accordance with law. — Smt. Sarita H. v. The Commissioner, Bangalore Development Authority, Bangalore, 2013(4) Kar. L.J. 374.

5. Application for allotment.—(1) Application for allotment under these rules shall be in Form I and shall be accompanied by a fee of one hundred rupees in the form of a Demand draft in favour of the Authority.

(2) If the particulars furnished by the applicant in the said application are found to be incorrect or false in any material respect, the site value deposited shall be forfeited and the site, if allotted, shall be resumed by the Authority.

CASE LAW

Rule 5 — Constitution of India, Articles 226 and 227 — Allotment of site as incentive for voluntary surrender of land — Application made by land owner for — Even though land in question was surrendered voluntarily as far back as in year 2001, no decision has been taken by authority so far regarding allotment of site as envisaged by Rules — Direction, therefore, lies to authority to consider application made by erstwhile land owner and pass appropriate order thereon in accordance with law.

H.N. Nagamohan Das, J., Held: In respect of these two acres of land, the petitioner is claiming the benefit under the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989. Before approaching this Court, the petitioner got issued a notice to the respondent claiming the benefit under the rules. No prejudice will be caused to the respondents if they are directed to consider the request of the petitioner’s notice dated 2nd September, 2009, in accordance with law and to pass appropriate order as expeditiously as possible. — Smt. Puttalakshamma v Bangalore Development Authority, Bangalore and Another, 2010(3) Kar. L.J. 292.

6. Payment of sital value.—The allottee shall, within a period of ninety days from the date of receipt of notice of allotment, pay to the Authority the full sital value. If the said value is not paid in full within a period of ninety days, the Commissioner may, on the application of the allottee, extend the time for payment for a further period not exceeding two hundred and ten days and the allottee shall pay, in addition, interest at the rate of twelve per cent per annum on the balance of the sital value for the first sixty days of the extended period and at the rate of eighteen per cent per annum for the next hundred and fifty days of the extended period. If the full amount is not paid before the end of such extended period also, the allotment shall be cancelled without further intimation and the allotment shall be canceled without further intimation and the amounts, if any, deposited by the allottee towards the sital value shall be refunded to him.

A KLJ PUBLICATION
[ANNEXURE
[See Rule 3]

Dimensions of sites proposed to be granted to original landowners by the Bangalore Development Authority under the Incentive Scheme

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Extent of land voluntarily surrendered by the original landowners to the BDA</th>
<th>Dimensions of sites proposed to be granted under the Incentive Scheme by BDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Upto half acres</td>
<td>20’ x 30’</td>
</tr>
<tr>
<td>2.</td>
<td>More than half acre but not exceeding one acre</td>
<td>30’ x 40’</td>
</tr>
<tr>
<td>3.</td>
<td>More than one acre</td>
<td>40’ x 60’ at the rate of one site per acre but not exceeding ten sites.</td>
</tr>
</tbody>
</table>

7. Execution of conveyance deed.—(1) After payment of the full sital value, the Commissioner shall, at the request of the allottee, execute a deed of conveyance in Form II subject to the restrictions, conditions and limitations specified therein.

(2) The site shall be used for residential purposes only. For any change of land use, prior permission of the appropriate authority under the Karnataka Town and Country Planning Act, 1961 shall be necessary.

(3) No permission from the Authority shall be necessary for alienation of the site, as long as it continues to be used for the same purpose for which it was originally allotted.

8. Voluntary surrender.—An allottee may, at anytime, after allotment, surrender the site allotted to him by the authority. On such surrender, the Authority shall, with the least possible delay, refund all amounts paid by the allottee to the Authority towards the cost of the said site.

FORM I
[See Rule 5(1)]

Application Form for allotment of Site under Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989

1. Name of the applicant (in block letters)
2. Father’s name/Husband’s name
3. Date of Birth
4. Address of the Applicant
5. Names and addresses of all the persons interested in the land

1 Annexure substituted by Notification No. UDD 288 MNJ 2005, 9-8-2005 and shall be deemed to have come into force, w.e.f. 27-11-2002
6. Particulars of the lands proposed to be acquired/purchased:
   (a) Survey Number
   (b) Location
   (c) Extent
   (d) No., date and particulars of Notification of acquisition of land

7. Particulars of the land voluntarily surrendered:
   (a) Survey Number
   (b) Location
   (c) Extent

8. Particulars of title of the applicant to the land (copy of the deed shall be enclosed).

9. Encumbrances, if any, on the land.

10. Demand Draft/Challan No. and date under which Application fee of Rs. 100 (Rs. One Hundred only) is paid.

Place:
Date:
Signature of the applicant/s

FORM II
[See Rule 7]
Sale Deed

This Deed of Sale made and executed at Bangalore, on the day of One thousand nine hundred and ........ by the Commissioner, Bangalore Development Authority, Bangalore, hereinafter called the 'Vendor' (which term shall mean and include his successors-in-office) of the one part and Shri/Smt. ................. S/o. D/o. W/o. ....... aged ....... about ....... years, residing at .......... hereinafter called the 'Purchaser') which terms shall mean and include his/her heirs, executors, administrators and assigns) of the other part witnesseth.

Whereas, the vendor has allotted on out-right sale to the Purchaser, the site No. .......... which is fully described in the Schedule below, under the Bangalore Development Authority. (Incentive Scheme for the voluntary surrender of land) Rules, 1989 under Allotment letter No. ..........
Whereas, the purchaser has paid the full sital value of Rupees ........ in cash/D.D. No. ........ and the Vendor has acknowledged the receipt of the same.

Now this indenture witnesses that the vendor for having received the valuable consideration of Rs. ....... from the purchaser, as absolute owner, do hereby put the purchaser in actual possession of the Scheduled site, and conveys to the purchaser all that part and parcel of scheduled site, to have, to hold and to enjoy the same peacefully for ever as his/her personal and absolute property, free from all encumbrances, lawful evictions, arrears of taxes, other dues and claims whatsoever together with all liberties, privileges, easements and appurtenances whatsoever to the said property.

The vendor assures the purchaser that he has not alienated the schedule land described below to anyone in whatsoever manner and that the said site(s) is frees all encumbrances made either by the Vendor or any-body claiming through him or in trust for him.

The Vendor further undertakes to do or cause to be done all such acts whenever occasions demand and to more perfectly assure and confirm the sale and to indemnify the purchaser against all actions, suits, claims, demands, losses incurred and damages sustained for and on account or any breach of the said covenants or any of them.

This sale deed is subject to the restrictions and conditions specified in the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989 and the said restrictions and conditions shall be deemed to be a part of the sale deed.

SCHEDULE

Land bearing Site No. ........ in Block No. ............... situated in ............. Extension and bounded on the.—

    East by
    West by
    North by
    South by

    measuring East to West ............. feet, North to South ........ feet, O/n witness whereof the vendor has hitherto set his seal and signature at Bangalore, the day, the month and year mentioned above.

    Vendor
    Commissioner,
    Bangalore Development Authority,
    Bangalore

Witnesses:

1. 
2. 

A KLJ PUBLICATION
THE
BANGALORE
DEVELOPMENT AUTHORITY (INCENTIVE SCHEME FOR
VOLUNTARY SURRENDER OF LAND) (AMENDMENT) RULES, 2005

In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, further to amend the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) (Amendment) Rules, 2005.

(2) They shall be deemed to have come into force with effect from the twenty-seventh day of November, 2002.

2. Substitution of Annexure.—For the Annexure to the Bangalore Development Authority (Incentive Scheme for Voluntary Surrender of Land) Rules, 1989, the following shall be substituted, namely.—

“ANNEXURE
[See Rule 3]

Dimensions of sites proposed to be granted to original landowners by the Bangalore Development Authority under the Incentive Scheme

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1 Published in the Karnataka Gazette, Extraordinary No. 1643, dated 26-8-2005, vide Notification No. UDD 288 MNJ 2005, 9-8-2005

A KIJ PUBLICATION
THE
BANGALORE
METROPOLITAN REGION
DEVELOPMENT AUTHORITY ACT, 1985
[KARNATAKA ACT No. 39 OF 1985]

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THE
BANGALORE METROPOLITAN REGION
DEVELOPMENT AUTHORITY ACT, 1985
[KARNATAKA ACT NO. 39 OF 1985]

STATEMENT OF OBJECTS AND REASONS
KARNATAKA ACT No. 39 OF 1985
Karnataka Gazette, Extraordinary, dated 3-12-1985

There is no proper Co-ordination among the local bodies like Bangalore Development Authority, Bangalore Water Supply and Sewerage Board, Karnataka State Road Transport Corporation, Karnataka Electricity Board, Karnataka Slum Clearance Board, Bangalore City Corporation, etc., in the Bangalore Metropolitan Area. It is necessary to Co-ordinate the activities of these bodies by constituting an authority. There is also an urgent need to step up the authority in view of the growing problems of un-planned Development, Housing, Water Supply, Transport etc. Hence the Bill.

(As amended by Act Nos. 8 of 2005; 16 of 2010 and 5 of 2017)

(First published in the Karnataka Gazette, Extraordinary, on the
Twenty-ninth day of October, 1985)

(Received the assent of the Governor on the Eighteenth day of October, 1985)

An Act to provide for the establishment of an authority for the purpose of planning, co-ordinating and supervising the proper and orderly development of the area within the Bangalore Metropolitan Region and to provide for matters connected therewith.

Whereas, it is expedient to provide for the establishment of an authority for the purposes of planning, co-ordinating and supervising the proper and orderly development of the area within the Bangalore Metropolitan Region and to provide for matters connected therein;

Be it enacted by the Karnataka State Legislature in the Thirty-sixth year of the Republic of India as follows.—

CHAPTER I
Preliminary

1. Short title and commencement.—(1) This Act may be called the Bangalore Metropolitan Region Development Authority Act, 1985.

(2) It shall come into force on such date¹ as the State Government may, by notification in the official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires.—

¹. This Act come into force vide Notification No. HUD 54 TTP 86, dated 24-1-1986, w.e.f. 1-2-1986
(a) "Authority" means the Bangalore Metropolitan Region Development Authority constituted under Section 3;

(b) "Amenity" includes roads, bridges, streets, transport, lighting, water and electricity supply; sewerage; drainage; public works, open spaces recreational grounds, parks, and other conveniences, services or utilities;

(c) "Bangalore Metropolitan Region" means the area comprising the Bangalore District and [Bangalore Rural District] and such other areas as the State Government may, from time to time, by notification, specify;

(d) "Chairman" means the Chairman of the Authority;

(e) "Corporation" means the Bruhat Bengaluru Mahanagara Palike;

(f) "Development" with its grammatical variations means the carrying out of building, engineering or other operations in or over or under any land or the making of any material change in any building or land or in the use of any building, or land and includes redevelopment and forming of layouts and sub-division of any land including amenities;

(g) "Executive Committee" means the Executive Committee constituted under Section 6;

(h) "Fund" means the Bangalore Metropolitan Region Development Authority Fund;

(i) "Land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.

(j) "Local Authority" means [the Bruhat Bengaluru Mahanagara Palike], the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board, a Zilla Parishad, a Municipal Council, a Sanitary Board, [the Karnataka Power Transmission Corporation Limited], the Karnataka Road Transport Corporation, a Zilla Parishad a Municipal Council, a [Town Panchayath or Grama Panchayath] constituted or continued under any law for the time being in force;

(k) "Member" means a member of the Authority;

(l) "Metropolitan Commissioner" means the Metropolitan Commissioner appointed under Section 8; and

(m) "Regulation" means a regulation made under this Act.

1. Substituted for the words "Malur Taluk of Kolar District" by Act No. 8 of 2005, w.e.f. 23-3-2005
2. Clause (e) substituted by Act No. 5 of 2017, w.e.f. 4-1-2017
3. Substituted for the words "the City of Bangalore Municipal Corporation" by Act No. 5 of 2017, w.e.f. 4-1-2017
4. Substituted for the words "the Karnataka Electricity Board" by Act No. 5 of 2017, w.e.f. 4-1-2017
5. Substituted for the words "Sanitary Board, or a Mandal Panchayat" by Act No. 5 of 2017, w.e.f. 4-1-2017
CHAPTER II

The Bangalore Metropolitan Region Development Authority

3. Constitution and incorporation of the Authority.—(1) As soon as may be, after the date of commencement of this Act, the State Government shall, by notification, constitute for the Bangalore Metropolitan Region an authority to be called the Bangalore Metropolitan Region Development Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with power, subject to the provision of this Act, to acquire, hold and dispose of property, both moveable and immovable and to contract and may, by the said name, sue or be sued.

(3) The Authority shall consist of the following members, namely:

(a) the Chief Minister of Karnataka who shall be the Chairman;
(b) the Minister in charge of Bengaluru Development who shall be the Vice-Chairman;
(c) the Chairman, Bangalore Development Authority;
(d) the Mayor, Bruhat Bangalore Mahanagara Palike;
(e) the Chief Secretary to the Government of Karnataka;
(f) the Regional Commissioner, Bengaluru Region, Bengaluru;
(g) the Additional Chief Secretary or Principal Secretary or Secretary, Finance Department, Government of Karnataka;
(h) the Additional Chief Secretary or Principal Secretary or Secretary, Housing Department, Government of Karnataka;
(h-1) the Additional Chief Secretary or Principal Secretary or Secretary, Urban Development Department, Government of Karnataka;
(i) the Principal Secretary or Secretary, Public Works, Ports and Inland Water Transport Department, Government of Karnataka;
(j) the Additional Chief Secretary or Principal Secretary or Secretary, Commerce and Industries Department, Government of Karnataka;
(k) the Chairman, Bangalore Water Supply and Sewerage Board;
(l) the Chairman, Karnataka Housing Board;
(m) the Chairman, Karnataka Slum Development Board;
(n) the Chairman, Karnataka Power Transmission Corporation Limited;
(n-1) the Chairman, Bangalore Electricity Supply Company;
(n-2) the Chairman, the Karnataka State Road Transport Corporation;
(o) the Chairman, Bengaluru Metropolitan Transport Corporation;

1. Substituted for the words "Urban Development" by Act No. 5 of 2017, w.e.f. 4-1-2017
2. Substituted for the words "Corporation of the City of Bangalore" by Act No. 5 of 2017, w.e.f. 4-1-2017
3. Clauses (f), (g), (h), (i) and (j) substituted as clauses (f), (g), (h), (h-1), (i) and (j) by Act No. 5 of 2017, w.e.f. 4-1-2017
4. Clauses (m), (n), (o) and (p) substituted as clauses (m), (n), (n-1), (n-2), (o) and (p) by Act No. 5 of 2017, w.e.f. 4-1-2017
the Director of Town and Country Planning, Government of Karnataka;
the Chief Conservator of Forests (General), Government of Karnataka;
the Divisional Railway Manager, Southern Railway, Bangalore
(with the consent of the Central Government);
the General Manager, Bangalore Telegraphs Bangalore (with the consent of the Central Government);
[four members] appointed by the Government, representing labour, women and Scheduled Castes and Scheduled Tribes;
four members of the Karnataka State Legislature representing the Bangalore Metropolitan Region, appointed by the Government; and
four members from amongst the persons representing the Local Authorities in the Bangalore Metropolitan Region, appointed by the Government.
the Metropolitan Commissioner, who shall be the Member-Secretary.

4. Term of office and conditions of service of members.—(1) Subject to the pleasure of the Government the members appointed under items (u), (v) and (w) of sub-section (3) of Section 3 shall hold office for a period of three years from the date on which they assume office and shall be eligible for re-appointment under such conditions as may be prescribed.

(2) Any member, other than an ex-officio member may resign his office by writing under his hand addressed to the State Government.

(3) A casual vacancy caused by resignation of a member or otherwise may be filled by appointment by the State Government and the persons so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(4) No act or proceeding of the Authority, or the Executive Committee or any other committee shall be invalid merely by reason of any vacancy of defect in the constitution or reconstitution of the Authority, Executive Committee, or any other Committee, as the case may be, or any defect or irregularity in the constitution or procedure of the Authority not affecting the merits of the matter under consideration.

(5) Any person ceasing to be a member shall be eligible for reappointment as a member.

(6) The sitting fee and other allowances payable to members other than the ex-officio members for attending the meetings of the Authority, Executive committee or any other committee shall be such as may be prescribed.

5. Meetings of the Authority.—(1) The meetings of the Authority shall be convened by the Metropolitan Commissioner and it shall ordinarily meet at least once in three months at such place within the jurisdiction of the Authority and at such time as the Chairman may decide.

1. Clause (r) omitted by Act No. 5 of 2017, w.e.f. 4-1-2017
2. Read for “Three members” by Corrigendum, dated 19-1-1994

A KLJ PUBLICATION
(2) The Authority shall observe such rules of procedure in regard to the
transaction of business at its meetings (including quorum at meetings) as
may be prescribed by regulations.

(3) The Chairman or, if for any reason he is unable to attend any meeting,
the Vice-Chairman or if for any reason he is also unable to attend the
meeting, any other member chosen by the members present at the meeting,
shall preside at the meeting of the Authority.

(4) All questions which come up before any meeting of the Authority shall
be decided by majority of the votes of the members present and voting and in
the event of an equality of votes, the Chairman or in his absence the person
presiding, shall have and exercise a second or casting vote.

(5) A member shall not, at any meeting of the Authority or a committee
thereof, take part in the discussion of or vote on any matter in which he has
directly or indirectly by himself or his partner, any share or interest.

6. Executive Committee.—(1) There shall be an Executive Committee of
the Authority consisting of—

(a) the Minister-in-charge of 1[Bengaluru Development], who shall be
the Chairman;

(b) the Metropolitan Commissioner who shall be the Vice-Chairman;

(c) the Chairman, Bangalore Development Authority;

(d) the Commissioner, Bangalore Development Authority;

(e) the Mayor Bruhat Bangalore Mahanagara Palike;

(f) the Commissioner, Bruhat Bangalore Mahanagara Palike;

(g) the Additional Chief Secretary or Principal Secretary or Secretary,
Housing Department, Government of Karnataka;

(g-1) the Additional Chief Secretary or Principal Secretary or Secretary,
Urban Development Department, Government of Karnataka;

(h) the Additional Chief Secretary or Principal Secretary or Secretary,
Finance Department, Government of Karnataka;

(i) the Principal Secretary or Secretary, Public Works, Ports and
Inland Water Transport Department, Government of Karnataka;

(j) the Chairman, Bangalore Water Supply and Sewerage Board;

(k) the Director of Town and Country Planning, Government of
Karnataka;

(l) the Regional Commissioner, Bengaluru Region, Bengaluru;

(2) Subject to the general superintendence and control of the Authority,
the management of the affairs of the Authority shall vest in the Executive
Committee.

1. Substituted for the words "Urban Development" by Act No. 5 of 2017, w.e.f. 4-1-2017
2. Clauses (e), (f), (g), (h) and (i) substituted as clauses (e), (f), (g), (g-1), (h) and (i) by Act No.
   5 of 2017, w.e.f. 4-1-2017
3. Clauses (k) and (l) substituted by Act No. 5 of 2017, w.e.f. 4-1-2017
(3) Subject to the rules, and to the direction of the Authority, the Executive Committee may exercise any power and do any act or thing which may be exercised or done by the Authority.

(4) The procedure to be followed by the Executive Committee and all other matters relating to the Executive Committee shall be such as may be prescribed by regulations.

7. Appointment of other committees.—(1) The Authority may from time to time appoint committees consisting of such members as it thinks fit and may with the approval of the Government associate with such committee in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act.

(2) Every committee appointed under sub-section (1) shall conform to any instructions that may, from time to time, be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Authority shall nominate one of the members as the Chairman of every such committee.

(3) The procedure to be followed by the committees and all other matters relating to the committees shall be such as may be prescribed by regulations.

8. Officers and servants.—(1) The State Government shall appoint a Metropolitan Commissioner who shall be the Chief Administrative and Executive Officer of the Authority. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service and the powers and functions of the Metropolitan Commissioner. He shall be appointed for such period not exceeding three years as the State Government may decide, and the appointment may be extended from time to time for a period not exceeding three years at a time.

(2) The State Government may, appoint one or more Deputy or Assistant Metropolitan Commissioners, a Town Planner, a Law Officer and an Accounts Officer. The State Government shall by order determine, from time to time, the salaries and other terms and conditions of service of the Deputy Metropolitan Commissioner, the Assistant Metropolitan Commissioner, the Town Planner, the Law Officer and the Accounts Officer.

(3) The Authority may, from time to time, sanction creation of such other posts of Officers and servants as may be necessary for the efficient performance of the functions of the Authority. The condition of recruitment, appointment and service and the powers and duties of such Officers and servants shall be such as may be determined by regulations.

Provided that no post carrying a minimum salary of one thousand five hundred rupees and above shall be created without the approval of the Government.

CHAPTER III
Powers and Functions of the Authority

9. Powers and functions of the Authority.—(1) Subject to the provisions of this Act and the rules made thereunder the functions of the Authority shall be—
(i) to carry out a survey of the Bangalore Metropolitan Region and prepare reports on the surveys so carried out;

(ii) to prepare a structure plan for the development of the Bangalore Metropolitan Region;

(iii) to cause to be carried out such works as are contemplated in the structure plan;

(iv) to formulate as many schemes as are necessary for implementing the structure plan of the Bangalore Metropolitan Region;

(v) to secure and co-ordinate execution of the town planning scheme and the development of the Bangalore Metropolitan Region in accordance with the said schemes;

(vi) to raise finance for any project or scheme for the development of the Bangalore Metropolitan Region and to extend assistance to the Local Authorities in the Region for the execution of such project or scheme;

(vii) to do such other acts and things as may be entrusted by the Government or as may be necessary for, or incidental or conducive to, any matters which are necessary for furtherance of the objects for which the Authority is constituted;

(viii) to entrust to any Local Authority the work of execution of any development plan or town planning scheme;

(ix) to co-ordinate the activities of the Bangalore Development Authority, the Corporation of the City of Bangalore, the Bangalore Water Supply and Sewerage Board, [the Karnataka Slum Development Board and the Karnataka Power Transmission Corporation Limited and Bangalore Electricity Supply Company], the Karnataka Industrial Areas Development Board, the Karnataka State Road Transport Corporation and such other bodies as are connected with developmental activities in the Bangalore Metropolitan Region.

10. No other authority or person to undertake certain development without permission of the Authority.—(1) Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Authority, no authority or person shall undertake any development within the Bangalore Metropolitan Region of the types as the Authority may from time to time specify, by notification published in the Official Gazette.

(2) No Local Authority shall grant permission for any development referred to in sub-section (1), within the Bangalore Metropolitan Region, unless the Authority has granted permission for such development.

(3) Any authority or person desiring to undertake development referred to in sub-section (1) shall apply in writing to the Authority for permission to undertake such development.

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1. Substituted for the words "the Karnataka Slum Clearance Board, the Karnataka Electricity Board" by Act No. 5 of 2017, w.e.f. 4-1-2017
(4) The Authority shall, after making such inquiry as it deems necessary grant such permission without any conditions or with such conditions as it may deem fit to impose or refuse to grant such permission:

(5) Any authority or person aggrieved by the decision of the Authority under sub-section (4) may, within thirty days from the date of the decision appeal against such decision to the State Government, whose decision thereon shall be final:

Provided that, where the Aggrieved Authority submitting such appeal is under the administrative control of the Central Government, the appeal shall be decided by the State Government, after consultation with the Central Government.

(6) In case any person, or authority does anything contrary to the decision given under sub-section (4) as modified in sub-section (5), the Authority shall have power to pull down, demolish or remove any development undertaken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.

CHAPTER IV
Finance, Accounts and Audit

11. Authority's funds.—(1) The Authority shall have a fund called the Bangalore Metropolitan Region Development Authority Fund which shall be operated by such Officers as may be authorised by the Authority.

(2) The Authority may accept grants, subventions, contributions, donations and gifts from the Central Government, the State Government, a Local Authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) The State Government shall, every year, make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet its administrative expenses out of its own resources.

(4) All moneys received by or on behalf of the Authority by virtue of this Act and all interests, profits, and other moneys accruing to or borrowed by the Authority, shall be credited to the Fund.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or invested in such securities, as may be approved by the State Government.

(6) The Fund, and all other assets vesting in the Authority shall be held and applied by it, subject to the provisions of and for the purposes of this Act.

12. Budget.—The Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of the next financial year showing the estimated receipts and disbursements of the Authority and shall submit a copy thereof to the State Government.

13. Annual report.—The Authority shall, after the end of each year prepare in such form and before such date as may be prescribed, a report of its activities during such year and submit to the State Government and the
State Government shall cause a copy of such report to be laid before both Houses of the State Legislature.

14. Subventions and loans to the Authority.—(1) The State Government may, from time to time, make subventions to the Authority for the purposes of this Act on such terms and conditions as the State Government may determine.

(2) The State Government may, from time to time advance loans to the Authority on such terms and conditions, not inconsistent with the provisions of this Act as the State Government may determine.

15. Power of Authority to borrow.—The Authority may from time to time, with the previous sanction of the State Government, and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

16. Accounts and Audit.—(1) The Authority shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.

(2) The Authority shall cause its accounts to be audited annually by such persons as the State Government may direct.

1[(3) The Audited accounts and report of the Auditor shall be published by the authority in the prescribed manner. The Authority shall send a copy of such audited accounts and the report of the Auditor to the State Government. The State Government shall cause the audited accounts and the report of the Auditor to be laid before both Houses of the State Legislature as soon as, after it is received by the State Government.]

(4) The Authority shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

CHAPTER V
Miscellaneous

17. Powers of entry.—The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purposes of. —

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;
(b) examining works under construction and ascertaining the course of sewers and drains;
(c) digging or boring into the sub-soil;
(d) setting out boundaries and intended lines of work;
(e) making such levels, boundaries and lines by placing marks and cutting trenches;
(f) ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any conditions subject to which such permission has been granted; or

1. Sub-section (3) substituted by Act No. 16 of 2010, w.e.f. 16-4-2010
18. Directions by the Authority.—(1) The Authority may, in order to carry out the development plans and schemes formulated under Section 9 or any town planning scheme may issue direction to the Corporation, the Bangalore Development Authority, Bangalore Water Supply and Sewerage Board, Karnataka Electricity Board and such other bodies as are connected with developmental activities in the Bangalore Metropolitan Region. The directions issued by the Authority shall prevail over any directions issued by the Bangalore Development Authority under Section 52 of the Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

(2) Notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body to whom it is issued. On failure, it shall be competent for the Authority to take necessary action to carry out the directions issued under sub-section (1) and recover expenses, if any, incurred therefor from the body concerned.

(3) Any dispute which arises between the Authority and the Boards or other bodies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the State Government whose decision shall be final.

19. Metropolitan Commissioner to attend meetings of Corporation, BDA and BWSSB.—(a) The Metropolitan Commissioner shall be entitled to attend and take part in the meetings of the Corporation of the City of Bangalore, the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board, the Karnataka Electricity Board and the Karnataka Road Transport Corporation but he shall have no right to vote.

(b) The said bodies shall invite the Metropolitan Commissioner to attend these meetings.

20. Penalty for breach of the provisions of the Act.—Whoever contravenes any of the provisions of this Act or of any rule, regulation, or bye-law or scheme made or sanctioned thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both and in the case of continuing contravention, with additional imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both for each day after the first during which the contravention continues.

21. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who at the time the offence was
committed was in charge of and responsible to the company for the conduct of its business as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other Officer of the company, such director, manager, secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section.—

(a) “Company” means a body corporate and includes a firm or other association of individuals; and

(b) “Director” in relation to a firm means a partner in the firm.

22. Fines realised to be credited to the Fund.—All fines realised in connection with prosecutions under this Act, shall be credited to the Fund.

23. Members and Officers to be public servants.—Every member, every Officer and other employee of the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

24. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

25. Power to delegate.—The Authority may, by notification, direct that any power exercisable by it under this Act except the power to make regulation may also be exercised by the Chairman or such officer of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

26. Revision.—(1) The State Government may call for the records of any proceeding of the Authority for the purpose of satisfying itself as to the legality or propriety of the order or proceeding and may pass such order with respect thereto as it thinks fit.

(2) The Authority may call for the records of any proceeding of any Officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of the order or proceeding and may pass such order with respect thereto as it thinks fit.

(3) No order under sub-section (1) or sub-section (2) shall be made to the prejudice of any person unless he has had an opportunity of making representation.

27. Government’s power to give directions to the Authority.—The State Government may give such directions to the Authority as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the Authority to comply with such directions.
28. Act to override other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

29. Power to make rules.—(1) The State Government may, by notification, subject to the condition of previous publication, make rules to carry-out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

30. Regulations.—The Authority may, by notification and with previous sanction of the Government, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act. Regulation may be made in respect of any matter which is required to be or may, in the opinion of the Authority be provided by regulations.

31. Amendment of the Karnataka Town and Country Planning Act, 1961.—After Section 81-B of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the following section shall be inserted, namely.—

"81-C. Outline development plan and comprehensive development plan of Bangalore Metropolitan Region.—Notwithstanding anything in this Act, the Planning Authorities within the Bangalore Metropolitan Region as defined in the Bangalore Metropolitan Region Development Authority Act, 1985, shall submit the outline development plans and comprehensive development plans under Sections 9 and 19 respectively to the State Government through the Bangalore Metropolitan Region Development Authority for approval and the said Authority shall exercise the powers and discharge the functions of the Director of Town Planning in respect of such outline development plans or comprehensive development plans. The provisions of Sections 9 and 19 shall mutatis mutandis be applicable for the purpose of this section."

NOTIFICATION

S.O. 218.—In exercise of the powers conferred under sub-section (2) of Section 1 of the Bangalore Metropolitan Region Development Authority Act, 1985, (Karnataka Act 39 of 1985), Government of Karnataka hereby appoints the First day of February, 1986, as the date on which the said Act shall come into force.

Published in the Karnataka Gazette, Extraordinary, dated 24-1-1986, vide Notification No. HUD 54 TTP 86, dated 24-1-1986
CORRIGENDUM

Subject.—The Bangalore Metropolitan Development Authority Act, 1985. (Karnataka Act 39 of 1985)

Ref.—Notification No. LAW 12 LGN 83, dated 30th December, 1985.

Notification No. LAW 12 LGN 83, dated 30th December, 1985, published in the Karnataka Gazette, Extraordinary, dated 30th December, 1985 relating to the publication of the translated version of the (Kannada), 1985 in page 5, in line 20 in English language, for “three members” Read “four members”.

THE
BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2005

[KARNATAKA ACT No. 8 OF 2005]

(First published in the Karnataka Gazette, Extraordinary, on Twenty-third day of March, 2005)

(Received the assent of the Governor on Twenty-third day of March, 2005)

An Act further to amend the Bangalore Metropolitan Region Development Authority Act, 1985.

Whereas, it is expedient further to amend the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985), for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Fifty-sixth year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Metropolitan Region Development Authority (Amendment) Act, 2005.

(2) It shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Bangalore Metropolitan Region Development Authority Act, 1985, in clause (c), for the words "Malur Taluk of Kolar District", the words "Bangalore Rural District" shall be substituted.

THE
BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2009

[KARNATAKA ACT No. 16 OF 2010]

(First published in the Karnataka Gazette, Extraordinary, on the Sixteenth day of April, 2010)


A KLJ PUBLICATION
(Received the assent of the Governor on the Fourteenth day of April, 2010)

An Act further to amend the Bangalore Metropolitan Region Development Authority Act, 1985.

Whereas, it is expedient further to amend the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty-ninth year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Metropolitan Region Development Authority (Amendment) Act, 2009.

(2) It shall come into force at once.

2. Amendment of Section 16.—In Section 16 of the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985), for sub-section (3), the following shall be substituted, namely.—

“(3) The Audited accounts and report of the Auditor shall be published by the authority in the prescribed manner. The Authority shall send a copy of such audited accounts and the report of the Auditor to the State Government. The State Government shall cause the audited accounts and the report of the Auditor to be laid before both Houses of the State Legislature as soon as, after it is received by the State Government”

THE
BANGALORE
METROPOLITAN REGION DEVELOPMENT AUTHORITY (AMENDMENT) ACT, 2016

[KARNATAKA ACT No. 5 OF 2017]
(First published in the Karnataka Gazette, Extraordinary No. 21, on the 4th day of January, 2017)

(Received the assent of the Governor on the 31st day of December, 2016)

An Act further to amend the Bangalore Metropolitan Region Development Authority Act, 1985.

Whereas, it is expedient further to amend the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-seventh year of the Republic of India as follows, namely.—

1. Short title and commencement.—(1) This Act may be called the Bangalore Metropolitan Region Development Authority (Amendment) Act, 2016.
(2) It shall come into force at once.

2. Amendment of Section 2.—In Section 2 of the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985) (hereinafter referred to as the 'principal Act').—

(i) for clause (e), the following shall be substituted, namely.—

"(e) "Corporation" means the Bruhat Bengaluru Mahanagara Palike";

(ii) in clause (j), for the words "the City of Bangalore Municipal Corporation", the words "the Bruhat Bangalore Mahanagara Palike" and for the words "the Karnataka Electricity Board", the words "the Karnataka Power Transmission Corporation Limited" and for the words "Sanitary Board or a Mandal Panchayath", the words "Town Panchayath or Grama Panchayath" shall respectively be substituted.

3. Amendment of Section 3.—In Section 3 of the principal Act, in sub-section (3).—

(i) in clause (b), for the words "Urban Development", the words "Bengaluru Development" shall be substituted;

(ii) in clause (d), for the words "Corporation of the City of Bangalore", the words "Bruhat Bangalore Mahanagara Palike" shall be substituted;

(iii) for clauses (f), (g), (h), (i) and (j), the following shall be substituted, namely.—

"(f) the Regional Commissioner, Bengaluru Region, Bengaluru;  
(g) the Additional Chief Secretary or Principal Secretary or Secretary, Finance Department, Government of Karnataka;  
(h) the Additional Chief Secretary or Principal Secretary or Secretary, Housing Department, Government of Karnataka;  
(h-1) the Additional Chief Secretary or Principal Secretary or Secretary, Urban Development Department, Government of Karnataka;  
(i) the Principal Secretary or Secretary, Public Works, Ports and Inland Water Transport Department, Government of Karnataka;  
(j) the Additional Chief Secretary or Principal Secretary or Secretary, Commerce and Industries Department, Government of Karnataka;"

(iv) for clauses (m), (n), (o) and (p), the following shall be substituted, namely.—

"(m) the Chairman, Karnataka Slum Development Board;  
(n) the Chairman, Karnataka Power Transmission Corporation Limited;  
(n-1) the Chairman, Bangalore Electricity Supply Company;"
(n-2) the Chairman, the Karnataka State Road Transport Corporation;

(o) the Chairman, Bengaluru Metropolitan Transport Corporation;

(p) the Director of Town and Country Planning, Government of Karnataka;

(v) clause (r) shall be omitted.

4. Amendment of Section 6.—In Section 6 of the principal Act, in subsection (1),—

(i) in clause (a), for the words "Urban Development", the words "Bengaluru Development" shall be substituted;

(ii) for clauses (e), (f), (g), (h) and (i), the following shall be substituted, namely,—

(e) the Mayor Bruhat Bangalore Mahanagara Palike;

(f) the Commissioner, Bruhat Bangalore Mahanagara Palike;

(g) the Additional Chief Secretary or Principal Secretary or Secretary, Housing Department, Government of Karnataka;

(g-1) the Additional Chief Secretary or Principal Secretary or Secretary, Urban Development Department, Government of Karnataka;

(h) the Additional Chief Secretary or Principal Secretary or Secretary, Finance Department, Government of Karnataka;

(i) the Principal Secretary or Secretary, Public Works, Ports and Inland Water Transport Department, Government of Karnataka;

(iii) for clauses (k) and (l), the following shall be substituted, namely,—

(k) the Director of Town and Country Planning, Government of Karnataka;

(l) the Regional Commissioner, Bengaluru Region, Bengaluru;

5. Amendment of Section 9.—In Section 9 of the principal Act, in sub-section (1), in clause (ix), for the words “The Karnataka Slum Clearance Board, the Karnataka Electricity Board”, the words “the Karnataka Slum Development Board and the Karnataka Power Transmission Corporation Limited and Bengaluru Electricity Supply Company” shall be substituted.
# THE
# BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY
# REGULATIONS, 1996

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THE
BANGALORE METROPOLITAN REGION
DEVELOPMENT AUTHORITY
REGULATIONS, 1996

(As amended by Notification No. UDD 82 BMR 99, dated 1-6-2001)

In exercise of the powers conferred by Section 30 of the Bangalore Metropolitan Regional Development Authority Act, 1985 (Karnataka Act 39 of 1985) and with the previous sanction of the Government of Karnataka the Bangalore Metropolitan Regional Development Authority hereby makes the following regulations, namely.—

1. Title and commencement.—(1) These regulations may be called the Bangalore Metropolitan Region Development Authority Regulations, 1996.

(2) They shall come into force at once.

2. Definitions.—Unless the context otherwise requires.—

(1) "Act" means the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985);

(2) "Basement/Cellar Floor" means any storey which is partly or wholly below the ground level and the basement height shall not project more than one meter above the average ground level.

Explanation-I.—If the plinth of the building is constructed leaving more set backs than the minimum stipulated, basement floor may extend beyond the plinth of the building but no part of the set backs shall be used for basement.

Explanation-II.—One basement in the intensely populated area (A Zone) be permitted only for parking purpose, if the area of the premises is 500 square meters and above with a minimum road width of 12 meters.

Explanation-III.—One additional basement (two) for all buildings exceeding five floors may be permitted for parking and machines used for service and utilities of the building.
Explanation-IV.—The maximum of three basements in case of three stars and above Hotels be permitted for parking and machines used for service and utilities of buildings.

(3) "Covered Area" means an area covered by building immediately above the plinth level, but does not include the area covered by swimming pool, sump tank, pump house and electric sub-station;

(4) "Floor" means the lower surface in a storey on which one normally walks into a building, the general term ‘floor’ does not refer to basement or cellar floor and mezzanine floor;

(5) "Floor Area Ration" (FAR) means the quotient obtained by dividing the total covered area of all floors by the plot area and floor area includes the mezzanine floor also;

(6) "Ground floor" means immediately above the level of the adjoining ground level on all sides or above the basement floor;

(7) "Mezzanine Floor" means an intermediate floor between ground floor and first floor only and the area of mezzanine floor shall not exceed one-third of the covered area of ground floor;

(8) "Section" means a section of the Act.

3. Grant of permission under Section 10.—The authority shall have regard to the provisions hereinafter provided, while granting permission under Section 10 to undertake development within the Bangalore Metropolitan Region:

Provided that where any area within the Bangalore Metropolitan Region is declared to be a local planning area under the Karnataka Town and Country Planning Act, 1961, the authority shall while granting permission have regard to outline development plan, or comprehensive development plan published and the Zonal regulations made under that Act and the building regulations in force in the area.

4. Minimum Setbacks etc.—The minimum set backs required on all the sides of building, maximum plot coverage, maximum FAR, maximum number of floors, maximum height of building that are permissible for different dimensions of sites and width of roads are set out in Tables 1 to 9 given below.
### TABLE 1
Exterior open spaces/setbacks for Residential, Commercial, P and S.P., T and T and Public Utility buildings up to 9.5 mtrs. in height

<table>
<thead>
<tr>
<th>Depth of site in mtrs.</th>
<th>Residential Front</th>
<th>Residential Rear</th>
<th>Commercial Front</th>
<th>Commercial Rear</th>
<th>(T) and (T), P.U. Public and Width of site Semi-Public (in mtrs.) Left</th>
<th>(T) and (T), P.U. Public and Width of site Semi-Public Right</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
<td>(7)</td>
</tr>
<tr>
<td>Upto 6</td>
<td>1.00</td>
<td>–</td>
<td>1.00</td>
<td>–</td>
<td>–</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 6 upto 9</td>
<td>1.00</td>
<td>1.00</td>
<td>1.50</td>
<td>–</td>
<td>1.50</td>
<td>Over 6 upto 9</td>
</tr>
<tr>
<td>Over 9 upto 12</td>
<td>1.50</td>
<td>1.50</td>
<td>1.50</td>
<td>1.50</td>
<td>Over 9 upto 12</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 12 upto 18</td>
<td>3.00</td>
<td>1.50</td>
<td>3.00</td>
<td>1.50</td>
<td>Over 12 upto 18</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 18 upto 24</td>
<td>4.00</td>
<td>3.00</td>
<td>3.50</td>
<td>3.00</td>
<td>Over 18 upto 24</td>
<td>2.50</td>
</tr>
<tr>
<td>Over 24</td>
<td>5.00</td>
<td>3.50</td>
<td>4.50</td>
<td>3.00</td>
<td>Over 24</td>
<td>3.00</td>
</tr>
</tbody>
</table>

**Note.** — \(T\) and \(T\): Traffic and Transportation, P.U.: Public Utility.
**TABLE 2**

Exterior open spaces/setbacks for Residential, Commercial, Public and Semi-Public, T and T, Public Utility buildings upto 9.5 in height

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Height of Building in Mtr.</th>
<th>Exterior open Spaces/Setbacks to be left on all sides. (Front Rear and Sides) Min. in Mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>1.</td>
<td>Above 9.5 upto 12</td>
<td>4.5</td>
</tr>
<tr>
<td>2.</td>
<td>Above 12 upto 15</td>
<td>5.0</td>
</tr>
<tr>
<td>3.</td>
<td>Above 15 upto 18</td>
<td>6.0</td>
</tr>
<tr>
<td>4.</td>
<td>Above 18 upto 21</td>
<td>7.0</td>
</tr>
<tr>
<td>5.</td>
<td>Above 21 upto 24</td>
<td>8.0</td>
</tr>
<tr>
<td>6.</td>
<td>Above 24 upto 27</td>
<td>9.0</td>
</tr>
<tr>
<td>7.</td>
<td>Above 27 upto 30</td>
<td>10.0</td>
</tr>
<tr>
<td>8.</td>
<td>Above 30 upto 35</td>
<td>11.0</td>
</tr>
<tr>
<td>9.</td>
<td>Above 35 upto 40</td>
<td>12.0</td>
</tr>
<tr>
<td>10.</td>
<td>Above 40 upto 45</td>
<td>13.0</td>
</tr>
<tr>
<td>11.</td>
<td>Above 45 upto 50</td>
<td>14.0</td>
</tr>
<tr>
<td>12.</td>
<td>Above 50</td>
<td>16.0</td>
</tr>
</tbody>
</table>

*Note.—The open spaces to be left shall confirm to the height necessary to consume the permissible FAR.*
TABLE 3

<table>
<thead>
<tr>
<th>Plot Area in sq. mtr.</th>
<th>Residential</th>
<th>Commercial</th>
<th>Public and Semi-Public, T and T and Public Utilities</th>
<th>Road width in Mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
<tr>
<td>AREA-A INTENSELY DEVELOPED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upto 240</td>
<td>65%</td>
<td>0.75</td>
<td>65%</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 240 upto 500</td>
<td>60%</td>
<td>0.75</td>
<td>60%</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 500 upto 750</td>
<td>60%</td>
<td>1.00</td>
<td>60%</td>
<td>1.25%</td>
</tr>
<tr>
<td>Over 750 upto 1000</td>
<td>60%</td>
<td>1.00</td>
<td>60%</td>
<td>1.25%</td>
</tr>
<tr>
<td>Over 1000</td>
<td>60%</td>
<td>1.25</td>
<td>55%</td>
<td>1.50</td>
</tr>
<tr>
<td>AREA-B MODERATELY DEVELOPED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upto 240</td>
<td>65%</td>
<td>1.00</td>
<td>65%</td>
<td>1.25</td>
</tr>
<tr>
<td>Over 240 upto 500</td>
<td>60%</td>
<td>1.25</td>
<td>60%</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 500 upto 750</td>
<td>60%</td>
<td>1.25</td>
<td>60%</td>
<td>1.50</td>
</tr>
<tr>
<td>Plot Area in sq. mtr.</td>
<td>Residential</td>
<td>Commercial</td>
<td>Public and Semi-Public, T and T and Public Utilities</td>
<td>Road width in Mtr.</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------</td>
<td>------------</td>
<td>-----------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
<tr>
<td>Over 750 upto 1000</td>
<td>60%</td>
<td>1.50</td>
<td>60%</td>
<td>1.75</td>
</tr>
<tr>
<td>Over 1000</td>
<td>60%</td>
<td>1.75</td>
<td>55%</td>
<td>1.75</td>
</tr>
</tbody>
</table>

**AREA-C SPARSELY DEVELOPED**

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
<th>Public and Semi-Public, T and T and Public Utilities</th>
<th>Road width in Mtr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 240</td>
<td>65%</td>
<td>1.00</td>
<td>65%</td>
<td>1.25</td>
</tr>
<tr>
<td>Over 240 upto 500</td>
<td>60%</td>
<td>1.25</td>
<td>60%</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 500 upto 750</td>
<td>60%</td>
<td>1.50</td>
<td>60%</td>
<td>1.75</td>
</tr>
<tr>
<td>Over 750 upto 1000</td>
<td>60%</td>
<td>1.50</td>
<td>60%</td>
<td>1.75</td>
</tr>
<tr>
<td>Over 1000</td>
<td>60%</td>
<td>2.00</td>
<td>55%</td>
<td>2.00</td>
</tr>
</tbody>
</table>
TABLE 4
GROUP HOUSING

The Table showing the maximum Plot Coverage, F.A.R., minimum setbacks and minimum road width for Group Housing is given below

<table>
<thead>
<tr>
<th>Plot Area</th>
<th>Minimum Road width in Mtrs.</th>
<th>Maximum Plot Coverage</th>
<th>Maximum F.A.R.</th>
<th>Minimum setbacks metres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>Upto 0.40 Hectares</td>
<td>12</td>
<td>60%</td>
<td>2.00</td>
<td>5.0</td>
</tr>
<tr>
<td>Between 0.40 and 0.80 Hectares</td>
<td>15</td>
<td>60%</td>
<td>2.25</td>
<td>8.0</td>
</tr>
<tr>
<td>Above 0.80 Hectares</td>
<td>18</td>
<td>60%</td>
<td>2.50</td>
<td>9.0</td>
</tr>
</tbody>
</table>

Note: (1) Group housing means more than two buildings on a plot with one or more floors and with one or more dwelling units in each floor. They are connected by an access of not less than 3.5 Mtrs. in width, if they are not approachable directly from the existing roads.

(2) Where the sital area of group housing exceeds 4000 Sq. Mtrs. approval of layout showing the general arrangement of residential building blocks and dimensions of plot earmarked for each building blocks, means of access roads and civic amenity areas should precede the approval to building plan.

(3) In case, the height of group housing building exceeds 9.5 mtrs., then setback to be left allround the premises shall be as per Table 2 or Table 4 whichever is higher.

TABLE 5
Semi-detached house
(Back to back or side to side)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Minimum combined area of the neighbouring plots</td>
<td>140 sq. mtr.</td>
</tr>
<tr>
<td>2.</td>
<td>Building Coverage</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Floor area ratio</td>
<td>As applicable to</td>
</tr>
</tbody>
</table>
### TABLE 6
**Row Housing**

*Maximum 12 units, Minimum 3 units*

1. Minimum combined area of plot 210 sq.mtr.
2. Maximum area of each plot 108 sq. mts.
3. Building coverage  
4. Floor area ratio As applicable to individual plots  
5. Number of floor  
6. Minimum road width  
7. Setbacks minimum
   - Front: 2.00 m
   - Rear: 1.50 m
   - Side: 2.00 m only for end units.

### TABLE 7
**Setbacks, Coverage and F.A.R. for Industrial Buildings**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 240</td>
<td>Service</td>
<td>75%</td>
<td>1.00</td>
<td>1.00</td>
<td>Over 4.5</td>
</tr>
<tr>
<td>Over 240, upto 1000</td>
<td>Service Light</td>
<td>50%</td>
<td>4.50</td>
<td>4.50</td>
<td>0.75</td>
</tr>
<tr>
<td>Over 1000, upto 2000</td>
<td>Service Light</td>
<td>50%</td>
<td>6.00</td>
<td>6.00</td>
<td>0.75</td>
</tr>
<tr>
<td>Over 2000, upto 3000</td>
<td>Service Light Medium</td>
<td>40%</td>
<td>10.00</td>
<td>10.00</td>
<td>0.75</td>
</tr>
</tbody>
</table>
Table 8

Regulations for Flatted Factories

<table>
<thead>
<tr>
<th>Over 3000 up to 4000</th>
<th>Service Light Medium</th>
<th>40%</th>
<th>12.00</th>
<th>12.00</th>
<th>0.50</th>
<th>Over 12.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 4000</td>
<td>Service Light Medium Heavy</td>
<td>35%</td>
<td>15.00</td>
<td>15.00</td>
<td>0.50</td>
<td>Over 12.0</td>
</tr>
</tbody>
</table>

Note.—After leaving minimum set backs as per the above table if the remaining portion of the plot cannot be used for erecting the building, the authority may insist for set backs as applicable for residential buildings.

Table 9

Regulations for Rural Development

1. Within 100 mtrs. from the existing Grama thana, residential developments and other uses at the discretion of the authority may be permitted.

2. F.A.R. 1.00

3. Maximum No. of floors G + 1

4. Set Backs and Coverage As per Table No. 1

5. Norms for Approval for Group Housing Plan.—The following norms shall be adopted while approving the layout plan for group housing.—

(i) The boundary roads if any must have a minimum width of 12 mtr.;

(ii) The F.A.R. should be considered with reference to the width of the public road abutting the property and the F.A.R. should be calculated after deducting the area reserved for parks, open spaces and civic amenities;

(iii) The set-backs should be provided with reference to depth and width of total plot area;

(iv) The coverage shall be with reference to total area of the layout;
(v) The distance between the buildings should be a minimum of one half of the height of the tallest building;

(vi) 25% of the total area be reserved for Civic Amenities, parks and open spaces, subject to a minimum of 15% for parks and open space;

(vii) The means of access to the building blocks in the area of group housing shall be as follows.

<table>
<thead>
<tr>
<th>Access length in mtrs.</th>
<th>Min. width</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Less than 100 mtrs.</td>
<td>6 mtrs.</td>
</tr>
<tr>
<td>b. 100-200 mtrs.</td>
<td>9 mtrs.</td>
</tr>
<tr>
<td>c. More than 200 mtrs.</td>
<td>12 mtrs.</td>
</tr>
</tbody>
</table>

(viii) The area reserved for Parks and Open spaces, C.A. and roads (other than internal access in each sub-divided plot) shall be handed over free of cost to the local authority through registered relinquishment deed before issue of work order.

6. Following shall be the Height limitations in the vicinity of Aerodromes.

**TABLE 10**

(a) International Civil air-ports and their alternates:

<table>
<thead>
<tr>
<th>Limits of distance from the Aerodromes point measured horizontally to Buildings/structures or installations</th>
<th>Difference between the elevation of the top of the buildings/structures or installations and the elevation of the Aerodromes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Between 8534 M and 22224 M</td>
<td>Less than 152 M</td>
</tr>
<tr>
<td>2. Between 7315 M and 8534 M</td>
<td>Less than 122 M</td>
</tr>
<tr>
<td>3. Between 6096 M and 7315 M</td>
<td>Less than 91 M</td>
</tr>
<tr>
<td>4. Between 4877 M and 6096 M</td>
<td>Less than 61 M</td>
</tr>
<tr>
<td>5. Between 4267 M and 4877 M</td>
<td>Less than 49 M</td>
</tr>
<tr>
<td>6. Between 3658 M and 4267 M</td>
<td>Less than 37 M</td>
</tr>
<tr>
<td>7. Between 3048 M and 3658 M</td>
<td>Less than 24 M</td>
</tr>
<tr>
<td>8. Between 2438 M and 3048 M</td>
<td>Less than 12 M</td>
</tr>
<tr>
<td>9. Below 2438</td>
<td></td>
</tr>
</tbody>
</table>
(b) Other Civil Air-ports and Civil Aerodromes:

1. Between 7925 M and 22324 M Less than 152 M
2. Between 6706 M and 7925 M Less than 122 M
3. Between 6486 M and 6706 M Less than 91 M
4. Between 4267 M and 6486 M Less than 61 M
5. Between 3658 M and 4267 M Less than 49 M
6. Between 3048 M and 3658 M Less than 37 M
7. Between 2438 M and 3048 M Less than 24 M
8. Between 1829 M and 2438 M Less than 12 M
9. Between 1829 M and below*

*Nil except with the prior concurrence of the local Aerodrome Authorities.

7. Following shall be the parking requirements.—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of Use</th>
<th>One car parking of 3 x 6 mtrs. each shall be provided for every</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Theatres and auditoriums including Cinema theatres except educational institutions</td>
<td>25 seats of accommodation subject to a minimum of 20</td>
</tr>
<tr>
<td>2.</td>
<td>Retail business</td>
<td>50 sq. mtr. of floor area</td>
</tr>
<tr>
<td>3.</td>
<td>Wholesale and warehouse buildings</td>
<td>150 sq. mtr. plus 1 lorry parking space measuring 4 x 8 mtrs. for every 500 sq. mtr. or part thereof.</td>
</tr>
<tr>
<td>4.</td>
<td>Restaurant, Establishments serving food and drinks and such other Establishments</td>
<td>25 sq. mtr. of floor area</td>
</tr>
<tr>
<td>5.</td>
<td>Lodging establishments and tourist homes</td>
<td>4 rooms</td>
</tr>
<tr>
<td>6.</td>
<td>Office buildings [Govt./Semi-Govt. and Pvt.]</td>
<td>50 sq. mtr. of office floor space</td>
</tr>
<tr>
<td>7.</td>
<td>Hostels</td>
<td>10 rooms</td>
</tr>
<tr>
<td>8.</td>
<td>Industrial Buildings</td>
<td>100 sq. mtr. of floor area plus 1 lorry space measuring 4 x 8 mtrs. for every 1000 sq. mtr. or part thereof</td>
</tr>
<tr>
<td>9.</td>
<td>(a) Nursing homes</td>
<td>4 beds</td>
</tr>
<tr>
<td></td>
<td>(b) Hospitals</td>
<td>10 beds</td>
</tr>
</tbody>
</table>

A KLJ PUBLICATION
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of Use</th>
<th>One car parking of 3 x 6 mtrs. each shall be provided for every</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Multi-family dwellings</td>
<td>Dwelling unit measuring more than 50 sq. mtr. of floor area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 dwelling units if it is 50 sq. mtr. or less</td>
</tr>
<tr>
<td>11.</td>
<td>Kalyaná Madiras</td>
<td>20 sq. mtr. of auditorium floor area</td>
</tr>
<tr>
<td>12.</td>
<td>Recreation Clubs</td>
<td>50 sq. mtr. of floor area</td>
</tr>
<tr>
<td>13.</td>
<td>Educational buildings</td>
<td>200 sq. mtr. of floor area</td>
</tr>
<tr>
<td>14.</td>
<td>Other public and semi-public buildings</td>
<td>100 sq. mtr. of floor area</td>
</tr>
</tbody>
</table>

8. Set backs.—

1. (a) The front and rear set backs shall be with reference to depth of the site;
(b) The left and right set backs shall be with reference to width of the site.

2. Where the building lines are fixed, in such cases the front set back or the building line which is higher of the two shall be considered as the set back to the building in the front.

3. In case of corner sites both the sides facing the road shall be treated as front side and regulations applied accordingly to maintain the building line on these roads and to provide better visibility.

4. In case of building facing more than two roads, in plot should be considered as corner plot taking two wider roads into consideration.

5. In case of sites facing roads both in front and rear, both the sides facing roads should be treated as front and other two sides not facing roads should be treated as right and the set backs be applied accordingly.

6. In case where the plinth of the building is not parallel to the property line, the set backs shall not be less than the specified set backs at any given point on any side.

7. In case of buildings which are existing prior to coming into force of these regulations, upper floors may be permitted according to the existing set backs only, but limiting the F.A.R. and No. of floors according to the present regulations, subject to productions of foundation certificate by a registered engineer.
8. In case of irregular plots the set backs are to be calculated according to the depth or width at the points where the depths or widths are varying. Average set backs shall not be considered in such cases.

9. The left and right set backs may be interchanged by the authority in exceptional cases due to existing structures like, open well and also considering the topography of the land. However, this shall be resorted to by the authority only as an exception.

10. Set-backs should be provided in the owners plot, public, open space or conservancy should not be considered as set backs.

11. For garages no side or rear set-backs are to be insisted. One upper floor not exceeding 3m in height shall be permitted provided no openings are provided towards neighbouring buildings and at least one opening for light and ventilation is provided towards the owners property.

12. Where lumber room is proposed in a portion of garage, the length of garage shall not exceed 1/3 of the length of the site but not more than 6 mts. in any case in such case. In the depth of the lumber room shall not exceed 1.25 meters and entrance to such lumber room shall be from the rear set-back only. The width of garage shall not exceed 4 mtr.

13. Garages shall be permitted in the rear right hand corner of the plot in cases of buildings constructed or sanctioned prior to the enforcement of these regulations, where space is not available on right side, it may be permitted on the left side provided minimum set-back exists in the adjoining property of the left side.

14. In cases of corner plots the garage shall be located at the rear corner diagonally opposite to the road intersection.

15. The maximum width of the garage shall not exceed 4.0 meters.

16. The garages shall not be constructed or reconstructed within 4.5 meters from road edge. This may be relaxed in cases where the garage forms part of the main building with minimum set-back for that plot.

17. For Cinema theatres the set-backs and other provision shall be as per the Karnataka Cinematograph Act and Rules.

18. In case of two or more buildings, proposed in a single site, the set backs shall be applied as if they are on single common site.

19. In case of 'High-Rise Buildings', i.e., buildings with Ground Floor + four floors and above, the minimum set back all round the building shall be read with Table-2 and Group Housing Table.
20. For High Rise Buildings, N.O.Cs. from B.W.S.S.B. (if within its jurisdiction), K.E.B., Fire Force, Airport authorities and Telecommunications Department, shall be furnished, wherever applicable.

21. For Group Housing with ground + three floors or below, N.O.Cs. from B.W.S.S.B. (if applicable) and K.E.B. only be furnished, if the sital area exceeds 4000 sq. mtrs.

9. Floor area, covered area, height, F.A.R. etc.—

1. The maximum number of floors, percentage of plots coverage, FAR, height of the building for different plot size with existing road width as limiting factor are given in the tables for various types of buildings such as Residential, Commercial, Public and Semi Public, and Industrial, etc.

2. or the purpose of these regulations, the Local authorities may classify different areas in their jurisdictions as Intensely Developed (Area A), Moderately Developed (Area B), and Sparsely Developed (Area C).

3. When two sides of the same road are included in two different areas like A and B or A and C, then the side of the other area shall also be treated as intensively populated area ('A' area) up to one property depth.

4. When two sides of the same area are included in two different areas like B and C, then the other areas classification shall also be treated as moderately developed ('B' area) up to one property depth.

5. (a) The floor area excludes the area used for Car parking, staircase room, lift room, ramp, escalators, ducts, water tanks, main sanitary duct, open balcony and machine rooms.

(b) When sites do not face the roads of required width noted against each, then the F.A.R. applicable to corresponding width of roads shall apply;

(c) When a site faces wider road than the one prescribed against it, the F.A.R. shall be restricted only to the limit prescribed for the area of that particular site;

(d) When coverage is less than the maximum prescribed in Table No. 3 more No. of floors and height may be permitted to utilise the full F.A.R.;

(e) The set-backs and coverage are irrespective of road width.
6. Means of Access:—The means of exclusive access which would be other than through public roads and streets, shall not be of more than 30 metres length from the existing public roads and streets. The minimum width of such access shall be 3.5 mtr. F.A.R. and height of buildings coming up on such plots shall be regulated according to the width of public street or road. If the means of access exceeds 30.0 mtr in length, FAR shall be regulated with reference to the width of such access road. Construction of buildings on plots with common access/lanes from the public road/street shall be regulated according to width of such common access roads/lanes.

7. Width of Road.—Road width means distance between the boundaries of a road including footways and drains measured at right angles at the centre of the plot in case of roads having service roads in addition to the main roads, the width of road shall be aggregate width of service roads and main roads for determining F.A.R. and number of floors.

8. The height of the building coming within the landing and take off zones of air craft in the vicinity of aerodromes should not exceed the height shown in the Table 10.

9. Lifts will have to be provided for buildings with more than ground + three floors.

10. In case of commercial buildings or shopping centres and residential apartments, provision should be made for the safety measures in accordance with the requirement as stipulated by Fire Force Authorities, before issue of occupancy certificate.

11. Ramp.—Ramp shall be provided with a minimum width of 3.50 metres and slope of not more than 1 in 10. Ramp shall not be provided after leaving a clear gap of minimum 2.0 mtrs from the neighbouring properties.

12. When basement floor is proposed for car parking convenient entry and exist shall be provided. Adequate drainage, ventilation and lighting arrangements shall be made to the satisfaction of BMRDA.

10. (1) Water Supply.—Bore well shall be provided in all district shopping centres and residential apartments as an alternative source of water supply if the Bangalore Water Supply and Drainage Board desires and the Strata is capable of yielding water.

(2) When mixed uses are permitted in the Ground floor on a site, the regulations of the predominant use shall be considered.
11. Exemption to open space.—The following exemption to open space shall be permitted:

(a) Projection into open space.—Every open space provide either interior or exterior shall be kept free from any erection thereon shall be open to the sky and no cornice roof or weather shade more than 0.75 metres wide or $\frac{1}{2}$ of open space whichever is less shall over hang or project over the said open space.

(b) No projection shall over hang/project over the minimum setback area either in cellar floor or at the lower level of ground floor.

(c) Cantilever Portico.—Cantilever portico of 3 metres width (maximum) and 4.5 metres length (maximum) may be permitted within the side set back. No access is permitted to the top of the portico for using it as a sitout place and height of the portico shall be not less than 2 metres from the plinth level. The portico is allowed only on the side where the setback/open space left exceeds 3 mtr. in width.

(d) Balcony.—Balcony projection should not exceed $\frac{1}{2}$ of the set back on that side subject to a maximum of 1.1. mtr. in first floor and 1.75 metres beyond the second floor. No balcony is allowed in ground floor.

(e) Cross wall connecting the building and compound wall may be permitted limiting the height of such wall to 1.5 mtr.

12. Height Limitation.—

(a) The height of the building shall be covered by the limitation of F.A.R. the frontage of the plots as stipulated in the respective tables;

(b) If a building abuts on two or more streets of different widths then the height of the building shall be regulated according to the width of the wider road;

(c) For buildings in the vicinity of aerodromes the maximum height of the building shall be as given in Table 10. This shall be regulated by the rules for giving NOC for the construction of building in the vicinity of aerodromes by the Competent Aerodrome Authority.

13. Parking Space.—Adequate space for Car parking shall be provided in the premises subject to the following:

(1) Each off street car parking space provided for motor vehicles shall not be less than 18 sq. mtrs. For motor cycle and scooter, the parking space provided shall not be less than 2.5 sq. mtr. and 1.5 sq. mtr. respectively, and it shall be not more than 25% of the car parking space leaving clear space round the building for the movement of vehicles.

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(2) Off street car parking space shall be provided with adequate vehicular access to a street and areas of drives of not less than 2.5 mtr. wide, aisles and such other provisions required for adequate maneuvering of vehicles excluding the parking space stipulated in these regulations.

(3) No parking space shall be insisted upon the intensely built up area upto 100 sq. mtrs. of floorspace.

(4) Car parking shall not be provided in the set back areas. If provided a minimum of 3.0 mtr. shall be left free from the building.

14. In sanctioning the sub-division of a plot/land, the following standards shall be followed for division of plots.—

(1) Size of plots.—No building plot resulting from the sub-division is smaller in size than 0.4 hectares in the agricultural zone and 50 sq. mt. in all other zones. However, the authority may relax this provision in case of sites formed for E.W.S. and plots sub-divided due to family partitions.

(2) Private streets, lanes, etc in residential areas shall confirm to the minimum widths noted below.—

Street in Residential areas:

1. Cul-de-sac
   - 7 mt. maximum length 100 mt. with sufficient turning radius.

2. Roads in layouts for E.W.S.
   - 7 mtrs

3. Loop street
   - 9 mt. maximum length 300mt.

   (a) Residential streets upto length of 500m
   - 9 m

   (b) Residential streets above 500m upto 1000m
   - 12m

   (c) Residential streets above 1000m
   - 15m

4. Minor Roads
   - 9m to 12m

5. Collector Road
   - 12m to 15m

6. Major Roads
   - 15m to 18m

7. Arterial Roads, intermediate ring roads
   - 18m to 24m

8. Ring Roads (Outer)
   - 30 x 45m

Note.—Service or conservancy lanes at the back of the buildings may be permitted only when absolutely necessary as in the case of row housing. No residential building shall be allowed to face service lanes, when permitted shall have a minimum right of way of 7 mtrs.

(3) Private streets in sub-division of non-residential areas
(a) Commercial Retail 12m width
Others 15m width

(b) Industrial and Other non-residential areas 12m width

(4) Areas for open spaces and Civic Amenities:

(a) Sanctioning of a layout plan for residential purpose shall be subject to the following conditions:

(i) the area earmarked for residential sites shall be a maximum of 55% of the total extent;

(ii) the area earmarked for parks, playgrounds shall be a minimum of 10% of the total extent;

(iii) the area earmarked for civic amenities shall be a minimum of 5% of the total extent;

(iv) a maximum of 3% of the total area from out of the residential area may be earmarked for convenience shops on the request of the owners. Such shop sites shall be located only in one compact sub-block and shall not be scattered throughout any residential block in the layout;

(v) if any area is still available for development in a layout after providing residential sites, parks and playgrounds and civic amenities as per (i), (ii) and (iii) above and roads to all the sub-divided lands as per Regulation 14 of the Zonal Regulations then it shall be earmarked for civic amenities.

(b) Sanctioning of a layout plan for non-residential purpose shall be subject to the following conditions:

(i) 10% of the Total area shall be earmarked for Park and Civic Amenities;

(ii) The minimum width of road shall not be less than 12.0 mtr;

(iii) 5% of the total area shall be reserved for parking purpose.

Note.—It should also satisfy all the requirements stipulated: Under Section 17 of Karnataka Town and Country Planning Act and Section 32 of Bangalore Development Authority Act, 1976:

Provided that if plot of official records at the time of commencement of these regulations is smaller than the minimum size specified for the zone in which it is located and compliance with requirements of these regulations is not feasible, the BMRDA may permit the plot to be used as a plot/site.

1. Clauses (i) to (v) substituted by Notification No. UDD 82 BMR 99, dated 1-6-2001, w.e.f. 6-9-2001
(5) Civic Amenities

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Population per Unit</th>
<th>Area in Hectare</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Educational facilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Nursery school (age group 3-6 yrs.)</td>
<td>1,000</td>
<td>0.20 (including playground)</td>
</tr>
<tr>
<td>(ii) Basic primary and higher primary school (age group 6-14 yrs.)</td>
<td>3,500 to 4,500</td>
<td>1.00</td>
</tr>
<tr>
<td>(iii) Higher Secondary school (age group 14-17 years)</td>
<td>15,000</td>
<td>2.0 (including playground)</td>
</tr>
<tr>
<td>(iv) College</td>
<td>50,000</td>
<td>3.00 to 4.00 (including playground)</td>
</tr>
<tr>
<td>(b) Medical facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Dispensary</td>
<td>5,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(ii) Health centre</td>
<td>20,000</td>
<td>0.40</td>
</tr>
<tr>
<td>(c) Other facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Post and Telegraph</td>
<td>10,000</td>
<td>0.15 (including staff quarters)</td>
</tr>
<tr>
<td>(ii) Police Station</td>
<td>10,000</td>
<td>0.20</td>
</tr>
<tr>
<td>(iii) Religious Buildings</td>
<td>3,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(iv) Filling Station</td>
<td>15,000</td>
<td>0.50</td>
</tr>
</tbody>
</table>

(6) Shopping facilities

<table>
<thead>
<tr>
<th>Neighbourhood and convenience shopping (3,000 - 15,000 population)</th>
<th>3 shops/1,000 persons</th>
<th>10-15 sq. mt. area per shop</th>
</tr>
</thead>
</table>

(7) Parks, Open Spaces and Playgrounds:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category</th>
<th>Population per Unit</th>
<th>Area in Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tot-lot</td>
<td>500</td>
<td>0.50</td>
</tr>
<tr>
<td>2.</td>
<td>Children’s Park</td>
<td>2,000</td>
<td>0.20</td>
</tr>
</tbody>
</table>
15. **Water supply, Sewerage, Storm Water Drainage, Street Lights, Roads and Electricity Supply.**—The developer/applicant shall make adequate arrangements for water supply, sewerage, provision for drainage, street light, road and electric supply and furnish details in the application enclosures as required.

16. **Building Lines.**—Building Line means the line up to which the plinth of a building adjoining a street may lawfully extend and includes the lines prescribed.

Building lines as per Public Works Department norms for National and State Highways, District Roads and other Roads will have to be adhered to.

17. (1) If lands on which developments are planned are held in violation of existing provisions of the Land Reforms Act, Urban Land Ceiling Act etc. no clearance will be given. The applicants should move the Appropriate Authorities for legal clearances/exemptions before approaching B.M.R.D.A.

(2) The approval given by B.M.R.D.A. will be valid for 2 years if the project is not completed by them, renewal application will be required to be made.

(3) If the applicants so wish, the documents required above may be made into a single volume containing a Project Report and enclosures and submitted in triplicate.

(4) The development plans and Town extensions Schemes prepared by the Director of Town Planning (if any) and the Structure Plans prepared by the B.M.R.D.A. will be guiding plans for issue or rejection of clearance applied for.

(5) The layout plans/building plans shall be prepared by a Registered Architect or Engineer or Town Planner.
THE
BANGALORE METROPOLITAN REGION DEVELOPMENT
AUTHORITY (AMENDMENT) REGULATIONS, 2000

In exercise of powers conferred by Section 30 of the BMRDA Act, 1985
(Karnataka Act 39 of 1985), and with the previous sanction of the
Government of Karnataka, the Bangalore Metropolitan Region Development
Authority hereby makes the following regulations further to amend the
Bangalore Metropolitan Region Development Authority Regulations, 1996,
namely.—

1. Title and commencement.—(1) These regulations may be called the
Bangalore Metropolitan Region Development Authority (Amendment)

(2) They shall come into force from the date of their publication in the
Official Gazette.

2. Amendment to Regulation 14.—In Regulation 14 of the Bangalore
Metropolitan Region Development Authority Regulations, 1996, in
sub-regulation (4), in clause (a), for sub-clauses (i), (ii), (iii), (iv) and (v), the
following shall be substituted, namely.—

"(i) The area earmarked for residential sites shall be a maximum of 55%
of the total extent.

(ii) The area earmarked for parks, playgrounds shall be a minimum of
10% of the total extent.

(iii) The area earmarked for civic amenities shall be a minimum of 5% of
the total extent.

(iv) A maximum of 3% of the total area from out of the residential area
may be earmarked for convenience shops on the request of the
owners. Such shop sites shall be located only in one compact
sub-block and shall not be scattered throughout any residential
block in the layout.

(v) If any area is still available for development in a layout after
providing residential sites, parks and playgrounds and civic
amenities as per (i), (ii) and (iii) above and roads to all the
sub-divided lands as per Regulation 14 of the Zonal Regulations
then it shall be earmarked for civic amenities".

1. Published in the Karnataka Gazette, dated 6-9-2001, vide Notification No. UDD 82 BMR
99, dated 1-6-2001
NOTIFICATION


The Bangalore Metropolitan Region Development Authority in its 7th Meeting held on 23-6-1995, had resolved to have control of certain types of developmental activities in certain areas of its jurisdiction which was listed in Schedule II of the Notification issued by BMRDA under Section 10 of the Bangalore Metropolitan Region Development Authority Act, 1985 as authorised by the Authority to the Metropolitan Commissioner.

Accordingly, the Notification was issued on 22-7-1995 which was published in two English papers and two Kannada newspapers. The Notification was also published in the Karnataka Gazette, on 10-8-1995. As per the resolution of the authority, the Notification was to be in force for a period of 3 months from the date of its issue or till Bangalore Metropolitan Region Development Authority issues development control rules for the areas in question whichever is earlier unless extended by the Authority.

The Government in Housing and Urban Development Department have been moved to sanction the regulations as required under Section 30 of Bangalore Metropolitan Region Development Authority Act, 1985 vide letter No. BMRDA/TP/STR/ZON/023/95-96, dated 26/30-8-1995. The sanction of the Government was awaited.

In the meanwhile, a Notification was issued by BMRDA on 19-10-1995 extending the regulations of development in the areas specified in Schedule II of the Notification dated 22-7-1995 for a further period of 3 months from 22-10-1995 or till the Bangalore Metropolitan Region Development Authority control regulations are issued with the sanction of Government whichever is earlier unless extended by the authority.

The Government in its Order HUD 65 BMR 95, dated 7-2-1996 have accorded approval for regulations called Bangalore Metropolitan Region Development Authority Regulations, 1996 which will come into force at once.

The authority in its meeting dated 7-3-1996, resolved to enforce Section 10(2) of the Bangalore Metropolitan Region Development Authority Act, 1985 for the entire Bangalore Metropolitan Region.

Therefore, in exercise of the powers conferred by sub-section (1) of Section 10 of the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985) and as per Government Order No. HUD 17 BMR 95, dated 9-1-1996, it is directed that except with the previous permission of Bangalore Metropolitan Region Development Authority, no authority or no persons shall undertake any development as specified in Schedule I within the Bangalore Metropolitan Region covering whole of Bangalore Urban District and Bangalore Rural District and Malur Taluk of Kolar District. However, where any area within Bangalore Metropolitan Region Development Authority is declared to be local planning area under KTCP Act, 1961, the authority grants permission with regard to ODP/CDP published and the zoning regulations made under KTCP Act and the building regulations in force in that area.

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NOTIFICATION

It is further directed that no local authority shall grant permission for any developments referred to above within the BMR unless the Bangalore Metropolitan Region Development Authority has been specifically consulted and upon receipt of approval of the Bangalore Metropolitan Region Development Authority grant such permission. It is further ordered that any person desiring to undertake any development referred to above, shall apply in writing to Bangalore Metropolitan Region Development Authority for permission to undertake such developments.

It is further ordered that the Metropolitan Commissioner, Bangalore Metropolitan Region Development Authority is authorised to receive applications for permission and to grant such permission with or without condition or refuse to grant such permission for using the lands for the purposes for which they are marked/reserved.

If any person or authority does anything contrary to the above, the authority has the power to pull down, demolish or remove any development undertaken contrary to the decisions of the Bangalore Metropolitan Region Development Authority and recover the cost of such pulling down, demolition or removal from the person or the authority concerned.

Dated today the ............... 15th March of 1996.

SCHEDULE I

1. Buildings having more than three floors including ground floor.

2. Industrial buildings;

3. Formation of Residential/Industrial/Commercial layouts whether the land is converted for non-agricultural purpose or not;

4. Sub-division of land for farm houses;

5. Sewage treatment plants and solid waste disposals;

6. Butcher shops, slaughter houses and such other activities that attract birds;

7. Operations which are noxious and obnoxious and those emit thick smoke;

8. Operations which affect the smooth and efficient functioning of the Air-port;

9. Location of power projects; high tension lines;

10. Star hotels, resorts, country clubs, recreation centres, amusement parks, exhibition centres;

Explanations.—For the purpose of this Notification, industrial building means any building in which manufacturing process is carried out.
THE
BANGALORE METROPOLITAN REGION
DEVELOPMENT AUTHORITY (CONDITIONS OF
SERVICE) REGULATIONS, 1994

In exercise of the powers conferred by sub-section (3) of Section 8 of the Bangalore Metropolitan Region Development Authority Act, 1985, the Bangalore Metropolitan Region Development Authority hereby makes the following regulations, namely.—

1. Title and commencement.—(1) These regulations may be called the Bangalore Metropolitan Region Development Authority (Conditions of Service) Regulations, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these regulations, unless the context otherwise requires.—

(a) “Appointing Authority” means the authority competent to make appointment under the Bangalore Metropolitan Region Development Authority Act;

(b) “Bangalore Metropolitan Region Development Authority” means the Authority constituted under Section 3 of the Bangalore Metropolitan Region Development Authority Act, 1985;

(c) “Employee” means an officer or servant appointed by the Authority or other Competent Authority and includes persons absorbed in the services of the Authority;

(d) “Schedule” means Schedule appended to these regulations.

(2) All words and expressions used in these regulations but not defined shall have the same meaning assigned to them in the Karnataka Civil Services Rules, as amended from time to time.

3. Application.—These regulations shall apply to all the persons serving in connection with the affairs of the Authority except to—

(i) Persons on casual employment;

(ii) Persons in respect of whose appointment and other matters special provisions are made by or under any law for the time being in force, or in any contract;

(iii) Persons subject to discharge from service on less than one month's notice; and

(iv) Government servants deputed to the Authority.

4. Application of certain rules. — The provisions of—

(i) The Karnataka Civil Services Rules;

(ii) The Karnataka Civil Services (Conduct) Rules, 1957;

(iii) The Karnataka Civil Services (Seniority) Rules, 1957;

(iv) The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957;

(v) The Karnataka Civil Services (Performance) Rules, 1993;

(vi) The Karnataka Civil Services (General Recruitment) Rules, 1977;

(vii) The Karnataka Civil Services (Probation) Rules, 1977; and


As amended from time to time, shall mutatis mutandis be applicable to the employees, excluding persons appointed on contract basis, or on daily wages, subject to the modifications specified in the Schedules I and II.

5. Salaries, pension, gratuity etc., of employee. — (1) Notwithstanding anything contained in any of the rules specified in Regulation 4, the expenditure on account of salaries, allowances, travelling allowances etc., of the employee shall be debitable to the funds of the Authority and no financial assistance shall be provided by the Government of Karnataka in this behalf.

(2) The Authority shall pay to the Government of Karnataka a contribution of one-eighth of the sanctioned salaries of the officers and employees, for the purpose of payment of pension, gratuity and family pension. Cheques towards pensionary contribution shall be drawn from the funds of the authority concerned and be paid by transfer credit to the consolidated fund of the State at the beginning of each month.

Provided that pension shall be sanctioned in respect of employees even though pension contribution has not been credited to the Government in their cases.

(3) The contribution of one-eighth towards the pension shall also include contribution towards Death-cum-Retirement Gratuity or Compassionate Gratuity also.
(4) The contribution is fixed on the basis of details given in the establishment returns, received from the Authority. The amount recoverable shall be communicated by the Controller, State Accounts Department to the concerned Treasury Officer with whom the Authority has its accounts and he will be asked to effect the necessary adjustments every month at the rate of one-twelfth of the yearly contribution recoverable. If the establishment returns are not received promptly from the Authority, the Controller, State Accounts Department will issue instructions for the adjustment of the contribution at the rates for the previous year, necessary adjustments being made later to collect the arrears or to refund the excess amount collected as soon as the establishment returns are received and the revised rate of contribution fixed. The Controller, State Accounts Department will send intimations to the Accountant General so as to enable him to watch the recoveries.

SCHEDULE I
Authorities competent to sanction leave to the Authority employees are indicated below:

<table>
<thead>
<tr>
<th>Authorities competent to sanction leave</th>
<th>Categories of employees to whom leave can be sanctioned and the maximum duration thereof</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in the pay scale of Rs. 2375-4450 and above</td>
</tr>
<tr>
<td>Assistant Metropolitan Commissioner</td>
<td>—</td>
</tr>
<tr>
<td>Deputy Metropolitan Commissioner</td>
<td>—</td>
</tr>
<tr>
<td>Metropolitan Commissioner</td>
<td>Full powers</td>
</tr>
</tbody>
</table>

SCHEDULE II

Authority competent to impose penalties under Rule 8 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and the
Authority, to whom an appeal lies against such order of imposition of penalties.

<table>
<thead>
<tr>
<th>Class of post</th>
<th>Authority empowered to impose penalties and penalties which he may impose</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Penalties (See Rule 8 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957) Appellate Authorities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Group 'A' and Group 'B'</td>
<td>Metropolitan Commissioner Authority</td>
<td>(ii) to (iva) Authority</td>
</tr>
<tr>
<td></td>
<td>Metropolitan Commissioner Authority</td>
<td>(v) to (viii) Government</td>
<td></td>
</tr>
<tr>
<td>II.</td>
<td>Group 'C'</td>
<td>Metropolitan Commissioner</td>
<td>(ii) to (iva) Metropolitan Commissioner</td>
</tr>
<tr>
<td></td>
<td>Metropolitan Commissioner</td>
<td>(v) to (viii) Authority</td>
<td></td>
</tr>
<tr>
<td>III.</td>
<td>Group 'D'</td>
<td>Metropolitan Commissioner</td>
<td>(i) to (iva) Metropolitan Commissioner</td>
</tr>
<tr>
<td></td>
<td>Metropolitan Commissioner</td>
<td>(v) to (viii) Metropolitan Commissioner</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Metropolitan Commissioner</td>
<td>(i) to (viii) Authority</td>
<td></td>
</tr>
</tbody>
</table>

The categories of posts falling in the purview of Group 'A', Group 'B', Group 'C' and Group 'D' are as specified in Rule 5 of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
# THE
BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY (CADRE, RECRUITMENT AND CONDITIONS OF SERVICE OF OFFICERS AND STAFF) REGULATIONS, 2008

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THE
BANGALORE METROPOLITAN REGION
DEVELOPMENT AUTHORITY (CADRE,
RECRUITMENT AND CONDITIONS OF SERVICE
OF OFFICERS AND STAFF) REGULATIONS, 2008

(As amended by Notification No. BMRDA/EST/37/2005-06,
dated 31-3-2012)

In exercise of the powers conferred by sub-section (3) of Section 8 read
with Section 30 of the Bangalore Metropolitan Region Development
Authority Act, 1985 (Karnataka Act 39 of 1985), and with the previous
sanction of the State Government, Bangalore Metropolitan Region
Development Authority hereby makes the following regulations, namely.—

1. Title, commencement and application.—(1) These regulations may be
called the Bangalore Metropolitan Region Development Authority (Cadre,
Recruitment and Conditions of Service of Officers and Staff) Regulations,
2008.

(2) They shall come into force from the date of their publication in the
Official Gazette.

(3) They shall apply to all categories of posts and to the employees in the
Authority except to the extent otherwise expressly provided under these
Regulations.

2. Definitions.—In these regulations, unless the context otherwise
requires.—

(1) "Act" means the Bangalore Metropolitan Region Development
Authority Act, 1985 (Karnataka Act 39 of 1985);

(2) "Authority" means the Bangalore Metropolitan Region
Development Authority constituted under the Act;

(3) "Application form" means the Form in Annexure-A to these
regulations;

(4) "Contract appointment" means an appointment of a person on
such terms and conditions as may be determined by an agreement
for a specified period;

(5) "Deputation" means borrowing the services of an employee in the
employment of State Government or Central Government or a local
authority or a body corporate established by a State or Central

1. Published in the Karnataka Gazette, dated 16-10-2008, vide Notification No. UDD 213
BMR 2006, dated 12-6-2008
Government under a State Act or a Central Act and owned or controlled by the Governments or lending the services of an employee of the Authority in the above authorities;

(6) "Direct Recruitment" means appointment by selection in accordance with the provisions of these regulations but does not include promotion or deputation;

(7) "Employee" means any person employed by the Authority in accordance with these Regulations and include those who are already in the permanent or temporary employment of the Authority in the cadres and posts included in the Schedule I, as on the date of coming into force of these regulations, but does not include irregular/ad hoc appointees;

(8) "Equivalent qualification or Equivalent Examination" means a qualification or an examination declared by a Competent Authority authorised by Central or State Government, to be equivalent to the qualification or the examination prescribed under these Regulations;

(9) "Ex-serviceman" shall have the same meaning as defined in the Karnataka Civil Services (General Recruitment) Rules, 1977 or the corresponding Rules made from time to time;

(10) "Merit list" means the list of candidates prepared by the Selection Committee on the basis of merit for recruitment;

(11) "Promotion" means appointment of an employee in the service of the Authority from a cadre to its higher cadre in accordance with these Regulations;

(12) "Schedule" means the schedules appended to these Regulations;

(13) "Selection Committee" means the Selection Committee for Direct Recruitment constituted by the Authority by notification under Regulation 10, Different Selection Committees may be constituted for different categories of posts;

(14) "Service" means service under the Authority;

(15) "Government" means Government of Karnataka;

(16) All other words and expressions used in these regulations and not defined herein shall have the same meaning as in the Karnataka Civil Services (General Recruitment) Rules, 1977 or the corresponding Rules made from time to time.
3. Category of posts, of classification, cadre strength and scale of pay, etc. — The category of posts in the Authority, the cadre strength and the scales of pay shall be as specified in Schedule I to these Regulations.

4. Appointing Authorities. — (1) The Metropolitan Commissioner shall be the Appointing Authority in respect of Group ‘A’ and Group ‘B’ posts; and

(2) The Deputy Metropolitan Commissioner shall be the Appointing Authority in respect of Group ‘C’ and Group ‘D’ posts.

5. Method of appointments. — Appointment to a post in the Authority shall be made by one of the following methods:

(1) By direct recruitment; or

(2) By promotion;

(3) By deputation of a person in the employment of the State Government or the Central Government or a local authority or a body corporate established by a Central Act or a State Act or established by Government under a Central Act or a State Act and owned or controlled by the State Government; or

(4) On contract; or

(5) By re-employment.

6. Method of recruitment and minimum qualification. — The method of recruitment and minimum qualification for recruitment to various categories of posts in the Authority shall be as specified in column (2) of the Schedule II shall be as specified in columns (3) and (4) thereof.

7. Application of the provisions of certain rules. — (1) Except in respect of matters for which provisions are made under these regulations the provisions of the following rules shall mutatis mutandis apply to the employees of the Authority, namely.—

(1) The Karnataka Civil Services Rules;

(2) The Karnataka Government Servants (Seniority) Rules, 1957;

(3) The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 subject to modifications specified in Schedule III;

(4) The Karnataka Civil Services (Conduct) Rules, 1966;

(5) The Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974;

1. As per the Original text of the amendment is attached herewith - no amendments are available in the Gazette

A KLJ PUBLICATION
(6) The Karnataka Civil Services (General Recruitment) Rules, 1977;

(7) The Karnataka Civil Services (Time Bound Advancement) Rules, 1983;

(8) The Karnataka Civil Services (Automatic Grant of Special Promotion to Senior Scale of Pay) Rules, 1991;

(9) The Karnataka Civil Services (Performance Reports) Rules, 2000;

(10) The Karnataka Civil Services (Probation) Rules, 1977;

[(11) The Karnataka Civil Service (Appointment on Compassionate Grounds) Rules, 1996.]

(2) In matters relating to conditions of service not specified in these regulations the provisions of the rules applicable to State Government servants shall, 'mutatis mutandis' apply to the employees of the Authority.

(3) Every employee in the Authority shall pass the Kannada language examination prescribed in the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974; and the other examinations prescribed in column (3) of Schedule III of these Regulations, if any, in respect of the post held by him.

(4) The syllabi for the Kannada language examination and other prescribed examinations are as prescribed in the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974.

(5) An employee for whom passing of the examination or examinations is obligatory under these regulations is eligible to appear for the examination conducted by the Karnataka Public Service Commission in accordance with the Government Order No. GAD 56 SSR 74, dated 3rd October, 1974 attached as Annexure-A to these regulations.

8. Notifying posts for direct recruitment.—(1) In respect of posts in Groups ‘B’ and ‘C’ cadres for which appointment by direct recruitment is specified in Schedule II, wherever direct recruitment is sought to be made, the Selection Committee shall invite applications from all eligible candidates by advertising with all relevant details essential for recruitment under these regulations, in two newspapers, of which at least one shall be in Kannada and one in English having wide circulation.

(2) In respect of posts in Group ‘D’ cadres for which appointment by direct recruitment is specified under Schedule II, wherever direct recruitment is sought to be made, the Selection Committee shall invite the applications from all the eligible candidates by notifying the vacancies in the Regional Employment Exchange with all relevant details essential for

1: Clause (11) inserted by Notification No. BMRDA/EST/37/2005-06, dated 31-3-2012, w.e.f. 31-5-2012
recruitment under these Regulations. Abstract of the same shall also be published in two newspapers, of which at least one shall be in Kannada and one in English, having wide circulation.

9. Fee.—(1) Every candidate applying for direct recruitment in the Authority shall pay such fees, as may be specified by the Metropolitan Commissioner, by an order from time to time:

Provided that no fees shall be paid by a person belonging to the Scheduled Castes or the Scheduled Tribes or the Category I of other Backward Classes.

(2) Applications shall be made by the intending candidates in the format specified at Annexure-A.

(3) All applications received in response to the advertisement or Notification shall be registered by the Selection Committee. They shall be scrutinised with reference to the requirements prescribed in the Regulations and also indicated in the advertisement/Notification. Applications received with incomplete information or not accompanied with relevant documents and fee payable shall be rejected.

10. Procedure for selection by direct recruitment and constitution of Selection Committee to select candidates for direct recruitment.—(1) Selection of candidates for appointment by direct recruitment to the posts shall be made in any one of the following methods, namely,—

(a) On the basis of percentage of marks secured in qualifying examination and if more than one qualifying examination is prescribed then, on the basis of the average of the percentages of marks secured in the qualifying examinations;

OR

(b) On the basis of the percentage of marks or average of percentages of marks, as the case may be secured in the qualifying examination/s plus the marks secured in the interview; as may be specified in Schedule II.

(2) Where interview is prescribed for any category of posts in Schedule II, the eligible candidates to be called for such interview shall not be more than three times the number of vacancies advertised/notified candidates shall be called for interview on the basis of merits determined on the basis of marks secured in the qualifying examination/s, subject to the orders of reservation of posts. The Selection Committee shall conduct the interview.

(3) The maximum marks for interview shall be twelve and half only. The marks shall be assigned with reference to the following traits:
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Traits</th>
<th>Maximum Percentage Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>r(i)</td>
<td>General personality</td>
<td>2.5 (two and half only)</td>
</tr>
<tr>
<td>(ii)</td>
<td>Intuitiveness and power of expression</td>
<td>2.5 (two and half only)</td>
</tr>
<tr>
<td>(iii)</td>
<td>General Knowledge</td>
<td>2.5 (two and half only)</td>
</tr>
<tr>
<td>(iv)</td>
<td>Knowledge of the subject having a bearing on the job content of the post to which selection is being considered</td>
<td>5.00 (five only)</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>12.5 (twelve and half only)</td>
</tr>
</tbody>
</table>

Note.—Where the interviews on any occasion for any particular cadre are spread over more than one day, then the marks assigned for the candidates on each day of the interview shall be published on the notice board at the place of interview on the same day or before the commencement of interviews on the next or the subsequent day.

(4) The Selection Committee for the selection of candidates shall be constituted in the following manner:

(a) For Groups 'B' and 'C' Posts.—The Authority in each case shall constitute the Selection Committee, which shall comprise of five members including an external member (specialist) and a representative of the Social Welfare Department not below the rank of Joint Director. The Metropolitan Commissioner shall be the Chairman of the Committee. The Authority on the recommendation of the Metropolitan Commissioner shall nominate the external member. The Deputy Metropolitan Commissioner shall be the Member-Secretary of the Selection Committee. The other two members of the Selection Committee shall be drawn from among the members of the Authority. The quorum for the meeting of the Committee shall be three. The Metropolitan Commissioner being invariably present.

(b) For Group 'D' Posts.—The Metropolitan Commissioner shall constitute the Selection Committee, comprises of three members including a representative of the Social Welfare Department not below the rank of Assistant Director. The Deputy Metropolitan Commissioner shall be the Chairman of the Selection Committee. The other member shall be Group 'A' employee of the Authority, nominated by the Metropolitan Commissioner. He shall function as the Secretary of the Selection Committee also. The quorum for the meeting of the Selection Committee shall be not less than two and the Deputy Metropolitan Commissioner being invariably present.
11. The select list.—The Selection Committee shall draw up a final select list of the candidates in the order of merit determined based on the percentage of total marks obtained by the candidates in the.—

(a) qualifying examination/s where there is no interview; or

(b) The percentage/average of percentages of marks secured in the qualifying examination/s plus the marks secured in the interview where there is any interview as the case may be, and subject to orders of reservation in force. The select list so drawn shall be equal to the number of vacancies advertised/notified. A copy of the final select list shall be published on the notice board of the Authority under intimation to the candidates indicating the category to which each candidate belongs and the marks obtained by each of them. The select list shall be sent to the Appointing Authority.

12. Certificate of character.—No candidate selected for appointment by the Selection Committee shall be appointed to any service or post unless the Appointing Authority is satisfied that he is of good character and is in all respects suitable for appointment. Every selected candidate for direct recruitment shall furnish, to the Appointing Authority, certificate it is given not more than six months prior to the date of his selection, from two respectable persons, unconnected with his school, college or University and not related to him, testifying to his character in addition to the certificate or certificates which may be required to be furnished from the educational institutions attended by the candidate.

13. Physical fitness.—No candidate selected for appointment by direct recruitment shall be appointed to any post in the authority unless he is physically fit to discharge the duties attached to the post.

The physical standards required to be satisfied by a person selected for appointment and the medical authority which may grant the certificate of physical fitness shall be as prescribed in Government Order No. DPAR 35 SRR 77, dated 14th April, 1978, attached as Annexure-B to these regulations. The opinion of the Medical Authority regarding physical fitness or otherwise of the candidate shall be binding on the candidate.

14. Pre-appointment Kannada language test.—No candidate selected for appointment by direct recruitment in accordance with these regulations shall be appointed to any post in the authority unless he passes such Kannada language test as may be prescribed by the Authority by an order or exempted from passing the same. The Appointing Authority shall conduct the Kannada language test before the selected candidate is appointed:

Provided that a candidate who has passed.—

(i) the Secondary School Leaving Certificate Examination; or
any examination declared as equivalent thereto by the State Government; or,

(iii) any examination higher than the Secondary School Leaving Certificate examination, in which Kannada is the main language, or the second language or the third language paper set for hundred or more marks, shall be exempted from passing the Kannada language test prescribed under these Regulations on an application made by the candidate with supporting documents.

15. Order of appointment.—Immediately on receipt of the final select list the Appointing Authority shall, after verification of age, qualification, experience prescribed, if any, claims of reservation, antecedents, physical fitness and other conditions specified in these Regulations, issue the orders of appointment strictly in the order of merit assigned in the select list. The appointment order shall be dispatched by registered post acknowledgement due or EMS Speed Post to the selected candidates.

Note.—A common order of appointment shall be issued where a batch of appointments is made to a cadre on the same occasion.

16. Appointment by promotion.—(1) Appointment by promotion shall be made by the Appointing Authority on the basis of seniority-cum-merit.

(2) The eligibility for promotion shall be as specified in Schedule II. The merit of the eligible candidate to the post shall be assessed by the promotion committee on the basis of performance reports and/or on the basis of record of service pertaining to the post from which he is to be promoted to the higher post.

(3) (i) Promotion Committee for promotion to Group ‘B’ posts.—

(a) For promotion to the cadres in Group ‘B’, the promotion committee shall comprise of the Metropolitan Commissioner and two other members drawn from the authority. The Metropolitan Commissioner shall be the Chairman.

(b) Quorum for this committee shall not be less than two, and the Metropolitan Commissioner being invariably present.

(ii) Promotion Committee to Group ‘C’ Cadres.—For promotion to the cadres in Group ‘C’, the promotion committee shall comprise of the Deputy Metropolitan Commissioner, the Head of the Unit in which the post to be filled up by promotion exits and another member nominated by the Metropolitan Commissioner. The Deputy Metropolitan Commissioner shall be the Chairman of the Committee. The quorum of this Committee shall be not less than two, and the Deputy Metropolitan Commissioner being invariably present.
17. Appointment by deputation.—(1) Notwithstanding anything contained in these regulations, under exceptional circumstances and for reasons to be recorded in writing, any of the posts in the Authority may, with the approval of the Appointing Authority, be filled up by appointment by deputation of a person in the employment of.—

(a) State Government or Central Government; or

(b) a local authority; or

(c) a body corporate established by a State Act or Central Act or established by Government under a State Act or a Central Act and owned or controlled by Government.

(2) The terms and conditions of such appointment by deputation shall be determined, with the approval of the Authority, in each case.

18. Appointment of retired Government servants.—(1) Notwithstanding anything contained in these regulations or in the rules of recruitment specially made in respect of any service or post, the Appointing Authority may, if it considers necessary for reasons to be recorded in writing, that it is in public interest so to do.—

(a) appoint to a service or a post any person who has retired from the service of the State Government, Central Government or any other State Government on such terms and conditions and for such period, as may be necessary, after approval of the Government;

(b) appoint to the following categories of posts any person who in its opinion is able to discharge the duties of such post on contract subject to such terms and conditions as may be determined by agreement.—

(i) posts requiring technical qualifications;

(ii) posts in the personal establishment of the Commissioner and other Administrative Posts in Groups ‘B’ and ‘C’:

Provided that notwithstanding anything to the contrary contained in any rules governing conditions of service or in the agreement, or the terms, conditions and the period of appointment of any person under clause (a) or clause (b) the services of a person so appointed shall be liable for termination at any time by a notice in writing given either by such person to the Authority or by the Authority to such person and the period of such notice shall be one month:

Provided further that the service of any such person may be terminated forthwith and on such termination he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing immediately before the
termination of his services, or as the case may be, for the period of which such notice falls short of one month.

(2) The total period of appointment of any person or the total period of appointment in any post under clause (b) of sub-rule (1) shall not exceed five years.

(3) Notwithstanding anything contained in clause (b) of sub-rule (1) a person in the service of the Authority shall not be eligible for appointment under the said clause.

19. Appointment on contract.—Notwithstanding anything contained in these regulations, under exceptional circumstances and for reasons to be recorded in writing, a post in Group ‘A’ cadre of the Authority may, with the approval of the Government be filled up by appointment on contract either on full-time or on part-time basis. The appointment on contract shall be for a specified period and on such terms and conditions as may be determined by mutual agreement. The appointment on contract, for reasons to be recorded in writing, may be renewed with the approval of the Government for another specified period.

20. Reservation of posts in direct recruitment and in promotion.—(1) Posts earmarked for direct recruitment shall be reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and the others to such extent and in such manner as specified by State Government for the purpose of clause (4) of Article 16 of the Constitution of India from time to time.

(2) Posts earmarked for promotion shall be reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes to such extent and in such manner as specified by State Government for the purpose of clause (4-A) of Article 16 of the Constitution of India from time to time.

(3) The orders issued by Government in this regard shall, mutatis mutandis, apply to the employees of the authority.

(4) The scale of pay of the post upto which reservation in promotion shall be applicable in the Authority shall be Rs. 7400-13120 or the corresponding scale as may be revised from time to time.

ANNEXURE A

[Regulation 2(2)]

FORM OF APPLICATION

<table>
<thead>
<tr>
<th>1. Name of the applicant:</th>
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<tr>
<td>2. Mother’s name:</td>
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<tr>
<td>3.</td>
<td>Father's name:</td>
</tr>
<tr>
<td>4.</td>
<td>Date of birth and age of the applicant:</td>
</tr>
<tr>
<td>5.</td>
<td>Permanent address of the applicant:</td>
</tr>
<tr>
<td>6.</td>
<td>Present address - if different from the one furnished against Entry 4 above:</td>
</tr>
<tr>
<td>7.</td>
<td>Category to which the applicant belongs, if any: SC/ST/Category-I/Category-II(a)/Category-II(b)/Category-III(a)/Category-III(b)</td>
</tr>
<tr>
<td>8.</td>
<td>Place of birth:</td>
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<tr>
<td></td>
<td>1. Place:</td>
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<td></td>
<td>2. Taluk:</td>
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<tr>
<td></td>
<td>3. District:</td>
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<td></td>
<td>4. State:</td>
</tr>
<tr>
<td>9.</td>
<td>Qualification:</td>
</tr>
<tr>
<td>10.</td>
<td>Knowledge of Kannada language - whether studied in Kannada or studied Kannada as a subject of study and if so upto what level?</td>
</tr>
<tr>
<td>11.</td>
<td>Experience:</td>
</tr>
<tr>
<td>12.</td>
<td>Has the applicant more than one spouse living or has he/she married a person already having a spouse living?</td>
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<tr>
<td>13.</td>
<td>Whether the applicant is or has been a member of or has associated himself or herself, with a body or an Association after such body or Association is declared as an unlawful</td>
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<tr>
<td>14.</td>
<td>Has the applicant participated in, or is associated with any activity or programme which amounts to unbecoming of an employee of the Authority:</td>
</tr>
<tr>
<td>15.</td>
<td>Has the applicant been dismissed from the employment of:</td>
</tr>
<tr>
<td>i.</td>
<td>State Government or Central Government; or</td>
</tr>
<tr>
<td>ii.</td>
<td>a local authority; or</td>
</tr>
</tbody>
</table>
iii. a body corporate established by a State Act or a Central Act or established by Government under a State Act or a Central Act and owned and controlled by Government?

16. Has the applicant been permanently debarred or disqualified by the Union Public Service Commission or any State Public Service Commission from appearing for any examination or selection conducted by it?

17. Has the applicant been convicted of an offence involving moral turpitude?

Place: ____________________________

Date: ____________________________

Signature of the Candidate: ____________________________

BMRDA (CADRE AND RECRUITMENT) REGULATIONS

SCHEDULE I

[See Regulation 3]

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category of post</th>
<th>Number of posts</th>
<th>Scale of pay</th>
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<td></td>
<td></td>
<td>(2)</td>
<td>(3) Permanent (4) Temporary (5)</td>
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GROUP 'A'

1. Metropolitan Commissioner 01 In accordance with Section 8(1) of the BMRDA Act, 1985

2. Joint Metropolitan Commissioner 01 Scale less post

3. Deputy Metropolitan Commissioner 01 In accordance with Section 8(2) of the BMRDA Act, 1985

4. Assistant Metropolitan Commissioner 01 In accordance with Section 8(2) of the BMRDA Act, 1985

5. Joint Director, Town Planning 01 Deputation
**SCH. I  BMRDA (CADRE, RECRT. & CONDITIONS ETC.) REGULATIONS, 2008**

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<tbody>
<tr>
<td>6.</td>
<td>Deputy Director, Town Planning</td>
<td>01</td>
<td>—</td>
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<tr>
<td>7.</td>
<td>Law Officer</td>
<td>01</td>
<td>—</td>
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<tr>
<td><strong>GROUP 'B'</strong></td>
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<tr>
<td>8.</td>
<td>Accounts Officer</td>
<td>01</td>
<td>—</td>
</tr>
<tr>
<td>9.</td>
<td>Assistant Director, Town Planning</td>
<td>01</td>
<td>—</td>
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<tr>
<td>10.</td>
<td>Section Officer/Tahsildar</td>
<td>01</td>
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<tr>
<td><strong>GROUP 'C'</strong></td>
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<tr>
<td>11.</td>
<td>Junior Town Planner</td>
<td>01</td>
<td>—</td>
</tr>
<tr>
<td>12.</td>
<td>Accounts Superintendent</td>
<td>01</td>
<td>—</td>
</tr>
<tr>
<td>13.</td>
<td>Draughtsman</td>
<td>01</td>
<td>—</td>
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<tr>
<td>14.</td>
<td>Model Maker</td>
<td>01</td>
<td>—</td>
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<tr>
<td>15.</td>
<td>First Division Assistant</td>
<td>04</td>
<td>—</td>
</tr>
<tr>
<td>16.</td>
<td>Stenographer</td>
<td>06</td>
<td>—</td>
</tr>
<tr>
<td>17.</td>
<td>Second Division Assistant</td>
<td>03</td>
<td>—</td>
</tr>
<tr>
<td>18.</td>
<td>Typist</td>
<td>05</td>
<td>—</td>
</tr>
<tr>
<td>19.</td>
<td>Tracer</td>
<td>01</td>
<td>—</td>
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<tr>
<td>20.</td>
<td>Driver</td>
<td>05</td>
<td>—</td>
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<td></td>
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<tr>
<td><strong>GROUP 'D'</strong></td>
<td></td>
<td></td>
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<tr>
<td>21.</td>
<td>(a) Jamedar</td>
<td>(a) + (b) = 09</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>(b) Dalayat/Watchman/Sweeper/Bathroom Sweeper</td>
<td></td>
<td></td>
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</tbody>
</table>

Metropolitan Commissioner.
## SCHEDULE II

[See Regulation 6]

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<tr>
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<th>Method of Recruitment</th>
<th>Qualification</th>
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<td>Metropolitan Commissioner</td>
<td>Appointment by the State Government in accordance with sub-section (1) of Section 8 of the Act</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Joint Metropolitan Commissioner</td>
<td>By deputation of an officer from the State Government</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Deputy Metropolitan Commissioner</td>
<td>Appointment by the State Government in accordance with sub-section (2) of Section 8 of the Act</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Assistant Metropolitan Commissioner</td>
<td>Appointment by the State Government in accordance with sub-section (2) of Section 8 of the Act</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Joint Director, Town Planning</td>
<td>By deputation of an officer holding an equivalent grade in Town Planning Department of the State Government</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Deputy Director, Town Planning</td>
<td>By deputation of a Deputy Director from Department of Town Planning</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Law Officer</td>
<td>Appointment by the State Government in accordance with sub-section (2) of Section 8 of the Act</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Accounts Officer</td>
<td>Appointment by the State Government in accordance with sub-section (2) of Section 8 of the Act</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Assistant Director, Town Planning</td>
<td>By deputation of an officer holding an equivalent grade in Town Planning Department</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Section Officer/Tahsildar</td>
<td>By deputation of an officer in the cadre of Section Officer in the Karnataka Government Secretariat Service OR By deputation of an officer in the cadre of Tahsildar, Grade II in the Karnataka Administrative Service</td>
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</tr>
<tr>
<td>11.</td>
<td>Junior Town Planner</td>
<td>By deputation of an officer holding an equivalent grade in Town Planning Department of the State Government</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>By deputation of an officer holding an equivalent grade in the State Accounts Department</td>
<td></td>
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<tr>
<td>12.</td>
<td>Accounts Superintendent</td>
<td>By deputation of an officer holding an equivalent grade in Town Planning Department/Public Works Department</td>
<td></td>
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<tr>
<td>13.</td>
<td>Draughtsman</td>
<td>By deputation of an officer holding an equivalent grade in Town Planning Department/Public Works Department</td>
<td></td>
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<td>14.</td>
<td>Model Maker</td>
<td>By deputation of a person holding an equivalent grade in any of the State Civil Services</td>
<td></td>
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<tr>
<td>15.</td>
<td>First Division Assistant</td>
<td>By promotion from the cadre of Second Division Assistants OR By deputation of a person holding an equivalent grade in any of the State Civil Services</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>For Promotion.—Must have put in a service of not less than three years in post of Second Division Assistant</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Stenographer</td>
<td>By direct recruitment by selection on the basis of the average of percentage of marks obtained in the qualifying examinations plus the marks obtained in the interview OR By promotion from the cadre of Typist</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Both for deputation and direct recruitment and for promotion.—(a) Must have passed Secondary School Leaving Certificate examination or possess an equivalent qualification (b) Must have passed Kannada Senior Typewriting and Kannada Senior Shorthand Examinations conducted by the Karnataka Secondary Education Examination Board. For Promotion.—(a) Academic qualification same as prescribed for direct recruitment (b) Must have put in a service of not less than three years in the post of Typist</td>
<td></td>
</tr>
<tr>
<td>17. Second Division Assistant</td>
<td>By deputation of a person holding an equivalent grade in any department of the State Civil Services: OR By direct recruitment by selection on the basis of the percentage of marks obtained in the qualifying examination plus the marks obtained in the interview OR By transfer of persons in the cadre of drivers; and If no suitable person is available for transfer by promotion from the cadres in Group ‘D’ on the basis of seniority, seniority being determined by treating a person holding a post carrying a higher scale of pay as senior to a person holding a post carrying a lower scale of pay, seniority <em>inter se</em> among the persons holding posts carrying same scale of pay being determined on the basis of length of service in the respective cadres, seniority <em>inter se</em> among persons in a cadre being maintained.</td>
<td>For deputation and direct recruitment.—Must have passed the Secondary School Leaving Certificate Examination or possesses an equivalent qualification. For transfer and promotion.—(a) Must have passed the Secondary School Leaving Certificate examination or possesses an equivalent qualification; and (b) Must have put in a service of not less than seven years in the cadre of Drivers or in any one or more of the cadres in Group ‘D’ services.</td>
<td></td>
</tr>
<tr>
<td>18. Typist</td>
<td>By deputation of a person holding an equivalent grade in any Department of the State Government OR By direct recruitment on the basis of the marks obtained in the qualifying examination plus the marks obtained in the interview.</td>
<td>For deputation or direct recruitment.—(a) Must have passed Secondary School Leaving Certificate examination or possess an equivalent qualification. (b) Must have passed Kannada Senior Typewriting examination conducted by the Karnataka Secondary Education Examination Board.</td>
<td></td>
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<tr>
<td>19. Tracer</td>
<td>By deputation of a person holding an equivalent grade in Town Planning Department/ Public Works Department of the State Government</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
20. **Driver**

By deputation of a person holding an equivalent grade in any Department of the State Government

**OR**

By direct recruitment on the basis of the marks obtained in the qualifying examination plus the marks obtained in the interview

**For deputation and direct recruitment.**

(a) Must have passed VII Standard examination in which Kannada is one of the subjects

(b) Must be holder of a current driving licence of a motor vehicle

(c) Must pass such tests as may be specified by an order by the Metropolitan Commissioner

21. **(a) Jamedar**

By promotion from the cadre of Dalayat/Watchman/Sweeper/Bathroom Sweeper on the basis of combined seniority

**For promotion.**

Must have put in a total service of not less than five years in one or more posts mentioned in column (3)

**For direct recruitment.**

Must have passed VII Standard examination in which Kannada is one of the subjects

---

**SCHEDULE III**

[See Regulation 7(3)]

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<tr>
<th>Sl. No.</th>
<th>Category of Posts</th>
<th>Examinations prescribed</th>
</tr>
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</table>
| 1.     | First Division Assistants         | 1. Accounts Higher  
|        |                                   | 2. General Law, Part-I                |
| 2.     | Stenographers                     | 1. Accounts Higher  
|        |                                   | 2. General Law, Part-I                |
| 3.     | Second Division Assistants        | 1. Accounts Lower                     |
| 4.     | Typists                           | 1. Accounts Lower                     |
### SCHEDULE IV

[See Regulation 7(1)]

Schedule of Disciplinary and Appellate Authorities for the officials working in BMRDA

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<td></td>
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<td>Disciplinary Authority</td>
<td>Appellate Authority</td>
</tr>
<tr>
<td>1.</td>
<td>Groups 'A' and 'B' Officers (including Officers on deputation excepting from DPAR)</td>
<td>Deputy Metropolitan Commissioner, B.M.R.D.A.</td>
<td>Metropolitan Commissioner, B.M.R.D.A.</td>
</tr>
</tbody>
</table>
THE
BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY (CADRE, RECRUITMENT AND CONDITIONS OF SERVICE OF OFFICERS AND STAFF) (AMENDMENT) REGULATIONS, 2010

In exercise of the powers conferred by Section 30 of the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act No. 39 of 1985) and with the previous sanction of State Government, the Bangalore Metropolitan Region Development Authority, hereby makes the following Regulations further to amend the Bangalore Metropolitan Region Development Authority (Cadre, Recruitment and Conditions of Service of Officers and Staff) Regulations, 2008, namely.—

1. Title and commencement.—(1) These Regulations may be called the Bangalore Metropolitan Region Development Authority (Cadre, Recruitment and Conditions of Service of Officers and Staff) (Amendment) Regulations, 2010.

(2) They shall come into force from the date of their publications in the Official Gazette.

2. Amendment of Regulation 5.—In the Bangalore Metropolitan Region Development Authority (Cadre, Recruitment and Conditions of Service of Officers and Staff) Regulations, 2008 (hereinafter referred to as the "said regulations") in Regulation 5, after Clause (5), the following shall be inserted, namely.—

[*****]

3. Amendment of Regulation 7.—In the said regulations, in Regulation 7, in sub-regulation (1), after Clause (10), the following shall be inserted namely.—

"(11) The Karnataka Civil Service (Appointment on Compassionate Grounds) Rules, 1996".

1. Published in the Karnataka Gazette, dated 31-5-2012, vide Notification No. BMRDA/EST/37/2005-06, dated 31-3-2012
2. Note: Amendment text not available in the Original Gazette copy

A KLJ PUBLICATION
# THE BANGALORE DEVELOPMENT AUTHORITY (CADRE AND RECRUITMENT AND CONDITIONS OF SERVICE) REGULATIONS, 1995

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**AMENDMENT REGULATIONS**

601 - 627
The Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) Regulations, 1995


In exercise of the powers conferred by sub-section (1) of Section 70 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) and with previous approval of the Government of Karnataka the Bangalore Development Authority hereby makes the following regulations, namely.—

1. Title, Commencement and Application.—(1) These regulations may be called The Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) Regulations, 1995.

(2) They shall come into force at once.

(3) These regulations shall apply to all class of Officers and servants of the Bangalore Development Authority included in the Schedule referred to in Section 49 of the Bangalore Development Authority Act, but these regulations shall not apply to.—

(a) Persons deputed to the Authority by the Central Government or by the State Government or other Statutory Organisations or Local bodies;

(b) Persons appointed on contract basis, Casual Employment and persons subject to discharge without notice;

(c) The Authority shall be the Competent Authority to interpret these rules and the decision of the Authority shall be final and binding;

(d) the Authority may by notification (with the prior sanction of the Government) exempt wholly or in part, from the operation of these rules, the holders of any post or any class or category or posts.

2. Definitions.—(a) In these regulations unless the context otherwise requires.—

(i) "Act" means the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

(ii) "Government" means the Government of Karnataka;

1. Published in the Karnataka Gazette, dated 28-12-1995, vide Notification No. HUD 336 MNJ 95, 23-9-1995
(iii) "Appointing Authority" means Appointing Authority as specified under Section 50 of the Bangalore Development Authority Act, 1976;

(iv) "Authority Servant" means an Officer or Official of the Authority who holds a post in connection with the affairs of the Authority;

(v) "Appointed on probation" or "Appointed on Officiating basis" means appointment on trial;

(vi) "Application Form" means Application Form prescribed by the Authority for applying for appointment to direct recruitment posts;

(vii) "Available vacancies" means the vacancies that are available to be filled up during any particular period of recruitment;

(viii) "Approved Candidates" means candidates whose names appear in the list of candidates, approved for appointment or promotion to any service class or category of post by the selection committee;

(ix) "Backward Classes" means Backward Classes specified in Government Order No. SWD-150-BCA-911, dated 17th September, 1994 as amended from time to time;

(x) "Direct Recruitment" in relation to any service of post means appointment otherwise by way of promotion or transfer on deputation or on contract;

(xi) "Degree", "Diploma" or "Certificate" means Degree, a Diploma or Certificate granted by a University or Institution established by Law in India as the case may be or by an Authority authorised by the Government to grant such Degree, Diploma or Certificate;

(xii) "Equivalent Qualification" means a qualification notified by the Government or the Authority to be equivalent to the qualification specified in respect of any post or service in the Authority;

(xiii) "Kannada Language and Service Examination" means examinations, which an employee is required to pass under these regulations;

(xiv) "Local Employment Exchange" means the Employment Exchange which is notified by the Government in the Official Gazette having jurisdiction over any area under the Employment Exchange (Compulsory Notification of Vacancies) Rules, 1960;

(xv) "Promotion" means appointment of any employee from a post or grade or class of service, under the Authority to a higher post or grade or class of Service;
(xvi) "Schedule" means schedules appended to these rules;

(xvii) "Selecting Authority" means the committee constituted by the Authority for the purposes of selection of candidates to a post in accordance with these rules by conducting written test/examinations and/or interviews;

(xviii) Words and expressions not specifically defined herein shall have the meanings assigned to them in the Bangalore Development Authority Act, 1976 or the rules made thereunder.

PART II
GENERAL PROVISIONS RELATING TO RECRUITMENT

3. Classification of Posts.—(1) The posts of appointment in the Authority shall be classified as follows.—

(a) Group A, (b) Group B, (c) Group C and (d) Group D

Note.—(a) Group A Posts.—are posts carrying pay scales the minimum of which is ₹7,400 and above.

(b) Group B Posts.—are posts carrying pay scales the minimum of which is ₹5,575 and above, but below ₹7,400.

(c) Group C Posts.—are posts carrying pay scales the minimum of which is ₹above ₹2,500 but below 5,575.

(d) Group D Posts.—are posts carrying pay scales the minimum of which is ₹2,500 and below.

4. Appointing Authority.—For various categories of posts the appointing authorities shall be as follows.—

(a) Authority in the case of Group A and Group B;

(b) The Commissioner in the case of Group C and Group D posts.

5. Cadre, Strength, method or recruitment and minimum classification.—(1) The category of posts and respective pay scales of the posts borne in the establishment of the Authority shall be respectively as specified in Schedule I to these regulations.
(2) The method of recruitment to each category of posts and minimum qualification, experience etc., required for various posts under the Authority shall be as specified in Schedule I to these regulations.

(3) The posts in any of these Groups may be divided into grades of scales of pay as may be decided upon by the Authority with the approval of the Government.

(4) Where suitable candidates are not available for appointment to any posts to be filled up either by direct recruitment or by promotion, they may be filled up by deputation or contract for a period not exceeding two years at a time or till qualified candidates become available, whichever is earlier.

6. Appointment by promotion.—(1) Save as otherwise provided, all promotions shall be on the basis of seniority-cum-merit, and subject to—

(a) Reservation in promotion for persons belonging to Scheduled Castes and Scheduled Tribes as specified by the State Government from time to time;

(b) Holding the minimum qualifications specified in Schedule I;

(c) Having completed the minimum period of qualifying service; and

(d) Having passed the Kannada language and service examinations prescribed for the promotional post under these regulations.

(2) All appointments by promotion shall be on officiating basis for a period of one year which may for reasons to be recorded in writing, be extended by the Appointing Authority for a further period not exceeding one year.

(3) At the end of the period of officiation or extended period of officiation, as the case may be, the Appointing Authority shall consider the suitability of the person so promoted to hold the post to which he was promoted and.—

(a) If the Appointing Authority considers that the work of the persons so promoted during the period of officiation or extended period of officiation is satisfactory, it shall, as soon as possible, issue an order declaring the person to have satisfactorily completed the period of officiation or extended period of officiation, as the case may be;

(b) If at the end of the period of officiation or the extended period of officiation, as the case may be, the Appointing Authority considers that the person is not suitable for the post to which he is promoted it shall by order, revert the person to the post which he held prior to his promotion;

(c) A person shall not be considered to have satisfactorily completed the period of officiation, unless a specific order to that effect is passed. Any delay in the issue of an order under clause (a) or (b) of
this sub-regulation shall not entitle the person to be deemed to have satisfactorily completed the period of officiation;

(d) A person who has been declared to have satisfactorily completed his officiation under clause (a) shall be continued as a full member of the service and confirmed in the class or category for which he was promoted at the earliest opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such class or category provided that where the appointment is made by promotion to a temporary post in any service, the person shall be continued on an officiating basis in the temporary post;

(e) Notwithstanding anything contained in these regulations or special or general orders of Government, no person shall be eligible for further promotion till the period of officiation in the lower post is declared to have been satisfactorily completed.

7. Reservation in appointment by direct recruitment.—In all appointments by direct recruitment, posts shall be reserved for the members of the Scheduled Castes, Scheduled Tribes, Backward Tribes and other Backward Classes to such extent and in such manner as may be specified by Government, from time to time under clause (4) of Article 16 of the Constitution of India.

8. Reservation in appointment by Promotion.—In all appointments by promotion, posts shall be reserved for the members of the Scheduled Castes and Scheduled Tribes to such extent and in such manner as may be specified by Government from time to time under clause (4) of Article 16 of the Constitution of India.

9. Reservation in Direct recruitment for ex-servicemen.—In all appointments by direct recruitment the reservation in favour of Ex-servicemen shall be as specified in Karnataka Civil Service (General Recruitment Rules, 1977) and any orders issued by the State Government from time to time.

Explanation.—1. For the purpose of regulating members of the family means the wife or husband, as the case may be, and children and step children wholly dependent on the person who served in the Armed Forces of the Union.

2. If sufficient number of persons belonging to Ex-servicemen or their family are not available for filling up the vacancies set apart for them such vacancies set apart for them such vacancies shall be filled by direct recruitment.

3. Notwithstanding anything contained in these rules for appointment by direct recruitment to any vacancy reserved for Ex-servicemen in cadres or posts falling under Group B, every Ex-servicemen who has put in not less
than three years service in the Armed Forces of the Union shall be exempt from the Minimum educational qualification, if any prescribed in respect of such cadre of post.

4. For appointment to any vacancy reserved for Ex-servicemen in the cadres or posts other than clerical posts falling under Group C.—

(a) the minimum educational qualifications where such qualification prescribed is a pass in VII standard or any lower examination, may be relaxed in favour of Ex-servicemen who have put in at least three years of service in the Armed Forces of the Union and who are otherwise considered fit and suitable for appointment to such cadre or post;

(b) where the posts are to be filled partly by direct recruitment and partly by promotion or transfer and the minimum educational or technical qualification prescribed for appointment by direct recruitment is higher than that prescribed for promotion or transfer an Ex-servicemen shall be deemed to satisfy the prescribed educational or technical qualification if he.—

(i) satisfies the educational or technical qualifications prescribed for promotion to these posts; and

(ii) has identical experience of work in a similar discipline and for the same number of years in the armed forces of the Union as prescribed for the promotees.

5. For the purpose of items (3) and (4) in computing the period of three years of service, there shall be added any period of service which an Ex-servicemen has rendered while serving in a corresponding post or posts in a Civil Department or a Public Sector Undertaking or an autonomous organisation, whether under the Central Government or any State Government or in a Nationalised Bank to the period of service rendered in the Armed Forces of the Union.

10. Reservation in direct recruitment for physically handicapped.—(1) In all appointments by direct recruitment the reservation in respect of physically handicapped shall be as specified in the Karnataka Civil Services (General Recruitment Rules, 1977) and as amended from time to time.

(2) Provisions of sub-rule (1) shall not apply to direct recruitment to—

(a) any Group A Posts;

(b) any posts for appointment to which specified physical standards are prescribed in these rules;

(c) such other posts as the Government may by order direct.
(3) If sufficient number of suitable persons belonging to physically handicapped are not available for filling up the vacancies set apart for them such vacancies shall be filled by direct recruitment.

(4) Physically handicapped person means a person.—

(a) who suffers from.—

(i) total absence of sight; or

(ii) visual acuity not exceeding 6/60 of 20/200 (senelled) in the better eye with correcting lenses; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse;

(b) In whom the sense of hearing is non-functional for the ordinary purpose of life or who does not hear and understand sound at all events with amplified speech or having hearing loss of more than 90 decibels in the better ear (profound impairment) or total loss hearing in both ears; or

(c) who has physical defect or deformity which causes an interference with normal functioning of the bones, muscles and joints.

11. Age limit for Appointment.—(1) Save as otherwise provided in the regulation relating to recruitment specially made and applicable to any service or post prescribing higher age limit under this regulation, every candidate for appointment by direct recruitment must have attained the age of 18 years and not attained the age of Thirty eight years in the case of a person belonging to any Scheduled Castes or Scheduled Tribes and Backward Classes Category I.—

(a) Thirty six years in case of a person belonging to any of the Backward Classes Category II-A, II-B, III-A, III-B or Backward Communities and;

(b) Thirty three years in the case of any other person as on the last date fixed for receipt of application or on such other date as may be specified by the Appointing Authority:

Provided that if the maximum age limit prescribed by Rule 6 of the Karnataka Civil Service (General Recruitment) Rules, 1977, is enhanced, such enhancement in the maximum age limit shall mutatis and mutandis apply for the age limit for direct recruitment under these regulations:

Provided further that is the case of the following repatriates the upper age limit shall be relaxed by three years for recruitment and it shall be relaxed by three years for recruitment and it shall be further relaxed by five years, for
persons belonging to the Scheduled Castes and Scheduled Tribes among them. —

(a) Persons of Indian origin who migrated to India from East Pakistan (Now Bangladesh) on or after 1st January, 1954 but before 26th March, 1971;

(b) Persons of Indian origin from Burma who have migrated on or after 1st June, 1963 and the repatriates from Ceylon (now Sri Lanka) who have migrated on or after 1st November, 1964;

(c) Persons of Indian origin who have migrated from East African Countries of Kenya, Uganda and the United Republic of Tanzania;

(d) Persons of Indian origin who migrated from Vietnam.

(2) Where maximum age limit other than the age limit specified in sub-regulation (1) are fixed for any service or post then unless the rules of recruitment provide for enhanced age limit in the case of a person belonging to Scheduled Castes, Scheduled Tribes, Backward Tribes, Backward Castes or Backward Communities, the maximum age limit shall be deemed to have been enhanced by five years in the case of a candidate belonging to any Scheduled Caste or Scheduled Tribe and by three years in the case of a candidate belonging to Backward Caste or Backward Community.

(3) Notwithstanding that the maximum age limit specified in those regulations to any service or posts is, less than those prescribed in sub-regulation (i) the maximum age limit specified in the said sub-regulation (i) shall respectively be deemed to be maximum age limit in respect of the class of persons specified therein for recruitment to the said service or post.

(4) Notwithstanding anything contained in sub-regulation (i) the maximum age limit for appointment shall be deemed to be enhanced in the following cases to the extent mentioned namely —

(a) in the case of a candidate who is or was holding a post under the Government or Local Authority or a Corporation established by a State Act or Central Act or established by Government under a State Act or Central Act and owned or controlled by the Government, by the number of years which he is or was holding such post or five years whichever is less;

(b) in case of candidate who is an Ex-serviceman by three years plus the numbers of years of service rendered by him in the Armed Forces of the Union;
(c) In the case of a candidate who has been released from the National Cadet Corps after service as whole time Cadet Instruction by the number of years of Service rendered by such Cadet Instructor;

(d) In the case of a candidate who is or was a Village Group Inspector appointed under Rural Industrialisation Scheme sponsored by the State Government, by the number of years of service in such Village Group Inspectors post;

(e) In the case of a candidate who is physically handicapped by ten years;

(f) In case of a candidate who is or was a member of the staff of former Maharaja of Mysore, by the number of years he is or was such a member;

(g) In the case if a candidate who is or was holding a post under the Census Organisation of the Government of India in this State, by the number of years during which he is or was holding such post or by five years whichever is less;

(h) In the case of a candidate who is a widow by ten years;

(i) In the case of a candidate who is a bonded labour by ten years;

(j) In the case of a candidate who is or was working as a Local candidate or a stipendiary graduate the number of years which is or was working as such or five years whichever is less.

12. Disqualification for Appointment.—(1) No person shall be eligible for appointment under these rules unless he is a citizen of India.

(2) No person who has more than one wife living and no woman who has married a person already having another wife shall be eligible for appointment under these rules:

Provided that Government may, if satisfied, that there are special grounds for doing so, exempt any person from the operation of this sub-regulation.

(3) No person who attempts to obtain extraneous support by any means for his candidature from officials or non-officials shall be eligible for appointment under these regulations.

(4) No applicant for appointment to a post under these regulations shall be eligible for appointment if he is, at the time of his application, in permanent or temporary employment in any Department of Government or under any other State Government or Central Government or any other
Authority specified by the Government in this behalf and has made the application without the consent of the Head of the Department or of the Government or the Authority, as the case may be, under whom he is employed:

Provided that this sub-regulation shall not be applicable to a person employed in any Department of Government as a Local Candidate as long as he is treated as such.

(5) No person who has not passed the fourth Standard Examination in Kannada language and who does not express his willingness to serve as a member of the Home Guards under Karnataka Home Guards Act, 1962, shall be appointed as a Peon under these regulations and every person appointed as Peon shall, if so required by the Appointing Authority, at any time be liable to serve as member of the Home Guards.

(6) No person shall be eligible for appointment under these regulations if he or she—

(a) is or has been a member of, or has associated himself or herself with anybody or association after such body, or association is declared as unlawful body or association;

(b) has participated in, or is associated with any activity or programme.—

(i) aimed at subversion of the Constitution of India;

(ii) aimed at organised breach or defiance of law involving violence;

(iii) which is prejudicial to the interest of the sovereignty and integrity of India or the Security of the State; or

(iv) which promotes, on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people; or

(c) is dismissed from service under the Government of India or any State Government or in a local body; or

(d) is or has been permanently debarred or disqualified by the Union or by State Public Service Commission from appearing in any examination or selection conducted by it.

(7) No person who is or has been convicted of an offence involving moral turpitude or who is or has been temporarily debarred or disqualified by the Union or any State Public Service Commission from appearing for examinations or selections conducted by it shall not ordinarily be appointed.
under these regulations. Unless the Authority, after review of all the circumstances consider him suitable for such appointment.

13. No person shall be appointed to any service or post unless the Appointing Authority is satisfied that he is of good character and is in all respects suitable for appointment under these regulations. Every candidate selected for direct recruitment shall furnish to the Appointing Authority certificates given not more than six months prior to the date of his selection, by two respectable persons unconnected with his college or University and not related to him testifying to his character, in addition to the certificate or certificates which may be required to be furnished from the educational institution last attended by the candidate. If any doubt arises regarding the suitability of a candidate for appointment the decision of the Authority shall be final.

14. Conditions relating to Physical fitness.—(1) No candidate selected for appointment by direct recruitment shall be appointed to any post under these regulations unless he satisfies the Appointing Authority that he is physically fit to discharge the duties that he may be called upon to perform. The Authority may, by order, prescribe the physical standards required to be satisfied by a person for appointment to any post under these regulations, and specify the medical Authority which may grant the certificate of physical fitness and provide for such other incidental matters as may be necessary. The opinion of the medical Authority regarding the physical fitness or otherwise of the candidate shall be binding on the candidate.

(2) The Authority may in any case for good and sufficient reasons dispense with the production of the certificate under sub-regulations (1).

(3) The Appointing Authority may, in the case of persons appointed temporarily in short vacancies of less than three months duration, dispense with the production of the certificate under sub-regulations (1).

15. Relaxation of regulations relating to appointment and Qualification.—Notwithstanding anything contained in these regulations, the Government, the Authority or any Officer authorised by Government in this behalf for reasons to be recorded in writing.—

(a) appoint to a post.—

(i) an Officer holding a post of an equivalent grade, by transfer or by deputation from any services of the State for recruitment to which the Karnataka Civil Service Rules shall apply:

Provided also that appointment under this sub-clause shall not be made.—
(i) to a post lower than that held by such Officer save with his consent;

(ii) to a post higher than the post held by such Officer except when the Government is of the opinion that there is no other equivalent post to which such Officer can be appointed;

(iii) be made if an Officer who by bodily infirmity is temporarily incapacitated for the post which he holds:

Provided that the duration of appointment under this sub-clause shall not be for a period longer than the duration of the bodily infirmity on account of which he is held to be incapacitated to hold the post which he is holding.

(b) Relax, by notification for such period as may be specified therein, the qualification prescribed for purpose of direct recruitment in the regulation of recruitment specially made in respect of any service or post, if candidate possessing the prescribed qualifications are not available.

16. Appointment by direct recruitment or by promotion.—In certain cases.—Notwithstanding anything contained in these regulations the Appointing Authority may.—

(a) fill by direct recruitment a vacancy reserved to be filled by promotion when it is satisfied that the persons eligible to be considered for promotions are not fit to be so promoted; or

(b) fill by promotion a vacancy required to be filled by direct recruitment when such vacancy is not likely to last for more than one year; or

(c) fill by promotion temporarily on the basis of seniority-cum-merit a vacancy required to be filled by direct recruitment where selection to the post has not been finally made and there is likely hood of delay in making direct recruitment. A candidate temporarily promoted under this sub-regulation shall not have any preferential claim for regular promotion and also shall not count the period of service in the promoted post for Seniority, he shall revert to his original post on the expiry of one year or on the appointment of a direct recruit whichever is earlier.

17. Joining time for appointment.—(1) A candidate appointed by direct recruitment shall as soon as possible assume charge of the post specified by the Appointing Authority but not later than fifteen days from the date of receipt of the order of the appointment.

(2) Notwithstanding contained in sub-regulation (1) the Appointing Authority may, on the application of the candidate and if satisfied that there
are good and sufficient reasons for doing so by order in writing, grant such
further time as it may deem necessary.

(3) The name of the candidate who fails to assume charge of the post
within the time specified in sub-regulation (1) or within the further time
granted under sub-regulation (2) shall stand deleted from the list of selected
candidates and the candidate concerned shall cease to be eligible for
appointment, to which he was selected for appointment.

18. Misconduct.—A candidate found guilty of impersonation or of
submitting fabricated document or documents which have been tampered
with or of making statements which are incorrect or false or of suppressing
material information or of using or attempting to use unfaul means in an
examination conducted for purposes of recruitment or otherwise resorting to
any other irregular or improper means in connection with his recruitment
may, in addition to rendering himself liable to criminal prosecution and to
disciplinary action, be debarred either permanently or for a specified
period.—

(a) by the Authority or other Appointing Authority from admission to
any examination or appearing for any interview for selection of
candidate;

PART III

19. Period of probation.—All persons appointed by direct recruitment
shall be on probation for a period of two years excluding the period, if any,
during which the probationer was on extraordinary leave.

20. Extension of period of probation.—The period of probation may, for
reasons to be recorded in writing, be extended.—

(i) by the Authority by such period as it deems fit;

(ii) by the Appointing Authority by such period not exceeding half of
the prescribed period of probation:

Provided that if within the prescribed or extended period of
probation, a probationer has appeared for any examinations
required to be passed during the period of probation and the
results thereof are not known before the expiry of such period then
the period of probation shall be deemed to have been extended
until the publication of the results of such examinations or of the
first of them in which he fails to pass.

21. Declaration of Satisfactory completion of probation period.—(1) At
the end of the prescribed or extended period of probation, the Appointing
Authority shall consider the suitability of the probationer to hold the post to
which he was appointed and.—

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(a) if it is decided that the probationer is suitable to hold the post to which he was appointed and has passed the examinations, if any, required to be passed during the period of probation it shall as soon as possible, issue an order declaring the probationer to have completed his probation and such an order shall have effect from the date of expiry of the prescribed, or extended period of probation;

(b) if the Appointing Authority decides that the probationer is not suitable to hold the post to which he was appointed or has not passed the examinations required to be passed during the period of probation, it shall, unless the period of probation is extended under Rule 22 by order, discharge him from service.

22. Discharge of a probationer during the period of probation.—(1) Notwithstanding anything contained in regulations, the Appointing Authority may, at any time during the period of probation, discharge from service a probationer on the ground arising out of the condition, if any, imposed by the rules or in the order of appointment or on account of his unsuitability for the service or post.

(2) An order discharging a probationer under this regulation shall indicate the grounds for the discharge.

23. Appeal.—No appeal shall lie against an order discharging a probationer under Regulations 21 or 22.

24. Confirmation.—Subject to Regulation 21 a probationer who has been declared to have satisfactorily completed his probation shall be confirmed at the earliest opportunity in any substantive vacancy which may exist or arise:

Provided that where more than one approved probationer is available for such confirmation the senior most approved probationer on the date of vacancy shall be confirmed.

25. Increment and Pay.—(1) A probationer appointed at the initial or higher stage of his scale may draw the increments that fall due during the prescribed period of probation; he shall not however, draw any increment after the expiry of such period unless and until he is declared to have satisfactorily completed his period of probation.

(2) When a probationer is declared to have satisfactorily completed his probation he shall draw, as from the date of such order takes effect, the pay he would have drawn had he been allowed the increments for the whole of his service from the date of his appointment on probation.

26. Questioning the validity of appointment on Probation.—Notwithstanding anything contained in these regulations where the validity of the appointment of any person as probationer, is questioned in any legal
proceedings before a Court of Law, the period of probation of such person shall continue until the final disposal of such proceedings and pending such disposal the Appointing Authority may, if it is satisfied that the probationer has satisfactorily completed the prescribed or extended period of probation, direct that the probationer shall be entitled to draw increments in the scale of pay of the post held by such probationer from such date as may be specified in such direction and increment shall subject to the other provisions governing the drawal of increments applicable to the employee generally be drawn by such probationer accordingly.

PART IV
SERVICE AND KANNADA LANGUAGE EXAMINATIONS

27. Obligation to pass certain examinations.—Save as otherwise provided in these regulations, and subject to the special or general orders of the Authority every Officers and servants shall pass. —

(a) the Kannada Language Examination; and
(b) The Service Examinations specified in Schedule III.

28. Time limit to pass the Examination.—(1) Subject to the special or general orders of the Authority, every Officer and Servant. —

(a) in service on the date of commencement of these regulations shall pass the Kannada Language and the prescribed service examinations within a period of two years from the said date;

(b) appointed to any post on or after the date of commencement of these regulations, shall pass the Kannada Language and the prescribed examinations within a period of two years from the date of appointment:

Provided that a person appointed to any post on probation shall pass the Kannada Language and the prescribed service examinations within the period of probation or extended period of probation.

(2) Where after the commencement of these regulations. —

(a) a new service examination is prescribed for the holder of any post; or

(b) a new post is created and service examinations are prescribed for the holder of the new post; or

(c) the prescribed examinations in Schedule IV are modified; the Officer or servant shall pass the prescribed service examinations within a period of two years from the date of such prescription or modification.
29. Syllabi for Kannada Language and Service.—

Examination.—The Syllabi for the Kannada Language Examination and service Examinations shall be as specified in Schedule IV.

30. Exemption.—(1) An employee who has passed.—

(a) the Secondary School Leaving Certificate Examination or any examination higher than the S.S.L.C. Examination.—

(i) in which the question papers on different subjects are answered in Kannada Language; or

(ii) in which Kannada is the main language, second language or an optional subject; or

(b) Diploma course/certificate in Kannada conducted by a University established by law in India or ‘Kavya Jnana’ or Ratna Examinations conducted by the Kannada Sahitya Parishat;

shall on obtaining a certificate of exemption under sub-regulation (2) be deemed to have passed the Kannada Language Examination, under these regulations.

(2) An employee who has passed the examinations referred to in sub-regulation (1) may make an application in Form II in triplicate for a certificate of exemption to the Appointing Authority and the said Appointing Authority on being satisfied that the applicant has passed the said examination issue a certificate in Form III and make necessary entries of the exemption in the Service Record of the applicant.

(3) An employee appointed to any post on probation, the increment in the time scale of pay shall be granted during the period of probation which is also allowed for passing the examinations.

(4) An employee who has attained the age of 45 years is exempted from passing the Kannada language and Service Examinations for the purposes of earning annual increments only.

(5) An employee who is blind and whose job does not require him to read and write shall be exempt from passing any written examination or the Kannada Language Examination for the purposes of earning annual increments and confirmation only. He shall however pass the viva voce of the Kannada Language Examination.

31. Conduct of Examinations.—The Authority may permit the applicants to appear for the Kannada Language and Service Examinations conducted by the Karnataka Public Service Commission in accordance with the Karnataka Public Service Commission (conduct of the service examinations) Rules, 1965 subject to the Payment of examination fees by the candidates for admission to such examinations. In case if the Karnataka Public Service Commission is not
in a position to hold examination for the employees of the Authority, the Authority may itself hold such examinations as per Schedule IV.

32. Restriction on Increments, promotion, Confirmation and Appointment by Transfer.— After the expiry of a period of three years from the date of commencement of these regulations, or from the date of prescription of the Kannada Language and Service Examinations whichever is later or from the date on which provisions is made for promoting the holder of a post to a higher post for which service examinations are already prescribed no employee shall be eligible;

(i) for promotion to any higher post unless he has passed if not exempted under sub-regulation (i) of regulation 30 of Kannada Language and service examinations prescribed to the holder of such post and the post already held by him;

(ii) for appointment by transfer to any post unless he has passed, if not exempted under sub-regulation (1) of regulation 30 of Kannada Language and Service Examinations prescribed, if any, to the holder of such post;

(iii) for earning annual increment and for confirmation against the substantive vacancy held by him unless he has passed, if not exempted under sub-regulation (1) of Regulation 30 of Kannada Language and Service Examinations prescribed if any, for holder of such post.

— SCHEDULES —
**[SCHEDULE I]**

*See Regulation 5*

Statement showing the designation, pay scale and number of posts (permanent and temporary), method of recruitment and qualifications in respect of the posts borne in the Establishment of Authority

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation of post and scale of pay</th>
<th>No. of posts</th>
<th>Method of recruitment</th>
<th>Qualifications</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Permanent</td>
<td>Temporary</td>
<td></td>
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<tr>
<td>1</td>
<td>Commissioner</td>
<td>1</td>
<td>To be appointed by the State Government under Section 12</td>
<td></td>
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<tr>
<td>2</td>
<td>Engineer Member (12800-320-13440-380-14960-440-16720)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (c) of sub-section (3) of Section 3</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Finance Member (10620-260-10880-320-13440-380-14960)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (b) of sub-section (3) of Section 3.</td>
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<tr>
<td>4</td>
<td>Town Planning Member (10620-260-10880-320-13440-380-14960)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (d) of sub-section (3) of Section 3.</td>
<td></td>
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<tr>
<td>5</td>
<td>Law Officer (12800-320-13440-380-14960-440-16720)</td>
<td>1</td>
<td>1</td>
<td>(i) By deputation of an officer not below the rank of a District Judge from the Karnataka Judicial Service or by deputation of an officer not below the rank of an Additional Secretary to Government in the Department of Law or Parliamentary Affairs and Legislation of the Government Secretariat; or</td>
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<td>(ii) By appointment on contract basis a retired officer not below the rank of an Additional Secretary to Government in the Department of Law or Parliamentary Affairs and Legislation of the Government Secretariat or a retired District Judge of the Karnataka Judicial Service.</td>
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<tr>
<td>6.</td>
<td>Secretary, Deputy Commissioner (10620-260-10880-320-13440-380-14960)</td>
<td>2</td>
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<td>By deputation of an officer not below the rank of a Senior Scale Officer of the Karnataka Administrative Service.</td>
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<td>7.</td>
<td>Engineer Officer (10620-260-10880-320-13440-380-14960)</td>
<td>2</td>
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<tr>
<td></td>
<td></td>
<td>By deputation of a Superintending Engineer of the Public Works Department of the State Government.</td>
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<tr>
<td>8.</td>
<td>Additional Law Officer (10620-260-10880-320-13440-380-14960)</td>
<td>1</td>
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<td>By deputation of an officer not below the rank of a Civil Judge (Senior Division) of the Karnataka Judicial Service or a Public Prosecutor of the Department of Prosecution and Government Litigation of the State Government; or by appointment on contract basis a retired officer not below the rank of a Civil Judge (Senior Division) of the Karnataka Judicial Service or a retired Public Prosecutor of the Department of Prosecution and Government Litigation of the State Government.</td>
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<td>By deputation of Superintendent of Police from the Police Department of the State Government.</td>
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<td>10.</td>
<td>Executive Engineer (Civil and Electrical) (9580-260-10880-320-13440-380-14200)</td>
<td>6</td>
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<td>(i) Four posts by deputation of Executive Engineers of Public Works Department</td>
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<td>(ii) Two posts by promotion of Assistant Executive Engineer (Civil/Electrical/Mechanical). If no suitable person is available for promotion, by deputation.</td>
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<td>For Promotion: (i) Must have put in not less than five years of service as Assistant Executive Engineer. Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. (ii) Must have passed the prescribed service examinations; (iii) Must be holder of a BE degree in Civil/Electrical/Mechanical Engineering.</td>
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<td>11.</td>
<td>Deputy Director of Town Planning (9580-260-10880-320-13440-380-14200)</td>
<td>2</td>
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<td>One post by deputation of a Deputy Director of Town Planning of the State Government and one post by promotion of an Assistant Director of Town Planning. If no suitable officer is available for promotion by deputation.</td>
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<tr>
<td></td>
<td>For Promotion: (i) Must have put in not less than five years of service as Assistant Director of Town Planning: Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. (ii) Must have passed the prescribed service examinations.</td>
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<td>12.</td>
<td>Chief Accounts Officer (9580-260-10880-320-13440-380-14200)</td>
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<td>13.</td>
<td>Deputy Secretary (8000-200-8800-260-10880-320-13440)</td>
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<td></td>
<td>Assistant Commissioner (Enforcement)/PS to Chairman/Land Acquisition Officer/Assistant Commissioner (R and R) (8000-200-8800-260-10880-320-13440)</td>
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<td>15.</td>
<td>Public Relations Officer (7400-200-8800-260-10880-320-13120)</td>
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<td>16.</td>
<td>Deputy Superintendent of Police (7400-200-8800-260-10880-320-13120)</td>
<td>1</td>
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<tr>
<td>17.</td>
<td>Accounts Officer/Internal Audit Officer (7400-200-8800-260-10880-320-13120)</td>
<td>2</td>
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<tr>
<td>18.</td>
<td>Senior Assistant Director of Horticulture (7400-200-8800-260-10880-320-13120)</td>
<td>1</td>
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</tbody>
</table>
| 19. | Technical Assistant, Assistant Executive Engineer/Estate Officer (Civil and Mechanical), EDP Cell Officer (7400-200-8800-260-10880-320-13120) | 27 | Seventy-five per cent by deputation of Assistant Executive Engineers from Public Works Department of the State Government and twenty-five per cent by promotion of Assistant Engineers/Junior Engineers in the ratio of 4:1. | For Promotion: (i) Must have put in not less than five years of service as Assistant Engineers or Junior Engineers:
Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered.
(ii) Must have passed the prescribed service examinations. |
| 20. | Assistant Executive Engineer (Electrical) (7400-200-8800-260-10880-320-13120) | 2 | One post by deputation from KPTCL/KPC and one post by promotion of Assistant Engineer (Electrical):
Provided that if an Assistant Engineer (Electrical) is not available for promotion then by promotion of Junior Engineer (Electrical). | For Promotion: (i) Must have put in not less than five years of service as Assistant Engineers or Junior Engineers (Electrical):
Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered.
(ii) Must have passed the prescribed service examinations. |
<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Post</th>
<th>Vacancies</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.</td>
<td>Office Assistant/ Tahsildar/Revenue Officer (6000-150-7200-200-8800-260-10880-320-11200)</td>
<td>7</td>
<td>Three posts by deputation of Tahsildars from Revenue Department of the State Government and four posts by promotion of Superintendents. <strong>For Promotion:</strong> (i) Must have put in not less than five years of service as Superintendent: Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. (ii) Must have passed the prescribed service examinations.</td>
</tr>
<tr>
<td>23.</td>
<td>Assistant Director of Town Planning (7400-200-8800-260-10880-320-13120)</td>
<td>3</td>
<td>Two posts by deputation of Assistant Directors of Town Planning of the State Government and one post by promotion of Junior Town Planners: Provided that if a suitable Junior Town Planner is not available for promotion then by promotion from the cadre of Head draftsman. <strong>For Promotion:</strong> (i) Must have put in not less than five years of service as Junior Town Planner: Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. (ii) Must have passed the prescribed service examinations.</td>
</tr>
<tr>
<td>24.</td>
<td>Audit Officer (6000-150-7200-200-8800-260-10880-320-11200)</td>
<td>1</td>
<td>Fifty per cent by deputation of officers from the State Accounts Department of the State Government and fifty per cent by promotion from the cadre of Accounts Superintendents: <strong>For Promotion:</strong> (i) Must have put in not less than five years of service as Accounts Superintendents:</td>
</tr>
<tr>
<td>25.</td>
<td>Assistant Engineers (Civil/Electrical/Mechanical) (6000-150-7200-200-8800-260-10880-320-11200)</td>
<td>45</td>
<td>(i) Seventy per cent by deputation of Assistant Engineers from Public Works Department of the State Government; (ii) Ten per cent by promotion of Graduate Junior Engineers; (iii) Twenty per cent by direct recruitment.</td>
</tr>
<tr>
<td>26.</td>
<td>Junior Town Planners (6000-150-7200-200-8800-260-10880-320-11200)</td>
<td>4</td>
<td>Fifty per cent by deputation from Town Planning Department and twenty-five per cent by promotion from the cadre of Head Draughtsman and Town Planning Supervisor in the ratio of 1:1.</td>
</tr>
<tr>
<td>EDP Cell</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Programmer (6000-150-7200-200-8880-260-10880-320-11200)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Provided that if no Town Planning Supervisors is available then by promotion from the cadre of Head Draughtsman. Twenty-five per cent by direct recruitment.

(ii) Must have passed the prescribed Service examination.

(iii) Must be holder of a Diploma in Civil Engineering or Town Planning or Urban and Regional Planning.

For Direct Recruitment: (i) Must possess a degree in Civil Engineering from a recognised University or a certificate from the Institute of Engineers, that he has passed parts (A) and (B) of the Associate Membership Examination of the Institute.

Fifty per cent by direct recruitment and fifty per cent by promotion of a Console operator or by deputation of an officer in the grade of Programmer, or equivalent grade from the Department of E-Governance/any other public body/Authority/Public Sector Undertaking, having required qualification.

For Direct Recruitment: (i) Must be holder of a Bachelors degree in Engineering in Computer Science or equivalent or Higher Degree in Computer Science recognised by Government of Karnataka. If candidates having the above qualification are not available in any group, then candidates having second class degree in physics, Mathematics, statistics and Commerce will be considered.
(ii) Must have passed written aptitude test in B grade for Programmers conducted by the Authority in consultation with the Department of E-Governance.

(iii) Must have not less than one year experience in the job of programming in a reputed and well-established computer firm or computer installation as certified by the Director Information Technology.

For Promotion: (i) Must be holder of a degree or possess equivalent qualification.

(ii) Must have passed written aptitude test in B grade for Programmers conducted by the Authority in consultation with the Director, Information Technology.

(iii) Must have not less than one year experience in the job of programming in a reputed and well-established computer firm as certified by the Director of Information Technology.
28. Sub-Inspector of Police (5200-125-5700-150-7200-200-8800-260-9580) | 2 | By deputation of Sub-Inspector of Police from the Police Department of State Government:

29. Superintendents (5200-125-5700-150-7200-200-8800-260-9580) | 26 | 4 | By promotion of First Division Assistants and Stenographers in the ratio of 4:1

For promotion: (i) Must have put in five years of service as First Division Assistants or as Stenographer.

(ii) Must have passed the prescribed service examinations.

(iii) Stenographer should have worked for one year as First Division Assistant in addition to five years as Stenographers to be considered for promotion.

30. Sheristedars (5200-125-5700-150-7200-200-8800-260-9580) | 4 | 1 | By deputation of Sheristedars from Revenue Department of State Government.

Note: Aptitude test shall consists of three parts namely:

(a) Alphabetical comprehension to study the pattern of alphabets given and extrapolate from the pattern.

(b) Picture comprehension to study the pattern of variation in a given set of figures and extrapolate from the pattern.

(c) Arithmetic.

(iv) Must have passed the prescribed service examination.
<p>| 31. | Accounts Superintendent (5200-125-5700-150-7200-200-8800-260-9580) | 15 | Fifty per cent by deputation from the State Accounts Department and fifty per cent by promotion from the cadre of First Division Assistant and Stenographers who have passed SAS examination in the ratio of 10:1: Provided that if no suitable candidate is available for promotion then by deputation. | For Promotion: A First Division Assistant must have put in five years of service as First Division Assistant out of which the official must have worked as First Division Accounts Assistant for one year and must have passed the prescribed departmental examinations. A Stenographer must have put in not less than five years of service and in addition should have worked for not less than one year as First Division Accounts Assistant and must have passed the prescribed departmental examinations. |
| 32. | Head Draughtsman (5200-125-5700-150-7200-200-8800-260-9580) | 2 | 2 | By promotion of Draughtsman (Town Planning). If no suitable candidate is available for promotion then by deputation from Department of Town Planning of the State Government. | For Promotion: (i) Must have put in five years of service as Draughtsman (Town Planning). (ii) Must have passed the prescribed service examinations. (iii) Must be a holder of a certificate in Draughtsman. |
| 33. | Estate Manager (5200-125-5700-150-7200-200-8800-260-9580) | 1 | By posting of a Superintendent |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Post</th>
<th>Eligibility</th>
<th>Recruitment Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Town Planning Supervisor (4575-125-5700-150-7200-200-8800-260-9580)</td>
<td>Fifty per cent by deputation from Town Planning Department. Fifty per cent by direct recruitment.</td>
<td>For direct recruitment: Must possess a Diploma in Civil Engineering from a recognised Polytechnic.</td>
</tr>
<tr>
<td>35</td>
<td>Junior Engineers (4575-125-5700-150-7200-200-8400)</td>
<td>Seventy-five per cent by deputation from Public Works Department. Twenty-five per cent by direct recruitment.</td>
<td>For direct recruitment: Must be holder of a Diploma in Civil/Mechanical/Electrical Engineering from Polytechnic in Karnataka recognised by the State Government.</td>
</tr>
<tr>
<td>36</td>
<td>Draughtsman (Town Planning) (4575-125-5700-150-7200-200-8400)</td>
<td>Seventy-five per cent by direct recruitment and twenty-five per cent by promotion of Tracer. If no suitable person is available for promotion then by direct recruitment.</td>
<td>For direct recruitment: Must be holder of a Diploma in Civil/Mechanical/Electrical Engineering from a recognised Polytechnic. For Promotion: Should have put in five years of service in the cadre of Tracer.</td>
</tr>
<tr>
<td>37</td>
<td>Console Operator (5575-125-5700-150-7200-200-8800-260-10620)</td>
<td>Fifty per cent by promotion of Data Entry Operators Fifty per cent by Direct Recruitment or By deputation of officers in the grade of Console Operator or at equivalent grade from E-Governance Department or from any other public body/authority/public sector undertaking who possess requisite qualification.</td>
<td>For direct recruitment: (i) Must be holder of a Degree or possess equivalent qualification. (ii) Must have passed written aptitude test in A grade for Console Operators to be conducted by the Authority in consultation with the Director of Information Technology.</td>
</tr>
</tbody>
</table>
(iii) Must have worked for not less than two years on the Computer Console in any Computer installation. Aptitude Test this has two parts viz., Picture Comprehension and Arithmetic. These tests are similar to those prescribed for the posts of Junior Programmers/Senior Console Operators, but are simpler and the tests are held to test visual observation capabilities more than the capacity of imagination.

For Promotion: (i) Must have passed the written aptitude test in B grade for Console Operators to be conducted by the Authority in consultation with the Director of Information Technology. (ii) Must have worked as Data Entry Operator for not less than five years. (iii) Must have passed the prescribed service examinations. (iv) Must be holder of a Diploma in Computer Science.
| 38. | Data Entry Operator (3850-100-4450-125-5700-150-7050) | 4 | Fifty per cent by direct recruitment, and Fifty per cent by posting a First Division Assistant, Senior Typist or Stenographer. If no suitable First Division Assistant or Stenographer or Senior Typist is available for posting then by promotion of a typist or driver or a Second Division Assistant.

OR

By deputation of Data Entry Operator/ Punch Operator or of equivalent grade from E-Governance Department or any other public body/authority/public sector undertaking who possess requisite qualification. |

| For direct recruitment: |
| (i) Must have passed the SSLC Examination or possess equivalent examination. |
| (ii) Must have passed the written aptitude test in key punch Verifier/Operators in B Grade to be conducted by the Authority in consultation with the Director, Information Technology. Preference will be given to candidates who have studied successfully Computer programming for at least a year in a Computer installation or to the candidates who have worked for not less than three years in the Computer unit of the Government of Karnataka. For posting a First Division Assistant or Stenographer or Senior Typist and for promotion of a Typist or Second Division Assistant or Driver. |
| (i) Must have passed the prescribed service examinations; |
| 36. | First Division Assistants (First Division Court Clerks
Revenue Inspectors) (3850-100-4450-125-5700-150-7050) | 105 | 85 posts by promotion of Second Division Assistants.
20 posts by direct recruitment. | For direct recruitment: Must be a Graduate.
For Promotion: (i) Must have put in five years of service as Second Division Assistants:
Provided that a Stenographer shall be posted as First Division Assistant for a period of not less than one year on the basis of seniority.
(ii) Must have passed the prescribed service examinations. |
<table>
<thead>
<tr>
<th>S. No.</th>
<th>Post Description</th>
<th>Level</th>
<th>Posts</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>40.</td>
<td>First Division Accounts Assistants/First Division Store Keepers (3850-100-4450-125-5700-150-7050)</td>
<td>26</td>
<td></td>
<td>By posting a First Division Assistants/Stenographer those who have passed Public Works Department examination. If no suitable candidates are available then by deputation from the State Accounts Department who have passed Public Works Department examination. Must have passed the prescribed service examinations.</td>
</tr>
<tr>
<td>41.</td>
<td>Stenographers (3850-100-4450-125-5700-150-7050)</td>
<td>23</td>
<td>2</td>
<td>Fifty per cent by direct recruitment. Fifty per cent by transfer of Senior Typist: If no suitable Senior Typist is available for transfer then by promotion of a typist. If no suitable candidate is available for promotion then by direct recruitment. For direct recruitment: (i) Must have passed the SSLC Examination or equivalent examination. (ii) Must have passed Senior Typewriting and Senior Shorthand Examination in Kannada and English. For promotion and transfer: Must have passed Senior Shorthand and Typewriting in Kannada.</td>
</tr>
<tr>
<td>42.</td>
<td>First Division Surveyors (3850-100-4450-125-5700-150-7050)</td>
<td>10</td>
<td></td>
<td>By deputation of First Division Surveyors from the Department of Survey Settlement and Land Records of the State Government.</td>
</tr>
<tr>
<td>43.</td>
<td>Horticulture Assistant (3300-75-3450-100-4450-125-5700-150-6300)</td>
<td>10</td>
<td></td>
<td>By promotion of Garden Supervisors (i) Must have put in five years of service as Garden Supervisors. (ii) Must be holder of a Horticultural Training Certificate.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>
| 45. | **Head Constables**  
   (3300-75-3450-100-4450-125-5700-150-6300) | 2 | By deputation of Head Constables of the Police Department of the State Government. |
| 46. | **Senior Typist**  
   (3850-100-4450-125-5700-150-7050) | 10 | By promotion of Typists  
   **For promotion:** Must have put in five years of service in the cadre of typist. |
| 47. | **Tracers**  
   (3300-75-3450-100-4450-125-5700-150-6300) | 2 | By direct recruitment.  
   Must possess a certificate course in the trade of Tracer from Industrial Training Institute recognised by the Government of Karnataka. |
| 48. | **Police Constables**  
   (3000-75-3450-100-4450-125-5450) | 30 | By deputation of Constables of the Police Department of the State Government. |
| 49. | **Second Division Assistants**  
   (3000-75-3450-100-4450-125-5450) | 125 | Seventy-five per cent by direct recruitment  
   Twenty-five per cent by promotion from the cadre of Group 'D' employees on the basis of combined seniority, seniority being determined on the basis of length of service in a category of post having identical scale of pay and treating a person holding a post carrying higher scale of pay as senior to a person holding a post carrying lower scale of pay.  
   **For direct recruitment:** (i) Must have passed the SSLC Examination or equivalent examination.  
   **For promotion:** (i) Must have put in five years of service in one or more category of Group 'D'. |
| 50. | Typists (3000-75-3450-100-4450-125-5450) | 25 | By direct recruitment | Must have passed SSLC Examination or equivalent examination with Senior Grade Kannada and English Typewriting Examination |
| 51. | Garden Supervisors (2600-50-2700-75-3450-100-4350) | 15 | By promotion of Gardeners | Must have passed SSLC Examination or equivalent examination and must have put in five years of service as gardeners. Must be holder of Horticulture Training Certificate. |
| 52. | Senior Drivers (3850-100-4450-125-5700-150-7050) | 15 | By promotion of Drivers | |
| 53. | Blue Printers (3000-75-3450-100-4450-125-5450) | 2 | Fifty per cent by Direct Recruitment. Fifty per cent by promotion from the cadre of Group ‘D’ seniority, seniority being determined on the basis of length of service in a category of post having identical scale of pay and treating a person holding a post carrying higher scale of pay as senior to a person holding a post carrying lower scale of pay. | (i) Must have passed SSLC Examination or equivalent examination. (ii) Must be holder of a certificate in Blue Printing granted by ITI recognised by the Government of Karnataka or five years experience in TPM Section (Blue Printing). |
| 54. | Telephone Operators/Technicians (3000-75-3450-100-4450-125-5450) | 3 | By posting of Second Division Assistants | |
| 55. | Work Inspectors (3000-75-3450-100-4450-125-5450) | 4 | By promotion of Gangman, Lit. Asst. Lit. Mazdoor, Man Mazdoor and Head Cooli. | For promotion: (i) Must have passed SSLC Examination or equivalent examination |
| 56. Junior Work Inspector  
(2600-50-2700-75-3450 - 100-4350) | 4 | By promotion of Gangman, Lit. Asst., Lit. Mazdoor, Man Mazdoor and Head Cooli. | (ii) Must have put in five years of service in any of the cadres specified in column (4). |
|-----------------------------------|----|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 57. Drivers  
(3000-75-3450-100-4450-125-5450) | 65 | Seventy-five per cent by direct recruitment. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Twenty-five per cent by promotion of Group 'D' employees on the basis of combined seniority, seniority being determined on the basis of length of service in a category of post having identical scale of pay and treating a person holding a post carrying higher scale of pay as senior to a person holding a post carrying lower scale of pay.</td>
<td>(i) Must be holder of a licence to drive the light and heavy motor vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) Must have passed 8th Standard Examination.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 58. Daffedars/Daffter Band  
(2600-50-2700-73-3450 - 100-4350) | 11 | By promotion from the cadre of Peons | Must have put in five years of service |
| 59. Process Server  
(2600-50-2700-75-3450 - 100-4350) | 10 | Fifty per cent by Direct Recruitment  
Fifty per cent by promotion from the categories of Lit. Asst., Lit. Mazdoor, Man Mazdoor, Sweeper and Gangman. | For Direct Recruitment: Must have passed 7th Standard Examination. |
<p>| For promotion: Must have put in five years of service. |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Category</th>
<th>Posts</th>
<th>Total</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>60.</td>
<td>Line Mechanic/Wireman (2600-50-2700-75-3450 - 100-4350)</td>
<td>0</td>
<td>8</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>61.</td>
<td>Pump Driver (2600-50-2700-75-3450 - 100-4350)</td>
<td>0</td>
<td>2</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>62.</td>
<td>Mechanic Fitter, Fitter/Plumber/Carpenter/Helper (2600-50-2700-75-3450 - 100-4350)</td>
<td>0</td>
<td>12</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>63.</td>
<td>Peons (2500-50-2700-75-3450 - 100-3850)</td>
<td>100</td>
<td>35</td>
<td>By direct recruitment or by transfer of Sweeper</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>For direct recruitment: Must have passed 7th Standard Examination.</td>
</tr>
<tr>
<td>64.</td>
<td>Cleaners (2500-50-2700-75-3450 - 100-3850)</td>
<td>0</td>
<td>8</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>65.</td>
<td>Gardeners/Gardener for maintenance of Avenue Plantation (2500-50-2700-75-3450 - 100-3850)</td>
<td>70</td>
<td>50</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>66.</td>
<td>Sweepers (2500-50-2700-75-3450 - 100-3850)</td>
<td>30</td>
<td>30</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td></td>
<td>67. Head Coolie/Survey Coolie/Gangman/ Lit. Assistant/Lit. Mazdoor/Man Mazdoor (2500-50-2700-75-3450 100-3850)</td>
<td>60</td>
<td>100</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>68.</td>
<td>Mechanic Valve Man (2600-50-2700-75-3450 100-4350)</td>
<td>0</td>
<td>4</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>69.</td>
<td>Watchman/Watch and Ward (2500-50-2700-75-3450 100-3850)</td>
<td>20</td>
<td>5</td>
<td>By direct recruitment or by transfer of Sweeper</td>
</tr>
<tr>
<td>70.</td>
<td>Project Director (10620-260-10880-320-3440-380-14960)</td>
<td>0</td>
<td>2</td>
<td>By appointment on contract basis of an expert in the field of Engineering/Town Planning/Project Management not below the rank of Superintendent Engineer of State PWD or by deputation of an officer of equal rank from any Department of the State Government.</td>
</tr>
<tr>
<td>71.</td>
<td>Finance Controller (9580-260-10880-320-13440-380-14200)</td>
<td>0</td>
<td>1</td>
<td>By appointment on contract basis of a professional having qualification of Chartered Accountant/ICWA/ MBA (Finance) or by deputation of an officer having equivalent qualification from the State Government or State owned Corporation not below the rank of Deputy Controller of Account.</td>
</tr>
</tbody>
</table>
## SCHEDULE II

Statement showing the schedule of officers and servants of the Bangalore Development Authority indicating the different categories of posts their strength and scales of pay

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category of Post</th>
<th>No. of Posts</th>
<th>Total</th>
<th>Scale of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Permanent</td>
<td>Temporary</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Commissioner</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appointed by the Government salary to be determined by the Government, under Section 12(2) of the Act.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Engineer Member</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>These are the whole time members of the Authority appointed by Government under Section 3 of the Act. Their conditions of service are to be specified by rules made by the Government see Section 5(2) of the Act.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Finance Member</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Town Planner Member</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Law Officer</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12800-320-13440-380-14960-440-16720</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>(i) Secretary</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(ii) Deputy Commissioner (LA)</td>
<td></td>
<td></td>
<td>10620-260-10880-320-13440-380-14960</td>
</tr>
<tr>
<td>7</td>
<td>Engineer Officer</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10620-260-10880-320-13440-380-14960</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Additional Law Officer</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
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<tr>
<td>17</td>
<td>First Division Surveyor</td>
<td>1. Accounts Higher</td>
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<td></td>
<td>2. Revenue Higher</td>
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<td></td>
<td></td>
<td>3. General Law Part I and II</td>
<td></td>
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<tr>
<td>18</td>
<td>Senior Typist</td>
<td>1. Accounts Lower</td>
<td></td>
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</tr>
<tr>
<td>19</td>
<td>Second Division Assistant/Typist</td>
<td>1. Accounts Lower</td>
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<tr>
<td>20</td>
<td>Second Division Assistant/(Accounts)</td>
<td>1. Accounts Lower</td>
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<td>2. P.W.D. Lower</td>
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<td>21</td>
<td>Tracer</td>
<td>1. Accounts Lower</td>
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<td></td>
<td></td>
<td>2. P.W.D. Lower</td>
<td></td>
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<tr>
<td>22</td>
<td>Blue Printer</td>
<td>1. Accounts Lower</td>
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</tbody>
</table>

**SCHEDULE IV**

Syllabi for Kannada Examinations and Service Examinations

(1) Kannada Language Examination.—The examination shall consists of two parts viz. Written examination **viva voce** test. The employee shall be eligible for the Kannada **viva voce** test unless he has passed the Kannada Written Examination.—

(a) For the written examination a text book may be prescribed and questions may be set on portions covered by the prescribed book;

(b) The text book shall not be allowed to be taken by the candidate into the examination hall;

(c) Simple passage either from the text books or from others career shall be set for translation into English and **viva voce**.

**Written Examination**

2 Papers

Marks — 100

Duration: Two hours

Question from Text Book only:—

(a) "Sannakatregalu" — Serial No. 138 — Commencing with a lesson "Sathyakke Belekotta Geleyaru" written by different authors and published by the Karnataka Adult Education Council, Mysore.
(b) "Kannada Halkanoya. Pusthaka" (The Kannada Reader for Primary IV Standard).

METHOD OF SETTING

Questions:  

<table>
<thead>
<tr>
<th>Question</th>
<th>Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reference to context — 5 given instances</td>
<td>10</td>
</tr>
<tr>
<td>2. Explaining in five sentences any two given instances</td>
<td>10</td>
</tr>
<tr>
<td>3. Writing a few lines not exceeding a page on any one given incident</td>
<td>20</td>
</tr>
<tr>
<td>4. Writing the meaning of a few given words</td>
<td>10</td>
</tr>
<tr>
<td>5. Giving number of few given words (Names) from the text</td>
<td>10</td>
</tr>
<tr>
<td>6. Mentioning the number, gender, and tense etc., of a few given verbs from the text</td>
<td>10</td>
</tr>
<tr>
<td>7. Writing a letter to a friend or a petition (Non-Text)</td>
<td>30</td>
</tr>
</tbody>
</table>

Kannada Language Examination

Translation from English to Kannada and Vice Versa (Simple passages)

Kannada Language (Viva voce) Examination

(Each candidate being examined separately)

Marks — 50

The Viva voce Test is designed to find out whether the candidates have acquired knowledge of the Kannada Language necessary for general and Social inter-course with the public of the State especially the village people. It is not designed to find out whether the candidates have become scholars in the language, what is expected of them is that they should be able to read and write simple Kannada; that they should be able to read and understand petitions presented by the public especially villager; that they should be able to converse clearly and with fluency with the people particularly the rural poor and that they should be able to understand the needs of the common people expressed in the local language. In consideration of these objectives, there is no need to insist on the acquisition of a higher degree of proficiency in the Kannada Language or its literature.

The Commission may also arrange for an informal conversation between a villager and the candidate for a short duration of 20 minutes. During this conversation, the ability of the candidate to understand and put across, idea fluently in Kannada could be judged.
Accounts Higher Examination

2 papers

Paper I : Marks 100                   Duration : 3 Hours

1. The Karnataka Civil Services Rules, Volume I

Paper II : Marks : 100               Duration : 3 Hours

1. The Karnataka Financial Code, 1958
2. The Karnataka Treasury Code, Volume I and II
3. The Manual of Contingent Expenditure
4. The Budget Manual Volume I and II.

Accounts Lower Examination

Marks : 100                           Duration : 2 Hours

1. The Karnataka Civil Services Rules, Volume I
2. The Karnataka Financial Code, 1958
3. The Karnataka Treasury Code, Volume I and II
4. The Manual of Contingent Expenditure

General Law Examination

Paper I

2 Papers

Paper I : Marks 150                   Duration : 3 Hours

1. The Code of Criminal Procedure, 1973
2. The Code of Civil Procedure, 1900
3. The Indian Penal Code, 1860
4. The Indian Evidence Act, 1972
5. The Law Graduates will take only Paper II of Part I

Paper II

Paper II : Marks 100                   Duration : 2 Hours

1. The Karnataka Police Act, 1963
2. The Identification of Prisoners Act, 1952
3. The Motor Vehicles Act, 1959
4. The Indian Arms Act, 1959
5. The Protection of Civil Rights Act, 1955
6. The Prevention of Corruption Act, 1947
7. The Karnataka Civil Services (Conduct) Rules, 1966
8. The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957

PART II
Marks: 100 Duration: 2 Hours

The Constitution of India — Part III, Part IV (The State Chapters I, II, III (Except Articles 195 to 212): Chapters IV, V and VI, Part XI, Chapter III of Part XII and XV

Municipal And Local Boards Examination

Paper I
Marks: 150 Duration: 3 Hours
1. The Karnataka Municipalities Act, 1964
2. The Karnataka Village Panchayats and Local Boards Act, 1959

PART II
Marks: 100 Duration: 3 Hours
1. The Karnataka Panchayats Budget and Accounts Rules, 1960
2. The Karnataka Taluk Board Budget and Accounts Rules, 1960
3. The Karnataka Panchayats Taxes and Fees Rules, 1960
4. The Karnataka Panchayats and Taluk Boards Election Rules, 1959
5. The Karnataka (Accounts) Rules, 1965
6. The Karnataka Municipalities (Irrecoverable Sums — Procedure for write off) Rules, 1965
7. The Karnataka Municipalities (Taxation) Rules, 1965
8. The Karnataka Municipalities (Power of Expenditure) Rules, 1966

A KLJ PUBLICATION
10. The Karnataka Municipalities (Submission of Returns, Statements and Reports) Rules, 1966


12. The Karnataka Municipalities (Conditions for following) Rules, 1966


**REVENUE (HIGHER) EXAMINATION, PART I**

**Paper I**

Marks: 200 \hfill Duration: 3 Hours

(i) The Karnataka Land Revenue Act, 1964 and Mysore Land Revenue Rules, 1966

(ii) Karnataka Land Grant Rules, 1969

**REVENUE (HIGHER) EXAMINATION, PART II**

Marks: 200 \hfill Duration: 3 Hours

Minor Acts and Rules.—

(i) Indian Registration Act I of 1908

(ii) Indian Stamp Act II of 1899

(iii) The Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957)

(iv) The Land Acquisition (Karnataka Extension and Amendment) Act, 1961

(v) The Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and the Karnataka Land Reforms Rules, 1965

(vi) The Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957

(vii) The Karnataka Land Improvement Loans Act, 1963 and the Karnataka Land Improvement Loan Rules, 1966

(viii) The Karnataka Village Offices Abolition Act, 1961 and Rules thereunder
(ix) The Karnataka Agriculturists Loans Act, 1963 and the Karnataka Agriculturists Loans Rules, 1966


**REVENUE HIGHER EXAMINATION PART II**

**Paper I**

Marks : 100  
Duration : 2 Hours

Miscellaneous Act and Survey Manual —

(i) The Karnataka Agricultural Income Tax Act, 1957 (Karnataka Act 22 of 1957)

(ii) The Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959)

(iii) The Karnataka Village Panchayat and Local Boards Act, 1959 (Karnataka Act 10 of 1959)


<table>
<thead>
<tr>
<th>Mysore</th>
<th>Hyderabad</th>
<th>Bombay</th>
<th>Madras</th>
<th>Coorg</th>
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<tbody>
<tr>
<td>The Mysore</td>
<td>The Principles of</td>
<td>The Survey Settlement and</td>
<td>Chain survey</td>
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### REVENUE HIGHER PART II
(Religious and Charitable Endowments)

**PART II**

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<th>Duration: 2 Hours</th>
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<tr>
<td>Mysore</td>
<td>Hyderabad</td>
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<td>Bombay</td>
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</table>

- **The Wakf Act, 1954**
  - (Central Act 29 of 1954)
- **Common to all Regions**
- **Muzrai Manual and the Mysore Religious and Charitable Institutions Act, 1927**
  - (Mysore Act No. VII of 1927)

### Madras
- (a) **The Madras Hindu Religious and Charitable Endowment Act, 1951**
  - (Madras Act XIX of 1951)
- (b) **The Madras Endowments and Escheats Regulations, 1817**
  - (Madras Regulations VII of 1817)

### Coorg
- **The Coorg Temple Funds Management Act, 1966**
  - (Coorg Act No. VIII of 1956)

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### Public Works Department (Higher) Examination PART I

**Part I**

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**Paper I**

- Precis and Draft (Consisting of a series of correspondence for epitomising and drafting letter to higher authorities etc.)
  - Precis and draft
  - Letter writing
  - Correction of sentences and use of idioms etc.
  - English essay

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**Public Works Department (Higher) Examination PART I**

**PART II**

<table>
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<th>Marks: 100</th>
<th>Time: 2 Hours</th>
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Office Procedure covering all chapters (as per Manual of Office Procedure)

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A KLI PUBLICATION
AND


(1) Land Acquisition Act

Public Works Departmental (higher) Examination PART II

Paper I
Marks: 100
Time: 3 Hours

Public Works Accounts Code, Practical Test consisting of Cash Book, Preparation of bills of contractors or firms etc., work abstracts, contractors ledger etc., transfer entries etc. (Karnataka Public Works Accounts Code Volume No. I and II).

Public Works Departmental (Higher) Examination PART II

PART II
Marks: 100
Time: 2 Hours

Public Works Départemental Code including Stores Portion etc. consisting of rules for registration of contractors, rules for occupation of bungalows etc., recovery hire charges of tools and plant etc., Powers and function of departmental Officer, rules relating to stock accounts, receipts issued etc. duties of Store Keepers etc. (Karnataka Public Works Departmental Code and Stores) Manual including Stores Portions — Karnataka Public Works Departmental Accounts Code, common rules issued by Government from time to time.

SUBORDINATE ACCOUNTS SERVICE EXAMINATION

Part I

Paper I
Marks: 100
Precis Writing and Drafting
Time: 3 Hours

SUBORDINATE ACCOUNTS SERVICE EXAMINATION

Paper II
Marks 100
Time: 3 Hours

Theory without Text Books (with not more than 7 questions)
The Karnataka Municipalities Act, 1964 and the following Rules framed thereunder and compiled in the Karnataka Municipal Manual (Volume I), 1966.

Chapter

VI The Karnataka Municipalities (limitation of Powers of Standing Committee) Rules, 1966;

X The Karnataka Municipalities (Submission of Returns, Statement and Reports) Rules, 1966;

XI The Karnataka Municipalities (Delegation of Powers of Government Rules, 1965)

XII The Karnataka Municipalities (Accounts) Rules, 1965;

XIII The Karnataka Municipalities (Limitation of the Powers of Contract Rules, 1966)

XIV The Karnataka Municipalities (Regulation of Duty on Transfers of Immovable Property) Rules, 1966;

XV The Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966;

XVI The Karnataka Municipalities (Irrecoverable sums) (Procedure for Write off) Rules, 1965;

XVII The Karnataka Municipalities (Furnishing of Securities) Rules, 1965;

XVIII The Karnataka Municipalities (Taxation) Rules, 1965;

XIX The Karnataka Municipalities (Powers of Expenditure) Rules, 1965;

XX The Karnataka Municipalities (Levy and Collection of Fees in respect of Jatra, Urs) Rules, 1966;

XXI The Karnataka Municipalities (Condition for Borrowing) Rules, 1965;

XXII The Karnataka Municipalities (Powers and duties of Auditors) Rules, 1965;

XXIII The Karnataka Municipalities (Payment of Audit Charges) Rules, 1965;

XXIV The Karnataka Municipalities (Appearance before Government Auditors and Inspection of Books and Vouchers by Rate Payers) Rules, 1966;
XXV The Karnataka Municipalities (appeal and Revision) Rules, 1966;

XXVI The Karnataka Municipalities (Octroi Model Bye-Laws) Rules, 1966;

XXX The Karnataka Municipalities Water Supply (Model Bye-laws) Rules 1966;

XXXII The Karnataka Municipalities (Levy of fees buses using bus stand) (Model Bye-laws, 1965)

2. The Mysore Village Panchayats and Local Board Act, 1959 and the following rules framed there under.—

I The Karnataka Panchayats budget and accounts Rules, 1960

II The Karnataka Taluk Boards Budget and Accounts Rules, 1960

III The Karnataka Village Panchayats and Local Boards (Delegation Powers of Government) Rules, 1960

IV The Karnataka Panchayat Taxation Rules, 1960

V The Karnataka Taluk Boards (Licences and Fees) Rules, 1960

VI The Karnataka Taluk Boards Loans Rules, 1960

VII The Karnataka Panchayats (Acquisition and Transfer of Moveable and Immoveable Property) Rules, 1960

VIII The Karnataka Panchayats and Taluk Boards Gratuity to Servants Rules, 1960

IX The Karnataka Taluk boards Travelling and Daily Allowance to President and Members of the Taluk Boards rules, 1960

X The Karnataka Taluk Boards (Acquisition and Transfer of Moveable and Immoveable Property) Rules, 1963

XI The Karnataka Panchayats Secretaries Powers and Duties Rules, 1961

XII The Karnataka Panchayats Irrecoverable Amounts Write Off Rules, 1963

XIII The Karnataka Taluk Board (Payment of Charges) Rules, 1963
3. The City of Bangalore Municipal Corporation Act, 1945
5. The City of Bangalore Improvement Act, 1945
6. The Karnataka Housing Board Act, 1963
7. The Mysore University Act, 1956
8. Triple Benefit Scheme, Rules under the State Aided School Employees Contributory Provident Fund, Insurance Pension Scheme.

Subordinate Accounts Service Examination PART I

Marks 100
Time : 2 Hours

Paper III

Practical with Text-Books (with not more than 5 questions)

1. The Karnataka Municipalities Act, 1964 and the following rules framed thereunder and compiled in the Karnataka Municipal Manual Volume I), 1966. —

Chapter:

VI The Karnataka Municipalities (Limitation of Powers of Standing Committee) Rules, 1966
X The Karnataka Municipalities (Submission of Returns, Statements and Reports) Rules, 1966
XI The Karnataka Municipalities (Delegation of Powers of Government Rules, 1965
XII The Karnataka Municipalities (Accounts) Rules, 1965
XIII The Karnataka Municipalities (Limitation on the powers of Contract) Rules, 1966
XIV The Karnataka Municipalities (Regulation of Duty on Transfers of Immovable Property) Rules, 1966
XV The Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works). Rules, 1966
XVI The Karnataka Municipalities (Irrecoverable Sums) (Procedure for write off) Rules, 1966
XVII The Karnataka Municipalities (Furnishing of Securities) Rules, 1966
XVIII The Karnataka Municipalities (Taxation) Rules, 1965
XIX The Karnataka Municipalities (Powers of Expenditure) Rules, 1965

XX The Karnataka Municipalities (Levy and Collection of Fees in respect of Jatra, Urs) Rules, 1966

XXI The Karnataka Municipalities (Conditions of Borrowing) Rules, 1966

XXII The Karnataka Municipalities (Powers and Duties of Auditors) Rules, 1966

XXIII The Karnataka Municipalities (Payment of Audit Charges) Rules, 1965

XXIV The Karnataka Municipalities (Appearance before Government Auditor and Inspection of Books and Vouchers by Rate payers) Rules, 1966

XXV The Karnataka Municipalities (Appeal and Revision) Rules, 1966

XXVI The Karnataka Municipalities (Octroi Model Bye-laws) Rules, 1965

XXX The Karnataka Municipalities Water Supply (Model Bye-Laws) Rules, 1966

XXXI The Karnataka Municipalities Levy of fees on Buses using Bus stand) Model Bye-laws, 1965

2. The Karnataka Village Panchayats and Local Boards Act, 1959, and the following rules framed there under. —

I The Karnataka Panchayats Budgets and Accounts Rules, 1960

II The Karnataka Taluk Boards Budget and Accounts Rules, 1960

III The Karnataka Village Panchayats and Local Boards (Delegation of Power of Government) Rules, 1960

IV The Karnataka Panchayats Taxation Rules, 1960

V The Karnataka Taluk Boards (Licences and Fees) Rules, 1960

VI The Karnataka Taluk Boards Loans Rules, 1960

VII The Karnataka Panchayats (Acquisition and Transfer of Moveable and Immoveable property) Rules, 1960
VIII The Karnataka Panchayats and Taluk Boards Gratuity to servants Rules, 1960

IX The Karnataka Taluk Boards Traveling and Daily Allowance to Presidents and Members of the Taluk Board Rules, 1960.

X The Karnataka Taluk Boards (Acquisition and Transfer of Moveable and Immoveable Property) Rules, 1963.


XII The Karnataka Panchayats Irrecoverable amounts write-off Rules, 1963.

XIII The Karnataka Taluk Board (Payment of Audit charges) Rules, 1963.

3. The City of Bangalore Municipal Corporation Act, 1949
4. Grants in aid Code for Secondary Schools in Karnataka State
5. The City of Bangalore Improvement Act, 1945
6. The Karnataka Housing Board Act, 1963
7. The Mysore University Act, 1956
8. Triple Benefit Scheme, Rules under the State Aided School Employee’s Contributory Provident Fund-Insurance Pension Scheme.

Examination PART II

Marks 50
Time : 2 Hours

Theory without Text Books (with not more than 5 questions)

1. The Karnataka Financial Code, 1958
2. Budget Manual
3. The Karnataka Treasury Code, Volumes I and II

Subordinate Accounts Service Examination PART II

Marks 50
Time : 2 Hours

Practical with Text Books (with not more than 5 questions)

1. The Karnataka Financial Code, 1958

A KIJ PUBLICATION
2. Budget Manual
3. The Karnataka Treasury Code, Volume I and II

**Subordinate Accounts Service Examination PART II**

<table>
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<tr>
<th>Paper III</th>
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<td>Practical with Text Books</td>
<td>Time: 3 Hours</td>
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</table>

1. The Karnataka Public Works Accounts Code, Volume I and II
2. The Karnataka Public Works Departmental Code, Volume I and II
3. Stores Manual (Public Works Department)

**Subordinate Accounts Service Examination PART III**

<table>
<thead>
<tr>
<th>Paper I</th>
<th>Marks 100</th>
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<td>Practical with Text Books</td>
<td>Time: 3 Hours</td>
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</table>

Commercial Book Keeping including.—

(a) Company Accounts
(b) Stores Accounts
(c) Partnership Accounts
(d) Elements of Cost Accounts

**Book for Study** Batliboi's "Advanced Accounts"

**Note.—** (i) Government Servants who are Commerce Graduates University with "Advanced Accountancy" as one of the optional subjects, for the Degree Course, are exempted from answering Paper I of Part III of S.A.S. Examination.

**Note.—** (ii) Officials who are required to pass the Subordinate Accounts Service Examinations as specified in Schedule II and who have put in a service of not less than Three years as First Division Clerks and Six years as Second Division Clerks from the date of their appointment and passed the Accounts Higher Examination or its equivalent examination, are eligible to sit for the said examination.

**Subordinate Accounts Service Examination PART III**

<table>
<thead>
<tr>
<th>Paper II</th>
<th>Marks 50</th>
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<td>Time: 2 Hours</td>
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</table>

Theory without Text Books (with not more than 5 questions)

1. Government of India Accounts Code (Volume I and II)
2. Introduction to Government of India Audit and Accounts
3. The Constitution of India.—

Part V Chapter V

Part VI Chapter III Articles 202 to 207

Part XII Chapter I and II

Part VIX Chapter I

First Schedule and Seventh Schedule

Subordinate Accounts Service Examination PART III

Time: 2 Hours
Marks 50

Paper IV

Theory without Text Books (with not more than 5 questions)

1. The Karnataka Civil Service Rules, Volume I and II

2. The Karnataka Government Servants (Family Pension) Rules, 1964

Subordinate Accounts Service Examination PART III

Paper V Marks 100

Time: 3 Hours

Practical with Text Books (with not more than 7 questions)

1. The Karnataka Civil Service Rules, Volume I and II

THE
BANGALORE
DEVELOPMENT AUTHORITY (CADRE AND RECRUITMENT AND
CONDITIONS OF SERVICE) (AMENDMENT) REGULATIONS, 1997

GSR 2.—In exercise of the powers conferred by sub-section (1) of Section 70 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) of the State Government hereby makes the following regulations to amend the Bangalore Development Authority Cadre and Recruitment and Conditions of Service (Regulations 1995, namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) (Amendment) Regulations, 1997.

(2) They shall come into force at once.

2. Amendment of Schedule I.—

(i) In Serial No. 19 relating to entry Technical Assistant Executive Engineer (Civil, Mechanical, Electrical), E.D. Cell Officer, (Rs. 2375-75-2900-100-3700-125-4450) under the heading “Mode of Recruitment”, for the existing entries, the following entry shall be substituted.

"75% by Deputation from Public Works Department and 25% by promotion from the cadre of A.E.S. and A.E.S. in 4 : 1 proportion who have put in not less than 05 years of service in the respective cadres;

(ii) In Serial No. 58, relating to the entry “Daffedars/Dafterband”, under the heading “mode of recruitment for the existing entries, the following entry shall be substituted.—

“By promotion from the cadre of peons who have put in 10 years of service”.

1. Published in the Karnataka Gazette, dated 5-2-1998, vide Notification No. UDD 406 MNJ 96, dated 10-9-1997
THE 
BANGALORE 
DEVELOPMENT AUTHORITY 
(CADRE AND RECRUITMENT AND CONDITIONS OF SERVICE) 
(AMENDMENT) REGULATIONS, 2004

In exercise of the powers conferred by Section 70 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) and with the previous approval of the Government of Karnataka, the Bangalore Development Authority hereby makes the following regulations to amend the Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) Regulations, 1995, namely.—

1. Title and commencement.—(1) These regulations may be called the Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) (Amendment) Regulations, 2004.

(2) They shall come into force at once.

2. Amendment Regulation 3.—In Regulation 3 of the Bangalore Development Authority (Cadre and Recruitment and Conditions of Service) Regulations, 1995 (hereinafter referred to as the ‘said regulations’), in the Note,—

(i) in clause (a), for the words and figures "Rs. 2375 and above", the words and figures "Rs. 7400 and above" shall be substituted;

(ii) in clause (b), for the words and figures "Rs. 2050 and above", the words and figures "Rs. 5575 and above, but below Rs. 7400" shall be substituted;

(iii) in clause (c), for the words and figures "Rs. 1040 and above", the words and figures "above Rs. 2500 but below Rs. 5575" shall be substituted;

(iv) in clause (d), for the words and figures "Rs. 840 and above", the words and figures "Rs. 2500 and below" shall be substituted.

3. Substitution of Schedules I and II.—For Schedules I and II of the said regulations, the following schedules shall respectively be substituted, namely.—

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Published in the Karnataka Gazette, dated 12-3-2009, vide Notification No. BDA/Commr/Est/512/2004, dated 16-7-2004

A KLJ PUBLICATION
"SCHEDULE I

[See Regulation 5]

Statement showing the designation, pay scale and number of posts (permanent and temporary), method of recruitment and qualifications in respect of the posts borne in the Establishment of Authority.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation of post and scale of pay</th>
<th>No. of posts</th>
<th>Method of recruitment</th>
<th>Qualifications</th>
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<td><strong>Temporary</strong></td>
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<td>Commissioner</td>
<td>1</td>
<td>To be appointed by the State Government under Section 12</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Engineer Member (12800-320-13440-380-14960-440-16720)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (c) of sub-section (3) of Section 3</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Finance Member (10620-260-10880-320-13440-380-14960)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (b) of sub-section (3) of Section 3.</td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>Town Planning Member (10620-260-10880-320-13440-380-14960)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (d) of sub-section (3) of Section 3.</td>
<td></td>
</tr>
<tr>
<td>(5)</td>
<td>Law Officer (12800-320-13440-380-14960-440-16720)</td>
<td>1</td>
<td>To be appointed by the State Government as per clause (d) of sub-section (3) of Section 3.</td>
<td>(i) By deputation of an officer not below the rank of a District Judge from the Karnataka Judicial Service or by deputation of an officer not below the rank of an Additional Secretary to Government in the Department of Law or Parliamentary Affairs and Legislation of the Government Secretariat; or</td>
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<td></td>
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<td>(ii) By appointment on contract basis a retired officer not below the rank of an Additional Secretary to Government in the Department of Law or Parliamentary Affairs and Legislation of the Government Secretariat or a retired District Judge of the Karnataka Judicial Service.</td>
</tr>
<tr>
<td>6.</td>
<td>Secretary, Deputy Commissioner (10620-260-10880-320-13440-380-14960)</td>
<td>2 By deputation of an officer not below the rank of a Senior Scale Officer of the Karnataka Administrative Service.</td>
</tr>
<tr>
<td>7.</td>
<td>Engineer Officer (10620-260-10880-320-13440-380-14960)</td>
<td>2 By deputation of a Superintending Engineer of the Public Works Department of the State Government.</td>
</tr>
<tr>
<td>8.</td>
<td>Additional Law Officer (10620-260-10880-320-13440-380-14960)</td>
<td>1 By deputation of an officer not below the rank of a Civil Judge (Senior Division) of the Karnataka Judicial Service or a Public Prosecutor of the Department of Prosecution and Government Litigation of the State Government; or by appointment on contract basis a retired officer not below the rank of a Civil Judge (Senior Division) of the Karnataka Judicial Service or a retired Public Prosecutor of the Department of Prosecution and Government Litigation of the State Government.</td>
</tr>
<tr>
<td>No.</td>
<td>Officer/Position</td>
<td>Posts</td>
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<td>9.</td>
<td>Superintendent of Police (Chief Security Officer)</td>
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<td></td>
<td>(9580-260-10880-320-13440-380-14200)</td>
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<tr>
<td>10.</td>
<td>Executive Engineer (Civil and Electrical)</td>
<td>6</td>
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<tr>
<td></td>
<td>(9580-260-10880-320-13440-380-14200)</td>
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<tr>
<td>11.</td>
<td>Deputy Director of Town Planning</td>
<td>2</td>
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<td></td>
<td>(9580-260-10880-320-13440-380-14200)</td>
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<td>12.</td>
<td>Chief Accounts Officer (9580-260-10880-320-13440-380-14200)</td>
<td>1</td>
</tr>
<tr>
<td>13.</td>
<td>Deputy Secretary (8000-200-8800-260-10880-320-13440)</td>
<td>4</td>
</tr>
<tr>
<td>14.</td>
<td>Assistant Commissioner (Enforcement)/PS to Chairman/Land Acquisition Officer/Assistant Commissioner (R and R) (8000-200-8800-260-10880-320-13440)</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Position Description</td>
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<tr>
<td>15</td>
<td>Public Relations Officer (7400-200-8800-260-10880-320-13120)</td>
<td>1</td>
</tr>
<tr>
<td>16</td>
<td>Deputy Superintendent of Police (7400-200-8800-260-10880-320-13120)</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>Accounts Officer/Internal Audit Officer (7400-200-8800-260-10880-320-13120)</td>
<td>2</td>
</tr>
<tr>
<td>18</td>
<td>Senior Assistant Director of Horticulture (7400-200-8800-260-10880-320-13120)</td>
<td>1</td>
</tr>
<tr>
<td>19</td>
<td>Technical Assistant, Assistant Executive Engineer/Estate Officer (Civil and Mechanical), EDP Cell Officer (7400-200-8800-260-10880-320-13120)</td>
<td>27</td>
</tr>
</tbody>
</table>
| 20. | **Assistant Executive Engineer (Electrical)**  
|     | (7400-200-8800-260-10880-320-13120) | 2 | One post by deputation from KPTCL/KPC and one post by promotion of Assistant Engineer (Electrical):  
|     | Provided that if an Assistant Engineer (Electrical) is not available for promotion then by promotion of Junior Engineer (Electrical). | | For Promotion: (i) Must have put in not less than five years of service as Assistant Engineers or Junior Engineers (Electrical):  
|     | Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered.  
|     | (ii) Must have passed the prescribed service examinations. | |  
| 21. | **Circle Inspector of Police**  
|     | (6000-150-7200-200-8800-260-10880-320-11200) | 1 | By deputation of a Circle Inspector of Police Department of the State Government. | | For Promotion: (i) Must have put in not less than five years of service as Superintendent:  
|     | Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered.  
|     | (ii) Must have passed the prescribed service examinations. | |  
| 22. | **Office Assistant/Tahsildar/Revenue Officer**  
|     | (6000-150-7200-200-8800-260-10880-320-11200) | 7 | Three posts by deputation of Tahsildars from Revenue Department of the State Government and four posts by promotion of Superintendents. | | For Promotion: (i) Must have put in not less than five years of service as Superintendent:  
<p>|     | Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. | |</p>
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<tr>
<td>23.</td>
<td><strong>Assistant Director of Town Planning</strong> <em>(7400-200-8800-260-10880-320-13120)</em></td>
<td></td>
<td>(ii) Must have passed the prescribed service examinations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Two posts by deputation of Assistant Directors of Town Planning of the State Government and one post by promotion of Junior Town Planners: Provided that if a suitable Junior Town Planner is not available for promotion then by promotion from the cadre of Head draftsman.</td>
<td>For Promotion: (i) Must have put in not less than five years of service as Junior Town Planner: Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. (ii) Must have passed the prescribed service examinations.</td>
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<td>24.</td>
<td><strong>Audit Officer</strong> <em>(6000-150-7200-200-8800-260-10880-320-11200)</em></td>
<td>1</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td>Fifty per cent by deputation of officers from the State Accounts Department of the State Government and fifty per cent by promotion from the cadre of Accounts Superintendents: Provided that if no suitable candidate is available for promotion then by deputation.</td>
<td>For promotion: (i) Must have put in not less than five years of service as Accounts Superintendents: Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered. (ii) Must have passed the prescribed departmental examinations.</td>
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<td>25.</td>
<td><strong>Assistant Engineers (Civil/Electrical/Mechanical)</strong> <em>(6000-150-7200-200-8800-260-10880-320-11200)</em></td>
<td>45</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>(i) Seventy per cent by deputation of Assistant Engineers from Public Works Department of the State Government; (ii) Ten per cent by promotion of Graduate Junior Engineers;</td>
<td>For Direct Recruitment: Must be holder of a degree in Electrical/Electronics/Mechanical/Civil Engineering. For Promotion: (i) Must have put in not less than five years of service as Junior Engineer.</td>
</tr>
<tr>
<td>Junior Town Planners (6000-150-7200-200-8800-260-10880-320-11200)</td>
<td>4</td>
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<td>(iii) Twenty per cent by direct recruitment.</td>
<td>Provided that if an officer who has put in not less than five years of service is not available an officer who has put in not less than three years of service may be considered.</td>
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<td>(ii) Must be holder of a degree in Civil/Electrical/Electronics/Mechanical Engineering.</td>
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<tr>
<td>(iii) Must have passed the prescribed service examinations.</td>
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<tr>
<td>26</td>
<td>Fifty per cent by deputation from Town Planning Department and twenty-five per cent by promotion from the cadre of Head Draughtsman and Town Planning Supervisor in the ratio of 1:1:</td>
<td>For promotion: (i) Must have put in not less than five years service in the cadre of Head Draughtsman/Town-Planning Supervisor.</td>
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<tr>
<td></td>
<td>Provided that if no Town Planning Supervisors is available then by promotion from the cadre of Head Draughtsman.</td>
<td>(ii) Must have passed the prescribed Service examination.</td>
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<tr>
<td></td>
<td>Twenty-five per cent by direct recruitment.</td>
<td>(iii) Must be holder of a Diploma in Civil Engineering or Town Planning or Urban and Regional Planning.</td>
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<td></td>
<td>For Direct Recruitment: (i) Must possess a degree in Civil Engineering from a recognised University or a certificate from the Institute of Engineers, that he has passed parts (A) and (B) of the Associate Membership Examination of the Institute.</td>
<td></td>
</tr>
</tbody>
</table>
| 27. | EDP Cell Programmer  
(6000-150-7200-200-8800-260-10880-320-11200) | 2 | Fifty per cent by direct recruitment and fifty per cent by promotion of a Console operator or by deputation of an officer in the grade of Programmer or equivalent grade from the Department of E-Governance/any other public body/Authority/Public Sector Undertaking having required qualification. | For Direct Recruitment: (i) Must be holder of a Bachelors degree in Engineering in Computer Science or equivalent or Higher Degree in Computer Science recognised by Government of Karnataka. If candidates having the above qualification are not available in any group, then candidates having second class degree in physics, Mathematics, statistics and Commerce will be considered.  
(ii) Must have passed written aptitude test in B grade for Programmers conducted by the Authority in consultation with the Department of E-Governance.  
(iii) Must have not less than one year experience in the job of programming in a reputed and well-established computer firm or computer installation as certified by the Director Information Technology. |
<table>
<thead>
<tr>
<th>No.</th>
<th>Position</th>
<th>Qualification</th>
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<tbody>
<tr>
<td>28.</td>
<td>Sub-Inspector of Police</td>
<td>By deputation of Sub-Inspector of Police from the Police Department of State Government.</td>
</tr>
</tbody>
</table>

(ii) Must have passed written aptitude test in B grade for Programmers conducted by the Authority in consultation with the Director, Information Technology.

(iii) Must have not less than one year experience in the job of programming in a reputed and well-established computer firm as certified by the Director of Information Technology.

Note: Aptitude test shall consists of three parts namely:

(a) Alphabetical comprehension to study the pattern of alphabets given and extrapolate from the pattern.

(b) Picture comprehension to study the pattern of variation in a given set of figures and extrapolate from the pattern.

(c) Arithmetic.

(iv) Must have passed the prescribed service examination.
| 29. | Superintendents  
(5200-125-5700-150-7200-200-8800-260-9580) | 26 | 4 | By promotion of First Division Assistants and Stenographers in the ratio of 4:1 | **For promotion:** (i) Must have put in five years of service as First Division Assistants or as Stenographer.  
(ii) Must have passed the prescribed service examinations.  
(iii) Stenographer should have worked for one year as First Division Assistant in addition to five years as Stenographers to be considered for promotion. |
| 30. | Sheristedars  
(5200-125-5700-150-7200-200-8800-260-9580) | 4 | 1 | By deputation of Sheristedars from Revenue Department of State Government. |  
| 31. | Accounts Superintendents  
(5200-125-5700-150-7200-200-8800-260-9580) | 15 | | Fifty per cent by deputation from the State Accounts Department and fifty per cent by promotion from the cadre of First Division Assistant and Stenographers who have passed SAS examination in the ratio of 10:1:  
Provided that if no suitable candidate is available for promotion then by deputation. | **For Promotion:** A First Division Assistant must have put in five years of service as First Division Assistant out of which the official must have worked as First Division Accounts Assistant for one year and must have passed the prescribed departmental examinations.  
A Stenographer must have put in not less than five years of service and in addition should have worked for not less than one year as First Division Accounts Assistant and must have passed the prescribed departmental examinations. |
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<tbody>
<tr>
<td><strong>32.</strong></td>
<td>Head Draughtsman (5200-125-5700-150-7200-200-8800-260-9580)</td>
<td>2</td>
<td>2</td>
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<td><strong>For Promotion:</strong></td>
<td>(i) Must have put in five years of service as Draughtsman (Town Planning).</td>
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<td></td>
<td>(ii) Must have passed the prescribed service examinations.</td>
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<td></td>
<td>(iii) Must be a holder of a certificate in Draughtsman.</td>
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<td><strong>33.</strong></td>
<td>Estate Manager (5200-125-5700-150-7200-200-8800-260-9580)</td>
<td>1</td>
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<td></td>
<td>By posting of a Superintendent</td>
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<td><strong>34.</strong></td>
<td>Town Planning Supervisor (4575-125-5700-150-7200-200-8800-260-9580)</td>
<td>4</td>
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<tr>
<td></td>
<td>Fifty per cent by deputation from Town Planning Department. Fifty per cent by direct recruitment.</td>
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<tr>
<td><strong>For direct recruitment:</strong></td>
<td>Must possess a Diploma in Civil Engineering from a recognised Polytechnic.</td>
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<tr>
<td><strong>35.</strong></td>
<td>Junior Engineers (4575-125-5700-150-7200-200-8400)</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seventy-five per cent by deputation from Public Works Department. Twenty-five per cent by direct recruitment.</td>
<td></td>
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<tr>
<td><strong>For direct recruitment:</strong></td>
<td>Must be holder of a Diploma in Civil/Mechanical/Electrical Engineering from Polytechnic in Karnataka recognised by the State Government.</td>
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<tr>
<td><strong>36.</strong></td>
<td>Draughtsman (Town Planning) (4575-125-5700-150-7200-200-8400)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seventy-five per cent by direct recruitment and twenty-five per cent by promotion of Tracer. If no suitable person is available for promotion then by direct recruitment.</td>
<td></td>
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</tr>
<tr>
<td><strong>For direct recruitment:</strong></td>
<td>Must be holder of a Diploma in Civil/Mechanical/Electrical Engineering from a recognised Polytechnic.</td>
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<tr>
<td></td>
<td><strong>For Promotion:</strong></td>
<td>Should have put in five years of service in the cadre of Tracer.</td>
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<tr>
<td>No.</td>
<td>Post</td>
<td>Qualification for Promotion</td>
<td>Direct Recruitment</td>
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<td>37.</td>
<td>Console Operator (5575-125-5700-150-7200-200-8800-260-10620)</td>
<td>Fifty per cent by promotion of Data Entry Operators Fifty per cent by Direct Recruitment or By deputation of officers in the grade of Console Operator or at equivalent grade from E-Governance Department or from any other public body/authority/public sector undertaking who possess requisite qualification.</td>
<td>(i) Must be holder of a Degree or possess equivalent qualification. (ii) Must have passed written aptitude test in A grade for Console Operators to be conducted by the Authority in consultation with the Director of Information Technology. (iii) Must have worked for not less than two years on the Computer Console in any Computer installation. Aptitude Test this has two parts viz., Picture Comprehension and Arithmetic. These tests are similar to those prescribed for the posts of Junior Programmers/Senior Console Operators, but are simpler and the tests are held to test visual observation capabilities more than the capacity of imagination.</td>
</tr>
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</table>

**For Promotion:** (i) Must have passed the written aptitude test in B grade for Console Operators to be conducted by the Authority in consultation with the Director of Information Technology. (ii) Must have worked as Data Entry Operator for not less than five years.
| 38. Data Entry Operator (3850-100-4450-125-5700-150-7050) | 4 | Fifty per cent by direct recruitment, and Fifty per cent by posting a First Division Assistant, Senior Typist or Stenographer. If no suitable First Division Assistant or Stenographer or Senior Typist is available for posting then by promotion of a typist or driver or a Second Division Assistant OR By deputation of Data Entry Operator/ Punch Operator or of equivalent grade from E-Governance Department or any other public body/authority/ public sector undertaking who possess requisite qualification. | For direct recruitment: (i) Must have passed the SSLC Examination or possess equivalent examination. (ii) Must have passed the written aptitude test in key punch Verifier/ Operators in B Grade to be conducted by the Authority in consultation with the Director, Information Technology. Preference will be given to candidates who have studied successfully Computer programming for at least a year in a Computer installation or to the candidates who have worked for not less than three years in the Computer unit of the Government of Karnataka. For posting a First Division Assistant or Stenographer or Senior Typist and for promotion of a Typist or Second Division Assistant or Driver. (i) Must have passed the prescribed service examinations; |
(ii) Must have passed the written aptitude test for key punch Verifier/Operators in B Grade to be conducted by the Authority in consultation with the Director, Information Technology.

Preference will be given to candidates who have studied successfully Computer programming for at least a year in a Computer installation or to the candidates who have worked for not less than three years in the Computer unit of the Government of Karnataka.

(iii) Must have passed the SSLC Examination or possess equivalent examination.

<p>| 39. | First Division Assistants (First Division Court Clerks Revenue Inspectors) (3850-100-4450-125-5700-150-7050) | 105 | 85 posts by promotion of Second Division Assistants. 20 posts by direct recruitment. | For direct recruitment: Must be a Graduate. For Promotion: (i) Must have put in five years of service as Second Division Assistants: Provided that a Stenographer shall be posted as First Division Assistant for a period of not less than one year on the basis of seniority. (ii) Must have passed the prescribed service examinations. |</p>
<table>
<thead>
<tr>
<th></th>
<th>First Division Accounts Assistants/First Division Store Keepers (3850-100-4450-125-5700-150-7050)</th>
<th>26</th>
<th>By posting a First Division Assistants/Stenographer those who have passed Public Works Department examination. If no suitable candidates are available then by deputation from the State Accounts Department who have passed Public Works Department examination.</th>
<th>Must have passed the prescribed service examinations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>Stenographers (3850-100-4450-125-5700-150-7050)</td>
<td>23</td>
<td>2</td>
<td>Fifty per cent by direct recruitment. Fifty per cent by transfer of Senior Typist. If no suitable Senior Typist is available for transfer then by promotion of a typist. If no suitable candidate is available for promotion then by direct recruitment.</td>
</tr>
<tr>
<td>42</td>
<td>First Division Surveyors (3850-100-4450-125-5700-150-7050)</td>
<td>10</td>
<td>By deputation of First Division Surveyors from the Department of Survey Settlement and Land Records of the State Government.</td>
<td></td>
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<tr>
<td>43</td>
<td>Horticulture Assistant (3300-75-3450-100-4450-125-5700-150-6300)</td>
<td>10</td>
<td>By promotion of Garden Supervisors</td>
<td>(i) Must have put in five years of service as Garden Supervisors. (ii) Must be holder of a Horticultural Training Certificate. (iii) Must have passed the prescribed service examinations.</td>
</tr>
<tr>
<td>No.</td>
<td>Post Description</td>
<td>No. of Vacancies</td>
<td>Method of Recruitment</td>
<td>Qualification/Conditions</td>
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<tr>
<td>45.</td>
<td>Head Constables (3300-75-3450-100-4450-125-5700-150-6300)</td>
<td>2</td>
<td>By deputation of Head Constables of the Police Department of the State Government.</td>
<td>For promotion: Must have put in five years of service in the cadre of typist.</td>
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<td>46.</td>
<td>Senior Typist (3850-100-4450-125-5700-150-7050)</td>
<td>10</td>
<td>By promotion of Typists</td>
<td>Must possess a certificate course in the trade of tracer from Industrial Training Institute recognised by the Government of Karnataka.</td>
</tr>
<tr>
<td>47.</td>
<td>Tracers (3300-75-3450-100-4450-125-5700-150-6300)</td>
<td>2</td>
<td>By direct recruitment</td>
<td></td>
</tr>
<tr>
<td>48.</td>
<td>Police Constables (3000-75-3450-100-4450-125-5450)</td>
<td>30</td>
<td>By deputation of Constables of the Police Department of the State Government.</td>
<td></td>
</tr>
<tr>
<td>49.</td>
<td>Second Division Assistants (3000-75-3450-100-4450-125-5450)</td>
<td>125</td>
<td>Seventy-five per cent by direct recruitment Twenty-five per cent by promotion from the cadre of Group ‘D’ employees on the basis of combined seniority, seniority being determined on the basis of length of service in a category of post having identical scale of pay and treating a person holding a post carrying higher scale of pay as senior to a person holding a post carrying lower scale of pay.</td>
<td>For direct recruitment: (i) Must have passed the SSLC Examination or equivalent examination. For promotion: (i) Must have put in five years of service in one or more category of Group ‘D’.</td>
</tr>
<tr>
<td>50.</td>
<td>Typists (5000-75-3450-100-4450-125-5450)</td>
<td>25</td>
<td>By direct recruitment</td>
<td>Must have passed SSLC Examination or equivalent examination with Senior Grade Kannada and English Typewriting Examination</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Grade Description</td>
<td>Strength</td>
<td>Promotion Method</td>
<td>Qualification Requirements</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------</td>
<td>----------</td>
<td>------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>51.</td>
<td>Garden Supervisors (2600-50-2700-75-3450)</td>
<td>15</td>
<td>By promotion of Gardeners</td>
<td>Must have passed SSLC Examination or equivalent examination and must have put in five years of service as gardeners. Must be holder of Horticulture Training Certificate.</td>
</tr>
<tr>
<td>52.</td>
<td>Senior Drivers (3850-100-4450-125-5700-150-7050)</td>
<td>15</td>
<td>By promotion of Drivers</td>
<td></td>
</tr>
<tr>
<td>53.</td>
<td>Blue Printers (3000-75-3450-100-4450-125-5450)</td>
<td>2</td>
<td>Fifty per cent by Direct Recruitment. Fifty per cent by promotion from the cadre of Group 'D' seniority, seniority being determined on the basis of length of service in a category of post having identical scale of pay and treating a person holding a post carrying higher scale of pay as senior to a person holding a post carrying lower scale of pay.</td>
<td>(i) Must have passed SSLC Examination or equivalent examination. (ii) Must be holder of a certificate in Blue Printing granted by ITI recognised by the Government of Karnataka or five years experience in TPM Section (Blue Printing).</td>
</tr>
<tr>
<td>54.</td>
<td>Telephone Operators/ Technicians (3000-75-3450-100-4450-125-5450)</td>
<td>3</td>
<td>By posting of Second Division Assistants</td>
<td></td>
</tr>
<tr>
<td>55.</td>
<td>Work Inspectors (3000-75-3450-100-4450-125-5450)</td>
<td>4</td>
<td>By promotion of Gangman, Lit. Asst. Lit. Mazdoor, Man Mazdoor and Head Cooli.</td>
<td>For promotion: (i) Must have passed SSLC Examination or equivalent examination (ii) Must have put in five years of service in any of the cadres specified in column (4).</td>
</tr>
</tbody>
</table>
| 56. | Junior Work Inspector  
(2600-50-2700-75-3450 - 100-4350) | 4 | By promotion of Gangman, Lit. Asst., Lit. Mazdoor, Man Mazdoor and Head Cooli. | For promotion: (i) Should have passed 7th Standard.  
(ii) Must have put in five years of service in any of the cadres specified in column (4). |
| 57. | Drivers  
(3000-75-3450-100-4450-125-5450) | 65 | Seventy-five per cent by direct recruitment.  
Twenty-five per cent by promotion of Group ‘D’ employees on the basis of combined seniority, seniority being determined on the basis of length of service in a category of post having identical scale of pay and treating a person holding a post carrying higher scale of pay as senior to a person holding a post carrying lower scale of pay. | (i) Must be holder of a licence to drive the light and heavy motor vehicles.  
(ii) Must have passed 8th Standard Examination. |
| 58. | Daffedars/Daffter Band  
(2600-50-2700-73-3450 - 100-4350) | 11 | By promotion from the cadre of Peons | Must have put in five years of service |
| 59. | Process Server  
(2600-50-2700-75-3450 - 100-4350) | 10 | Fifty per cent by Direct Recruitment  
Fifty per cent by promotion from the categories of Lit. Asst., Lit. Mazdoor, Man Mazdoor, Sweeper and Gangman. | For Direct Recruitment: Must have passed 7th Standard Examination.  
For promotion: Must have put in five years of service. |
| 60. | Line Mechanic/Wireman  
(2600-50-2700-75-3450 - 100-4350) | 0 | The posts shall stand abolished on arising of the vacancy due to retirement, promotion resignation or otherwise of the present incumbent. |
<table>
<thead>
<tr>
<th>No.</th>
<th>Post Description</th>
<th>Vacancy</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>61</td>
<td>Pump Driver</td>
<td>0</td>
<td>2</td>
<td></td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>62</td>
<td>Mechanic Fitter, Fitter/Plumber/Carpenter/Helper</td>
<td>0</td>
<td>12</td>
<td></td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>63</td>
<td>Peons</td>
<td>100</td>
<td>35</td>
<td></td>
<td>By direct recruitment or by transfer of Sweeper</td>
</tr>
<tr>
<td></td>
<td>(2500-50-2700-75-3450 - 100-3850)</td>
<td></td>
<td></td>
<td></td>
<td>For direct recruitment: Must have passed 7th Standard Examination.</td>
</tr>
<tr>
<td>64</td>
<td>Cleaners</td>
<td>0</td>
<td>8</td>
<td></td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>65</td>
<td>Gardeners/Gardener for maintenance of Avenue Plantation</td>
<td>70</td>
<td>50</td>
<td></td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td>66</td>
<td>Sweepers</td>
<td>30</td>
<td>30</td>
<td></td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
</tr>
<tr>
<td></td>
<td>Head Cookie/Survey Cookie/Gangman/ Lit. Assistant/Lit. Mazdoor/Man Mazdoor (2500-50-2700-75-3450 - 100-3850)</td>
<td>60</td>
<td>100</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>68.</td>
<td>Mechanic Valve Man (2600-50-2700-75-3450 - 100-4350)</td>
<td>0</td>
<td>4</td>
<td>The posts shall stand abolished on arising of the vacancy due to retirement, promotion, resignation or otherwise of the present incumbent.</td>
<td></td>
</tr>
<tr>
<td>69.</td>
<td>Watchman/Watch and Ward (2500-50-2700-75-3450 - 100-3850)</td>
<td>20</td>
<td>5</td>
<td>By direct recruitment or by transfer of Sweeper For direct recruitment: Must have passed IV Standard Examination.</td>
<td></td>
</tr>
<tr>
<td>70.</td>
<td>Project Director (10620-260-10880-320-3440-380-14960)</td>
<td>0</td>
<td>2</td>
<td>By appointment on contract basis of an expert in the field of Engineering/Town Planning/Project Management not below the rank of Superintendent Engineer of State PWD or by deputation of an officer of equal rank from any Department of the State Government.</td>
<td></td>
</tr>
<tr>
<td>71.</td>
<td>Finance Controller (9580-260-10880-320-13440-380-14200)</td>
<td>0</td>
<td>1</td>
<td>By appointment on contract basis of a professional having qualification of Chartered Accountant/ICWA/ MBA (Finance) or by deputation of an officer having equivalent qualification from the State Government or State owned Corporation not below the rank of Deputy Controller of Account.</td>
<td></td>
</tr>
</tbody>
</table>
## SCHEDULE II

Statement showing the schedule of officers and servants of the Bangalore Development Authority indicating the different categories of posts their strength and scales of pay

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category of Post</th>
<th>No. of Posts</th>
<th>Total</th>
<th>Scale of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Permanent</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Temporary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Commissioner</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Appointed by the Government salary to be determined by the Government, under Section 12(2) of the Act.</td>
</tr>
<tr>
<td>2.</td>
<td>Engineer Member</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>These are the whole time members of the Authority appointed by Government under Section 3 of the Act. Their conditions of service are to be specified by rules made by the Government see Section 5(2) of the Act.</td>
</tr>
<tr>
<td>3.</td>
<td>Finance Member</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Town Planner Member</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>Law Officer</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12800-320-13440-380-14960-440-16720</td>
</tr>
<tr>
<td>6.</td>
<td>(i) Secretary</td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(ii) Deputy Commissioner</td>
<td></td>
<td></td>
<td>10620-260-10880-320-13440-380-14960</td>
</tr>
<tr>
<td></td>
<td>(LA)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Engineer Officer</td>
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<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10620-260-10880-320-13440-380-14960</td>
</tr>
<tr>
<td>8.</td>
<td>Additional Law Officer</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10620-260-10880-320-13440-380-14960</td>
</tr>
<tr>
<td>9.</td>
<td>Project Director</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
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<td></td>
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<td>10620-260-10880-320-13440-380-14960</td>
</tr>
<tr>
<td>10.</td>
<td>Superintendent of Police</td>
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<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Chief Security Officer)</td>
<td></td>
<td></td>
<td>9580-260-10880-320-13440-380-14200</td>
</tr>
<tr>
<td>11.</td>
<td>Executive Engineer</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td>9580-260-10880-320-13440-380-14200</td>
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<tr>
<td>12.</td>
<td>Deputy Director of Town Planning</td>
<td>2</td>
<td></td>
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<td></td>
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<td>9580-260-10880-320-13440-380-14200</td>
</tr>
<tr>
<td>13.</td>
<td>Chief Accounts Officer</td>
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<td></td>
<td>1</td>
</tr>
<tr>
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<td>9580-260-10880-320-13440-380-14200</td>
</tr>
<tr>
<td>14.</td>
<td>Financial Controller</td>
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<td></td>
<td>1</td>
</tr>
<tr>
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<td>9580-260-10880-320-13440-380-14200</td>
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<tr>
<td>15.</td>
<td>Deputy Secretary</td>
<td>4</td>
<td>4</td>
<td>4</td>
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<td>8000-200-8800-260-10880-320-13440</td>
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<tr>
<td></td>
<td>Position Description</td>
<td>Total No.</td>
<td>Class 1</td>
<td>Class 2</td>
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<td>-------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>16.</td>
<td>(i) Assistant Commissioner (Enf.)</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>(ii) Land Acquisition Officers.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) Assistant Commissioner (R and R)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Public Relation Officer</td>
<td>1</td>
<td>—</td>
<td>1</td>
</tr>
<tr>
<td>18.</td>
<td>Deputy Superintendent of Police</td>
<td>1</td>
<td>—</td>
<td>1</td>
</tr>
<tr>
<td>19.</td>
<td>Accounts Officers and Internal Audit Officers</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>20.</td>
<td>Senior Assistant Director of Horticulture</td>
<td>1</td>
<td>—</td>
<td>1</td>
</tr>
<tr>
<td>21.</td>
<td>(i) Technical Assistant</td>
<td>27</td>
<td>—</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>(ii) Assistant Executive Engineer (Civil, Mechanical)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Asst. Executive Engineer (Electrical)</td>
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<td>—</td>
<td>2</td>
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<td>23.</td>
<td>Assistant Director of Town Planning</td>
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<td>—</td>
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</tr>
<tr>
<td>25.</td>
<td>(i) Office Assistant</td>
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<td>—</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>(ii) Tahsildar</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) Revenue Officers</td>
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<td></td>
</tr>
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<td>26.</td>
<td>Audit Officers</td>
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<td>2</td>
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<tr>
<td>No.</td>
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<td>Value</td>
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<td>--------------------------------------</td>
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<td>------</td>
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<tr>
<td>28</td>
<td>Junior Town Planner</td>
<td>4</td>
<td>4</td>
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<tr>
<td>29</td>
<td>Programmer</td>
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<td>Accounts Superintendents</td>
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<td>31</td>
<td>Console Operators</td>
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<td>32</td>
<td>Sub-Inspector of Police</td>
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<td>Superintendents</td>
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<td>35</td>
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<td>36</td>
<td>Town Planning Supervisor</td>
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<td>37</td>
<td>Estate Manager</td>
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<td>38</td>
<td>Junior Engineers</td>
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<td>Draughtsman</td>
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<td>Data Entry Operators</td>
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<tr>
<td>41</td>
<td>First Division Assistants/ Revenue Inspectors</td>
<td>105</td>
<td>105</td>
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<tr>
<td>42</td>
<td>First Division Accounts Clerks</td>
<td>26</td>
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<td>43</td>
<td>Stenographers</td>
<td>23</td>
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<tr>
<td>44</td>
<td>First Division Surveyors</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Senior Typist</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Senior Drivers</td>
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<td>15</td>
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<td>47</td>
<td>Horticultural Assistant</td>
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<td>10</td>
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<tr>
<td>48</td>
<td>Head Constables</td>
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</table>

Values in the table are in the range of 6000-150-7200-200-8800-260-10880-320-11200.
<p>| | | | | |</p>
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<th></th>
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<tr>
<td>49.</td>
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<td>Police Constable</td>
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<tr>
<td>51.</td>
<td>Second Division Assistants</td>
<td>125</td>
<td>—</td>
<td>125</td>
</tr>
<tr>
<td>52.</td>
<td>Typists</td>
<td>25</td>
<td>—</td>
<td>25</td>
</tr>
<tr>
<td>53.</td>
<td>Blue Printers</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>54.</td>
<td>Telephone Operators</td>
<td>3</td>
<td>—</td>
<td>3</td>
</tr>
<tr>
<td>55.</td>
<td>Work-Inspector</td>
<td>4</td>
<td>—</td>
<td>4</td>
</tr>
<tr>
<td>56.</td>
<td>Drivers</td>
<td>65</td>
<td>—</td>
<td>65</td>
</tr>
<tr>
<td>57.</td>
<td>Garden Supervisors</td>
<td>15</td>
<td>—</td>
<td>15</td>
</tr>
<tr>
<td>58.</td>
<td>Junior Work Inspector</td>
<td>4</td>
<td>—</td>
<td>4</td>
</tr>
<tr>
<td>59.</td>
<td>Daffedars</td>
<td>11</td>
<td>—</td>
<td>11</td>
</tr>
<tr>
<td>60.</td>
<td>Process Server</td>
<td>10</td>
<td>—</td>
<td>10</td>
</tr>
<tr>
<td>61.</td>
<td>Mechanic Valveman</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>62.</td>
<td>Pump Driver</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>63.</td>
<td>Line Mechanic/Wireman</td>
<td>0</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>64.</td>
<td>Mechanic Fitter/Fitter Plumber/Carpenter Helper</td>
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<td>12</td>
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<td>65.</td>
<td>Peons</td>
<td>100</td>
<td>35</td>
<td>135</td>
</tr>
<tr>
<td>66.</td>
<td>Head Coolie/Survey Coolie/Gangman/Lit. Mazdoor/Man Mazdoor/Lit. Asst.</td>
<td>60</td>
<td>100</td>
<td>160</td>
</tr>
<tr>
<td>67.</td>
<td>Cleaners</td>
<td>8</td>
<td>—</td>
<td>8</td>
</tr>
<tr>
<td>68.</td>
<td>Gardeners</td>
<td>70</td>
<td>50</td>
<td>120</td>
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<td>69.</td>
<td>Sweepers</td>
<td>30</td>
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A KLJ PUBLICATION
THE
BANGALORE METROPOLITAN PLANNING COMMITTEE RULES, 2013

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(As amended by Notification Nos. UDD 38 MNJ 2016, dated 4-7-2016; UDD 143 MNJ 2016, dated 17-4-2017 and UDD 130 MNJ 2018, dated 29-5-2019)

Whereas, the draft of the "Bangalore Metropolitan Planning Committee Rules, 2013" which the Government of Karnataka proposes to make in exercise of the powers conferred by Section 503-B read with Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), was published as required by sub-section (1) of Section 421 of the said Act, vide

1. Published in the Karnataka Gazette, Extraordinary No. 9, dated 4-1-2014, vide Notification No. UDD 356 MNJ 2005(P), dated 4-1-2014
Notification No. UDD 356 MNJ 2005(P), dated 7-11-2013, in Part IV-A, Page No. 1258 of the Karnataka Gazette, dated 7-11-2013, inviting objections or suggestions from all the persons likely to be affected within fifteen days from the date of its publication in the Official Gazette. However in order to give wide publication and more opportunities for any objections and suggestions, the State Government extended the period specified above by another 15 days vide Notification No. UDD 356 MNJ 2005(P), dated 22-11-2013 published in the Official Gazette, dated 22-11-2013.

And whereas, the said Gazette was made available to the public on 7-11-2013.

And whereas, objections and suggestions received in this behalf have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by Section 503-B read with Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby make the following rules, namely.—

1. Title, extent and commencement.—(1) These rules may be called the Bangalore Metropolitan Planning Committee Rules, 2013.

(2) These rules extends to the Bangalore Metropolitan Area.

(3) These rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) “Act” means the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

(b) “Committee” means the Bangalore Metropolitan Planning Committee constituted under Rule 3 of these rules for the Bangalore Metropolitan Area.

3. Constitution of the Metropolitan Planning Committee.—(1) As soon as may after the declaration of the Bangalore Metropolitan Area, the Government may by notification constitute a Bangalore Metropolitan Planning Committee for Bangalore Metropolitan Area.

(2) The committee so established under sub-rule (1) shall consists of the following thirty members, namely.—

(a) Ten members nominated by the State Government, namely.—

(i) The Chief Minister

(ii) The Minister for Bangalore Development

1[(ii) The Minister for Bangalore Development

1 Item (ii) substituted by Notification No. UDD 38 MNJ 2016, dated 4-7-2016, w.e.f. 14-7-2016

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(iii) The Principal Secretary to Government, Urban Development

(iv) One Representative of Government of India (Chief Town Planner, Town and Country Planning Organization)

(v) Commissioner, Bangalore Metropolitan Region Development Authority (B.M.R.D.A.)

[vi] The Mayor, Bruhat Bengaluru Mahanagara Palike –

(vii) Chairman, Bangalore Water Supply and Sewerage Board

(viii) Director, Town and Country Planning Department

(ix) Secretary to Government, Finance Department

(x) Commissioner, Bangalore Development Authority

(b) Eighteen members of the committee shall be elected by and from amongst the elected members of the Urban Local Authorities, Bruhat Bengaluru Mahanagara Palike and Municipalities and 2 members elected by and from amongst the Adyakshas and Upadyakshas of Zilla Panchayat, Taluk Panchayat and Grama Panchayats within the metropolitan area. The election shall be held by the Karnataka State Election Commission.

(c) Special Invitees.—Two persons out of eminent Economists and professional having experience in Town Planning nominated by the State Government shall be special invitees.

(d) Permanent invitees.—(i) All the members of the House of the people and the State Legislative Assembly whose constituencies lie within the Bengaluru Metropolitan area and members of the Council of States and the State Legislative Council who are registered as electors such area shall be permanent invitees; and

(ii) x x x x x.

(e) Chairperson of the committee shall be chosen among the members.

(3) The Commissioner of Bangalore Development Authority (BDA) shall convene the meetings of the committee.

4. Terms of office of members of the Committee.—(1) The tenure of the elected member of Committee shall run concurrently with that of Bruhat Bengaluru Mahanagara Palike or Municipality or Panchayat of which he is a member as the case may be.

1. Sub-clause (iv) substituted by Notification No. UDD 130 MNJ 2018, dated 29-5-2019, w.e.f. 25-9-2019
2. Clause (d) substituted by Notification No. UDD 143 MNJ 2016, dated 17-4-2017, w.e.f. 18-5-2017
3. Sub-clause (ii) omitted by Notification No. UDD 130 MNJ 2018, dated 29-5-2019, w.e.f. 25-9-2019
(2) Casual vacancy in the Committee arising out of death, resignation removal or otherwise, shall be filled in by election or nomination within a period of six months from the date of occurrence of vacancy, as the case may be, and any member elected or nominated to fill such a vacancy shall hold office for the remainder period:

Provided that when the remainder period is less than six months, it shall not be necessary to hold any election.

(3) An elected member may resign from a Committee by writing under Resignation of the member his hand addressed to hold any election.

5. Meetings of the Committee.—(1) The committee shall meet as and when necessary and at least once in three months or at such times and places as the Chairperson may determine in this behalf and shall observe such procedure to the transaction of its business at such meetings.

(2) If Chairperson of the Committee for any reason is unable to act, members shall elect from amongst the other members a Chairperson who shall act as Chairperson for that meeting.

(3) The quorum necessary for the transaction of business at a meeting shall be two-thirds of the total members.

(4) All questions at any sitting of the committee shall be determined by a majority of votes of the members present and voting. In case of equality of votes on any question, the Chairperson shall have casting vote.

6. Removal of members.—The State Government may, by notification in the Official Gazette, remove from office a non-official member of the Committee.—

(a) if he has any pecuniary interest in the schemes or works included in the plans and schemes prepared by the Urban Local Authorities or Rural Local Authorities in the Metropolitan area;

(b) if he is convicted for an offence involving moral turpitude punishable under the provisions of any law for the time being in force; or if he, upon the trial of election petition, is found guilty of corrupt practice.

7. Staff of the Metropolitan planning committee.—The Bangalore Development Authority shall provide Secretariat Assistance to the Committee. The Bangalore Development Authority may appoint such number of other officers and employees including experts for technical, work as may be necessary, for the efficient performance of its functions and may determine their designations and grades.

8. Constitution of sub-committee.—The committee may constitute the sub-committees for such purpose as it may think fit, sub-committees consisting wholly of members of the committee or wholly of other persons or partly of members of the committee and partly of other persons as it may consider necessary or expedient.

9. Functions of the Metropolitan Planning Committee.—(1) The committee shall perform such functions relating to planning and
co-ordination for the Bangalore Metropolitan Area as the Government may, by notification, assign to it.

(2) The committee shall, in preparing the draft development plan,—

(a) have regard to.—

(i) the plans prepared by the local Authorities in the Metropolitan area;

(ii) matters of common interest between the Urban Local Authorities and the Rural Local Authorities, including co-ordinated spatial planning of the area, sharing of water and other physical natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources, whether financial or otherwise;

(v) consult such Institutions and Organisations as the Government may specify by, Order.

(b) also indicate policies, strategies and priorities and major projects for a plan period of five years having due regard to.—

(i) physical and natural resource potentials and their utilisation;

(ii) natural Hazard prone areas;

(iii) poverty alleviation and employment in both formal and informal sectors;

(iv) development of trade, commerce and industry;

(v) Rural Development;

(vi) Metropolitan area level transportation system including mass transport;

(vii) integrated infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities facilities and services;

(viii) housing and shelter development programme;
(ix) population assignment and settlement pattern of rural service centres as well as small, medium and large urban centres and their functional specialisation;

(x) protection of environmentally and ecologically sensitive areas and conservation of heritage;

(xi) generalised land use;

(xii) fiscal resource requirements and its mobilisation including the extent and nature of investments likely to be made in the metropolitan area by agencies of the Government of India and the State Government;

(xiii) development of special areas, if any, such as new towns, industrial townships, etc.;

(xiv) phasing of the metropolitan area perspective plan in periods of five years preferably co-terminus with the State five years plan; and

(xv) any other particulars and details as may be considered necessary by the committee and as may be directed by the Government.

10. Preparing draft Development plan.—(1) (a) Formulate metropolitan area draft development plan within one year from the date of constitution of the committee having regard or under preparation under sub-rule (2) of Rule 9 and development goals, objectives and priorities for the plan period as well as the fiscal resources and Central and State Governments investment policies and programmes incorporating,—

(i) all or any matters mentioned in sub-rule (2) of Rule 9;

(ii) phasing of the metropolitan area development plan into five annual plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements; and

(iii) any other particulars and details as may be considered necessary by the committee or as may be directed by the Government.

(b) Prepare metropolitan area annual plan within the framework of approved metropolitan area development plan having regard to findings of review of fiscal and physical performance of the previous annual plan;

(c) Consult such institutions and organisations as the Chamber of Commerce and Industry, non-Governmental organizations including professional bodies as, Institute of Town Planners of India in the formulation of metropolitan area plans as the Government may determine in this behalf;
(d) Monitor the physical achievements of the investments made by the various planning and development authorities on annual basis and submission of report thereon to the Government;

(e) Resolve conflicts arising out of overlapping functions of planning and development authorities and rural local bodies;

(f) Advise the local authorities on their upgradation of status and alteration of boundaries;

(g) Sort-out matters relating to sharing of water and other physical and natural resources;

(h) Formulate policies and identify projects for integrated development of metropolitan area level infrastructure and facilitate their implementation through public or private agencies;

(i) Serve as a nodal agency for disbursement of such funds as the Government may determine, to the local planning and development authorities; and

(j) Perform any other incidental, supplemental and consequential function or as prescribed or as may be directed by the Government or as may be necessary and required for the purposes of carrying out its functions under these rules.

(2) The Chairman of the Committee shall forward the draft development plan, as recommended by the committee, to the Government.

(3) The Committee shall have powers to formulate guidelines for preparation of draft plan, which shall be followed by the local authorities while formulating their own plans.

(4) The accounts of all receipts and expenditure of the Committee for the purpose of conduct of meetings and discharge of their function shall be governed by Financial Code and other related Rules.

11. Preparation and Approval of Metropolitan Area Draft Development Plan.—(1) The committee shall prepare a metropolitan area draft development plan for a period of five years preferably coterminous with the State five years plan, and a report thereon and shall publish the same by a notice in at least one local newspaper indicating the place or places where the metropolitan area development plan shall be available for inspection by the public inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days from the date of publication of the aforesaid notice.

(2) Simultaneously with the publication of notice under sub-rule (1), the committee shall appoint a Hearing Committee consisting of not more than five of its members including the metropolitan planning member, who will give hearing to all such persons who have made a request in writing for being
so heard and submit their report to the metropolitan planning committee within a period of sixty days from the date of expiry of notice under sub-rule (1).

(3) The committee shall, within thirty days from the date of receipt of the report of the Hearing Committee under sub-rule (2) resolve to effect such modifications, as may be considered necessary, and thereafter the Metropolitan Area Draft Development Plan together with the objectives received under sub-rule (2) and the report of the Hearing Committee under sub-rule (2) shall be submitted to the Director of Town and Country Planning, Bangalore Metropolitan Region Development Authority and the Government.

(4) The Government shall, within sixty days of the receipt of the Metropolitan Area Draft Development Plan under sub-rule (3) in consultation with the Director of Town and Country Planning approve the same with or without modifications.

(5) As soon as may be, but not later than thirty days, after the draft development plan of the metropolitan area has been approved by the Government, the committee shall publish a notification in Official Gazette and in at least two local newspapers, stating that the Development Plan of the metropolitan area has been approved and mentioning the place or places where a copy of the metropolitan area development plan may be inspected at reasonable hours and that copies thereof or an extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.

(6) The metropolitan area development plan shall come into operation from the date of its publication in the Official Gazette. Simultaneously with the publication of metropolitan area development plan in the Official Gazette under sub-rule (5), the committee shall forward a copy thereof to each of the concerned planning and development authorities and the local authorities at the district level falling within the metropolitan area, who shall take necessary steps to obtain such sums of money as allocated to them under Central or State sector through the process of formulation of annual plans, schemes and projects within the framework of the approved metropolitan area development plan.

12. Review and revision of the metropolitan area development plan.—Immediately after the expiry of three years from the date of approval of the metropolitan area, development plan under sub-rule (4) of Rule 11, but not later than one year the metropolitan planning committee shall review such plan and prepare a fresh metropolitan area development plan for the next five years commencing from the date of expiry of such plan in force after incorporating such modifications and amendments, as may be considered necessary and submit it for approval as laid down in Rule 11.

13. Modifications to development plan of metropolitan area.—(1) Notwithstanding anything contained in Rule 12 development plan of a
metropolitan area may be modified at any time and for this propose, the committee shall publish a draft of the proposed modifications by a notice in at least one local newspaper inviting objections and suggestions from the public within thirty days from the date of the aforesaid publication of the notice, and after giving an opportunity of hearing to such persons who have made request of being heard and after considering such objections and suggestions finalise the modifications and submit the modifications together with the objection and report of the hearing committee to the Board or the Government, as the case may be.

(2) The Government, as the case may be, may approve the modifications with or without variations or refuse to approve the modifications by a notification in the Official Gazette and publish in at least one local newspaper:

Provided that no such modifications shall, as proposed be approved by the board or the Government as the case may be, unless they are in public interest and are notified to the public.

14. Directions by the State Government.—(1) The Government may, from time to time issue such directions to the committee as it may deem fit, for giving effect to the provisions of this rules and it shall be the duty of the committee to comply with such directions.

(2) If any doubt arises on any point of procedure or otherwise the Chairperson may, if he thinks fit refer the point to the State Government whose decision shall be final.
THE
BANGALORE METROPOLITAN PLANNING COMMITTEE
(AMENDMENT) RULES, 2016

Whereas, the draft of the "Bangalore Metropolitan Planning Committee (Amendment) Rules, 2016" which the Government of Karnataka proposes to make in exercise of the powers conferred by Section 503-B read with Section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), was published as required by sub-section (1) of Section 421 of the said Act, vide Notification No. UDD 38 MNJ 2016, dated 18-3-2016, in Part IV-A of the Karnataka Gazette, Extraordinary No. 397, dated 19-3-2016, inviting objections and suggestions from all the persons likely to be affected within fifteen days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on dated 19-3-2016.

And whereas, no objections and suggestions were received in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 421 read with Section 503-B of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby makes the following rules, to amend the Bangalore Metropolitan Planning Committee Rules, 2013 namely.—

1. Title and commencement.—(1) These rules may be called the Bangalore Metropolitan Planning Committee (Amendment) Rules, 2016.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Rule 3.—In Rule 3 of the Bangalore Metropolitan Planning Committee Rules, 2013, in sub-rule (2), in clause (a), for item (ii), the following shall be substituted, namely.—

"(ii) The Minister for Bangalore Development – Member"

Published in the Karnataka Gazette, Extraordinary No. 914, dated 14-7-2016, vide Notification No. UDD 38 MNJ 2016, dated 4-7-2016

A KLJ PUBLICATION
# THE
## CITY OF BANGALORE IMPROVEMENT ACT, 1945
### [MYSORE ACT No. V OF 1945]

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THE
CITY OF BANGALORE IMPROVEMENT
ACT, 1945
[MYSORE ACT No. V OF 1945]

(Received the assent of His Highness the Maharaja on the
17th day of January, 1945)

(As amended by Act Nos. XXII of 1945, IX of 1950, III of 1952; 15 of 1954; 13

An Act for the Improvement of the City of Bangalore and to provide
space for its future expansion.

Whereas, it is expedient to make provision for the improvement and
future expansion of the City of Bangalore, and for the appointment of a Board
of Trustees with special powers to carry out aforesaid purposes.

It is hereby enacted as follows.—

CHAPTER I
Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the
City of Bangalore Improvement Act, 1945.

(2) Except as is hereinafter otherwise provided it extends to the City of
Bangalore and to such other areas adjoining the City as the Government may,
from time to time, by notification in the [Mysore Gazette], specify in this
behalf.]

(3) It shall come into force on such date as the Government may, by
notification in the [Mysore Gazette], appoint.

2. Definitions.— In this Act, unless there is anything repugnant in the
subject or context.—

1. Repealed by Bangalore Development Authority Act, 1976 [Karnataka Act No. 12 of 1976],
S. 76
2. Sub-section (2) substituted by Act No. XXII of 1945
3. Substituted for the words “Official Gazette” by Act No. III of 1952
4. Substituted for the words “Official Gazette” by Act No. III of 1952
5. Section 2 substituted by Act No. III of 1952, w.e.f. 24-1-1952

A KLJ PUBLICATION 643
(1) "Betterment fee" means the fee payable under Section 18-A, in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of trustees for the improvement of the City of Bangalore constituted under Sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "Corporation" means the Corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949;

(5) "Government" means the Government of Mysore;

(6) "Land" has the same meaning as in clause (c) of Section 3 of the Mysore Land Acquisition Act, 1894;

(7) "Prescribed" means prescribed by rules made under this Act;

(8) "Street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

(9) "Trustee" means a member of the Board;

(10) All other words and expressions shall have the meanings respectively assigned to them by the City of Bangalore Municipal Corporation Act, 1949.

CHAPTER II
Board of Trustees

3. Board charged with execution of this Act.—The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be called "The Trustees for the Improvement of the City of Bangalore" and such Board (hereinafter referred to as "the Board") shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

4. Constitution of Board.—The Board shall consist of eleven Trustees as follows.—

the Chairman of the Board to be appointed by Government;

six Trustees to be appointed by the Government;

four Trustees to be elected by the [Councillors of the Corporation] out of their own body in the prescribed manner or in default of election as aforesaid

1. Substituted for the words "Municipal Councillors of the City" by Act No. III of 1952
to be appointed by the Government from among the 1[Councillors of the Corporation].

5. Names of Trustees to be notified.—The names of all Trustees constituting the Board shall be notified in the 2[Mysore Gazette].

6. Term of office of Trustees.—(1) The Chairman of the Board shall hold office during the pleasure of the Government.

(2) The other Trustees shall hold office for a term of three years from the date of the 3[Mysore Gazette] in which their names were notified under the preceding section.

7. Casual vacancies.—(1) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month in the same manner, by the same authorities, and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees:

Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

(2) If a Trustee, other than the Chairman.

(a) departs from the City with a declared intention of being absent for a period exceeding three months; or

(b) becomes from any cause unable to attend or is prevented from attending the meetings of the Board for a period exceeding three months; or

(c) has been absent from the City for a period exceeding three months;

a person shall be elected or appointed to act for such Trustee during his absence or inability or the period he is prevented from attending the meetings or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

(3) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of the Government in case the absentee is an appointed Trustee, and on the application of the Board to the 4[Corporation] if the absentee is an elected Trustee.

1. Substituted by Act No. III of 1952
2. Substituted for the words "Official Gazette" by Act No. III of 1952
3. Substituted for the words "Official Gazette" by Act No. III of 1952
4. Substituted for the words "Municipal Council" by Act No. III of 1952
8. Grounds on which Trustees shall vacate office.—(1) Any Trustee who—

(a) becomes an insolvent; or

(b) is sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not being subsequently reversed or quashed; or

(c) obtains any office or place of profit under the Board; or

(d) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board, otherwise than by his having merely a share or interest in—

(i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

(ii) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board; or

(iii) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades; or

(e) is absent from or unable to attend or is prevented from attending the meetings of the Board for a period exceeding six consecutive months, or is absent without the permission of the Board from four consecutive ordinary meetings of the Board; or

(f) acts in contravention of the provisions of the next succeeding sub-section; or

(g) being an elected Trustees shall cease to be a [Councillor of the Corporation] and is not forthwith reappointed or re-elected as a [Councillor of the Corporation]; or

(h) is employed as paid legal practitioner on behalf of the Board or as legal practitioner against the Board; shall cease to be a Trustee, and his office shall thereupon become vacant.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the latter part of clause (d) of the preceding sub-section, or in which he is interested, either professionally on behalf of a client or as agent for any person.

1. Substituted for the words “Municipal Councillor” by Act No. III of 1952
2. Substituted for the words “Municipal Councillor” by Act No. III of 1952
9. Provisions concerning the Board's proceedings.—The following provisions shall be observed with respect to the proceedings of the Board, namely.—

(1) During any vacancy in the Board, the continuing Trustees may act as if no vacancy had occurred.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as it thinks fit, subject to the following provisions, namely.—

(a) an ordinary meeting shall be held once at least in every month;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

(c) no business shall be transacted at any meeting unless at least five Trustees are present from the beginning to the end of such meeting;

(d) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the members present at the meeting;

(e) all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes;

(f) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be read and signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustees during office hours.

(3) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as it thinks fit; [and may, with the approval of the Government, associate with such Committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire;]

(a) refer to such Committees for enquiry and report any subject relating to the purposes of this Act; or

(b) delegate to such Committees by a specific resolution in this behalf, and subject to any bye-laws made under clause (a) of Section 43(1), any of its powers or duties.

1. Inserted by Act No. III of 1952
Any Committee so appointed shall conform to any instructions that may from time to time be given to it by the Board and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the President of every such Committee.

(4) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee; or on the ground that it, or any of its members was disqualified for the office of Trustee.

10. Powers of different authorities.—(1) The Chairman may, on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman, who shall personally affix the seal to any contract or other instrument.

11. Board may compromise claims by or against them.—The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by it under this Act, or in respect of any action or suit instituted by or against it, for such sum of money or other compensation as it shall deemed sufficient.

12. Duties of Chairman.—The Chairman shall.—

(1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(2) carry into effect the resolution of the Board;

(3) keep and conduct the Board’s correspondence;

1. Section 10 substituted by Act No. III of 1952
(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;

(4) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and to the extent specified in Section 39(1), dispose of all questions relating to the service of such officers and servants, and their pay, privileges and allowances; and

(5) furnish to the Government a copy of the minutes of the Board’s proceedings and any returns or other information which the Government may from time to time call for.

13. Appointment of Acting Chairman.—During the absence of the Chairman, the Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

CHAPTER III
Duties and Powers
Improvement Schemes

14. Power of Board to undertake works and incur expenditure for improvement, etc.—(1) The Board may, subject to the control of the Government.

(a) draw up detailed schemes (hereinafter referred to as ‘improvement scheme’) for the improvement or expansion or both of the areas to which this Act applies;

(b) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes.—

(i) on its own initiative, if satisfied of the sufficiency of its resources; or

(ii) on the recommendations of the Corporation if the Corporation places at the disposal of the Board the necessary funds for framing and carrying out any such scheme; or

1. Sub-section (3-A) inserted by Act No. III of 1952
2. Section 14 substituted by Act No. III of 1952
(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or work and execute it subject to such terms and conditions as may be specified by the Government.

15. Particulars to be provided for in an improvement scheme.—Every improvement scheme under Section 14.—

(1) shall within the limits of the area comprised in the scheme, provide for.—

(a) the acquisition of any land which will, in the opinion of the Board, be necessary for, or affected by, the execution of the scheme;

(b) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(c) draining [x x x x] streets so formed or altered;

(2) may, within the limits aforesaid, provide for.—

(a) raising any land which the Board may deem expedient to raise for the better drainage of the locality;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(c) the whole or any part of the sanitary arrangements required;

(d) the establishment or construction of markets and other public requirements or conveniences; and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

16. Procedure on completion of scheme.—(1) Upon the completion of an improvement scheme, the Board shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the [land which it is proposed

1. The words "and lighting" omitted by Act No. III of 1952
2. Substituted for the words "land proposed to be acquired" by Act No. III of 1952
to acquire and of the land in regard to which it is proposed to recover a betterment fee] may be seen at all reasonable hours; and shall.—

(a) Communicate a copy of such notification to the [Mayor] of the [Corporation] who shall, within thirty days from the date of receipt thereof, forward to the Board, for transmission to the Government as hereinafter provided, any representation which the [Corporation] may think fit to make with regard to the scheme;

(b) Cause a copy of the said notification to be published during three consecutive weeks in the [Mysore Gazette] and posted up in some conspicuous part of its own office, the Deputy Commissioner’s office, the office of the Corporation and in such other places as the Board may consider necessary.

[(2) During the thirty days next following the day on which such notification is published in the Mysore Gazette, the Board shall serve a notice on every person whose name appears in the assessment list of the Corporation or the Municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person so served, dissents or not to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent.]

(3) Such notice shall be signed by, or by the order of, the Chairman and shall be served.—

(a) by delivery of the same personally to the person required to be served, or if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or

(b) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or

(c) by registered post addressed to the usual or last known place of abode or business of such person.
17. The scheme to be then forwarded to Government for sanction. — (1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme, the Board shall after consideration of any representation or answer received under Section 16 and after inserting in the scheme such modifications as it may think fit, apply to the Government for sanction to the scheme.

(2) The application for sanction shall, save in the case provided for in sub-section (3), be accompanied by.—

(a) a description with full particulars of the scheme including the reasons for any modifications inserted therein;
(b) complete plans and estimates of the cost of executing the scheme;
(c) a statement specifying the land proposed to be acquired;
(d) any representation received under sub-section (1) of Section 16;
(e) a schedule showing the rateable value, as entered in the Municipal assessment-book, at the date of the publication of a notification relating to the land under Section 16, or the land assessment, of all land specified in the statement under clause (c); and
(f) such further particulars, if any, as may be prescribed.

(3) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of Section 16, forthwith submit to the Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of Section 18 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

18. On receipt of sanction, declaration to be published giving particulars of land to be acquired. — (1) (a) On receipt of the sanction of the Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to the Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

(b) The declaration shall be published in the "Mysore Gazette" and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

1. Substituted for the words "Official Gazette" by Act No. III of 1952
(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) (a) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the estimate cost of executing the scheme as altered exceeds, by a greater sum than [(five per cent) the estimated cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of the Government, proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition otherwise than by agreement, of any land other than that specified in the Schedule accompanying the scheme under Section 17(2)(e), the provisions of Sections 16 and 17 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

2[18-A. Payment of betterment fee.—(1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

18-B. Assessment of betterment fee by the Board.—(1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of Section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under Section 18-A.

1. Substituted for the letters and figures "Rs. 2,500" by Act No. III of 1952.
(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

18-C. Settlement of betterment fee by arbitrator.—(1) If the Government are satisfied after such inquiry, as they think fit, that any arbitrator appointed under sub-section (4) of Section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award including the finding on costs under sub-section (3) of Section 18-E if any, may, within one month from the date of the communication thereof, appeal to the District Judge, Bangalore Division, whether the case arises within or outside the limits of the City, and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

18-D. Fee for arbitrator.—The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilised.

18-E. Powers and duties of arbitrator.—(1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and
enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

18-F. Board to give notice to persons liable to payment of betterment fee.—When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under Section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

18-G. Agreement to make payment of betterment fee a charge on land.—(1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in Section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1), be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1) any person may pay off the charge created thereby, with interest, at four per cent per annum upto the date of such payment.

18-H. Recovery of money payable in pursuance of Section 18-B, 18-C or 18-G.—All money payable in respect of any land by any person in respect of a betterment fee under Section 18-B or Section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of Section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realisation at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the City of Bangalore Municipal Corporation Act, 1949, for the recovery of taxes and if
the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

18-I. Board to appoint persons for enforcement of processes for recovery of dues.—The Board may direct by what authority any powers or duties incident under the City of Bangalore Municipal Corporation Act, 1949, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under Section 18-H.

18-J. Agreement of payment not to bar acquisition under a fresh declaration.—If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of Section 18-B or has been made after its determination under Section 18-C or in respect of which an agreement in regard to the betterment fee has been executed under Section 18-G, be subsequently required for any of the purpose of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under Section 6 of the Land Acquisition Act, 1894.

18-K. Power of Board to take up works for further improvement.—Notwithstanding anything contained in any other provision of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area:

Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore.

The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Board and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

18-L. Crediting betterment fee collected to the funds of the Corporation in certain cases.—Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the Municipal Fund of the Corporation.]
19. Board to execute the scheme within seven years.—Where within a period of seven years from the date of the publication in the [Mysore Gazette] of the declaration under clause (b) of sub-section (1) of Section 18, the Board fails to execute the scheme, substantially the scheme shall lapse and the provisions of Section 27 shall become inoperative.

General.

20. Land vested in Corporation and required by Board for formation or alteration of street to be vested temporarily in the Board.—Whenever under any improvement scheme, the whole or any part of an existing public street or other land vested in the [Corporation] is included in the site of any part of a street to be formed, altered, widened, diverted, raised, rearranged or re-constructed by the Board, the Board shall give notice to the [Mayor] of the [Corporation] that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the “part required”) is required by it as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (1) of Section 23, be vested in the Board:

Provided that nothing in this section shall be deemed to affect the rights or powers of the [Corporation] under the [City of Bangalore Municipal Corporation Act, 1949] in or over any [Corporation drain] or water work.

20-A. Duty to maintain streets etc.—It shall be incumbent on the Board to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or take, for the following matters, namely.—

(a) the maintenance, keeping in repair, lighting and cleaning of the streets formed by the Board till such streets are vested in the Corporation; and

(b) the drainage sanitary arrangement and water supply in respect of the streets formed by the Board.

20-B. Levy of tax on lands and buildings.—(1) Notwithstanding anything contained in this Act, the Board may levy a tax on lands or buildings or on both, situated within its jurisdiction (hereinafter referred to

1. Substituted for the words “Official Gazette” by Act No. III of 1952
2. Substituted for the words “Municipal Council” by Act No. III of 1952
3. Substituted for the word “President” by Act No. III of 1952
5. Substituted for the words “Municipal Council” by Act No. III of 1952
6. Substituted for the words and figures “Mysore City Municipalities Act, 1933” by Act No. III of 1952
7. Substituted for the words “Municipal drain” by Act No. III of 1952
8. Sections 20-A, 20-B and 20-C inserted by Act No. 19 of 2002 and shall be deemed to have come into force w.e.f. 20-12-2001
as the property tax) at the same rates at which such tax is levied by the Corporation within its jurisdiction.

(2) The provisions of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) shall *mutatis mutandis* apply to the assessment and collection of property tax.

**Explanation.**—For the purpose of this section 'property tax' means a tax simpliciter requiring no service at all and not in the nature of fee, requiring service.

20-C. **Board is deemed to be a local authority for levy of cesses under certain Acts.**—Notwithstanding anything contained in any law for the time being in force the Board shall be deemed to be a local authority for the purpose of levy and collection of education cess; health cess, library cess, beggary cess or any other cess payable under any law for the time being in force.

[21. Board and Chairman to exercise powers and functions under Mysore Act LXIX of 1949.—(1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification.—

(i) the powers and functions of the Corporation [(including the power to levy, assess and collect property tax)] by or a standing committee thereof under the City of Bangalore Municipal Corporation Act, 1949 shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Corporation under the said Act, shall be exercised and discharged by the Chairman:

Provided that the Corporation shall be consulted before making such declaration, if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation or any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

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1. Section 21 substituted by Act No. III of 1952
2. Shall be and shall be deemed to have been inserted w.e.f. 20-12-2001

*A KL Publication*
(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be.]

22. Power to abate overcrowding.—(1) The Board may, at any time in the manner hereinafter prescribed, take steps to abate overcrowding in buildings within any area comprised in an improvement scheme.

(2) Whenever the Board considers the interior of a building is so overcrowded as to be, or to be likely to become, dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Board may cause proceedings to be taken before a Magistrate of the First Class for the purpose of obtaining an order to prevent such overcrowding.

(3) Such Magistrate may, on the production of a certificate by a Health Officer duly authorised or empowered by the Board or the Government, stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deemed necessary to prescribe, or may pass such other order as he shall deem just and proper.

(4) If the said building shall have been sub-let, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of sub-section (3), be deemed to be the owner of the building.

(5) It shall be incumbent on any owner to whom any requisition is issued under sub-section (3), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfill the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

23. Streets on completion to vest in and be maintained by Corporation.—(1) The Government after consulting the 1[Corporation] and on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by the Government and that such lamps, lamp-posts and other apparatus as are in its opinion necessary for the lighting thereof and should be provided by the Board have

1. Substituted for the words "Municipal Council" by Act No. III of 1952
been so provided, shall declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the [Corporation] and the [Corporation] shall thenceforward maintain, keep in repair, light and cleanse such street.

(2) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any improvement scheme sanctioned by the Government shall be transferred on completion to the [Corporation] for maintenance at the expense of the [Corporation] and shall thereupon vest in the [Corporation].

(3) Any dispute which arises between the Board and the [Corporation] in respect of any of the provisions of this section shall be determined by the Government whose decision shall be final:

[23-A. x x x x x]

24. Board not to sell or otherwise dispose of sites in certain cases.—The Board shall not sell or otherwise dispose of any sites for the purpose of constructing buildings thereon for the accommodation of person until all the improvements specified in Section 23 [have been substantially provided for in the estimates.]

[25. Forming of new extensions or layouts or making new private streets.—(1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or layout for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify:

Provided that where any such extension or layout lies within the local limits of the Corporation, the Board shall not sanction the formation of such extension or layout without the occurrence of the corporation:

Provided further that where the corporation and the Board do not agree, on the formation of or the conditions relating to the extension or layout the matter shall be referred to the Government whose decision thereon shall be final.

1. Substituted for the words “Municipal Council” by Act No. III of 1952
2. Substituted for the words “Municipal Council” by Act No. III of 1952
5. Substituted for the words “Municipal Council” by Act No. III of 1952
7. Section 23-A omitted by Act No. III of 1952
8. Substituted by Act No. IX of 1950
9. Section 25 substituted by Act No. III of 1952
(2) Any person intending to form an extension or layout or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars.—

(a) the laying out of the sites of the area upon streets, lanes, or open spaces;

(b) the intended level, direction and width of the streets;

(c) the street alignment and the building line, and the proposed sites abutting the streets;

(d) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall either sanction the forming of the extension or layout or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused.—

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board;

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3); or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;
if the layout in the opinion of the Board cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a layout or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the layout or make the street until orders have been passed by the Board after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed of more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or layout or to make the street but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or layout in contravention of the provisions of sub-section (1), or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable, on conviction, to a fine which may extend to one thousand rupees.

1[25-A. Alteration or demolition of extension, layout or street.—(1) If any person forms an extension or layout or makes any street referred to in Section 25 or puts up any building without or otherwise than in conformity with the orders of the Board under Section 25, the Chairman may, whether or not the offender be prosecuted under this Act, by notice,—

(a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, layout or street should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, layout or street should not be demolished; or

(b) require the offender to appear before the Chairman either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served, fails to show sufficient cause to the satisfaction of the Chairman why such extension, layout or street should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, layout or street.

25-B. Power of Chairman to order work to be carried out or to carry it out himself in default.—(1) The Chairman may.—

(a) if any person who applies for permission under Section 25 and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or layout or the making of a street, does not so carry it out; or

(b) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman,

by notice, require the person forming the extension or layout or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in his opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.]

Acquisition of Land

26. Board to have power to acquire land by agreement.—Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land, whether situated within or without the City, needed by the Board for the purposes of this Act, for the purchase of such land or of any interest in such land.

27. Provisions applicable by the acquisition of land otherwise than by agreement.—The acquisition otherwise than by agreement of land within or without the City under this Act shall be regulated by the provisions, so far as they are applicable, of the Land Acquisition Act, 1894, and by the following further provisions, namely.—

(1) Upon the passing of a resolution by the Board that an improvement scheme under Section 14 is necessary in respect of any locality, it shall be lawful for any person either generally or specially authorised by the Board in this behalf and for his servants and
workmen, to do all such acts on or in respect of land in that locality as it would be lawful for an officer duly authorised by the Government to act under Section 4(2) of the Land Acquisition Act, 1894, and for his servants and workmen to do thereunder; and the provision contained in Section 5 of the said Act shall likewise be applicable in respect of damage caused by any of the acts first mentioned.

(2) The publication of a declaration under Section 18 shall be deemed to be the publication of a declaration under Section 6 of the Land Acquisition Act, 1894.

(3) For the purposes of Section 50(2) of the Land Acquisition Act, 1894, the Board shall be deemed to be the local authority concerned.

(4) After the land vests in the Government under Section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred, on account of the acquisition, transfer the land to the Board, and the land shall thereupon vest in the Board.

[27-A. Acquisition of land during the first fifteen years.—Notwithstanding anything contained in this Act.—

(1) during a period of fifteen years from the date of commencement of this Act, the Government may acquire land under the Mysore Land Acquisition Act, 1894, for the purpose of improvement, expansion or development of the City of Bangalore or any area to which this Act extends; and any land so acquired shall, after it has vested in the Government, stand transferred to the Board and such land may be dealt with under the provisions of Sections 28 and 29, or in such manner as the Government may direct;

(2) any acquisition proceeding commenced under the Mysore Land Acquisition Act, 1894, before the expiry of the aforesaid period of fifteen years, may be continued under the said Act, and the land acquired in such proceeding shall also after it has vested in the Government stand transferred to the Board and may be dealt with in the manner specified in clause (1).]

CHAPTER IV
Property and Finance

28. Power of Government to transfer to Board, lands belonging to it or to Corporation.—The Government may, from time to time, for the purposes

1: Section 27-A inserted by Act No. 13 of 1960 and shall be deemed to have come into force w.e.f. 9-6-1960
of this Act and subject to such limitations and conditions as it may impose and to the provisions hereinafter contained, transfer to and vest in the Board, any land belonging to Government or to the [Corporation]:

Provided that any such land not already conveyed or agreed to be conveyed by the Board, which shall be required by the Government or the [Corporation] for a public purpose, may at any time be resumed by the Government, or by the [Corporation] with the previous sanction of the Government, as the case may be, on such terms, if any, as the Government may determine.

[29. Power of Board to acquire, hold and dispose of property.—(1) The Board shall, for the purposes of this Act, have power to acquire and hold movable and immovable property, whether within or outside the City.

(2) Subject to such restrictions, conditions and limitations as may be prescribed by rules made by the Government, the Board shall have power or lease, sell or otherwise transfer any movable or immovable property which belongs to it, and to appropriate or apply any land vested in or acquire by it for the formation of open spaces or for building purposes or in any other manner for the purpose of any improvement scheme.

(3) The restrictions, conditions and limitations contained in any grant or other transfer of any immovable property of any interest therein made by the Board shall notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act 4 of 1882) or any other law have effect according to their tenor.]

[29-A. Power of Board to borrow.—(1) The Board may from time to time, with the previous sanction of the Government and subject to the provisions of this Act and such conditions as may be prescribed in this behalf, borrow any sum required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the Board to borrow by the issue of debentures and make arrangements with bankers.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the Government may, from time to time determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

1. Substituted for the words “Municipal Council” by Act No. III of 1952
2. Substituted for the words “Municipal Council” by Act No. III of 1952
4. Section 29 substituted by Act No. 14 of 1967, w.e.f. 23-11-1967
5. Section 29-A inserted by Act No. 2 of 1970 and shall be deemed to have come into force w.e.f. 14-10-1969
(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government.

30. Improvement Fund, and the items to be credited to such fund.—(1) The rents, profits, and sale proceeds of all lands, buildings and other property vested or vesting in or acquired by the Board under this Act shall be credited to a fund to be called “The City of Bangalore Improvement Fund.”

(2) There shall also be credited to the said fund.—

(a) such sums as may be placed by the Government at the disposal of the Board, from time to time, for the purposes of this Act; and

[(aa) the property tax levied and collected under Section 20-B.]

(b) such contributions from the Municipal Fund as the Corporation may, from time to time, be called upon by the Government to make after consideration by the Government of the relief or addition to the Municipal resources accruing or likely to accrue as the result of improvement schemes undertaken by the Board.

[(c) Subject to the provisions of Section 18-L, betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act.]

[(d) sums borrowed under Section 29-A.]

31. Application of the Improvement Fund.—(1) The said Fund shall be held by the Board in Trust, and shall be applied by it, subject to the general or special orders of the Government, in payment of the charges incidental to the carrying out of the purposes of this Act [including the cost of maintaining, keeping in repair, lighting and cleansing of streets and the cost of maintaining drainage and sanitary arrangement and water supply under Section 20-A].

(2) Such charges shall be held to include, among other things,—

(a) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of property vested or vesting in or acquired by the Board under this Act;

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1. Clause (aa) inserted by Act No. 19 of 2002 and shall be deemed to have come into force w.e.f. 20-12-2001
2. Substituted for the words “Municipal Council” by Act No. III of 1952
3. Clause (c) added by Act No. III of 1952
4. Clause (d) added by Act No. 2 of 1970 and shall be deemed to have come into force w.e.f. 14-10-1969
5. Inserted by Act No. 19 of 2002 and shall be deemed to have come into force w.e.f. 20-12-2001

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(b) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes;

(c) the cost of management including the salaries and allowances of the scheduled staff, and all incidental expenses; and

(d) all payments made by the Board in respect of rates and taxes levied under the 1[[City of Bangalore Municipal Corporation Act, 1949], upon lands and buildings vested in the Board and not subject to exemption.

(3) The Board may also, from time to time, and in the prescribed manner, make advances from the said fund for the purpose of enabling persons not being Government Servants to provide themselves with houses or other accommodation.

32. Chairman to frame an annual estimate of income and expenditure.—(1) The Chairman shall, at a special meeting to be held not later than the first day of 2[February] in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of 3[April] then next ensuing in such detail and form as the Board shall, from time to time, direct.

(2) Such estimate shall make provision for the efficient administration of this Act and shall be completed, and a copy thereof sent by post, or otherwise to each Trustees, at least ten clear days prior to the meeting before which the estimate is to be laid.

33. Board to sanction or amend such estimate.—The Board shall consider the estimate so submitted to it, and shall sanction the same either unaltered, or subject to such alterations as it shall think fit.

34. Estimates to be submitted to Government for sanction.—The estimate, as sanctioned by the Board, shall be submitted to the Government, which may, if it thinks fit, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by the Government, forthwith proceed to amend the same and shall resubmit the estimate so amended to the Government. 4[[A copy of the estimate as approved by the Government shall be sent to the Mayor of the Corporation].

35. Supplementary estimates may be prepared and submitted when necessary.—The Board may, at any time during the year for which any such

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1. Substituted for the words and figures "Mysore City Municipalities Act, 1933" by Act No. III of 1952
2. Substituted for the word "May" by Act No. III of 1952
3. Substituted for the word "July" by Act No. III of 1952
4. Substituted certain words by Act No. III of 1952
estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to the Government, and a copy shall be sent to the [Mayor] of the [Corporation] in the same manner as if it were an original annual estimate.

36. Provisions regarding expenditure.—No sum shall be expended by or on behalf of the Board, unless included in some estimate at the time in force which has been finally approved by the Government, or in the amount payable by the Board under a decree or award of a Court, provided that in any case of pressing emergency a sum not exceeding [ten thousand rupees] may be expended though not so included, the circumstances being forthwith reported by the Chairman to the Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

37. Accounts to be audited and examined by officer or authority appointed by the Government for this purpose and submitted to Government. An abstract of the accounts to be furnished to the Corporation.—The accounts of the receipts and expenditure of the Board shall be audited and examined by the [Officer or authority appointed by the Government for this purpose] in the same manner as the accounts of the Government Departments, and shall, twice in every year, be laid before the Government. An abstract of the audited accounts for each year shall be sent to the [Mayor] of the [Corporation].

CHAPTER V
Officers and Servants of the Board.

38. Schedule of officers and servants to be submitted for sanction of Government.—The Board shall, from time to time, prepare and submit for the sanction of the Government a schedule of the staff of officers and servants whom it shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board proposes for each such officer or servant. No alteration in the sanctioned schedule shall be made without the sanction of the Government.

39. Appointments, etc., by whom to be made.—(1) Subject to the provisions of the bye-laws framed under sub-section (c) of Section 43 and of the schedule for the time being in force sanctioned by the Government under

1. Substituted for the word "President" by Act No. III of 1952
2. Substituted for the words "Municipal Council" by Act No. III of 1952
3. Substituted for the words "two thousand five hundred rupees" by Act No. III of 1952
4. Substituted for the word "comptroller" by Act No. III of 1952
5. Substituted for the word "President" by Act No. III of 1952
Section 38, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board (not being officers in Government service lent to the Board) shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed [one hundred and fifty rupees] and in every other case by the Board:

[Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officer belongs.]

(2) The power of dispensing with the services of any officer or servant of the Board (not being an officer in Government service lent to the Board), otherwise than by reason of such officer’s or servant’s own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

40. The case of lent officers.—Officers in Government service lent to the Board shall, except as otherwise provided under rules or orders which may be made by the Government from time to time, be subjected to the provisions in this behalf contained in the Mysore Service Regulations.

CHAPTER VI
Dissolution of the Board

41. Government may dissolve the Board when the purpose of their appointment is fulfilled.—(1) When the Government is satisfied that all such improvement schemes as may have been sanctioned by it from time to time for execution by the Board have been executed by the Board in substantial entirety, and that such further measures as may be necessary in the near future for the improvement of the City may conveniently be undertaken under the ordinary provisions of the Municipal Law in force, the Government may, by an order to be published in the [Mysore Gazette], declare that the Board shall be dissolved with effect from a date to be specified in such order.

(2) Such order shall make due provision for the devolution of the assets and liabilities of the Board, the disposal of management of property vested in the Board, the completion of incomplete works, and all other matters incidental to the dissolution of the Board and the winding up of its affairs:

1. Substituted for the words “one hundred rupees” by Act No. III of 1952
2. Proviso added by Act No. III of 1952
3. Substituted for the words “Official Gazette” by Act No. III of 1952

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Provided that all immovable properties vested in the Board on the date of its dissolution and not expressly reserved to the Government in the said order shall thereafter vest in the Corporation.

CHAPTER VII
Rules and Bye-laws, Penalties, Etc.

42. Power of Government to make rules.—The Government may, from time to time, make rules, not inconsistent with this Act,—

(a) for the guidance of the Board, the Corporation, Government Officers and, all other persons in matters connected with the administration of this Act or in cases not expressly provided for herein;

(aa) regulating the allotment or sale by auction of sites by Board;

(ab) specifying the conditions, restrictions and limitations subject to which the Board may sell, lease or otherwise transfer movable or immovable property;

(ac) the conditions subject to which the Board may borrow any sum under Section 29-A;

(b) for the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed or vested in him by Sections 9, 12, 32, 36, 49 and 50 and for the conditions or limitations subject to which such delegation may be made; and

(c) generally for carrying out the purposes of this Act.

43. Power of Board to make bye-laws.—(1) The Board may from time to time make bye-laws, not inconsistent with this Act or with the rules made by the Government,—

(a) for regulating the delegation of the powers and duties of the Board to Committees;

(b) for the guidance of persons employed by it under this Act;

(c) for regulating the grant of leave, leave allowances, pensions and gratuities, and other such matters, in respect of the officers and

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1. Substituted for the words "Municipal Council" by Act No. III of 1952
2. Substituted for the words "Municipal Council" by Act No. III of 1952
3. The word "and" omitted by Act No. III of 1952
4. Clauses (aa) and (ab) inserted by Act No. 14 of 1967, w.e.f. 23-11-1967
5. Clause (ac) inserted by Act No. 2 of 1970 and shall be deemed to have come into force w.e.f. 14-10-1969
6. Clause (b) inserted by Act No. III of 1952
7. Clause (b) relettered as clause (c) thereof by Act No. III of 1952

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servants of the Board not being officers in Government service lent to the Board;

(d) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(e) for regulating the construction and reconstruction of buildings in regard to such matters as the following, namely, the notice to be given previous to erection, the plans to be submitted, the line of frontage with neighbouring buildings, the free space to be left about the building, the level and width of foundation, the stability of structure, the materials to be used, and the provision to be made for drainage and ventilation; and

1[(e-i) for the forming of extensions or layouts and the laying out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or layouts and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon;]

(f) generally for carrying out the purposes of this Act.

(2) No bye-law shall have effect until the same shall have been approved by the Government, and no bye-law shall be approved by the Government until the same shall have been published for three weeks successively in the 2[Mysore Gazette].

(3) It shall be lawful for the Government at any time to cancel any bye-law made and published under this section.

44. Penalties for infringement of rules and bye-laws.—The Government, and with the approval of the Government, the Board may, in the rules and bye-laws made respectively, under Sections 42 and 43, prescribe such penalties as it or they shall deem fit for the infringement of the same; provided that no penalty for any one infringement of a rule or bye-law shall exceed one hundred rupees nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

45. Rules and bye-laws to be exhibited.—The said rules and bye-laws shall be printed in English and Kannada and exhibited at such places as may be prescribed.

46. Penalty for permitting overcrowding, etc.—Any owner of a building who, after the date specified in any requisition issued under sub-section (3) of Section 22 permits the overcrowding of any building in contravention of

1. Clause (e-i) inserted by Act No. III of 1952
2. Substituted for the words "Official Gazette" by Act No. III of 1952
Such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (5) of the said section, shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

47. Penalty for being interested in contracts with the Board.—Any person who being a Trustee, or an officer or servant of the Board, acquires, directly or indirectly, any share or interest in any contract or employment with or on behalf of the Board, shall be deemed to have committed the offence made punishable by Section 168 of the Indian Penal Code, as in force in Mysore:

Provided that a person shall not be deemed to have any share or interest in such contract or employment by reason only of his having a share or interest in any of the matters mentioned in sub-clauses (i), (ii) and (iii) of Section 8(1)(d).

48. Penalty for obtaining illegal gratification.—Any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code as in force in Mysore, who shall accept, or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or for bearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person, with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code as in force in Mysore, in the case of the like offence committed by a public servant.

49. Cognizance of offences.—(1) All offences against this Act or against any rule or bye-law made thereunder shall be cognizable by any Magistrate with powers not less than those of a Magistrate of the Second Class.

(2) All fines recovered from any offender shall be paid to the credit of the City of Bangalore Improvement Fund.

(3) No criminal proceedings shall be instituted against any person for any offence against this Act or against any rule or bye-law made thereunder unless previous sanction is accorded to the same by the Chairman of the Board.

50. Recovery of sums due to the Improvement Fund.—[Save as otherwise provided in Section 18-H all sums due] by any person to the City of Bangalore Improvement Fund on account of rents, profits, or sale proceeds of property vested in or acquired by the Board, or on account of advances for

1. Substituted for the words “All sums due” by Act No. III of 1952.
house-building, or otherwise howsoever, and remaining in arrear after fifteen days from the date of service on such person of a notice of demand by the Chairman, may be recovered in any one or more of the following ways, namely.—

(1) as an arrear of land revenue, on the written application of the Chairman in this behalf to the Deputy Commissioner of any district in which proceedings are required to be taken;

(2) by distraint and sale, by or under the orders of the Chairman, of the movable property of such person; and

(3) by the institution by the Chairman, of a civil suit against such person.

51. Limitation of suits.—(1) No suit or other proceeding shall be commenced [against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board] for anything done, or purporting to have been done, in pursuance of this Act or a rule or bye-law thereunder, without giving to [the Board] one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding, nor after tender of sufficient amends.

(2) Neither the Board nor any Trustee or officer or servant of the Board shall be liable to be sued for damages for any act bona fide done or ordered to be done by it or him as such in pursuance of this Act or a rule or bye-law thereunder.

52. Provisions of this Act to prevail in case of conflict.—If any provision of law contained in any other enactment in force in Mysore is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

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1. Substituted for the words “against any person” by Act No. III of 1952
2. Substituted for the words “such person” by Act No. III of 1952
THE
CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) RULES, 1964

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THE
CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) RULES, 1964

(As amended by GSR 114, dated 24-4-1964; GSR 115, dated 24-4-1964; GSR 860, dated 7-3-1966; GSR 968, dated 31-5-1966 and GSR 37, dated 9-1-1969)

GSR 46.—In exercise of the powers conferred by Section 42 and sub-section (3) of Section 43 of the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945), the Government of Mysore is pleased to make the following rules, namely.—

1. Title, applicability and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) Rules, 1964.

(2) They shall apply in respect of allotment of sites other than such classes of sites as may be notified by the Government by general orders from time to time.

(3) They shall come into force on the First day of May, 1964.]

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) “Act” means the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945);

(b) “Allottee” means the person to whom a site is allotted under these rules;

(c) “Family in relation to a person” means such person, and if married, the wife or husband, as the case may be, and the dependent children, grand-children, parents, sisters and brothers of such person;

(d) “Form” means a Form appended to these rules;

(e) “Government” means the Government of Mysore;

(f) “Income” means the fixed annual income of a person.

3. Offer of sites for allotment.—(1) Whenever the Board has formed an extension or layout in pursuance of any scheme, the Board may, subject to the

1. Published in the Karnataka Gazette, dated 5-3-1964, vide Notification No. PLM 41 GBA 63, dated 17/24-2-1964
2. Rule 1 substituted by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
general or special orders of the Government, offer any or all the sites in such
extension or layout for allotment to persons eligible for allotment of sites
under these rules.

(2) Due publicity shall be given in respect of the sites for allotment
specifying their location, number, the amount payable as earnest money, the
last date for submission of application and such other particulars as the
Chairman may consider necessary, by affixing a notice to the notice board of
the office of the Board, and any other office as the Chairman may decide from
time to time and by publication in not less than three daily newspapers
published in the City of Bangalore in English and Kannada having a wide
circulation in the city.

4. Reservation of sites.—(1) The Board may, (with the previous sanction
of the Government), reserve sites in any area for allotment to any specified
class of persons and such class may consist of employees in any office or
establishment in the City of Bangalore.

(2) Where sites are reserved under sub-rule (1), the procedure to be
followed for allotment shall be determined by the Board subject to the orders
of the Government.

5. Allotment of sites to individuals or body of persons or institutions in
special cases.—Notwithstanding anything contained in Rule 3, the
Chairman of the Board may allot site other than the sites in respect of which
applications are called for under Rule 3 or reserved under Rule 4 provided
that the allottee of such site satisfies the requirement of Rule 19 and that the
value of the site does not exceed Rs. 5,000. If the value exceeds Rs. 5,000 such
allotment may be made by the Board.

6. Allottee to be a lessee.—The site allotted under Rule 3 or Rule 5 shall be
deemed to have been leased to the allottee until the lease is determined or the
site is conveyed in the name of the allottee in accordance with these rules.
During the period of the lease the allottee shall pay to the Board rent at the
rate of rupees three per annum where the area of the site does not exceed two
hundred square yards, rupees six per annum where the area of the site
exceeds two hundred square yards but does not exceed five hundred square
yards and rupees twelve per annum where the area of the site exceeds five
hundred square yards before the commencement of each year.

7. Applications.—(1) Applications for allotment of sites shall be in Form I
which may be obtained from the Office of the Board on payment of a sum of
two rupees which amount shall not be refunded.

1. Substituted for the figure “8” by GSR 114, dated 24-4-1964 and shall be deemed to have
come into force w.e.f. 5-3-1964

A KLJ PUBLICATION
(2) Every application shall be accompanied by the [receipt, challan or draft] evidencing the deposit of the earnest money under Rule 8.

(3) Every applicant shall make an application for a specified plot, and may indicate two other plots as his next preference.

(4) When applications are invited under Rule 3, the application shall be presented in person or sent by registered post so as to reach the office of the Board before the date and time fixed for receipt of such applications. Applications received after the date and time so fixed shall be rejected.

8. Earnest money. — (1) Every applicant for a site shall deposit as earnest money an amount equal to twelve and half per cent of the value of the site applied for or where the value of the sites in respect of which he has indicated his next preference is more than the value of the site applied for, such percentage of the higher value and enclose with the application the receipt obtained in token of such deposit or challan for having credited the amount to the Reserve Bank of India or a Draft for the amount, drawn in favour of the Chairman:

Provided that the earnest money to be deposited by a member of the Scheduled Castes or Scheduled Tribes shall be six and one fourth per cent of the value of the site.

(2) The earnest money shall be refunded to the applicant if no allotment of site is made to the applicant.

9. Eligibility for allotment. — No person shall be eligible for allotment. —

(1) Who is not ordinarily resident in the area under the jurisdiction of the Board:

Provided that the Board may relax the condition in the case of persons who bona fide intend to reside in such area.

(2) Who or any member of whose family owns or has been allotted a site or a house by the Board or any other authority, within the area under the jurisdiction of the Board:

Provided that the Board may in its discretion relax this condition in case where the house owned is found inadequate having regard to the size of the family of the person applying for allotment of a site.

10. Principles for selection of applicants for allotment of sites. — (1) The Board shall consider the case of each applicant on its merits and shall have

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1. Substituted for the word “receipt” by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
2. Substituted for the figure “7" by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
3. Inserted by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
regard to the following principles in making selection and fixing the priority for allotment. —

(i) applicants whose lands or houses have been acquired by the Board provided they are otherwise qualified for allotment;

(ii) the status of the applicant, that is, whether he is married or single and has dependent children;

(iii) the income of the applicant and his capacity to purchase a site and build a house thereon for his residence;

(iv) the number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for a site.

(2) In order to ensure that there is an equitable distribution of sites among the different classes of persons, sites may be reserved and allotted as far as possible as indicated thereunder. —

(i) fifteen per cent of the available sites may be reserved and allotted to the State Government servants;

(ii) fifteen per cent of the available sites may be reserved and allotted to Central Government servants, servants of local authorities and Corporations owned or controlled by the Central Government and State Government;

(iii) five per cent of the available sites may be reserved and allotted to employees of industrial concerns;

[(iii-a) five per cent of the available sites may be reserved and allotted to the following and in the order of priority hereinafter indicated, namely. —

(a) members of the defence services who have been disabled in action;

(b) widows or other dependents of the members of the defence services who have been killed in action;

(c) families of members of the defence services posted in field areas and who have not been provided with accommodation in the place where they are posted; and

(d) members of the defence services; and]

(iv) the number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for a site;

1. Clause (iii-a) inserted by GSR 968, dated 31-5-1966
(v) '[fifty-five per cent] of the available sites may be reserved and allotted to the general public.

(3) To ensure that several classes are fairly represented among the general public, as far as possible, persons belonging to the following categories may be considered for allotment.—

(i) Doctors (men and women);  
(ii) College Lecturers (men and women);  
(iii) Lawyers;  
(iv) Engineers;  
(v) Journalists;  
(vi) Bank Employees;  
(vii) Staff of commercial establishments;  
(viii) Social Workers;  
(ix) Others.

11. Committees.—The Board shall constitute a Committee called the "Allotment Committee" consisting of three members for considering applications and making recommendations to the Board for allotments. The Chairman of the Board shall be the Chairman of the Committee. Of the other two members one shall be elected by the Board from among the members nominated by Government, and the other from among the members representing the Corporation of the City of Bangalore.

12. Selection of applicants.—The Board shall consider the recommendations of the Allotment Committee and after such further inquiry as it deems fit make allotments.

13. Site to be allotted.—The site applied for, or the site in respect of which preference is indicated by the applicant, or any other site may be allotted to an applicant.

14. Revocation of proposal for allotment of sites.—(1) The Board may at any time revoke any proposal to dispose of any site under these rules, if in its opinion, the area covered by such site has to be reserved for any purpose, for the use of the inhabitants of the extension concerned.

(2) When a revocation is made under sub-rule (1), the applicants for sites in such area shall be given the option to apply for other sites in the extension and any application made accordingly shall be considered along with the other applications for sites in such extension.

1. Substituted for the words "sixty per cent" by GSR 968, dated 31-5-1966
15. Decision of Board.—The Board shall have the right to reject the allotment of all or any of the sites applied for by an applicant without assigning any reasons. In case where there are more than one applicant for a site, and if all the applicants satisfy the conditions for allotment, the Board shall have the right to allot the site to any one of the applicants without assigning any reasons. The decision of the Board shall be final and binding on every applicant.

16. Value of a site.—The value of a site mentioned while inviting applications may be altered by the Board with the sanction of the Government and an allottee may accept the site at the altered price or decline the allotment.

17. Conditions of allotment and sale of site.—The allotment of a site under these rules shall be subject to the following conditions.—

(1) The allottee shall within a period of fifteen days from the date of receipt of the notice of allotment, pay to the Board twelve and a half per cent of the price of the site and if no such payment is made the allottee shall be deemed to have declined the allotment.

(2) The balance of the value of the site [less a sum of rupees thirty where the area of the site does not exceed two hundred square yards; rupees sixty where the area exceeds two hundred square yards and does not exceed five hundred square yards and rupees one hundred and twenty where the area exceeds five hundred square yards] shall be paid within ninety days from the date of receipt of the notice of allotment, or such extended period as the Chairman may specify. Interest at nine per cent shall be paid on the said amount for the extended period. If the said amount is not paid within the period of ninety days or the extended period, the earnest money paid by the allottee shall be liable to forfeiture and the allotment may be cancelled:

[Provided that where an allottee is a person belonging to the Schedule Castes or Scheduled Tribes and whose monthly income does not exceed rupees three hundred, the balance of the value of the site required to be paid under this sub-rule shall be paid by him within a period of six years from the date of receipt of the notice of allotment together with interest at three per cent per annum on the deferred payments.]

(3) Until the site is conveyed to the allottee the amount paid by the allottee for the purchase of the site shall be held by the Board as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Board and the allottee.

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1. Substituted for the words "less a sum of rupees one hundred and twenty" by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
2. Shall be and shall always be deemed to have been added by GSR 37, dated 9-1-1969

A KLI PUBLICATION
(4) After payment under sub-rule (2) is made the Board shall intimate the allottee the actual measurement of the site and the particulars thereof and a lease-cum-sale agreement in Form II shall thereafter be executed by the allottee and the Board and registered by the allottee. If the agreement is not executed within forty-five days after the Board has intimated the actual measurement and particulars of the site to the allottee, the earnest money paid by the allottee may be forfeited, the allotment of the site may be cancelled, and the amount paid by the allottee after deducting the earnest money refunded to him. Every allottee shall construct a building on the site in accordance with the [plans] and designs approved by the Board. If in any case it is considered necessary to add any additional conditions in the agreement, the Board may make such additions. [Approval of the City of Bangalore Municipal Corporation for the plans and designs shall be necessary when the layout in which the site is situated is transferred to the control of the said Corporation].

(5) The allottee shall comply with the conditions in the agreement executed by him and the building and other bye-laws of the Board for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period as the Board may in any specified case by written order permit. If the building is not constructed within the said period the allotment may be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Board, and after forfeiting twelve and a half per cent of the value of the site paid by the allottee, the Board shall refund the balance to the allottee.

(7) The site or the building constructed thereon shall not be alienated during the period of the tenancy:

Provided that the Board may permit the mortgage of the right, title and interest of the allottee in favour of the Government of Mysore, the Central Government or bodies corporate like the Mysore Housing Board or the Life Insurance Corporation of India [or Housing Co-operative Societies or Banks] to secure moneys advanced by such Government or body for the construction of the building on the site allotted.

(8) On the expiry of the period of ten years specified in Rule 6, and if the allotment has not been cancelled or the lease has not been determined in

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1. Substituted for the word "plants" by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964

2. Inserted by GSR 11, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964

3. Sub-rules (8) to (11) renumbered as sub-rules (7) to (10) thereof by GSR 115, dated 24-4-1964

4. Inserted by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964

A KLIJ PUBLICATION
accordance with these rules and after \textsuperscript{1} [the sum withheld under sub-rule (2) has been paid], the site shall be conveyed by the Board to the allottee. The expenses on account of stamp duty, registration fees or any other incidental charges in respect of the conveyance shall be borne by the allottee:

(9) The allottee shall ordinarily reside or himself make use of the building constructed on the site allotted to him.

(10) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.]

\textsuperscript{2}[17-A. Revision.— (1) The Government may, suo motu or otherwise, call for the record of any decision, order or proceeding of the Chairman or the Board in pursuance of any condition in Rule 17 or any condition in the lease-cum-sale agreement executed by an allottee, for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified, annulled or reversed unless notice has been served on the parties interested and opportunity given to them for making representation to the Government.]

18. Savings.—Nothing in these rules shall be applicable to the sale or transfer of sites by the Board to—

(a) the Mysore Housing Board for construction of Houses; or

(b) the State Government for any purpose.

19. Cancellation of Bye-laws.—The Bye-laws regulating the allotment of sites published in Notification No. L. 13089-91 I.T.B. 42-52-15, dated 8th January, 1954, shall stand cancelled with effect from the date of commencement of these rules:

Provided that anything done or any action taken under the said bye-laws shall be deemed to have been done or taken under these rules and all further acts in respect of sites applied for or allotted under the said bye-laws shall be done in accordance with these rules and accordingly the \textsuperscript{3} [applications for] sites pending on the date of commencement of these rules shall be considered and dealt with in accordance with the provisions of these rules and every

\textsuperscript{1} Substituted for the words "one hundred and twenty rupees has been paid" by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964

\textsuperscript{2} Rule 17-A inserted by GSR 860, dated 7-3-1966 and shall be and shall always be deemed to have been inserted

\textsuperscript{3} Substituted for the words "applications for of" by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
applicant for a site or allottee of a site shall comply with the requirements of these rules:

Provided further that subject to the preceding proviso, the cancellation of the said bye-laws shall not.—

(a) alter the previous operation of the said bye-laws or anything duly done or suffered thereunder; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such bye-law; or

(c) affect any penalty or forfeiture incurred in respect of any contravention of any such bye-law; or

(d) affect any legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture as aforesaid; and any such legal proceeding or remedy may be instituted, continued or enforced and any such forfeiture may be imposed as if the bye-laws had not been cancelled.

FORM I

[See sub-rule (1) of Rule 7]

Form of Application for Purchase of a Site

To
The Chairman,
City of Bangalore Improvement Trust Board,
Bangalore-20

Sir,

I wish to purchase a building site No. ........ measuring .......... in ........ Extension, Bangalore. I agree to abide by the conditions of allotment and sale of the site contained in Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, and the terms of the lease-cum-sale agreement, copies of which are enclosed in duplicate. I also enclose the duplicate copies of the conditions of allotment and sale and the lease-cum-sale agreement duly signed in token of having accepted the conditions therein.

I give below my preferences. I request the allotment of one site in the order of preference.

1. Site No.

2. Next preference:

(a)
(b)

Particulars about me are given below.—

1. Name (in Block letters)

2. Father's/Husband's name

3. Age

4. Whether the applicant belongs to Scheduled Caste or Scheduled Tribe

5. Whether married or single.

6. (a) Residential address: Permanent (House No., Name of street, locality and Town).

(b) Present address: (if different from above) for correspondence with the Board.

7. Occupation or post

8. (a) Annual income of the applicant (both from profession and from properties, if any).

(b) Any other means indicating the capacity of the applicant to purchase the site applied for and to build a house thereon.

9. Whether the applicant is ordinarily a resident in Bangalore City or in the area under the jurisdiction of the Board and the period of such residence.

10. Whether any land of the applicant has been acquired by the Board for forming Extension and if so furnish particulars

11. If compensation has been paid, the amount of compensation received by the applicant

12. Whether any member of the family of which the applicant is a member owns or has been allotted site or a house by the Board or any other authority, within the area under the jurisdiction of the Board. (Furnish details):

13. (1) Whether the applicant already owns a house or a house-site:

(a) in the City (with details)
(b) outside the city (with details)

(2) Whether he/she has any share in such property and the value of the share thereof.

14. (1) Whether the applicant’s wife/husband/minor child owns a house or a house-site:

(a) in the City (with details)

(b) outside the city (with details)

(2) Whether the applicant’s wife/husband/minor child has any share in such property and the value of the share thereof.

15. Whether the applicant has transferred the ownership or rights in the house or house-site already allotted to him/her in any of the schemes of the Board or any other authority to somebody else (if so, furnish details).

16. Whether the applicant or any members of his/her family has already availed of any housing or loan scheme of Government, local body or Co-operative Society, if so, give details.

17. Whether the applicant applied for allotment of a site, or a site with a building, in any of the scheme of the Board or any other authority and whether his/her deposit was refund (if so, furnish details).

18. Amount of earnest money deposited now (with Challan No. and date).

I hereby solemnly declare that all the above information given by me is true. I shall furnish any additional information in my possession which you may require. If there is any delay on my part to furnish the necessary information required by the Board, it will be within the discretion of the Board to reject my application.

If at any time it is found that the information given by me above is incorrect, the Board can cancel the allotment, resume possession of the site and forfeit part or whole of the amount paid by me till then towards cost of the site or deposit.

I am aware that under the Rules, I have to build the house myself with my own resources.
Signature of Applicant.

Station...........
Date...........

Attestation by a Gazetted Officer:

I certify that all the above information given by the applicant is true to the best of my knowledge and belief.

FORM II

[See Rule ...........]

Lease-cum-sale agreement

An agreement made this ............... day of ........ ....... 196., between the City of Bangalore Improvement Trust Board, Bangalore, hereinafter called the Lessor/Vendor (which term shall wherever the context so permits, mean and include its successors in interest and assigns) of the ONE PART and ....... hereinafter called Lessee/Purchaser (which term shall wherever the context so permits mean and include his/her heirs, executors, administrators and legal representatives) of the OTHER PART;

Whereas, the City of Bangalore Improvement Trust Board advertised for sale building sites in ............... Extension;

And, whereas, one of such building site is Site No. ............... more fully described in the Schedule hereunder and referred to as property.

And, whereas, there were negotiation between the Lessee/Purchaser on the one hand and the Lessor/Vendor on the other for allowing the Lessee/purchaser to occupy the property as Lessee until the payment in full of the price of the aforesaid site as might be fixed by the Lessor/Vendor as hereinafter provided;

And, whereas, the Lessor/Vendor has agreed to lease the terms and conditions specified in the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, and the terms and conditions hereinafter contained;

And, whereas, thus the Lessor/Vendor has agreed to lease the property and the Lessee/Purchaser has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder:
Now this Indenture Witnesseth

1. The Lessee/Purchaser is hereby put in possession of the property and the Lessee/Purchaser shall occupy the property as a tenant thereof for a period of ten years from (here enter the date of giving possession). . . . . . or in the event of the lease being determined earlier till the date of such termination. The amount deposited by the Lessee/Purchaser towards the value of the property shall, during the period of tenancy, be held by the Lessor/Vendor as security deposit for the due performance of the terms and conditions of these presents.

2. The lessee/purchaser shall pay a sum of rupees .......... per year as rent on or before ............. commencing from .............

3. The Lessee/Purchaser shall construct a building in the property as per plans, designs and conditions to be approved by the Lessor/Vendor and in conformity with the provisions of the City of Bangalore Municipal Corporation Act, 1949, and the bye-laws made thereunder within two years from the date of this agreement:

Provided that where the Lessor/Vendor for sufficient reasons extends in any particular case the time for construction of such building, the Lessee/Purchaser shall construct the building within such extended period.

4. The Lessee/Purchaser shall not sub-divide the property or construct more than one dwelling house on it.

The expression "dwelling house" means a building constructed to be used wholly for human habitation and shall not include any apartments to the building whether attached thereto or not, used as a shop or a building of ware-house or building in which manufactory operations are conducted by mechanical power or otherwise.

5. The Lessee/Purchaser shall not alienate the site or the building that may be constructed thereon during the period of the tenancy. The Lessor/Vendor may, however, permit the mortgage of the right, title and interest of the Lessee/Purchaser in favour of the Government of Mysore, the Central Government or bodies corporate like the Mysore Housing Board or the Life Insurance Corporation of India, [Housing Co-operative Societies or Banks] to secure moneys advanced by such Governments or bodies for the construction of the building.

6. The Lessee/Purchaser agrees that the Lessor/Vendor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site.

1. Substituted by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964
2. Inserted by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964

A KIJ PUBLICATION
7. The property shall not be put to any use except as a residential building without the consent in writing of Lessor/Vendor.

8. The Lessee/Purchaser shall be liable to pay all outgoings with reference to the property including taxes due to the Government and the Municipal Corporation of Bangalore.

9. On matters not specifically stipulated in these presents the Lessor/Vendor shall be entitled to give directions to the Lessee/Purchaser which the Lessee/Purchaser shall carry out and default in carrying out such directions will be a breach of conditions of these presents.

10. In the event of the Lessee/Purchaser committing default in the payment of rent or committing breach of any of the conditions of this agreement or the provisions of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, the Lessor/Vendor may determine the tenancy at any time after giving the Lessee/Purchaser fifteen days' notice ending with the month of the tenancy, and take possession of the property. The Lessor/Vendor may also forfeit twelve and a half per cent of the amount treated as security deposit under Clause 1 of these presents.

11. At the end of ten years referred to in Clause 1 the total amount of rent paid by the lessee/purchaser for the period of the tenancy shall be adjusted towards the balance of the value of the property.

12. If the Lessee/Purchaser has performed all the conditions mentioned herein and committed no breach thereof the Lessor/Vendor shall, at the end of ten years referred to in Clause 1, sell the property to the Lessee/Purchaser and all attendant expenses in connection with such sale such as stamp duty, registration charges, etc., shall be borne by the Lessee/Purchaser.

13. On complying with the terms and conditions of this agreement in the manner stated above but not otherwise the Lessor/Vendor shall be obliged to execute the sale deed in favour of the Lessee/Purchaser.

14. The Lessee/Purchaser hereby also confirms that this agreement shall be subject to the terms and conditions specified in the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, and agreed to by the Lessee/Purchaser in his/her application for allotment of the site.

15. In case the Lessee/Purchaser is evicted under Clause 9 he shall not be entitled to claim from the Lessor/Vendor any compensation towards the value of the improvements or the superstructure erected by him on the scheduled property by virtue of and in pursuance of these presents.

16. It is also agreed between the parties hereto that Rs. . . . . . (Rupees . . . . .) in the hands of the Lessor/Vendor received by them from the

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1. Substituted by GSR 114, dated 24-4-1964 and shall be deemed to have come into force w.e.f. 5-3-1964.
Lessee/Purchaser shall be held by them as security for any loss or expense that the Lessor/Vendor may be put to in connection with any legal proceedings including eviction proceedings that may be taken against the Lessee/Purchaser and all such expenses shall be appropriated by the Lessor/Vendor from and out of the moneys of the Lessee/Purchaser held in their hands.

THE SCHEDULE

Site No. ................ formed by the City of Bangalore Improvement Trust Board in Block No. ............. in the ............. Extension.

Site bounded on.—

East by:
West by:
North by:
South by:

and measuring east to west ............ north to south ...... in all measuring ........ square feet.

In witness whereof the parties have affixed their signatures to this agreement.

Chairman,

The City of Bangalore Improvement Trust Board

Witnesses:

1.
2. Lessee/Purchaser.

Witnesses:

1.
2.
THE
CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 1964

GSR. 114.—In exercise of the powers conferred by Section 42 and sub-section (3) of Section 43 of the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945), the Government of Mysore hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1964.

(2) They shall be deemed to have come into force on the 5th March, 1964.

2. Substitution of New Rule for Rule 1.—For Rule 1, the following rule shall be substituted, namely.—

"1. Title, applicability and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) Rules, 1964.

(2) They shall apply in respect of allotment of sites other than such classes of sites as may be notified by the Government by general orders from time to time.

(3) They shall come into force on the First day of May, 1964."

3. Amendment of Rule 5.—In Rule 5 for the figure "8", the figure "9" shall be substituted.

4. Amendment of Rule 7.—In Rule 7, in sub-rule (2), for the word "receipt", the words "receipt, Challan or Draft" shall be substituted; and for the word and figure "Rule 7", the word and figure "Rule 8" shall be substituted.

5. Amendment of Rule 8.—In Rule 8, in sub-rule (1), the following shall be added at the end, namely.—

"or challan for having credited the amount to the Reserve Bank of India or a Draft for the amount, drawn in favour of the Chairman."

6. Amendment of Rule 17.—In Rule 17.—

(i) in sub-rule (2), for the words "less a sum of rupees one hundred and twenty", the words "less a sum of rupees thirty where the area of the site does not exceed two hundred square yards, rupees sixty where the area exceeds two hundred square yards and does not

1. Published in the Karnataka Gazette, dated 30-4-1964, vide Notification No. PLM 41 GBA 63, dated 24-4-1964

A KLJ PUBLICATION
exceed five hundred square yards and rupees one hundred and twenty where the area exceeds five hundred square yards”, shall be substituted.

(ii) in sub-rule (4).—
(a) for the word “plants”, the word “plans” shall be substituted;
(b) the following shall be added at the end namely. —

“Approval of the City of Bangalore Municipal Corporation for the plans and designs shall be necessary when the layout in which the site is situated is transferred to the control of the said Corporation”.

(iii) in sub-rule (7), after the words “Life Insurance Corporation of India”, the words “or Housing Co-operative Societies or Banks” shall be inserted;

(iv) in sub-rule (8) for the words “one hundred and twenty rupees has been paid”, the words “the sum withheld under sub-rule (2) has been paid” shall be substituted.

7. Amendment of Rule 19.— In Rule 19, in the first proviso, for the words “applications for of”, the words “applications for” shall be substituted.

8. Amendment of Form II.— In Form II.—

(i) for Clause 2, the following clause shall be substituted, namely.—

“2. The lessee/purchaser shall pay a sum of rupees ........ per year as rent on or before ............. commencing from ............”.

(ii) in Clause 5, after the words “Life Insurance Corporation of India”, the words “Housing Co-operative Societies or Banks” shall be inserted;

(iii) for Clause 11, the following clause shall be substituted, namely.—

“11. At the end of ten years referred to in Clause 1 the total amount of rent paid by the lessee/purchaser for the period of the tenancy shall be adjusted towards the balance of the value of the property.”

THE
CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 1964

ERRATUM

GSR 115.—Sub-rules (8), (9), (10) and (11) of Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, published in

1. Published in the Karnataka Gazette, dated 30-4-1964, vide Notification No. PLM 41 GBA 63, dated 24-4-1964
Notification No. PLM 41 GBA 63, dated 17/24th February, 1964 are renumbered as sub-rules (7), (8), (9) and (10).

THE CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1966

GSR 860—In exercise of the powers conferred by Section 42 and sub-section (3) of Section 43 of the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945), the Government of Mysore hereby makes the following rules, namely.—

1. Title.—These rules may be called the City of Bangalore Improvement (Allotment of Sites (Amendment) Rules, 1966.

2. Insertion of new Rule 17-A.—After Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, the following rule shall be and shall always be deemed to have been inserted, namely.—

"17-A. Revision.—(1) The Government may, *suo motu* or otherwise, call for the record of any decision, order or proceeding of the Chairman or the Board in pursuance of any condition in Rule 17 or any condition in the lease-cum-sale agreement executed by an allottee, for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

Provided that no decision or order shall be modified, annulled or reversed unless notice has been served on the parties interested and opportunity given to them for making representation to the Government."

THE CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1966

GSR 968—In exercise of the powers conferred by Section 42 and sub-section (3) of Section 43 of the City of Bangalore Improvement Act, 1945

1. Published in the Karnataka Gazette, dated 10-3-1966, vide Notification No. LMA 24 MNX 66; dated 7-3-1966
2. Published in the Karnataka Gazette, dated 9-6-1966, vide Notification No. LMA 33 MNX 66, dated 31-5-1966

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(Mysore Act No. V of 1945), the Government of Mysore hereby makes the following rules, namely.—

1. Title.—These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1966.

2. Amendment of Rule 10.—In sub-rule (2) of Rule 10 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964.—

(i) after clause (iii), the following clause shall be inserted, namely.—

"(iii-a) five per cent of the available sites may be reserved and allotted to the following and in the order of priority hereinafter indicated, namely.—

(a) members of the defence services who have been disabled in action;

(b) widows or other dependents of the members of the defence services who have been killed in action;

(c) families of members of the defence services posted in field areas and who have not been provided with accommodation in the place where they are posted; and

(d) members of the defence services; and"

(ii) in clause (v), for the words "sixty per cent", the words "fifty-five per cent" shall be substituted.

THE
CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) (AMENDMENT) RULES, 1968

GSR 37.—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945), the Government of Mysore hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, namely.—

1. Title.—These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1968.

2. Amendment of Rule 17.—In Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964, in sub-rule (2), the following proviso shall be and shall always be deemed to have been added at the end, namely.—

1. Published in the Karnataka Gazette, dated 23-1-1969, vide Notification No. HMA 2 MNX 68, dated 9-1-1968
“Provided that where an allottee is a person belonging to the Schedule Castes or Scheduled Tribes and whose monthly income does not exceed rupees three hundred, the balance of the value of the site required to be paid under this sub-rule shall be paid by him within a period of six years from the date of receipt of the notice of allotment together with interest at three per cent per annum on the deferred payments.”
THE
CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) RULES, 1972

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CITY OF BANGALORE IMPROVEMENT
(ALLOTMENT OF SITES) RULES, 1972


GSR 293.—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945), the Government of Mysore hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) Rules, 1972.

(2) They shall come into force on the First day of September, 1972.

2. Definitions. — In these rules, unless the context otherwise requires.—

(a) "Act" means the City of Bangalore Improvement Act, 1945 (Mysore Act No. V of 1945);

(b) "Allottee" means the person to whom a site is allotted under these rules;

(c) "Backward class" a person shall be considered to belong to the backward classes if.—

(i) his income does not exceed 2 [rupees three thousand six hundred] per annum; and

(ii) he is.—

(a) an actual cultivator;

(b) an artisan;

(c) a petty businessman;

(d) holding an appointment in inferior services (i.e., Class IV in Government service or corresponding service

1. Published in the Karnataka Gazette, dated 31-8-1972, vide Notification No. HMA 22 MNX 72, dated 26-8-1972
2. Substituted for the words "rupees two thousand and four hundred" by GSR 209, dated 19-7-1979, w.e.f. 19-7-1979

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under local bodies, autonomous bodies or private employment including casual labour); or

(e) engaged in any occupation involving manual labour.

(d) "Family" in relation to a person means such person, the wife or husband as the case may be of such person, and the children, grand-children, parents, sisters and brothers of such person and wholly dependant on such person;

(e) "Form" means a Form appended to these rules;

(f) "Income" means the fixed annual income of a person;

(a) "Physically handicapped person" means a person who suffered from total absence of sight or whose visual acuity is not exceeding 3/60 or 10/200 (snellen) in the better eye with correcting lenses or in whom the sense of hearing is fully non-functional for the ordinary purpose of use or who has physical defect or deformity which causes inadequate interference to impede normal functioning of the bones, muscles and joints and who has been certified to that effect by the Surgeon of the concerned faculty in the Victoria Hospital, Bangalore or in the Minto Eye Hospital, Bangalore as the case may be;

(g) "Stray site" means a site which was once allotted but subsequently the allotment was either cancelled by the Board or surrendered by the allottee or a site left over inadvertently while notifying the sites for allotment or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

3. Offer of sites for allotment.— (1) Whenever the Board has formed an extension or layout in pursuance of any scheme, the Board may, subject to the general or special orders of the Government, offer any or all the sites in such extension or layout for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the amount payable as earnest money, the last date for submission of applications and such other particulars as the Chairman may consider necessary, by affixing a notice to the notice board of the office of the Board, and any other office as the Chairman may decide from time to time and by publication in not less than three daily newspapers published in the City of Bangalore in English and Kannada having a wide circulation in the city.

1. Clause (f-a) inserted by GSR 235, dated 30-10-1981, w.e.f. 31-10-1981.
4. Reservation of sites. — (1) The Board may, with the previous sanction of the Government, set apart sites in any area for allotment to any specified class of persons or proposes as it may consider necessary.

(2) Where sites are set apart under sub-rule (1), the procedure to be followed for allotment of those sites shall, subject to the general or special orders of the Government, be determined by the Board.

[5. Allotment of stray sites. — Notwithstanding anything contained in Rules 3 and 11, but subject to the provisions of Rule 10, the Bangalore Development Authority shall dispose of the stray sites in accordance with the directions issued by the Government from time to time.]

6. Disposal of sites for charitable purposes. — Notwithstanding anything contained in these rules sites may be allotted on lease basis, to registered charitable institutions for purposes of construction of schools, colleges, play grounds, hostels, temples, community centres and recreation clubs on such rent as may be fixed by the Board. The Government may call for the records and revise the rent if it is satisfied that the rent fixed is too low. After the expiry of the lease period the entire land with buildings and constructions thereon shall vest in the Board free from all encumbrances. But such sites may be conveyed by the Board to such institution after recovering such expenditure if any, as it may have incurred:

Provided that no amount towards such expenditure shall be recovered by the Board in the case of persons belonging to the Backward classes, the scheduled castes and the scheduled tribes if so directed by Government.

7. Allottee to be a lessee. — The site allotted under Rule 3 or Rule 5 shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease, the allottee shall pay to the Board rent at the rate of rupees three per annum where the area of the site does not exceed two hundred square meters, rupees six per annum where the area of the site exceeds two hundred square meters but does not exceed five hundred square meters and rupees twelve per annum where the area of the site exceeds five hundred square meters before the commencement of each year.

8. Applications. — (1) Applications, for allotment of sites shall be in Form I which may be obtained from the Office of the Board on payment of a sum of two rupees which amount shall not be refunded. The application shall be attested by a Magistrate of the First Class [or an Officer empowered to administer oaths or affirmations].

(2) Every application shall be accompanied by the receipt, challan or draft evidencing the deposit of the earnest money under Rule 9.

1. Rule 5 substituted by GSR 235, dated 30-10-1981, w.e.f. 31-10-1981
2. Inserted by GSR 150, dated 21-5-1980, w.e.f. 29-5-1980

A KLJ PUBLICATION
(3) Every applicant shall indicate the dimensions of the site required by him.

(4) When applications are invited under Rule 3, the application shall be presented in person or sent by registered post so as to reach the office of the Board before the date and time fixed for receipt of such applications. Applications received after the date and time so fixed shall be rejected.

9. **Earnest money.**—(1) Every applicant for a site shall deposit as earnest money an amount equal to twelve and half per cent of the value of a site of the dimensions applied for and enclose with the application the receipt obtained in token of such deposit, or challan for having credited the amount to the Reserve Bank of India or challan for having credited the amount to the Canara Bank Receiving Counter at the Board Office premises or a bank draft for the amount drawn in favour of the Chairman:

Provided that the earnest money to be deposited by a member of the Scheduled Castes or Scheduled Tribes or Wandering tribe or nomadic tribe or semi-nomadic or denotified tribe shall be three per cent of the value of the site.

(2) The earnest money shall be refunded to the applicant if no allotment of site is made to the applicant.

10. **Eligibility for allotment.**—No person.—

(1) Who is not ordinarily resident (living independently or with his family members) in the area within the jurisdiction of the Board for not less than five years immediately before the last date fixed for making applications;

Provided that the persons who are domiciled in the State of Karnataka but serving in the Armed Forces of the Union outside the State of Karnataka shall be eligible for allotment of Sites under these rules.

(2) Who or any member of whose family owns or is a lessee entitled to demand conveyance eventually or has been allotted a site or a house by the Board or any other authority, within the area under the jurisdiction of the Board, or of the Corporation of the City of Bangalore, shall be eligible to apply for allotment of a site:

Provided that the Board may relax the restriction in clause (1) regarding residence in the case of persons.—

(i) who are domiciled in the State of Mysore and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(ii) who are domiciled in the State of Mysore but have gone outside the State on business, employment, study or training and who bona fide
intend to reside within the area under the jurisdiction of the Board; or

(iii) who though not domiciled in the State of Mysore bona fide intend to reside within the area under the jurisdiction of the Board.]

11. **Principles for selection of applicants for allotment of sites.**—(1) The Board shall consider the case of each applicant on its merits and shall have regard to the following principles in making selection.—

(i) the status of the applicant, that is whether he is married or single and has dependent children;

(ii) the income of the applicant and his capacity to purchase a site and build a house thereon for his residence:

Provided that this condition shall not be considered in case of applicants belonging to Scheduled Castes, Scheduled Tribes, Wandering Tribes, Nomadic Tribes and other Backward Classes.

(iii) the number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for a site;

(iv) persons who are ex-servicemen or members of the family of the deceased servicemen killed in action, during the last ten years.

(2) The sites may be allotted among the different classes of persons as indicated hereunder.—

(a) wandering tribes/nomadic tribes
denotified tribes/semi-nomadic tribes 2%

(b) Scheduled Tribes 3%

(c) Scheduled Castes 13%

1[(d)] Ex-servicemen and members of the families of deceased servicemen and members of the Armed Forces of the Union 8%

(d-1) Persons domiciled in the State of Karnataka but serving in the Armed Forces of the Union outside the State of Karnataka 1%

(e) State Government servants 12%

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1. Items (d) and (d-1) substituted for Item (d) by GSR 96, dated 17/19-3-1979, w.e.f. 20-3-1979
(f) Servants of the Central Government and Corporations 10%

[(ff) Physically handicapped persons 2%]

(g) General public 49%]

(2) [Explanation 1.]—At the time of making an allotment if sufficient number of applications from persons belonging to category (a) are not received, then remaining sites reserved for that category shall be transferred to category (b); and if sufficient number of applications from persons belonging to categories (a) and (b) are not received, then the remaining sites reserved for those categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b) and (c) are not received then the remaining sites reserved for those categories shall be transferred to category (g).

(3) [Explanation 2.]—At the time of making an allotment if sufficient number of applications from persons belonging to category (d-1) are not received, then notwithstanding anything contained in these rules, the remaining sites reserved for that category shall be treated as stray sites and allotted only to the said persons belonging to the said category.]

(12. The Allotment Committee.—(1) The Authority shall, from time to time, constitute a Committee called the Allotment Committee for considering applications for allotment of sites and making recommendations to the Authority:

(2) The Allotment Committee shall consist of not less than six members of whom at least three shall be from among the Official members of the Authority. The remaining members shall be elected by the Authority from among the members of the authority nominated by the Government.

(3) The Chairman of the Authority shall be the Chairman of the Allotment Committee.]

13. Selection of applicants.—The Board shall consider the recommendations of the Allotment Committee and after such further inquiry as it deems fit make allotments.

14. Revocation of proposal for allotment of sites.—(1) The Board may at any time revoke any proposal to dispose of any site under these rules if in its
opinion, the area covered by such site has to be reserved for any purpose, for the use of the inhabitants of the extension concerned.

(2) When a revocation is made under sub-rule (1), the applicants for sites in such area shall be given the option to apply for other sites in the extension and any application made accordingly shall be considered along with the other applications for sites in such extension.

15. Decision of Board.—The Board shall have the right to reject the allotment of sites applied for by an applicant without assigning any reasons. The decision of the Board shall be final and binding on every applicant.

16. Value of a site.—(1) The value of a site mentioned while inviting applications may be altered by the Board with the sanction of the Government and an allottee may accept the site at the altered price or decline the allotment:

Provided that a person whose annual income [is not more than] [rupees three thousand six hundred] shall be entitled to get a site measuring [9.14 M X 13.71 M (30' X 45')] or less at fifty per cent of the value of the site fixed by the Board.

(2) The value of the stray sites shall be.—
(a) in developed layouts, one hundred and seventy-five per cent;
(b) in semi-developed layouts, one hundred and fifty per cent;
(c) in any undeveloped layouts, one hundred and ten per cent of the value fixed by the Authority for similar sites in the said layout:

Provided that, in the case of a stray site measuring 9.14 M X 13.71 M (30' x 45') or less and allotted to a person whose annual income is less than three thousand and six hundred rupees, the value shall not exceed the amount fixed for similar sites under the proviso to sub-rule (1).]

Explanation.—For purposes of this rule.—

(1) "developed layout" means a layout where, in the opinion of the Authority, all the civic amenities such as water supply, street lights, underground drainage and roads have been provided;

1. Rule 16 renumbered as sub-rule (1) thereof by GSR 209, dated 19-7-1979, w.e.f. 19-7-1979
2. Substituted for the words "is less than" by GSR 337, dated 18-10-1972, w.e.f. 20-10-1972.
3. Substituted for the words "Rupees two thousand and four hundred" by GSR 2, dated 28-12-1974, w.e.f. 1-5-1974.
5. Sub-rule (2) inserted by GSR 209, dated 19-7-1979, w.e.f. 19-7-1979.
6. Clause (c) substituted by GSR 337, dated 20-11-1979, w.e.f. 20-11-1979
(2) "semi-developed layout" means a layout where, in the opinion of the Authority, civic amenities such as water supply, street lights, underground drainage and roads have not been fully provided;

(3) "undeveloped layout" means a layout where, in the opinion of the Authority, water supply, street lights, underground drainage and roads have not been provided.]

17. Conditions of allotment and sale of site.—The allotment of a site under these rules shall be subject to the following conditions.—

(1) The allottee shall within a period of fifteen days from the date of receipt of the notice of allotment, pay to the Board twelve and a half per cent of the price of the site and if no such payment is made the allottee shall be deemed to have declined the allotment.

(2) The balance of the value of the site (less than a sum of rupees thirty where the area of the site does not exceed two hundred square meters, rupees sixty where the area exceeds two hundred square meters and does not exceed five hundred square meters and rupees one hundred and twenty where the area exceeds five hundred square meters) shall be paid within ninety days from the date of receipt of the notice of allotment, or such extended period not exceeding one year as the Chairman may specify. Interest at [fifteen per cent] shall be paid on the said amount for the extended period. If the said amount is not paid within the period of ninety days or the extended period the earnest money paid by the allottee shall be liable to forfeiture and the allotment may be cancelled:

[Provided that where an allottee is a person.—

(i) whose annual income does not exceed [three thousand and six hundred rupees], he may choose to pay the balance value of the site in quarterly, half yearly or annual instalments and the rate of interest on the said amount for the extended period for quarterly payment will be two per cent for half yearly payments will be three per cent and annual payments four per cent;

(ii) whose annual income exceeds [three thousand and six hundred rupees] but does not exceed seven thousand and two hundred rupees interest at twelve per cent per annum shall be paid on the said amount for the extended period:

1. Substituted for the words "nine per cent" by GSR 316, dated 27/28-10-1975, w.e.f. 6-11-1975.
2. Provisos substituted by GSR 316, dated 27/28-10-1975, w.e.f. 6-11-1975.
3. Substituted for the words "two thousand and four hundred rupees" by GSR 209, dated 19-7-1979, w.e.f. 19-7-1979
4. Substituted for the words "two thousand and four hundred rupees" by GSR 209, dated 19-7-1979, w.e.f. 19-7-1979

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Provided further that where an allottee is a person belonging to a Scheduled Caste or Scheduled Tribe or other Backward Classes or a nomadic tribe or a wandering tribe, or a denotified tribe or a family of Defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years from the date of receipt of the notice of allotment.

(3) Until the site is conveyed to the allottee the amount paid by the allottee for the purchase of the site shall be held by the Board as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Board and the allottee.

(4) After payment under sub-rule (2) is made the Board shall intimate the allottee the actual measurements of the site and the particulars thereof and a lease-cum-sale agreement in Form II shall thereafter be executed by the allottee and the Board and registered by the allottee. If the agreement is not executed within forty-five days after the Board has intimated the actual measurements and particulars of the site to the allottee, the earnest money paid by the allottee may be forfeited, the allotment of the site may be cancelled, and the amount paid by the allottee after deducting the earnest money refunded to him. Every allottee shall construct a building on the site in accordance with the plans and designs approved by the Board. If in any case it is considered necessary to add any additional conditions in the agreement the Board may make such additions. Approval of the City of Bangalore Municipal Corporation for the plans and designs shall be necessary when the layout in which the site is situated is transferred to the control of the said Corporation.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Board or the Corporation, as the case may be, for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period [as the Chairman may] in any specified case by written order permit. If the building is not constructed within the said period the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Board, and after forfeiting twelve and a half per cent of the value of the site paid by the allottee, the Board shall refund the balance to the allottee.

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1. Substituted for the words “as the Board may” by GSR 150, dated 21-5-1980, w.e.f. 29-5-1980
(7) (a) On the expiry of the period of ten years and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement in the meanwhile the Board shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice.

(b) If the allottee fails to get the sale deed executed within the time so specified the Board shall itself execute the same and recover the cost and other charges, if any, incidental thereto from the allottee as if the same are amount due to the Board.]

(8) The allottee shall ordinarily reside or himself make use of the building constructed on the site allotted to him.

(9) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(10) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found incorrect or false subsequently, twelve and half per cent of the site value, shall be forfeited after the site is resumed by the Board and the balance amount of site value refunded to the applicant.

18. Restrictions, conditions and limitations on sales of sites.—(1) Notwithstanding anything contained in—

(i) these rules or any other rules, bye-laws or orders governing the allotment, grant or sale of sites by the Board for construction of buildings; or

(ii) any instrument executed in respect of any site allotted, granted or sold by the Board for construction of buildings,

the Chairman may at the request of the allottee grantee or purchaser of a site, execute a deed of conveyance subject to the restrictions, conditions and limitations specified in sub-rule (2).

(2) The conveyance by the Chairman of a site in favour of an allottee, grantee or purchaser of a site (hereinafter referred to as "the purchaser") shall be subject to the following restrictions, conditions and limitations, namely,—

(a) in the case of a site on which a building has not been constructed.—

(i) the purchaser shall construct a building on the site within such period as may be specified by the Board, as per plans, designs and conditions to be approved by the Board or in conformity with the provisions of the City of Bangalore

1. Sub-rule (7) substituted by GSR 379, dated 19-12-1975, w.e.f. 20-12-1975
Municipal Corporation Act, 1949 and the Bye-laws made thereunder;

(ii) the purchaser shall not without the approval of the Board, construct on the site any building other than a building for the construction of which the site was allotted, granted or sold;

(iii) the purchaser shall not alienate the site within a period of ten years from the date of allotment except by mortgage in favour of the Government of India, the Government of Mysore, the Life Insurance Corporation of India or the Mysore Housing Board, or any "[any company or Co-operative Society approved by the Board] or any Corporation set up, owned or controlled by the State Government or the Central Government to secure moneys advanced by such Government, "[Corporation, Board, Company]. Society or Corporations, as the case may be, for the construction of the building on the site;

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of allotment, except—

(i) by mortgage in favour of the Government of India, the Government of Mysore, the Life Insurance Corporation of India or the Mysore Housing Board or any Co-operative Society approved by the Board to secure moneys advanced by such Government, "[Corporation, Board, Company] or Society for the construction of the building on the site; or

(ii) with the previous approval of the Board;

(c) in the event of the purchaser committing breach of any of the conditions in clause (a) or clause (b), the Board may at any time, after giving the purchaser reasonable notice, resume the site free from all encumbrances. The purchaser may remove all things which he has attached to the earth:

1. Substituted for the words “any Co-operative Society approved by the Board” by GSR 150, dated 21-5-1980, w.e.f. 29-5-1980
2. Substituted for the words “Corporation, Board” by GSR 150, dated 21-5-1980, w.e.f. 29-5-1980
3. Substituted for the words “Corporation, Board” by GSR 150, dated 21-5-1980, w.e.f. 29-5-1980

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Provided he leaves the site in the state in which he received it. All transaction entered into in contravention of the conditions specified in clauses (a) and (b) shall be null and void *ab initio*.

**Explanation.**—In this rule, references to the Board shall be deemed to include the Chairman when authorised by the Board by a *general resolution* to exercise any power vested in the Board.

"(3) Notwithstanding anything in sub-rule (2), but without prejudice to the provisions of Rule 17 where the lessee applies that for reasons beyond his control he is unable to reside in the City of Bangalore or by reasons of his insolvency or impecuniosity it is necessary for him to sell the site or site and the building, if any, he may have put up thereon, the Bangalore Development Authority may, with the previous approval of the State Government, either,—

(a) require him to surrender the site, where there is no building, in its favour; or

(b) where there is a building put up, permit him to sell the vacant site and building:

Provided that,—

(i) in case covered by clause (a), the Bangalore Development Authority shall pay to the lessee the allotted value of the site and an, additional sum equal to the amount of interest at twelve per cent per annum thereon; and

(ii) in cases covered by clause (b), the lessee shall pay to the Bangalore Development Authority a sum equal to the amount of interest at twelve per cent per annum on the allotted value of the site.]

19. **Voluntary surrender.**—An allottee may at any time after allotment, surrender the site allotted to him to the Board. On such surrender the Board shall refund all amounts paid by the allottee to the Board in respect of the said site.

20. **Revision.**—(1) The Government may, *suo motu* or otherwise, call for the record of any decision, order or proceeding of the Chairman or the Board under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order of proceeding.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit:

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1. Sub-rule (3) substituted by GSR 424, dated 21-12-1976, w.e.f. 21-12-1976
Provided that no decision or order shall be modified, annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

21. Savings.—Nothing in these rules shall be applicable to the sale or transfer of sites by the Board to—

(a) the Mysore Housing Board for construction of Houses; or

(b) the State Government or the Central Government for any purposes;

(c) the Life Insurance Corporation of India, the Mysore State Road Transport Corporation, the Bangalore Water Supply and Sewerage Board and the Mysore Electricity Board.

22. Repeal.—The City of Bangalore Improvement 1[Disposal of Sites] Rules, 1971 are hereby repealed:

Provided that such repeal shall not effect the operation of the said rules in respect of anything done or any action taken under the said rules.

23. Pending applications.—All applications for allotment of sites pending on the date of commencement of these rules (including applications pending on the date of commencement of the City of Bangalore Improvement (Disposal of Sites) Rules, 1971 and not disposed of under the said rules, notwithstanding that any applicant has withdrawn the earnest money deposited by him provided he deposits such earnest money within such time as the Board may specify in this behalf if the applicant is eligible for allotment under Rule 10 shall be deemed to be applications made under these rules and shall be disposed of in accordance with these rules.

3[23-A. Rules not to apply to corner sites and commercial sites.—Notwithstanding anything contained in these rules, the provisions of these rules shall not apply to disposal of corner sites and commercial sites for which provision is made in the City of Bangalore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1972.]
FORM I

[See sub-rule (1) of Rule 8]

Form of Application for Purchase of Site

To

The Chairman,
City Improvement Trust Board,
Bangalore 20

Sir,

I wish to purchase a building site measuring . . . . . in . . . . . Extension, Bangalore. I agree to abide by the conditions of allotment and sale of the site contained in Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, and the terms of the lease-cum-sale agreement, copies of which are enclosed in duplicate. I also enclose the duplicate copies of the conditions of allotment and sale and lease-cum-sale agreement duly signed in token of having accepted the conditions therein.

Particulars about me are given below:

1. Name (in Block letters)
2. Father's/Husband's name
3. Age
4. Whether the applicant belongs to Scheduled Caste or Scheduled Tribe, Nomadic Tribes, Semi-Nomadic Tribes, Backward Classes, Denotified Tribes.
5. Whether married or single.
6. (a) Residential address: Permanent (House No. Name of street, locality and Town).
   (b) Present address: (if different from above) for correspondence with the Board.
7. (i) Occupation or post.
   (ii) Address
   (iii) Place of employment or business.
8. (a) Annual income of the applicant (both from profession and from properties if any).
(b) Any other means indicating the
capacity of the applicant to purchase
the site applied for and to building a
house thereon.

9. Whether the applicant is ordinarily a resident in
Bangalore City or in the area under the
jurisdiction of the Board and the period of such
residence.

10. Whether any member of the family of which the
applicant is a member owns or has been allotted
site or a house by the Board or any other
authority, within the area under the jurisdiction
of the Board. (Furnish details).

11. (1) Whether the applicant already owns a house
or a house-site:

(a) in the City (with details)

(b) outside the city (with details)

(2) Whether he/she has any share in such
property and the value of the share thereof.

12. Whether the applicant's wife/hus-
band/minor child owns a house or a house-site:

(a) in the City (with details)

(b) outside the city (with details)

(2) Whether the applicant's
wife/husband/minor child has any
share in such property and the value
of the share thereof.

13. Whether the applicant has transferred the
ownership or rights in the house or house-site
already allotted to him/her in any of the schemes of
the Board or any other authority to somebody else
(if so, furnish details).

14. Whether the applicant or any members of his/her
family has already availed of any housing or loan
scheme of Government, local body or Co-operative
Society, if so, give details.

15. Whether the applicant applied for allotment of a
site or a site with a building, in any of the scheme
of the Board or and other authority and whether
his/her deposit was refund (if so, furnish details).

16. Amount of earnest money deposited now (with
Challan No. and date).

I hereby solemnly declare that all the above information given by me is
ture. I shall furnish any additional information in my possession which you
may require. If there is any delay on my part to furnish the necessary information required by the Board, it will be within the discretion of the Board to reject my application.

If, at any time it is found that the information given by me above is incorrect, the Board can cancel the allotment, resume possession of the site and forfeit part or whole of the amount paid by me till then towards cost of the site or deposit.

I am aware that under the Rules, I have to build the house myself with my own resources.

Signature of Applicant.

Station ............ Date ............

Attested: Magistrate of the First Class.

Date ............

FORM II

[See Rule 17(4)]

Lease-cum-sale agreement

An agreement made this ............ day of ............ 197., between the City of Bangalore Improvement Trust Board, Bangalore, (hereinafter called the "Lessor/Vendor") which term shall wherever the context 'so permits, mean and include its successors in interest and assigns of the ONE PART and ............ hereinafter called Lessee/Purchaser (which term shall wherever the context so permits mean and include his/her heirs, executors; administrators and legal representatives) of the OTHER PART;

Whereas, the City of Bangalore Improvement Trust Board advertised for sale building sites in ............ Extension;

And, whereas, one of such building site in Site No: ............ more fully described in the Schedule hereunder and referred to as property;

And, whereas, there were negotiation between the Lessee/Purchaser on the one hand and the Lessor/Vendor on the other for allowing the Lessee/purchaser to occupy the property as Lessee until the payment in full of the price of the aforesaid site as might be fixed by the Lessor/Vendor as hereinafter provided;

And, whereas, the Lessor/Vendor agreed to do so subject to the terms and conditions specified in the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, and the terms and conditions hereinafter contained;
And, whereas, thus the Lessor/Vendor has agreed to lease the property and the Lessee/Purchaser has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder:

**Now this Indenture Witnesseth**

1. The Lessee/Purchaser is hereby put in possession of the property and the Lessee/Purchaser shall occupy the property as a tenant thereof for a period of ten years from (here enter the date of giving possession). . . . . or in the event of the lease being determined earlier till the date of such termination. The amount deposited by the Lessee/Purchaser towards the value of the property shall, during the period of tenancy, be held by the Lessor/Vendor as security deposit for the due performance of the terms and conditions of these presents.

2. The lessee/purchaser shall pay a sum of rupees . . . . . per years as rent on or before . . . . . commencing from . . . .

3. The Lessee/Purchaser shall construct a building in the property as per plans, designs and conditions to be approved by the Lessee/Vendor and in conformity with the provisions of the City of Bangalore Municipal Corporations Act, 1949, and the bye-laws made thereunder within two years from the date of this agreement:

Provided that where the Lessor/Vendor for sufficient reasons extends in any particular case the time for construction of such building, the Lessee/Purchaser shall construct the building within such extended period.

4. The Lessee/Purchaser shall not sub-divide the property or construct more than one dwelling house on it.

The expression "dwelling house" means a building constructed to be used wholly for human habitation and shall not include any apartments to the building whether attached thereto or not, used as a shop or a building of ware-house or building in which manufactory operations are conducted by mechanical power or otherwise.

5. The Lessee/Purchaser shall not alienate the site or the building that may be constructed thereon during the period to the tenancy. The Lessor/Vendor may, however permit the mortgage of the right, title and interest of the Lessee/Purchaser in favour of the Government of Mysore, the Central Government or bodies corporate like the Mysore Housing Board or the Life Insurance Corporation of India, Housing Co-operative Societies or Banks to secure moneys advanced by such Governments or bodies for the construction of the building.

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6. The Lessee/Purchaser agrees that the Lessor/Vendor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site:

7. The property shall not be put to any use except as a residential building without the consent in writing of Lessor/Vendor.

8. The Lessee/Purchaser shall be liable to pay all outgoings with reference to the property including taxes due to the Government and the Municipal Corporation of Bangalore.

9. On matters not specifically stipulated in these presents, the Lessor/Vendor shall be entitled to give directions to the Lessee/Purchaser which the Lessee/Purchaser shall carry out and default in carrying out such directions will be a breach of conditions of these presents.

10. In the event of the Lessee/Purchaser committing default in the payment of rent or committing breach of any of the conditions of this agreement or the provisions of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, the Lessor/Vendor may determine the tenancy at any time after giving the Lessee/Purchaser fifteen days' notice ending with the month of the tenancy, and take possession of the property. The Lessor/Vendor may also forfeit twelve and a half per cent of the amount treated as security deposit under Clause 1 of these presents.

11. At the end of ten years referred to in Clause 1 the total amount of rent paid by the lessee/purchaser for the period of the tenancy shall be adjusted towards the balance of the value of the property.

12. If the Lessee/Purchaser has performed all the conditions mentioned herein and committed no breach thereof the Lessor/Vendor shall at the end of ten years referred to in Clause 1, sell the property to the Lessee/Purchaser and all attendant expenses in connection with such sale such as stamp duty, registration charges, etc., shall be borne by the Lessee/Purchaser.

13. The Lessee/Purchaser hereby also confirms that this agreement shall be subject to the terms and conditions specified in the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, and agreed to by the Lessee/Purchaser in his/her application for allotment of the site.

14. In case the Lessee/Purchaser is evicted under Clause 9 he shall not be entitled to claim from the Lessor/Vendor and compensation towards the value of the improvements or the superstructure erected by him on the scheduled property by virtue of and in pursuance of these presents.

15. It is also agreed between the parties hereto that Rs. . . . (Rupees . . . . . . . . .) in the hands of the Lessor/Vendor received by them from the Lessee/Purchaser shall be held by them as security for any loss or expense that the Lessor/Vendor may be put to in connection with any legal
proceedings including eviction proceedings that may be, taken against the Lessee/Purchaser and all such expenses shall be appropriated by the Lessor/Vendor from and out of the moneys of the Lessee/Purchaser held in their hands.

THE SCHEDULE

Site No. . . . . . . . . . . . . formed by the City of Bangalore Improvement Trust Board in Block No. . . . . . . . . in the . . . . . . . . Extension.

Site bound on.—

   East by:
   . West by:
   . North by:
   . South by:

and measuring east to west . . . . . . north to south . . . . in all measuring . . . . square feet.

In witness whereof the parties have affixed their signatures to this agreement.

Chairman.

The City of Bangalore Improvement Trust Board.

Witnesses:

1.

2. Lessee/Purchaser.

Witnesses:

1.

2.
CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1972

GSR 337.—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945), the Government of Mysore hereby makes the following rules to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In Rule 10 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 (hereinafter referred to as the ‘said Rules’), for the proviso, the following proviso shall be substituted, namely.—

“Provided that the Board may relax the restriction in clause (1) regarding residence in the case of persons.—

(i) who are domiciled in the State of Mysore and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(ii) who are domiciled in the State of Mysore but have gone outside the State on business, employment, study or training and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(iii) who though not domiciled in the State of Mysore bona fide intend to reside within the area under the jurisdiction of the Board”.

3. Amendment of Rule 16.—In Rule 16 of the said rules, in the proviso.—

(i) for the words “is less than”, the words “is not more than” shall be substituted; and

(ii) for the figures, letters, marks and brackets “9.14 M x 12.19 M (30’ x 40’)”, the figures, letters, marks and brackets “9.14 M x 13.71 M (30’ x 45’)” shall be substituted.

4. Amendment of Rule 22.—In Rule 22 of the said rules, for the words “Allotment of sites”, the words “Disposal of sites” shall be substituted.

1. Published in the Karnataka Gazette, Extraordinary No. 418, dated 20-10-1972—vide Notification No. HMA 22 MNX 72, dated 18-10-1972
CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1972

GSR 373.—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945), the Government of Mysore hereby makes the following rules to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1972.

(2) They shall come into force at once.

2. Addition of New Rule 23-A.—In the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, after Rule 23, the following rule shall be added, namely.—

"23-A. Rules not to apply to corner sites and commercial sites.—Notwithstanding anything contained in these rules, the provisions of these rules shall not apply to disposal of corner sites and commercial sites for which provision is made in the City of Bangalore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1972".

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1973

GSR 195.—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945), the Government of Mysore hereby makes the following rules to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1973.

(2) They shall be deemed to have come into force on the First day of September, 1972.

2. Amendment of Rule 21.—For clause (b) of Rule 21 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, the following clause shall be substituted, namely.—

"(b) The State Government or the Central Government for any purposes".

1. Published in the Karnataka Gazette Extraordinary No. 578, dated 2-12-1972 vide Notification No. HMA 69(i) MNX 72, dated 30-11-1972
2. Published in the Karnataka Gazette, dated 9-8-1973 vide Notification No. HMA 22 MNX 72, dated 3-8-1973

A KLJ PUBLICATION
CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1974

GSR 258. — In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945), the Government of Mysore hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of Rule 17.—For the proviso to sub-rule (2) of Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, the following proviso shall be substituted, namely.—

"Provided that where an allottee is a person belonging to a Scheduled Caste or a Scheduled Tribe or Other Backward Classes or a nomadic tribe or a wandering tribe or a denotified tribe or a family of a defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him within a period of six years from the date of receipt of notice of allotment together with interest at three per cent on the deferred payment".

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1974

GSR 2. — In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945) of the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of Rule 16.—In the proviso to Rule 16 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, for the words

1. Published in the Karnataka Gazette, dated 12-9-1974 vide Notification No. HMA 47 MNX 74, dated 9-9-1974
2. Published in the Karnataka Gazette, Extraordinary No. 3, dated 2-1-1975 vide Notification No. HMA 249 MNX 74, dated 28-12-1974
"Rupees Two Thousand and four hundred", the words "three thousand six hundred" shall be substituted.

**CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1975**

GSR 86—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945) of the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1974.—

1. **Title and commencement.**—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1975.

2. **Amendment of sub-rule (2) of Rule 1.**—For the words "they shall come into force on the date of their publication in the Official Gazette", the words "from the date of the Board resolution i.e., 1st May, 1974" shall be substituted.

**CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1975**

GSR 316.—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945), the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. **Title and commencement.**—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1975.

   (2) They shall come into force at once.

2. **Amendment of Rule 17.**—In Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972.—

   (1) In sub-rule (2), for the words "nine per cent", the words "fifteen per cent" shall be substituted;

   (2) For the proviso, the following provisos shall be substituted, namely.—

   "Provided that where an allottee is a person.—

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1. Published in the Karnataka Gazette, dated 27-3-1975 vide Notification No. HMA 29 MNX 75, dated 20-3-1975
2. Published in the Karnataka Gazette, dated 6-11-1975 vide Notification No. HMA 135 MNX 74, dated 27/28-10-1975

A KIJ PUBLICATION
(i) whose annual income does not exceed two thousand and four hundred rupees, he may choose to pay the balance value of the site in quarterly, half yearly or annual instalments and the rate of interest on the said amount for the extended period for quarterly payment will be 2 per cent for half yearly payments will be 3 per cent and annual payments 4 per cent;

(ii) whose annual income exceeds two thousand and four hundred rupees but does not exceed seven thousand and two hundred rupees interest at twelve per cent per annum shall be paid on the said amount for the extended period:

Provided further that where an allottee is a person belonging to a Scheduled Castes or Scheduled Tribe or Other Backward Classes or a nomadic tribe or a wandering tribe or a denotified tribe, or a family of Defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years from the date of receipt of the notice of allotment”.

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1975

GSR 379:—In exercise of the powers conferred by Section 42 of the City of Bangalore Improvement Act, 1945 (Mysore Act V of 1945), the Government of Karnataka hereby makes the following rules to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1975.

(2) They shall come into force at once.

2. Amendment of Rule 17.—For sub-rule (7) of Rule 17 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, the following sub-rule shall be substituted, namely.—

“(a) On the expiry of the period of ten years and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement in the meanwhile the Board shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice.

1. Published in the Karnataka Gazette, Extraordinary No. 4677, dated 20-12-1975 vide Notification No. HMA 184 MNX 74, dated 19-12-1975
(b) If the allottee fails to get the sale deed executed within the time so
specified the Board shall itself execute the same and recover the cost and
other charges, if any, incidental thereto from the allottee as if the same
are amount due to the Board’.

1. CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES)
(AMENDMENT) RULES, 1976

GSR 424.—In exercise of the powers conferred by clause (h) of sub-
section (2) of Section 69 the Bangalore Development Authority Act, 1976
(Karnataka Act 12 of 1976) read with clause (b) of sub-section (4) of Section 76
of the said Act, the Government of Karnataka hereby makes the following
rules further to amend the City of Bangalore Improvement (Allotment of
Sites) Rules, 1972, namely,—

1. Short Title and commencement.—(1) These rules may be called the
City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules,
1976.

(2) They shall come into force at once.

2. Amendment of Rule 18.—In Rule 18 of the City of Bangalore
Improvement (Allotment of Sites) Rules, 1972, for sub-rule (3), the following
shall be substituted, namely.—

“(3) Notwithstanding anything in sub-rule (2), but without
prejudice to the provisions of Rule 17, where the lessee applies that for
reasons beyond his control he is unable to reside in the City of
Bangalore or by reasons of his insolvency or impecuniosity it is
necessary for him to sell the site or site and the building, if any, he may
have put up thereon, the Bangalore Development Authority may, with
the previous approval of the State Government, either.—

(a) require him to surrender the site, where there is no building, in its
favour; or

(b) where there is a building put up, permit him to sell the vacant site
and building:

Provided that,—

(i) in case covered by clause (a), the Bangalore Development
Authority shall pay to the lessee the allotted value of the site and an
additional sum equal to the amount of interest at twelve per cent
per annum thereon; and

1. Published in the Karnataka Gazette, Extraordinary No. 4697, dated 21-12-1976 vide
Notification No. HMA 194 MNX 76, dated 21-12-1976

A KLJ PUBLICATION
(ii) in cases covered by clause (b), the lessee shall pay to the Bangalore Development Authority a sum equal to the amount of interest at twelve per cent per annum on the allotted value of the site”.

3. These rules to apply to certain other cases also.—Notwithstanding the repeal of the City of Bangalore Improvement (Allotment of Sites) Rules, 1964 and the City of Bangalore Improvement (Allotment of Sites) Rules, 1971, the provisions of sub-rule (3) of Rule 18 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 as amended by these rules shall apply in the case of vacant sites allotted under the said repealed rules also and any application for permission to sell such site or the building built on such site shall be disposed of accordingly.

'CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1979

GSR 96.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1979.

(2) They shall come into force at once.

2. Amendment of Rule 10.—After sub-rule (1) of Rule 10 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 (hereinafter referred as the ‘said rules’), the following proviso shall be inserted, namely.—

Provided that the persons who are domiciled in the State of Karnataka but serving in the Armed Forces of the Union outside the State of Karnataka shall be eligible for allotment of sites under these rules.

3. Amendment of Rule 11.—In Rule 11 of the said rules.—

(1) For item (d) of sub-rule (2), the following items shall be substituted, namely.—

(d) Ex-servicemen and members of the families of deceased servicemen and members of the Armed Forces of the Union — 8%.

(d-1) Persons domiciled in the State of Karnataka but serving in the Armed Forces of the Union outside the State of Karnataka — 1%.”

1. Published in the Karnataka Gazette, Extraordinary No. 228, dated 20-3-1979 vide Notification No. HUD 374 MNX 78, dated 17/19-3-1979
(2) The Explanation to sub-rule (2) shall be renumbered as Explanation 1 and after the Explanation 1 as so renumbered, the following Explanation shall be inserted, namely.—

"Explanation 2.—At the time of making an allotment if sufficient number of applications from persons belonging to category (d-1) are not received, then notwithstanding anything contained in these rules, the remaining sites reserved for that category shall be treated as stray sites and allotted only to the said persons belonging to the said category".

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (SECOND AMENDMENT) RULES, 1979

GSR 209.—In exercise of the powers conferred by clause (h) of sub-section (2) of Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Second Amendment) Rules, 1979.

(2) They shall come into force at once.

2. Amendment of Rule 2.—In sub-clause (i) of clause (c) of Rule 2 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 (hereinafter referred as the ‘said rules’), for the words “Rupees Two thousand and Four hundred”, the words “Rupees Three thousand Six hundreds” shall be substituted.

3. Amendment of Rule 16.—Rule 16 of the said rules shall be renumbered as sub-rule (1) thereof and after the sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely.—

"(2) The value of the stray sites shall be.—

(a) in developed layouts, one hundred and seventy-five per cent;
(b) in semi-developed layouts, one hundred and fifty per cent;
(c) in undeveloped layouts, one hundred and ten per cent of the value fixed for similar sites in the said layout for allotment under Rule 3.

1. Published in the Karnataka Gazette, Extraordinary No. 734, dated 19-7-1979 vide Notification No. HUD 182 MNX 78, dated 19-7-1979

A KLJ PUBLICATION
Explanation.—For purposes of this rule,—

(1) "Developed layout" means a layout where, in the opinion of the Authority, all the civic amenities such as water supply, street lights, underground drainage and roads have been provided;

(2) "Semi-developed layout" means a layout where, in the opinion of the Authority, civic amenities such as water supply, street lights, underground drainage and roads have not been fully provided;

(3) "Un-developed layout" means a layout where, in the opinion of the authority, water supply, street lights, underground drainage and roads have not been provided.

4. Amendment of Rule 17.—In the first proviso to sub-rule (2), for the words "two thousand and four hundred rupees" occurring in two places, the words "three thousand and six hundred rupees" shall be substituted.

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (SECOND AMENDMENT) RULES, 1979

GSR 337.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Second Amendment) Rules, 1979.

(2) They shall come into force at once.

2. Amendment of Rule 16.—In Rule 16 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, for clause (c) of sub-rule (2), the following shall be substituted, namely,—

"(c) in any undeveloped layouts, one hundred and ten per cent of the value fixed by the Authority for similar sites in the said layout:

Provided that, in the case of a stray site measuring 9.14 M x 13.71 M (30' x 45'') or less and allotted to a person whose annual income is less than three thousand and six hundred rupees, the value shall not exceed the amount fixed for similar sites under the proviso to sub-rule (1)."

1. Published in the Karnataka Gazette, Extraordinary No. 1212, dated 20-11-1979 vide Notification No. HUD 182 MNX 78, dated 20-11-1979

A KLJ PUBLICATION
CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1980

GSR 150.—In exercise of the powers conferred by clause (h) of sub-section (2) of Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1980.

(2) They shall come into force at once.

2. Amendment of Rule 8.—In sub-rule (1) of Rule 8 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 (hereinafter referred to as the ‘said rules’), after the words “a Magistrate of the First Class”, the words “or an officer empowered to administer oaths or affirmations” shall be inserted.

3. Amendment of Rule 17.—In sub-rule (6) of Rule 17 of the said rules, for the words “as the Board may”, the words “as the Chairman may” shall be substituted.

4. Amendment of Rule 18.—In sub-rule (2) of Rule 18 of the said rules,—

(i) for the words “any Co-operative Society approved by the Board” occurring in two places, the words “any company or Co-operative Society approved by the Board” shall be substituted;

(ii) for the words “Corporation, Board” occurring in two places, the words “Corporation, Board, Company” shall be substituted.

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1980

GSR 377.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka, hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1980.

1. Published in the Karnataka Gazette, dated 29-5-1980 vide Notification No. HUD 244 MNX 76, dated 21-5-1980

2. Published in the Karnataka Gazette, dated 25-12-1980 vide Notification No. HUD 187 MNX 80, dated 19-12-1980

A KLJ PUBLICATION
(2) They shall come into force at once.

2. Substitution of new rule for Rule 12.—For Rule 12 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, the following rule shall be substituted, namely.—

"12. The Allotment Committee.—(1) The Authority shall from time to time, constitute a Committee called the Allotment Committee for considering applications for allotment of sites and making recommendations to the Authority.

(2) The Allotment Committee shall consist of not less than six members of whom at least three shall be from among the Official members of the Authority. The remaining members shall be elected by the Authority from among the members of the authority nominated by the Government.

(3) The Chairman of the Authority shall be the Chairman of the Allotment Committee”.

CITY OF BANGALORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1981

GSR 235.—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules further to amend the City of Bangalore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Short title and commencement.—(1) These rules may be called the City of Bangalore Improvement (Allotment of Sites) (Amendment) Rules, 1981.

(2) They shall come into force at once.

2. Amendment of Rule 2.—In Rule 2 of the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 (hereinafter referred to as the 'said rules'), after clause (f), the following clause shall be inserted, namely.—

"(fa): “Physically handicapped person” means a person who suffers from total absence of sight or whose visual acuity is not exceeding 3/60 or 10/200 (snellen) in the better eye with correcting lenses or in whom the sense of hearing is fully non-functional for the ordinary purpose of use or who has physical defect or deformity which causes inadequate interference to impede normal functioning of

1. Published in the Karnataka Gazette, Extraordinary No. 819, dated 31-10-1981 vide Notification No. HUD 182 MNX 81, dated 30-10-1981
the bones, muscles and joints and who has been certified to that
effect by the Surgeon of the concerned faculty in the Victoria
Hospital, Bangalore or in the Minto Eye Hospital, Bangalore as the
case may be”.

3. Amendment of Rule 5.—For Rule 5 of the said rules, the following shall
be substituted, namely.—

“5. Allotment of stray sites. — Notwithstanding anything contained
in Rules 3 and 11, but subject to the provisions of Rule 10, the Bangalore
Development Authority shall dispose of the stray sites in accordance
with the directions issued by the Government from time to time”.

4. Amendment of Rule 11.—In Rule 11 of the said rules, for item (g) of
sub-rule (2), the following items shall be inserted, namely.—

“(ff) Physically handicapped persons — 2%
(g) General public — 49%”.
THE
CITY OF MYSORE IMPROVEMENT
ACT, 1903
[MYSORE ACT No. III OF 1903]

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THE
CITY OF MYSORE IMPROVEMENT
ACT, 1903
[MYSORE ACT No. III OF 1903]

(Passed on the 4th day of November, 1903)


An Act for the Improvement of the City of Mysore and to provide space for its future expansion.

Whereas, it is expedient to make provision for the improvement and future expansion of the City of Mysore, as well as for the appointment of a Board of Trustees with special powers to carry out the aforesaid purposes; His Highness the Maharaja is pleased to enact as follows.—

CHAPTER I
Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the City of Mysore Improvement Act, 1903.

(2) Except as is hereinafter otherwise provided, it extends only to the City of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the [Mysore Gazette], direct.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context.—

(1) "Betterment fee" means the fee payable under Section 18-A in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Mysore constituted under Sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

(4) "The City of Mysore" or "The City" means the area comprised within the limits prescribed by Government from time to time as

1 The Act came into force on the 1st day of December, 1903, vide Notification No. 1973-L.F. 75-03, dated the 25th November, 1903
2 Substituted by Act No. II of 1952
3 Substituted by Act No. II of 1952
the municipal limits of the City of Mysore under the Mysore City Municipalities Act, 1933;

(5) "Government" means the Government of Mysore;

(6) "The Improvement Committee" means the Committee appointed in Government Order No. 4168-79—L.F. 36-02, dated the 18th September, 1902, for the purpose of devising a scheme for the improvement of the City of Mysore;

(7) "Land" has the same meaning as in clause (c) of Section 3 of the Mysore Land Acquisition Act, 1894;

(8) "Prescribed" means prescribed by rules made under this Act;

(9) "Street" includes any highway and any cause way, bridge, viaduct, arch, road, lane, footway, square, Court alley or passage, whether a thoroughfare or not;

(10) "Trustee" means a member of the Board; and

(11) All other words and expressions shall have the meanings respectively assigned to them under the Mysore City Municipalities Act, 1933.]

CHAPTER II
Of The Board of Trustees

3. Board charged with execution of this Act.—The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "The Trustees for the Improvement of the City of Mysore", and such Board hereinafter referred to as "the Board", shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

1[4. Constitution of Board.—(1) The Board shall consist of 2[nine] trustees as follows.—

The Chairman of the Board to be appointed by Government;

The Municipal Commissioner of the City Municipal Council, Mysore;

3[The Divisional Joint Director of Health and Family Welfare Services, Mysore Division, Mysore;

The Superintending Engineer, Public Works Department, Mysore Circle, Mysore.]

1 Substituted by Act No. II of 1952
2 Substituted for the word "ten" by Act No. 29 of 1982.
3 Substituted for certain words by Act No. 29 of 1982

A KLJ PUBLICATION
Three trustees to be appointed by the Government; and Two trustees to be elected by the Municipal Councillors of the City out of their own body in the prescribed manner, or in default of election as aforesaid, to be appointed by the Government from among the Municipal Councillors of the City.

¹[(1-A) If the aforesaid Divisional Joint Director or the Superintending Engineer is unable to attend any meeting of the Board or of any committee thereof he may authorise in writing the District Health and Family Welfare Officer, Mysore or an Executive Engineer as the case may be to attend such meeting and the person so attending shall have the same rights at the meeting as those of the member authorising him.]

(2) Notwithstanding anything contained in any law for the time being in force, the three trustees appointed by the Government and the two trustees elected by the Municipal Councillors to the Board and holding the office of trustees immediately before the commencement of this Act shall be deemed to have been appointed or elected to the Board as constituted under Section 4 of the said Act as amended by this Act:

Provided that the aforesaid trustees shall unless they vacate office earlier or are disqualified under the provisions of the said Act, continue to hold office for the term of two years from the date of the Mysore Gazette, in which their names were notified under Section 5 of the said Act, as trustees of the Board.]

5. Names of Trustees to be notified.—The names of all Trustees ²[constituting the Board] shall be notified in the ³[Mysore Gazette.]

6. Term of office of Trustees.—(1) The Chairman of the Board shall hold office during the pleasure of Government.

(2) The other Trustees, not being ex officio Trustees, shall hold office for a term of ⁴[three] years from the date of the ⁵[Mysore Gazette] in which their names were notified under the preceding section.

7. Casual vacancies.—(1) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month in the same manner, by the same authorities, and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

1 Sub-section (1-A) inserted by Act No. 29 of 1982
2 Substituted by Act No. II of 1952
3 Substituted by Act No. II of 1952
4 Substituted by Act No. II of 1952
5 Substituted by Act No. II of 1952

A KLJ PUBLICATION
(2) For periods exceeding three months.—If a Trustee, other than the Chairman,—
   (a) departs from the City with a declared intention of being absence for a period exceeding three months; or
   (b) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months; or
   (c) has been absent from the City for a period exceeding three months; a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

(3) Saving provision for acting appointment when necessary for less than three months.—Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of Government in case the absentee is an appointed Trustee, and on the application of the Board to the Municipal Council if the absentee is an elected Trustee.

8. Grounds on which Trustees shall vacate office.—(1) Any Trustee who—
   (a) becomes an insolvent; or
   (b) is sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not being subsequently reversed or quashed; or
   (c) obtains any office or place of profit under the Board; or
   (d) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board, otherwise than by his having merely a share or interest in—
      (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or
      (ii) any joint-stock company which shall contract with, or be employed by, or on behalf of; the Board; or
      (iii) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades; or
   (e) is absent from or unable to attend the meetings of the Board for a period exceeding six consecutive months, or is absent without

1 Substituted for the word “Councillors” by Act No. II of 1952
2 Substituted by Act No. II of 1952
the permission of the Board from \[four consecutive ordinary meetings\] of the Board; or

(f) acts in contravention of the provisions of the next succeeding sub-section; or

(g) being an elected Trustee shall cease to be a \[Municipal Commissioner\] and is not forthwith reappointed or reelected as a \[Municipal Commissioner\];

shall cease to be a Trustee, and his office shall thereupon become vacant.

(2) Restriction on power of Trustees to discuss or vote on matters in which they are interested.—A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the latter part of clause (d) of the preceding sub-section, or in which he is interested either professionally on behalf of a client or as agent for any person.

9. Provisions concerning the Board’s proceedings.—The following provisions shall be observed with respect to the proceedings of the Board (namely).—

(1) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following provisions (namely).—

(a) an ordinary meeting shall be held once at least in every month;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

(c) no business shall be transacted at any meeting unless at least four Trustees are present from the beginning to the end of such meeting;

(d) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the Trustees present as may be chosen by the meeting;

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1 Substituted by Act No. II of 1952
2 It should be "Municipal Councillor"
3 It should be "Municipal Councillor"
(e) all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes;

(f) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours.

(3) The Board may, from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit; and may, with the approval of the Government associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice they may desire, and may—

(a) refer to such Committees for enquiry and report any subject relating to the purposes of this Act, or

(b) delegate to such Committees by a specific resolution in this behalf, and subject to any bye-laws made under clause (a) of Section 39(1), any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time alter the Constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the President of every such Committee.

(4) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

10. Powers of different authorities.—(1) The Chairman may on behalf of the Board, sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees in such manner and form as, according to law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but
does not exceed [fifty thousand] rupees; and where the value of any estimate, contract or agreement exceeds [fifty thousand] rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement under sub-section (2) shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board as hereinafter provided. No contract or agreement unless executed as in this section provided shall be binding on the Board.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract, or other instrument.]

11. Board may compromise claims by or against them.—The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

12. Duties of Chairman.—The Chairman shall.—

(1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(2) carry into effect the resolution of the Board;

(3) keep and conduct the Board’s correspondence;

3(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor;]

(4) exercise supervision and control over the acts and proceedings of all Officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, to the extent specified in Section 35(1), dispose of all questions relating to the service of such Officers and servants, and, their pay, privileges and allowances;

(5) furnish to Government a copy of the minutes of the Board’s proceedings and any returns or other information which Government may from time to time call for.

13. Appointment of Acting Chairman.—During any absence of the Chairman, Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties

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1 Substituted for the words “ten thousand” by Act No. 12 of 1978 and shall be deemed to have come into force w.e.f. 31-5-1978
2 Substituted for the words “ten thousand” by Act No. 12 of 1978 and shall be deemed to have come into force w.e.f. 31-5-1978
3 Inserted by Act No. II 1952
conferred and imposed by this Act on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

CHAPTER III
Duties and Powers
Improvement Schemes

14. Power of Board to undertake works and incur expenditure for improvement, etc.—(1) The Board may, subject to the control of the Government,—

(a) draw up detailed schemes (hereinafter referred to as "improvement schemes") for the improvement or expansion or both of the areas to which this Act applies;

(b) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as maybe necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes.—

(i) on its own initiative, if satisfied of the sufficiency of its resources; or

(ii) on the recommendations of the Municipal Council if the Council places at the disposal of the Board the necessary funds for framing and carrying out any such scheme; or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or works and execute it subject to such terms and conditions as may be specified by the Government.]

15. Particulars to be provided for in an improvement scheme.—Every improvement scheme under Section 14.—(1) shall, within the limits of the area comprised in the scheme, provide for.—

(a) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme;

(b) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;
(c) draining [...] streets so formed or altered;

(2) may, within the limits aforesaid, provide for.—

(a) raising any land which the board may deem expedient to raise for the better drainage of the locality;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(c) the whole or any part of the sanitary arrangements required;

(d) the establishment or construction of markets and other public requirements or conveniences; and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

16. Procedure on completion of scheme.—(1) Upon the completion of an improvement scheme, the Board shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee] may be seen at all reasonable hours; and shall.—

(a) communicate a copy of such notification to the President of the Municipal [...] who shall, within thirty days from the date of receipt thereof, forward to the Board, for transmission to Government as hereinafter provided, any representation which the Municipal [...] may think fit to make with regard to the scheme;

(b) cause a copy of the said notification to be published during three consecutive weeks in the [...] and posted up in some conspicuous part of their own office, the Deputy Commissioner’s office, the office of the Municipal [...] and in such other places as the Board may consider necessary.

1 The words “and lighting” omitted by Act No. II of 1952
2 Substituted by Act No. II of 1952
3 Substituted for the word “Commission” by Act No. II of 1909
4 Substituted for the word “Commissioners” by Act No. II of 1909
5 Substituted by Act No. II of 1952
6 Substituted for the word “Commission” by Act No. II of 1909
(2) During the thirty days next following the day on which such notification is published in the Mysore Gazette, the Board shall serve a notice on every person whose name appears in the assessment list of the Municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice, stating whether the person so served dissents or not, to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent.

(3) Such notice shall be signed by, or by the order of, the Chairman and shall be served. —

(a) by delivery of the same personally to the person required to be served, or if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or

(b) by leaving the same at the usual or last known place of abode or business of such person as aforesaid; or

(c) by post addressed to the usual or last known place of abode or business of such person.

17. The scheme to be then forwarded to Government for sanction. —(1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme, the Board shall, after consideration of any representation or answer received under Section 16 and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

(2) The application for sanction shall, save in the case provided for in sub-section (3) be accompanied by. —

(a) description with full particulars of the scheme including the reasons for any modifications inserted therein;

(b) complete plans and estimates of the cost of executing the scheme;

(c) a statement specifying the land proposed to be acquired;

(d) any representation received under sub-section (1) of Section 16;

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1 Substituted by Act No. II of 1952
S. 18(2)(b)  CITY OF MYSORE IMPROVEMENT ACT, 1903  745

(e) a schedule showing the ratable value, as entered in the Municipal assessment book, at the date of the publication of a notification relating to the land under Section 16, or the land assessment, of all land specified in the statement under clause (c); and

(f) such further particulars, if any, as may be prescribed by Government.

(3) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of Section 16, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of Section 18 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

18. On receipt of sanction declaration to be published giving particulars of land to be acquired.— (1) (a) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

(b) The declaration shall be published in the "Mysore Gazette" and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) (a) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered;

(b) If the estimated net cost of executing the scheme as altered exceeds, by a greater sum than five per cent, the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered.

1 Substituted by Act No. II of 1952
2 Substituted for the letters and figures "Rs. 2,500" by Act No. II of 1952

A KLJ PUBLICATION
(c) If the scheme as altered involves the acquisition, otherwise than by agreement of any land other than that specified in the schedule accompanying the scheme under Section 17(2)(e), the provisions of Sections 16 and 17 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

[18-A. Payment of betterment fee.—(1) When by the making of any improvement scheme, any land in the area comprised in the scheme, which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme estimated as if the land were clear of buildings, exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

18-B. Assessment of betterment fee by the Board.—(1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that, for the purpose of determining such fee, the execution of the scheme shall be deemed to have been completed and shall, thereupon, give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of Section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under Section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

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1 Sections 18-A to 18-L inserted by Act No. II of 1952
18-C. Settlement of betterment fee by arbitrator.—(1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of Section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator, dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within one month from the date of the communication thereof, appeal to the District Judge, Mysore Division, whether the case arises within or outside the limits of the City and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

18-D. Fee for arbitrator.—The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilised.

18-E. Powers and duties of arbitrator.—(1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

18-F. Board to give notice to persons liable to payment of betterment fee.—When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under Section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing, to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.
18-G. Agreement to make payment of betterment fee a charge on land.—(1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in Section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum up to the date of such payment.

18-H. Recovery of money payable in pursuance of Sections 18-B, 18-C or 18-G.—All moneys payable in respect of any land by any person in respect of a betterment fee under Section 18-B or Section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of Section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the Mysore City Municipalities Act, 1933, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

18-I. Board to appoint persons for enforcement of processes for recovery of dues.—The Board may direct by what authority any powers or duties incident under the Mysore City Municipalities Act, 1933, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under Section 18-H.

18-J. Agreement of payment not to bar acquisition under a fresh declaration.—If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of Section 18-B, or has been made after its determination under Section 18-C or in respect of which an
agreement in regard to the betterment fee has been executed under Section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under Section 6 of the Mysore Land Acquisition Act, 1894.

18-K. Power of Board to take up works for further improvement.—Notwithstanding anything contained in any other provisions of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area:

Provided that the Municipal Council shall be consulted if such area lies within the limits of the City.

The expenditure incurred or proposed to be incurred or such portion thereof, as may be determined by the Board and approved by the Government in carrying out such works, may be recovered by a pro rata levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

18-L. Crediting betterment fee collected to the funds of the Council in certain cases.—Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the Municipal Council and for which the Council has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the Municipal Fund of the Council.]

General

19. Land vested in Municipal Council and required by Board for formation or alteration of street to be vested temporarily in the Board.—Whenever under any improvement scheme the whole or any part of an existing public street or other land vested in the Municipal [Council] is included in the site of any part of a street to be formed, altered, widened, diverted, raised, re-arranged or re-constructed by the Board, the Board shall give notice to the President of the Municipal [Council] that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the “part required”) is required by them as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (1) of Section 21, be vested in the Board:

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1 Substituted for the word “Commission” by Section 2 of Act No. II of 1909
2 Substituted for the word “Commission” by Section 2 of Act No. II of 1909
Provided that nothing in this section contained shall be deemed to affect the rights or powers of the Municipal Council under the Mysore City Municipalities Act, 1933, in or over any municipal drain or water work.

20. Board may exercise certain powers of Municipal Councillors in regard to streets, drains, privies, sewers, etc., service of notices, etc., and execution of works and recovery of cost.—[The provisions of Sections 43, 53, 104, 105, 107, 108, 109, 110, 111, 135, 138, 140, 141 and 143 to 147 of the Mysore City Municipalities Act, 1933, in regard to streets; of Sections 119 to 126, 128(1), 129, 130, 132 and 133 in regard to drains, privies, sewers, etc., and of Section 185 of the said Act in regard to the execution of works when the owner or occupier fails to execute the same and the recovery of expenses thereof from him shall, so far as may be consistent with the tenor of this Act, apply].—

(a) to streets, drains, privies, sewers, etc., or parts thereof vested in the Board under this Act; and

(b) to the service of notices, the execution of works and the recovery of expenses by the Board under this Act; and all references in the said provisions to the Municipal Council or other Municipal Authority shall be construed as references to the Board.

20-A. Board and Chairman to exercise powers and functions under the Mysore City Municipalities Act, 1933.—(1) In any area or part thereof to which this Act applies, the Government may, by notification in the Mysore Gazette, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification,—

(i) the powers and functions of the Municipal Council or a committee thereof under the Mysore City Municipalities Act, 1933, shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Commissioner of the Municipal Council under the said Act, shall be exercised and discharged by the Chairman:

Provided that the Municipal Council shall be consulted before making such declaration.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the
Municipal Council or any committee thereof or the Commissioner of the Municipal Council, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any Officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control, as may be laid down by the Board or the Chairman, as the case may be.]

1[20-B. Power to abate overcrowding.—(1) The Board may, at any time in manner hereinafter prescribed, take steps to abate overcrowding in buildings within any area comprised in an improvement scheme.

(2) Whenever the Board consider the interior of a building is so overcrowded as to be, or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Board may cause proceedings to be taken before a Magistrate of the First Class for the purpose of obtaining an order to prevent such overcrowding.

(3) Such Magistrate may, on the production of a certificate by a Medical Officer duly authorised or empowered by the Board or the Government, stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(4) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall for the purpose of sub-section (3) be deemed to be the owner of the building.

(5) It shall be incumbent on any owner to whom any requisition is issued under sub-section (3), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.]
21. Streets on completion to vest in and be maintained by the Municipal Council.—(1) [The Government after consulting the Municipal Council] shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewer in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp-posts and other apparatus as are in [their opinion] necessary for the lighting thereof and should be provided by the Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be in the Municipal [Council], and Municipal [Council] shall therefore maintain, keep in repair, light and cleanse such street.

(2) Any open space reserved for ventilation in any part of the city, and provided by the Board as part of any improvement scheme sanctioned by Government, shall be transferred on completion to the President of the Municipal [Council] for maintenance at the expense of the Municipal [Council] and shall thereupon vest in the Municipal [Council].

(3) Any dispute which arises between the Board and the President of the Municipal [Council] in respect of any of the provisions of this section shall be determined by Government whose decision shall be final.

21-A. Making of new private extensions, lay-outs or streets.—(1) Notwithstanding anything to the contrary contained in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify:

Provided that where any such extension or layout lies within the limits of the City, the Board shall not sanction the formation of such extension or layout without the concurrence of the Council.

Provided further that where the Council and the Board do not agree on the formation of or the conditions relating to the extension or layout, the matter shall be referred to the Government whose decision thereon shall be final.

1 Substituted by Act No. II of 1952
2 Substituted by Act No. II of 1952
3 Substituted for the word "Commission" by Act No. II of 1909
4 Substituted for the word "Commission" by Act No. II of 1909
5 Substituted for the word "Commission" by Act No. II of 1909
6 Substituted for the word "Commission" by Act No. II of 1909
7 Substituted for the word "Commission" by Act No. II of 1909
8 Substituted for the word "Commission" by Act No. II of 1909
9 Sections 21-A to 21-C inserted by Act No. II of 1952
(2) Any person intending to form an extension or layout or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars. —

(a) the laying out of the sites of the area upon streets, lanes, or open spaces;

(b) the intended level, direction and width of the streets;

(c) the street alignment and the building line, and the proposed sites abutting the streets;

(d) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall, either sanction the forming of the extension or lay-out or making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The Board may require the applicant to deposit before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water-supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused. —

(i) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board;

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3); or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open;
(iv) if the lay-out, in the opinion of the Board, cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street, until orders have been passed by the Board after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable on conviction, to a fine which may extend to one thousand rupees.

21-B: Alteration or demolition of extension, layout or street.—(1) If any person forms an extension or layout or makes any street referred to in Section 21-A or puts up any building without or otherwise than in conformity with the orders of the Board under Section 21-A, the Chairman may, whether or not the offender be prosecuted under this Act, by notice.—

(a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street, should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished; or

(b) require the offender to appear before the Chairman, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street, should
not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

21-C. Power of Chairman to order work to be carried out or to carry it out himself in default.—(1) The Chairman may.—

(a) if any person who applied for permission under Section 21-A and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street does not so carry it out; or

(b) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the buildings, to carry out any work which, in his opinion, may be necessary and within such time, as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed, and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1), in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.

Acquisition of land

22. Board to have power to acquire land by agreement.—Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land, whether situated within or without the city, needed by the Board for the purposes of this Act for the purchase of such land or of any interest in such land.

23. Provisions applicable to the acquisition of land otherwise than by agreement.—The acquisition otherwise than by agreement of land within or without the City under this Act shall be regulated by the provisions, so far as they are applicable, of [the Mysore Land Acquisition Act, 1894,] and by the following further provisions, namely.—

(1) Upon the passing of a resolution by the Board that an improvement scheme under Section 14 is necessary in respect of any locality; it shall be lawful for any person either generally or specially authorised by the Board in this behalf and for his servants and workmen, to do all such acts on or in

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1 Substituted by Act No. I of 1956
respect of land in that locality as it would be lawful for an Officer duly authorised by Government to act under Section 4(2) of \[the Mysore Land Acquisition Act, 1894] and for his servants and workmen, to do thereunder; and the provision contained in Section 5 of the said Act shall likewise be applicable in respect of damage caused by any of the acts first mentioned.

(2) The publication of a declaration under Section 18 shall be deemed to be the publication of a declaration under Section 6 of the Land Acquisition Act.

(3) For the purposes of Section 50(2) of \[the Mysore Land Acquisition Act, 1894] the Board shall be deemed to be the local authority concerned.

(4) After the land vests in the Government under Section 16 of \[the Mysore Land Acquisition Act, 1894] the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred on account of the acquisition, transfer the land to the Board, and the land shall thereupon vest in the Board.

CHAPTER IV
Property and Finance.

24. Power of Government to transfer to Board lands belonging to it or to Municipal Council.—The Government may, from time to time, for the purposes of this Act and subject to such limitations and conditions as it may impose and to the provisions hereinafter contained, transfer to and vest in the Board any land belonging to Government or to the Municipal \[Council]:

Provided that any such land not already conveyed or agreed to be conveyed by the Board, which shall be required by Government or the Municipal \[Council] for a public purpose, may at any time be resumed by Government, or by the Municipal \[Council] with the previous sanction of Government, as the case may be, on such terms, if any, as the Government may determine.

25. Powers of Board to acquire, hold and dispose of property.—(1) The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immovable property, whether within or outside the City, and shall also subject to the restrictions contained in sub-section (2), have power:

(a) to let on hire or lease any moveable or immovable property, which may have become vested in or acquired by them;

1: Substituted by Act No. I of 1956
2: Substituted by Act No. I of 1956
3: Substituted by Act No. I of 1956
4: Substituted, for the word “Commission” by Act No. II of 1909
5: Substituted for the word “Commission” by Act No. II of 1909
6: Substituted for the word “Commission” by Act No. II of 1909
7: Section 25 substituted by Act No. 14 of 1954

A KIJ PUBLICATION
(b) to sell and otherwise convey, with or without any conditions, any moveable or immovable property which may have become vested in or acquired by them; and

(c) to appropriate or apply the whole or any part of the lands which may have become vested in or acquired by them, for the formation of open spaces, or for building purposes, or in any other manner for the purposes of any improvement scheme.

(2) No free grant of moveable or immovable property shall be made without the previous sanction of Government being obtained in this behalf.

25-A. Power of Board to borrow.—(1) The Board may, from time to time, with the previous sanction of the Government and subject to such conditions as may be prescribed in this behalf, borrow any sum of money required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the Board to borrow monies by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the Board shall be in such form as the Board, with the sanction of the Government, may, from time to time determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government.

26. Improvement Fund, and the items to be credited to such fund.—(1) The rents, profits and sale proceeds, of all lands, buildings and other property vested or vesting in or acquired by the Board under this Act shall be credited to a fund to be called “the City of Mysore Improvement Fund”.

(2) There shall also be credited to the said fund.—

(a) such sums as may be placed by Government at the disposal of the Board from time to time for the purposes of this Act; and

(b) such contributions from the Municipal Fund as the Municipal Council may from time to time be called upon by Government to make, on a consideration by Government of the relief or addition to the municipal resources accruing or likely to accrue as the result of improvement schemes undertaken by the Board.

1 Section 25-A inserted by Act No. 12 of 1978 and shall be deemed to have come into force w.e.f. 31-5-1978

2 Substituted for the word “Commission” by Act No. II of 1909

A KLJ PUBLICATION
Subject to the provisions of Section 18-L betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act.

27. Application of the Improvement Fund.—(1) The said fund shall be held by the Board in trust, and shall be applied by them, subject to the general or special orders of Government, in payment of the charges incidental to the carrying out of the purposes of this Act.

(2) Such charges shall be held to include, among other things,—

(a) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of property vested or vesting in or acquired by the Board under this Act;

(b) the cost of petty and other establishments, not being part of the scheduled staff necessary for the supervision of properties or other revenue purposes;

(c) the cost of management including the salaries and allowance of the scheduled staff, and all incidental expenses; and

(d) all payments made by the Board in respect of rates and taxes levied under the Mysore City Municipalities Act, 1933, upon lands and buildings vested in the Board and not subject to exemption.

(3) The Board may also, from time to time, and in accordance with the rules framed by Government under Section 38, make advances from the said fund for the purpose of enabling persons not being Government servants to provide themselves with houses or other accommodation.

28. Chairman to frame an annual estimate of income and expenditure.—(1) The Chairman shall, at a special meeting to be held not later than the first day of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct.

(2) Such estimate shall make provision for the efficient administration of this Act and shall be completed, and a copy thereof sent by post, or otherwise to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.
29. Board to sanction or amend such estimate.—The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

30. Estimates to be submitted to Government for sanction.—The estimate, as sanctioned by the Board, shall be submitted to Government, who may, if they think fit, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall resubmit the estimates so amended to Government. A copy of the estimate [as sanctioned by the Government] shall be sent to the President of the Municipal [Council.]

31. Supplementary estimates may be prepared and submitted when necessary.—The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to Government, and a copy shall be sent to the President of the Municipal [Council] in the same manner as if it were an original annual estimate.

32. Provisions regarding expenditure.—No sum shall be expended by or on behalf of the Board, unless included in some estimate at the time in force which has been finally approved by Government, or in the amount payable by the Board under a decree or award of a Court:

Provided that in any case of pressing emergency a sum not exceeding [ten thousand rupees] may be expended though not so included, the circumstances being forthwith reported by the Chairman to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

33. Accounts to be audited and examined by Officer or authority appointed by the Government for this purpose and submitted to Government. An abstract of the accounts to be furnished to the Municipal Council.—The accounts of the receipts and expenditure of the Board shall be audited and examined by the [Officer or authority appointed by the Government for this purpose] in the same manner as the accounts of Government Departments, and shall, twice in every year, be laid before Government. An abstract of the audited accounts for each year shall be sent to the President of the Municipal [Council].

1 Inserted by Act No. II of 1952
2 Substituted for the word "Commission" by Act No. II of 1909
3 Substituted for the word "Commission" by Act No. II of 1909
4 Substituted by Act No. II of 1952
5 Substituted by Act No. II of 1952
6 Substituted for the word "Commission" by Act No. II of 1909

A KLJ PUBLICATION
CHAPTER V
Of the Officers and Servants of the Board

34. Schedule of Officers and servants to be submitted for sanction of Government.—The Board shall from time to time prepare and submit for the sanction of Government a schedule of the staff of Officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board propose for each such Officer or servant. No alteration in the sanctioned schedule shall be made without the sanction of Government.

35. Appointments, etc., by whom to be made.—(1) Subject to the provisions of the bye-laws framed under sub-section (c) of Section 39(1) and of the schedule for the time being in force sanctioned by the Government under Section 34, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the Officers and servants of the Board (not being Officers in Government service lent to the Board) shall be exercised by the Chairman in the case of Officers and servants whose monthly salary does not exceed [one hundred and fifty rupees], and in every other case by the Board.

[Provided that in the case of Officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such Officers belong.]

(2) The power of dispensing with the services of any Officer or servant of the Board (not being an Officer in Government service lent to the Board), otherwise than by reason of such Officer’s or servant’s own misconduct, or of permitting any such Officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

36. The case of lent Officers.—Officers in Government service lent to the Board shall except as otherwise provided under rules or orders which may be made by Government from time to time, be subject to the provisions in this behalf contained in the Mysore Services Regulations.

CHAPTER VI
Dissolution of the Board

37. Government may dissolve the Board when the purpose of their appointment is fulfilled.—(1) When the Government is satisfied that all such improvement schemes as may have been sanctioned by it from time to time for execution by the Board have been executed by the Board in

1 Substituted by Act No. II of 1952
2 Proviso to sub-section (1) of Section 35 added by Act No. II of 1952

A KIJ PUBLICATION
substantial entirety, and that such further measures as may be necessary in the near future for the improvement of the City may conveniently be undertaken under the ordinary provisions of the Municipal Law in force, the Government may, by an order to be published in the [Mysore Gazette], declare that the Board shall be dissolved with effect from a date to be specified in such order.

(2) Such order shall make due provision for the devolution of the assets and liabilities of the Board, the disposal or management of property vested in the Board, the completion of incomplete works, and all other matters incidental to the dissolution of the Board and the winding up of their affairs:

Provided that all immoveable properties vested in the Board on the date of their dissolution and not expressly reserved to Government in the said order shall thereafter vest in the Municipal [Council].

CHAPTER VII
Rules and Bye-laws, Penalties, Etc.

38. Power of Government to make rules.—The Government may from time to time make rules, not inconsistent with this Act.—

(a) for the guidance of the Board, the Municipal [Council], Government Officers and all other persons in matters connected with the administration of this Act or in case not expressly provided for herein [x x x x x.]

(b) For the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed upon or vested in him by Sections 9, 12, 28, 32 and 45 and for the conditions or limitations subject to which such delegation may be made and

(c) generally for carrying out the purposes of this Act.

39. Power of Board to make bye-laws.—(1) The Board may from time to time make bye-laws, not inconsistent with this Act or with the rules made by Government.—

(a) for regulating the delegation of the powers and duties of the Board to Committees;

(b) for the guidance of persons employed by them under this Act;

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1 Substituted by Act No. II of 1952
2 Substituted for the word “Commission” by Act No. II of 1909
3 Substituted for the word “Commission” by Act No. II of 1909
4 The word “and” omitted by Act No. II of 1952
5 Sub-section (b) of Section 38 inserted by Act No. II of 1952
6 Clause (b) of Section 38 relettered as clause (c) by Act No. II of 1952
(c) for regulating the grant of leave, leave allowances, pensions and gratuities, and other such matters, in respect of the Officers and servants of the Board, not being Officers in Government service lent to the Board;

(d) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(e) for regulating the construction and reconstruction of buildings in regard to such matters as the following, namely, the notice to be given previous to erection, the plans to be submitted, the line of frontage with neighbouring buildings, the free space to be left about the building, the level and width of foundation, the stability of structure, the materials to be used, and the provision to be made for drainage and ventilation; and

(f) generally for carrying out the purposes of this Act.

(2) No bye-law shall have effect until the same shall have been approved by Government, and no bye-law shall be approved by Government until the same shall have been published for three weeks successively in the Mysore Gazette.

(3) It shall be lawful for Government at any time to cancel any bye-law made and published under this section.

40. Penalties for infringement of rules and bye-laws.—The Government, and with the approval of the Government, the Board may, in the rules and bye-laws made respectively, under Sections 38 and 39, prescribe such penalties as it or they shall deem fit for the infringement of the same; provided that no penalty for any one infringement of a rule or bye-law shall exceed one hundred rupees not, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

41. Rules and bye-laws to be exhibited.—The said rules and bye-laws shall be printed in the English and Kannada languages and hung up at convenient places.

1 Inserted by Act No. II of 1952
2 Substituted by Act No. II of 1952
41-A. Penalty for permitting overcrowding, etc.—Any owner of a building who, after the date specified in any requisition issued under sub-section (3) of Section 20-A, permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (5) of the said section, shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

42. Penalty for being interested in contracts with the Board.—Any person who being a Trustee, or an Officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by Section 168 of the Indian Penal Code:

Provided that a person shall not be deemed to have any share or interest in such contract or employment by reason only of his having a share or interest in any of the matters mentioned in sub-clauses (i), (ii) and (iii) of Section 8(1)(d).

43. Penalty for obtaining illegal gratification.—Any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code, who shall, accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever other than legal remuneration, as a reward for doing, or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person, with the Board or with any public servant as such, or with Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

44. Cognizance of offence.—(1) All offences against this Act or against any rule or bye-law made thereunder shall be cognizable by any Magistrate with powers not less than those of a Magistrate of the Second Class.

(2) All fines recovered from any offender shall be paid to the credit of the City of Mysore Improvement Fund.

45. Recovery of sums due to the improvement Fund.—[Save as otherwise provided in Section 18-H all sums due] by any person to the City of Mysore Improvement Fund on account of rents, profits, or sale proceeds of property vested in or acquired by the Board, or on account of advances for

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1 Section 41-A added by of Act No. IV of 1904
2 It should be "Section 20-B"
3 Substituted by Act No. II of 1952
house-building, or otherwise howsoever, and remaining in arrear after fifteen days from the date of service on such person of a notice of demand by the Chairman, may be recovered in any one or more of the following ways, namely:

(1) as an arrear of land revenue, on the written application of the Chairman in this behalf to the Deputy Commissioner of any district in which proceedings are required to be taken;

(2) by distraint and sale, by or under the orders of the Chairman of the movable property of such person; and

(3) by the institution by the Chairman of a civil suit against such person.

46. Limitation of suits.—(1) No suit or other proceeding shall be commenced against the Board, the Chairman or any Officer or servant of the Board or against any person acting under the direction of the Board, Chairman or Officer of the Board, for anything done, or purporting to have been done, in pursuance of this Act or a rule or bye-law thereunder, without giving to [the Board] one month’s previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after, six months from the accrual of the cause of such suit or other proceeding, nor after tender of sufficient amends.

(2) Neither the Board nor any Trustee or Officer or servant of the Board shall be liable to be sued for damages for any act bona fide done or ordered to be done by them or him as such in pursuance of this Act or a rule or bye-law thereunder.
THE
CITY OF MYSORE IMPROVEMENT
(AMENDMENT) ACT, 1978

KARNATAKA ACT No. 12 OF 1978

(First published in the Karnataka Gazette, Extraordinary, on the Fifth day of August, 1978)

(Received the assent of the Governor on the Fourth day of August, 1978)

An Act further to amend the City of Mysore Improvement Act, 1903.

Whereas, it is expedient further to amend the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903) for the purposes hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the City of Mysore Improvement (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the thirty-first day of May, 1978.

2. Amendment of Section 10.—In sub-section (2) of Section 10 of the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903) (hereinafter referred to as the principal Act), for the words “ten thousand” occurring in the two places, the words “fifty thousand” shall be substituted.

3. Insertion of new Section 25-A.—After Section 25 of the principal Act, the following section shall be inserted, namely.—

"25-A. Power of Board to borrow.—(1) The Board may, from time to time, with the previous sanction of the Government and subject to such conditions as may be prescribed in this behalf, borrow any sum of money required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the Board to borrow monies by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the Board shall be in such form as the Board, with the sanction of the Government, may, from time to time determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government".
4. Repeal of Karnataka Ordinance No. 5 of 1978.—(1) The City of Mysore Improvement (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 5 of 1978) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE
CITY OF MYSORE IMPROVEMENT
(AMENDMENT) ACT, 1982

[KARNATAKA ACT No. 29 OF 1982]
(First published in the Karnataka Gazette, Extraordinary, on the Tenth day of August, 1982)
(Received the assent of the Governor on the Ninth day of August, 1982)

An Act further to amend the City of Mysore Improvement Act, 1903.

Whereas, it is expedient further to amend the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903) for the purposes hereinafter appearing,

Be it enacted by the Karnataka State Legislature in the Thirty-third Year of the Republic of India as follows.—

1. Short title and commencement.—(1) This Act may be called the City of Mysore Improvement (Amendment) Act, 1982.

(2) It shall come into force at once.

2. Amendment of Section 4.—In Section 4 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903).—

(1) in sub-section (1).—

(i) for the word “ten” the word “nine” shall be substituted;

(ii) for the words.—

“The Vice-President for the time being of the Municipal Council, Mysore;

The Director of Public Health in Mysore, Bangalore;

The Government Architect”;

The following shall be substituted, namely.—

“The Divisional Joint Director of Health and Family Welfare Services, Mysore Division, Mysore;
The Superintending Engineer, Public Works Department, Mysore Circle, Mysore”.

(2) after sub-section (1), the following sub-section shall be inserted, namely. —

“(1-A) If the aforesaid Divisional Joint Director or the Superintending Engineer is unable to attend any meeting of the Board or of any committee thereof he may authorise in writing the District Health and Family Welfare Officer, Mysore or an Executive Engineer as the case may be to attend such meeting and the person so attending shall have the same rights at the meeting as those of the member authorising him”.

A KLJ PUBLICATION
# THE
# CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) RULES, 1972

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THE
CITY OF MYSORE IMPROVEMENT
(ALLOTMENT OF SITES) RULES, 1972


GSR 294.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act No. III of 1903) the Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) Rules, 1972.

(2) They shall come into force on the first day of September, 1972.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) “Act” means the City of Mysore Improvement Act, 1903 (Mysore Act No. III of 1903);

(b) “Allottee” means the person to whom a site is allotted under these rules;

(c) “Backward class” a person shall be considered to belong to the backward classes if.—

(i) his income does not exceed rupees two thousand and four hundred per annum; and

(ii) he is.—

(a) an actual cultivator;

(b) an artisan;

(c) a petty businessman;

(d) holding an appointment in inferior services (i.e., class IV in Government service or corresponding service under local bodies, autonomous bodies or private employment including casual labour); or

(e) engaged in any occupation involving manual labour.

(d) “Family” in relation to a person means such person, the wife or husband as the case may be of such person, and the children,
grand-children, parents, sisters and brothers of such person and wholly dependant on such person.

(e) "Form" means a Form appended to these rules;

(f) "Income" means the fixed annual income of a person;

(g) "Stray site" means a site which was once allotted but subsequently the allotment was either cancelled by the Board or surrendered by the allottee or a site left over inadvertently while notifying the sites for allotment or a site which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

3. Offer of sites for allotment.—(1) Whenever the Board has formed an extension or layout in pursuance of any scheme, the Board may, subject to the general or special orders of the Government, offer any or all the sites in such extension or lay out for allotment to persons eligible for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the amount payable as earnest money, the last date for submission of applications and such other particulars as the Chairman may consider necessary, by affixing a notice to the notice board of the office of the Board, and any other office as the Chairman may decide from time to time and by publication in not less than three daily newspapers published in English and Kannada having a wide circulation in the city.

4. Reservation of sites.—(1) The Board may, with the previous sanction of the Government, set apart sites in any area for allotment to any specified class of persons or purposes as it may consider necessary.

(2) Where sites are set apart under sub-rule (1), the procedure to be followed for allotment of those sites shall, subject to the general or special orders of the Government, be determined by the Board.

5. Allotment of stray sites.—Notwithstanding anything contained in Rule 3, the Board may allot a stray site to a person who is eligible for allotment of a site under Rule 10.

6. Disposal of sites for charitable purposes.—Notwithstanding anything contained in these rules, sites may be allotted on lease basis, to registered charitable institutions for purposes of construction of schools, colleges, play grounds, hostels, temples, community centres and recreation clubs on such rent as may be fixed by the Board. The Government may call for the records and revise the rent if it is satisfied that the rent fixed is too low. After the expiry of the lease period the entire land with buildings and constructions thereon shall vest in the Board free from all encumbrances. But such sites
may be conveyed by the Board to such institution after recovering such expenditure if any, as it may have incurred:

Provided that no amount towards such expenditure shall be recovered by the Board in the case of persons belonging to the Backward classes, the scheduled castes and the scheduled tribes if so directed by Government.

7. Allottee to be a lessee.—The site allotted under Rule 3 or Rule 5 shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of the lease, the allottee shall pay to the Board rent at the rate of rupees three per annum where the area of the site does not exceed two hundred square meters, rupees six per annum where the area of the site exceeds two hundred square meters but does not exceed five hundred square meters and rupees twelve per annum where the area of the site exceeds five hundred square meters before the commencement of each year.

8. Applications.—(1) Applications, for allotment of sites shall be in Form I which may be obtained from the Office of the Board on payment of a sum of two rupees which amount shall not be refunded. The application shall be attested by a Magistrate of the First Class.

(2) Every application shall be accompanied by the receipt, challan, or draft evidencing the deposit of the earnest money under Rule 9.

(3) Every applicant shall indicate the dimensions of the site required by him.

(4) When applications are invited under Rule 3, the application shall be presented in person or sent by registered post so as to reach the office of the Board before the date and time fixed for receipt of such applications. Applications received after the date and time so fixed shall be rejected.

9. Earnest money.—(1) Every applicant for a site shall deposit as earnest money an amount equal to twelve and half per cent of the value of a site of the dimensions applied for and enclose with the application the receipt obtained in token of such deposit, or challan for having credited the amount to the Government Treasury or a bank draft for the amount drawn in favour of the Chairman:

Provided that the earnest money to be deposited by a member of the Scheduled Castes or Scheduled Tribes or Wandering tribe or nomadic tribe or semi-nomadic or denotified tribe shall be three per cent of the value of the site.

(2) The earnest money shall be refunded to the applicant if no allotment of site is made to the applicant.

10. Eligibility for allotment.—No person.—

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(1) Who is not ordinarily resident (living independently or with his family members) in the area within the jurisdiction of the Board for not less than five years immediately before the last fixed for making applications.

(2) Who or any member of whose family owns or is a lessee entitled to demand conveyance eventually or has been allotted a site or a house by the Board or any other authority, within the area under the jurisdiction of the Board; or of the City Municipal Council, Mysore shall be eligible to apply for allotment of a site:

[Provided that the Board may relax the restriction in clause (1) regarding residence in the case of persons.—

(i) who are domiciled in the State of Mysore and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(ii) who are domiciled in the State of Mysore but have gone outside the State on business, employment, study or training and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(iii) who though not domiciled in the State of Mysore bona fide intend to reside within the area under the jurisdiction of the Board.]

11. Principles for selection of applicants for allotment of sites. — (1) The Board shall consider the case of each applicant on its merits and shall have regard to the following principles in making selection.—

(i) the status of the applicant, that is whether he is married or single and has dependent children;

(ii) the income of the applicant and his capacity to purchase a site and build a house thereon for his residence:

Provided that this condition shall not be considered in case of applicants belonging to Scheduled Castes, Scheduled Tribes, Wandering Tribes, Nomadic Tribes and other Backward Classes.

(iii) the number of years the applicant has been waiting for allotment of a site and the fact that he did not secure a site earlier though he is eligible and had applied for a site;

(iv) persons who are ex-servicemen or members of the family of the deceased servicemen killed in action; during the last ten years.

(2) The sites may be allotted among the different classes of persons as indicated hereunder.—
(a) Wandering tribes/nomadic tribes  2%
denotified tribes/semi-nomadic tribes
(b) Scheduled Tribes  3%
(c) Scheduled Castes  13%
(d) Ex-servicemen or members of their
    families of deceased servicemen and
    members of the Armed Forces of the
    Union  9%
(e) State Government servants  12%
(f) Servants of the Central Government
    and Corporations  10%
(g) General Public  51%

**Explanation.**—At the time of making an allotment if sufficient number of
applications from persons belonging to category (a) are not received then the
remaining sites reserved for that category shall be transferred to category (b);
and if sufficient number of applications from persons belonging to categories
(a) and (b) are not received, then the remaining sites reserved for those
categories shall be transferred to category (c) and if sufficient number of
applications from persons belonging to categories (a), (b) and (c) are not
received then the remaining sites reserved for those categories shall be
transferred to category (g).

12. Committees.—The Board shall constitute a Committee called the
"Allotment Committee" consisting of three members for considering
applications and making recommendations to the Board for allotments. The
Chairman of the Board shall be the Chairman of the Committee. Of the other
two members one shall be elected by the Board from among the members
nominated by Government, and the other from among the members
representing the City Municipal Council, Mysore.

13. Selection of applicants.—The Board shall consider the
recommendations of the Allotment Committee and after such further inquiry
as it deems fit make allotments.

14. Revocation of proposal for allotment of sites.—(1) The Board may at
any time revoke any proposal to dispense of any site under these rules if in its
opinion, the area covered by such site has to be reserved for any purpose, for
the use of the inhabitants of the extension concerned.
(2) When a revocation is made under sub-rule (1), the applicants for sites in such area shall be given the option to apply for other sites in the extension and any application made accordingly shall be considered along with the other applications for sites in such extension.

15. Decision of Board.—The Board shall have the right to reject the allotment of sites applied for by an applicant without assigning any reasons. The decision of the Board shall be final and binding on every applicant.

16. Value of a site.—The value of a site mentioned while inviting applications may be altered by the Board with the sanction of the Government and an allottee may accept the site at the altered price or decline the allotment:

Provided that a person whose annual income [is not more than] [rupees three thousand six hundred] shall be entitled to get a site measuring [9.14M X 13.71M (30' X 45')] or less at fifty per cent of the value of the site fixed by the Board.

17. Conditions of allotment and sale of site.—The allotment of a site under these rules shall be subject to the following conditions.—

(1) The allottee shall within a period of fifteen days from the date of receipt of the notice of allotment, pay to the Board twelve and a half per cent of the price of the site and if no such payment is made the allottee shall be deemed to have declined the allotment.

(2) The balance of the value of the site (less a sum of rupees thirty where the area of the site does not exceed two hundred square meters, rupees sixty where the area exceeds two hundred square meters and does not exceed five hundred square meters and rupees one hundred and twenty where the area exceeds five hundred square meters) shall be paid within ninety days from the date of receipt of the notice of allotment, or such extended period not exceeding one year as the Chairman may specify. Interest at [eighteen per cent] shall be paid on the said amount for the extended period. If the said amount is not paid within the period of ninety days or the extended period the earnest money paid by the allottee shall be liable to forfeiture and the allotment may be cancelled:

[Provided that where an allottee is a person.—

(i) whose annual income does not exceed two thousand and four hundred rupees, he may choose to pay the balance value of the site

1. Substituted for the words “is less than” by SO 2127, dated 7-11-1972, w.e.f. 9-11-1972.
2. Substituted for the words “Rupees two thousand and four hundred” by SO 199, dated 28-12-1974, w.e.f. 9-1-1975.
5. Provisos substituted for the proviso by GSR 36, dated 28-1-1976, w.e.f. 30-1-1976.

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in quarterly, half yearly or annual instalments and the rate of interest on the said amount for the extended period for quarterly payment will be two per cent for half yearly payments will be three per cent and annual payments four per cent;

(ii) whose annual income exceeds rupees two thousand and four hundred but does not exceed rupees seven thousand and two hundred, interest at twelve per cent per annum shall be paid on the said amount for the extended period:

Provided further that where an allottee is a person belonging to a Scheduled Caste or Scheduled Tribe or other backward class or a nomadic tribe or a wandering tribe or a denotified tribe or a family of defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years form the date of receipt of the notice of allotment.

(3) Until the site is conveyed to the allottee the amount paid by the allottee for the purchase of the site shall be held by the Board as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Board and the allottee.

(4) After payment under sub-rule (2) is made the Board shall intimate the allottee the actual measurements of the site and the particulars thereof and a lease-cum-sale agreement in Form II shall thereafter be executed by the allottee and the Board and registered by the allottee. If the agreement is not executed within forty-five days after the Board has intimated the actual measurements and particulars of the site to the allottee, the earnest money paid by the allottee may be forfeited, the allotment of the site may be cancelled, and the amount paid by the allottee after deducting the earnest money refunded to him. Every allottee shall construct a building on the site in accordance with the plans and designs approved by the Board. If in any case it is considered necessary to add any additional conditions in the agreement the Board may make such additions. Approval of the City Municipal Council, Mysore for the plans and designs shall be necessary when the layout in which the site is situated is transferred to the control of the said Council.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Board or the Municipal Council, as the case may be, for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period as the Board may in any specified case by written order permit. If the building is not
constructed within the said period the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site by the Board, and after forfeiting twelve and a half per cent of the value of the site paid by the allottee, the Board shall refund the balance to the allottee.

(7) On the expiry of the period of ten years since if the allotment has not been cancelled or the lease has not been determined in accordance with these rules and after the sum with-held under sub-rule (2) has been paid the site shall be conveyed by the Board to the allottee. The expenses on account of stamp duty, registration fees or any other incidental charges in respect of the conveyance shall be borne by the allottee.

(8) The allottee shall ordinarily reside or himself make use of the building constructed on the site allotted to him.

(9) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes, fees and cesses payable in respect of the site and any building erected thereon.

(10) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found incorrect or false subsequently, twelve and half per cent of the site value, shall be forfeited after the site is resumed by the Board and the balance amount of site value refunded to the applicant.

18. Restrictions, conditions and limitations on sales of sites.—(1) Notwithstanding anything contained in—

(i) these rules or any other rules, bye-laws or orders governing the allotment, grant or sale of sites by the Board for construction of buildings; or

(ii) any instrument executed in respect of any site allotted, granted or sold by the Board for construction of buildings,

the Chairman may at the request of the allottee grantee or purchaser of a site, execute a deed of conveyance subject to the restrictions, conditions and limitations specified in sub-rule (2).

(2) The conveyance by the Chairman of a site in favour of an allottee, grantee or purchaser of a site hereinafter referred to as the purchaser) shall be subject to the following restrictions, conditions and limitations, namely.—

(a) in the case of a site on which a building has not been constructed.—

(i) the purchaser shall construct a building on the site within such period as may be specified by the Board, as per plans, designs and conditions to be approved by the Board or in
conformity with the provisions of the Mysore Municipalities Act, 1964 and the Bye-laws made thereunder;

(ii) the purchaser shall not without the approval of the Board, construct on the site any building other than a building for the construction of which the site was allotted, granted or sold;

(iii) the purchaser shall not alienate the site within a period of ten years from the date of allotment except by mortgage in favour of the Government of India, the Government of Mysore, the Life Insurance Corporation of India or the Mysore Housing Board or any Co-operative Society approved by the Board or any Corporation set up, owned or controlled by the State Government or the Central Government to secure moneys advanced by such Government, Corporation, Board, Society or Corporations, as the case may be, for the construction of the building on the site;

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of allotment, except—

(i) by mortgage in favour of the Government of India, the Government of Mysore, the Life Insurance Corporation of India or the Mysore Housing Board or any Co-operative Society approved by the Board to secure moneys advanced by such Government, Corporation, Board or Society for the construction of the building on the site; or

(ii) with the previous approval of the Board;

(c) in the event of the purchaser committing breach of any of the conditions in clause (a) or clause (b), the Board may at any time, after giving the purchaser reasonable notice, resume the site free from all encumbrances. The purchaser may remove all things which he has attached to the earth:

Provided he leaves the site in the state in which he received it. All transaction entered into in contravention of the conditions specified in clauses (a) and (b) shall be null and void and ab initio.

Explanation.—In this rule, references to the Board shall be deemed to include the Chairman when authorised by the Board by a general resolution to exercise any power vested in the Board.
(3) Notwithstanding anything contained in sub-rule (2), the Board may, with the previous approval of the State Government, and on payment of such sum not exceeding twelve and half per cent of the allotted value of the site by the lessee, by order in writing, permit the alienation during the period of the lease, of the site and the building, if any, constructed thereon, on account of the inability of the lessee to reside in the City of Mysore for reasons beyond his control or the insolvency or impecuniosity of the lessee. Where such permission is granted, the alienee shall for the purposes of these rules, be the lessee subject to all the terms and conditions of the lease deed already executed.

1[(4) Notwithstanding anything contained in sub-rule (2) the Board may, on payment of Rupees one hundred only by the lessee, by order in writing permit, during the period of the lease the alienation of the site with building, if any, constructed thereon to any member of the family of the lessee. Where such alienation is permitted, the alienee shall, for the purpose of these rules, be subject to all the terms and conditions of the lease deed already executed by the lessee.]

19. Voluntary surrender.—An allottee may at any time after allotment, surrender the site allotted to him to the Board. On such surrender the Board shall refund all amounts paid by the allottee to the Board in respect of the said site.

20. Revision.—(1) The Government may, suo motu or otherwise, call for the record of any decision, order or proceeding of the Chairman or the Board under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit.

Provided that no decision or order shall be modified, annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

21. Savings.—Nothing in these rules shall be applicable to the sale or transfer of sites by the Board to—

(a) the Mysore Housing Board for construction of Houses; or
(b) the State Government for any purpose;
(c) the Life Insurance Corporation of India, the Mysore State Road Transport Corporation, and the Mysore State Electricity Board.

1. Sub-rule (4) inserted by GSR 74, dated 4-3-1988, w.e.f. 11-3-1988.
22. Repeal. — The rules issued in G.O. No. L. 15423-5/ML-135-46-4, dated 3rd May, 1947 are hereby repealed:

Provided that such repeal shall not effect the operation of the said rules in respect of anything done or any action taken under the said rules.

23. Pending applications. — All applications for allotment of sites pending on the date of commencement of these rules and not disposed of under the said rules, notwithstanding that any applicant has withdrawn the earnest money deposited by him provided he deposits such earnest money within such time as the Board may specify in this behalf if the applicant is eligible for allotment under Rule 10 shall be deemed to be applications made under these rules and shall be disposed of in accordance with these rules.

1[23-A. Rules not to apply to corner sites and commercial sites. — Notwithstanding anything contained in these rules, the provisions of these rules shall not apply to disposal of corner sites and commercial sites for which provision is made in the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973.]

FORM I

[See Clause (1) of Rule 8]

Form of Application for Purchase of Site

To

The Chairman,
City Improvement Trust Board,
Mysore

Sir,

I wish to purchase a building site measuring ........ in. ...... Extension, Mysore. I agree to abide by the conditions of allotment and sale of the site contained in Rule 17 of the City of Mysore Improvement (Allotment of sites) Rules, 1972, and the terms of the lease-cum-sale agreement, copies of which are enclosed in duplicate. I also enclose the duplicate copies of the conditions of allotment and sale and lease-cum-sale agreement duly signed in token of having accepted the conditions therein.

Particulars about me are given below. —

1. Name (in Block letters)
2. Father's/Husband's name
3. Age

4. Whether the applicant belonging to Scheduled Caste or Scheduled Tribe, Nomadic Tribes, Semi Nomadic Tribes, Backward Classes, Denotified Tribes.

5. Whether married or single.

6. (a) Residential address: Permanent (House No. Name of street, locality and Town).

   (b) Present address: (if different from above) for correspondence with the Board.

7. (i) Occupation or post.

   (ii) Address

   (iii) Place of employment or business.

8. (a) Annual income of the applicant (both from profession and from properties if any).

   (b) Any other means indicating the capacity of the applicant to purchase the site applied for and to building a house thereon.

9. Whether the applicant is ordinarily a resident in Mysore City or in the area under the jurisdiction of the Board and the period of such residence.

10. Whether any member of the family of which the applicant is a member owns or has been allotted site or a house by the Board or any other authority, within the area under the jurisdiction of the Board. (Furnish details).

11. (1) Whether the applicant already owns a house or a house-site.

    (a) in the City (with details)

    (b) outside the city (with details)

(2) Whether he/she has any share in such property and the value of the share thereof.

12. Whether the applicant's wife/husband/minor child owns a house or a house-site.

    (a) In the City (with details)

    (b) outside the city (with details)
(2) Whether the applicant’s wife/husband/minor child has any share in such property and the value of the share thereof.

13. Whether the applicant has transferred the ownership or rights in the house or house-site already allotted to him/her in any of the schemes of the Board or any other authority to somebody else (if so, furnish details).

14. Whether the applicant or any members of his/her family has already availed of any housing or loan scheme of Government, local body or Co-operative Society, if so, give details.

15. Whether the applicant applied for allotment of a site or a site with a building, in any of the scheme of the Board or and other authority and whether his/her deposit was refund (if so, furnish details).

16. Amount of earnest money deposited now (with Challan No. and date).

I hereby solemnly declare that all the above information given by me is true. I shall furnish any additional information in my possession which you may require. If there is any delay on my part to furnish the necessary information required by the Board, it will be within the discretion of the Board to reject my application.

If, at any time it is found that the information given by me above is incorrect, the Board can cancel the allotment, resume possession of the site and forfeit part or whole of the amount paid by me till then towards cost of the site or deposit.

I am aware that under the Rules, I have to build the house myself with my own resources.

Signature of Applicant.

Station. .........
Date. .........
Attested: Magistrate of the First Class.
Date. .........

FORM II
[See Rule 17(4)]

An agreement made this ............... day of ........... 197., between the City of Mysore Improvement Trust Board, Mysore, hereinafter called the Lessor/Vendor which term shall wherever the context so permits, mean and
include its successors in interest and assigns of the ONE PART and hereinafter called Lessee/Purchaser (which term shall wherever the context so permits mean and include his/her heirs, executors, administrators and legal representatives) of the OTHER PART.

Whereas, the City of Mysore Improvement Trust Board advertised for sale building sites in . . . . . . . Extension.

And, whereas, one of such building site in Site No. . . . . . . . . more fully described in the Schedule hereunder and referred to as property.

And, whereas, there were negotiation between the Lessee/Purchaser on the one hand and the Lessor/Vendor on the other for allowing the Lessee/purchaser to occupy the property as Lessee until the payment in full of the price of the aforesaid site as might be fixed by the Lessor/Vendor as hereinafter provided:

And, whereas, the Lessor/Vendor agreed to do so subject to the terms and conditions specified in the City of Mysore Improvement (Allotment of Sites) Rules, 1972, and the terms and conditions hereinafter contained.

And, whereas, the Lessor/Vendor agreed to do so subject to the property and the Lessee/Purchaser has agreed to take it on lease subject to the terms and conditions specified in the said rules and the terms and conditions specified hereunder:

Now This Indenture Witnesseth

1. The Lessee/Purchaser is hereby put in possession of the property and the Lessee/Purchaser shall occupy the property as a tenant thereof for a period of ten years from (here enter the date of giving possession) . . . . . . . . . or in the event of the lease being determined earlier till the date of such termination. The amount deposited by the Lessee/Purchaser towards the value of the property shall, during the period of tenancy, be held by the Lessor/Vendor as security deposit for the due performance of the terms and conditions of these presents.

"2. The lessee/purchaser shall pay a sum of rupees . . . . . . . per years as rent on or before . . . . . . . commencing from . . . ."

3. The Lessee/Purchaser shall construct a building in the property as per plans, designs and conditions to be approved by the Lessee/Vendor and in conformity with the provisions of the Mysore Municipalities Act, 1964, and the Rules bye-laws made thereunder within two years from the date of this agreement:

Provided that where the Lessor/Vendor for sufficient reasons extends in any particular case the time for construction of such building, the Lessee/Purchaser shall construct the building within such extended period.
4. The Lessee/Purchaser shall not sub-divide the property or construct more than one dwelling house on it.

The expression “dwelling house” means a building constructed to be used wholly for human habitation and shall not include any apartments to the building whether attached thereto or not, used as a shop or a building of ware-house or building in which manufactory operations are conducted by mechanical power or otherwise.

5. The Lessee/Purchaser shall not alienate the site or the building that may be constructed thereon during the period to the tenancy. The Lessor/Vendor may, however permit the mortgage of the right, title and interest of the Lessee/Purchaser in favour of the Government of Mysore, the Central Government or bodies corporate like the Mysore Housing Board or the Life Insurance Corporation of India, Housing Co-operative Societies or Banks to secure moneys advanced by such Governments or bodies for the construction of the building.

6. The Lessee/Purchaser agrees that the Lessor/Vendor may take over possession of the property with the structure thereon if there is any misrepresentation in the application for allotment of site.

7. The property shall not be put to any use except as a residential building without the consent in writing of Lessor/Vendor.

8. The Lessee/Purchaser shall be liable to pay all outgoings with reference to the property including taxes due to the Government and the City Municipal Council, Mysore.

9. On matters not specifically stipulated in these presents the Lessor/Vendor shall be entitled to give directions to the Lessee/Purchaser which the Lessee/Purchaser shall carry out and default in carrying out such directions will be a breach of conditions of these presents.

10. In the event of the Lessee/Purchaser committing default in the payment of rent or committing breach of any of the conditions of this agreement or the provisions of the City of Mysore Improvement (Allotment of Sites) Rules, 1972, the Lessor/Vendor may determine the tenancy at any time after giving the Lessee/Purchaser fifteen days' notice ending with the month of the tenancy, and take possession of the property. The Lessor/Vendor may also forfeit twelve and a half per cent of the amount treated as security deposit under Clause 1 of these presents.

“11. At the end of ten years referred to in Clause 1 the total amount of rent paid by the lessee/purchaser for the period of the tenancy shall be adjusted towards the balance of the value of the property”.

12. If the Lessee/Purchaser has performed all the conditions mentioned herein and committed no breach thereof the Lessor/Vendor shall at the end of ten years referred to in Clause 1, sell the property, to the Lessee/Purchaser and all attendant expenses in connection with such sale such as stamp duty, registration charges, etc.; shall be borne by the Lessee/Purchaser.
13. The Lessee/Purchaser hereby also confirms that this agreement shall be subject to the terms and conditions specified in the City of Mysore Improvement (Allotment of Sites) Rules, 1972, and agreed to by the Lessee/Purchaser in his/her application for allotment of the site.

14. In case the Lessee/Purchaser is evicted under Clause 9 he shall not be entitled to claim from the Lessor/Vendor any compensation towards the value of the improvements or the superstructure erected by him on the scheduled property by virtue of and in pursuance of these presents.

15. It is also agreed between the parties hereto that Rs. ........ (Rupees ........ .......) in the hands of the Lessor/Vendor received by them from the Lessee/Purchaser shall be held by them as security for any loss or expense that the Lessor/Vendor may be put to in connection with any legal proceedings including eviction proceedings that may be, taken against the Lessee/Purchaser and all such expenses shall be appropriated by the Lessor/Vendor from and out of the moneys of the Lessee/Purchaser held in their hands.

THE SCHEDULE

Site No. ................. formed by the City of Mysore Improvement Trust Board in Block No. ................. in the ................. Extension.

Site bound on.—

East by:

West by:

North by:

South by:

and measuring east to west ..........north to south ..........in all measuring .......... square feet.

In witness whereof the parties have affixed their signatures to this agreement:

Chairman.

The City of Mysore Improvement Trust Board

Witnesses:

1.

2. Lessee/Purchaser.

Witnesses:

1.

2.
THE
CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1972

S.O. 2127.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1908 (Mysore Act No. III of 1903), the Government of Mysore hereby makes the following rules to amend the City of Mysore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1972.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of Rule 10.—In Rule 10 of the City of Mysore Improvement (Allotment of Sites), Rules 1972 (hereinafter referred to as the said rules) for the proviso, the following proviso shall be substituted, namely.—

"Provided that the Board may relax the restriction in clause (1) regarding residence in the case of persons.—

(i) who are domiciled in the State of Mysore and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(ii) who are domiciled in the State of Mysore but have gone outside the State on business, employment, study or training and who bona fide intend to reside within the area under the jurisdiction of the Board; or

(iii) who though not domiciled in the State of Mysore bona fide intend to reside within the area under the jurisdiction of the Board."

3. Amendment of Rule 16.—In Rule 16 of the said rules in the proviso.—

(i) for the words “is less than”, the words “is not more than” shall be substituted; and

(ii) for the figures, letters, marks and brackets “9.14 M x 12.19 M (30' x 40')”, the figures, letters, marks and brackets “9.14 M x 13.71 M (30' x 45')” shall be substituted.

1. Published in the Karnataka Gazette, dated 9-11-1972, vide Notification No. HMA 20 MNX 70, dated 7-11-1972.
THE
CITY OF MYSORE: IMPROVEMENT (ALLLOTMENT OF SITES) (AMENDMENT) RULES, 1973:

S.O. 462.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), the Government of Mysore, hereby makes the following rules to amend the City of Mysore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1973.
   (2) They shall come into force at once.

2. Addition of new Rule 23-A.—In the City of Mysore Improvement (Allotment of Sites) Rules, 1972 after Rule 23, the following rule shall be added, namely.—

“23-A. Rules not to apply to corner sites and commercial sites.—Notwithstanding anything contained in these rules, the provisions of these rules shall not apply to disposal of corner sites and commercial sites for which provision is made in the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973.”

THE
CITY OF MYSORE IMPROVEMENT (ALLLOTMENT OF SITES) (AMENDMENT) RULES, 1974

S.O. 1871.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), the Government of Karnataka, hereby makes the following rules further to amend the City of Mysore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1974.
   (2) They shall come into force on the date of their publication in the Official Gazette.

1. Published in the Karnataka Gazette, Extraordinary, dated 8-3-1973, vide Notification No. HMA 2(1) MNX 73, dated 6-3-1973
2. Published in the Karnataka Gazette, dated 31-10-1974, vide Notification No. HMA 210 MNX 74, dated 29-10-1974

A KLJ PUBLICATION
2. Amendment of Rule 17.—For the proviso to sub-rule (2) of Rule 17 of the City of Mysore Improvement (Allotment of Sites) Rules, 1972, the following proviso shall be substituted, namely:—

"Provided that where an allottee is a person belonging to a Scheduled Caste or a Scheduled Tribe or other backward Classes or a nomadic tribe or a wandering tribe or a denotified tribe or a Family of a defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him within a period of six years from the date of receipt of notice of allotment together with interest at three per cent on the deferred payment".

THE
CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1974

S.O. 199.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903) the Government of Karnataka hereby makes the following rules further to amend the City of Mysore Improvement (Allotment of Sites) Rules, 1972, namely:—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of Rule 16.—In the proviso to Rule 16 of the City of Mysore Improvement (Allotment of Sites) Rules, 1972, for the words "Rupees Two thousand and four hundred", the words "Three thousand six hundred" shall be substituted.

THE
CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1975

GSR 36.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903) the Government of

1. Published in the Karnataka Gazette, dated 9-1-1975, vide Notification No. HMA 249(1) MNX 74, dated 28-12-1974
2. Published in the Karnataka Gazette, Extraordinary, dated 30-1-1976, vide Notification No. HMA 202 MNX 75(i), dated 28-1-1976

A KLJ PUBLICATION
Karnataka hereby makes the following rules further to amend the City of Mysore Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement. — (1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1975.

   (2) They shall come into force at once.

2. Amendment of Rule 17. — In sub-rule (2) of Rule 17 of the City of Mysore Improvement (Allotment of Sites) Rules, 1972.—

   (i) for the words “Nine per cent” the words “fifteen per cent” shall be substituted;

   (ii) for the proviso the following provisos shall be substituted, namely.—

   “Provided that where an allottee is a person.—

   (i) whose annual income does not exceed two thousand and four hundred rupees, he may choose to pay the balance value of the site in quarterly, half yearly or annual instalments and the rate of interest on the said amount for the extended period for quarterly payment will be two per cent for half yearly payments will be three per cent and annual payments four per cent;

   (ii) whose annual income exceeds rupees two thousand and four hundred but does not exceed rupees seven thousand and, two hundred, interest at twelve per cent per annum shall be paid on the said amount for the extended period;

   Provided further that where an allottee is a person belonging to a Scheduled Caste or Scheduled Tribe or other backward class or a nomadic tribe or a wandering tribe or a denotified tribe or a family of defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance of the value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of six years form the date of receipt of the notice of allotment”.


THE

CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES):
(AMENDMENT) RULES, 1984

GSR 122. — In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act No. III of 1903), the

1. Published in the Karnataka Gazette, dated 17-5-1984, vide Notification No. HUD 198 MIB 80(l), dated 9-5-1984

A KLJ PUBLICATION
Government of Karnataka, hereby makes the following rules further to amend the City Improvement (Allotment of Sites) Rules, 1972, namely.—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1984.

(2) They shall come into force at once.

2. Amendment of Rule 17.—In sub-rule (2) of Rule 17 of the City of Mysore Improvement (Allotment of Sites) Rules, 1972, for the words "fifteen per cent" the words "eighteen per cent" shall be substituted.

THE
CITY OF MYSORE IMPROVEMENT (ALLOTMENT OF SITES) (AMENDMENT) RULES, 1988

GSR 74.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), the Government of Karnataka hereby makes the following rules further to amend the City of Mysore Improvement (Allotment of Sites) Rules, 1972 as follows.—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Allotment of Sites) (Amendment) Rules, 1988.

(2) They shall come into force at once.

2. Amendment of Rule 18.—In Rule 18 of the City of Mysore Improvement (Allotment of Sites) Rules, 1972, after sub-rule (3), the following sub-rule shall be inserted, namely.—

"(4) Notwithstanding anything contained in sub-rule (2) the Board may, on payment of Rupees one hundred only by the lessee, by order in writing permit, during the period of the lease the alienation of the site with building, if any, constructed thereon to any member of the family of the lessee. Where such alienation is permitted, the alienee shall, for the purpose of these rules, be subject to all the terms and conditions of the lease deed already executed by the lessee."

1. Published in the Karnataka Gazette, Extraordinary, dated 11-3-1988, vide Notification No. HUD 150 MIB 86, dated 4-3-1988

A KLJ PUBLICATION
# THE

**CITY OF MYSORE IMPROVEMENT (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) RULES, 1973**

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(As amended by GSR 37, dated 28-1-1976)

S.O. 463. — In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), the Government of Mysore hereby makes the following rules, namely. —

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1. Published in the Karnataka Gazette, Extraordinary, dated 8-3-1973, vide Notification No. HMA 2 MNX 73, dated 6-3-1973
1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973.

(2) They shall come into force at once.

2. Definitions.—In these rules unless the context otherwise requires.—

(a) "Act" means the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903);

(b) "Auction Purchaser" means the person who has purchased a corner site or a commercial site in the auction held by the Board under these rules;

(c) "Commercial site" means any site formed in any extension or layout earmarked for locating a cinema theatre, a hotel or restaurant, a shopping centre, a shop, a market area and includes sites for locating any business or commercial enterprise or undertaking but does not include any site earmarked for the location of any factory or any industry;

(d) "Corner site" means the site at the junction of two roads having more than one side of the site facing the roads;

(e) "Form" means a form appended to these rules;

(f) "Government" means the Government of Mysore.

3. Auction of corner sites and commercial sites.—(1) Whenever the Board has formed an extension or layout in pursuance of any scheme, the Board may, subject to the general or special orders of Government dispose of any or all the corner sites or commercial sites in such extension or layout by auction in accordance with these rules.

(2) Due publicity shall be given in respect of the corner sites or commercial sites to be auctioned specifying their location, number, dimension and the percentage of the highest bid amount to be deposited and such other particulars as the Chairman may consider necessary, by affixing a notice to the notice board of the office of the Board and any other office as the Chairman may decide from time to time and by publication in not less than two daily newspapers published in the City of Mysore in English and Kannada or in any other language as the Chairman deems necessary having a wide circulation in the City.

4. Reservation of corner sites or commercial sites.—(1) The Board may reserve corner sites or commercial sites in any area for allotment to any specified class of institution, body or City Municipal Council, Mysore at such rates as the Board may decide.
(2) Where the corner sites or commercial sites are reserved under sub-rule (1), the procedure to be followed for allotment shall be determined by the Board.

(3) The allotment under this rule is subject to provisions made in the allotment rules.

5. Allotment of site to individuals or body of persons or institutions in special cases.—Notwithstanding anything in Rule 3, the Chairman may allot any corner site, which has not been notified under Rule 3 or reserved under Rule 4 and which cannot on account of its size be treated as an independent site, to the owner of the adjacent site:

Provided that where the width of such site is—

(a) one-third the width of the adjacent site or less, the sale shall be at such rate as the Board may fix;

(b) more than one-third but equal to one half of the width of the adjacent site or less, the sale shall be for the average auction rate, the said rate being determined on the basis of the rates at which sites have been sold at three previous auctions in the locality in which such site is situated;

(c) more than one half of the width of the adjacent site the sale shall be by auction in accordance with Rule 6 as if such site were an independent site;

6. Conditions of auction sale of corner sites or commercial sites.—(1) The Chairman or the Officer authorised by the Chairman to conduct the auction sale, may fix the amount by which the successive bids may be raised.

(2) The Officer conducting the auction sale shall have the right to accept or refuse any bid without assigning any reason.

(3) The auction purchaser whose bid is accepted shall deposit twenty-five per cent of the amount of his bid at once on the spot and pay the balance within forty-five days from the date of receipt of intimation letter as in Form 1 communicating the confirmation of sale, in default of which the deposit of twenty-five per cent made by such auction purchaser shall be liable to be forfeited to the Board and the Board shall be entitled to resell the site and in such an event of resale, the defaulting auction purchaser shall be liable to make good any loss suffered by the Board on account of such resale.

(4) The Chairman may grant extension of time not exceeding ninety days for depositing the balance of the bid amount. Whenever the amount is paid during such extended period the auction purchaser shall also pay interest thereon at 5[fifteen per cent] per annum and a penalty of rupees ten and failing such payment, the Board shall be entitled to forfeit the deposit made by the auction purchaser and resell the site at the risk of the auction purchaser.

1. Substituted for the words “nine per cent” by GSR 37, dated 28-1-1976, w.e.f. 30-1-1976.
(5) The site which has been designed and auctioned as a unit shall not be allowed to be split up into two or more sites without obtaining the previous approval of the Board.

(6) As soon as the full amount of the purchase money is paid, the auction purchaser shall execute an agreement in Form 2 and thereafter he shall be put in possession of the site and a possession certificate issued to him.

(7) The auction purchaser shall be bound to comply with all the conditions in the agreement.

(8) The auction purchaser shall construct a building on the site as per plans and designs approved by the Board and in case the site is included within the limits of the City of Mysore Municipal Council, in accordance with the building bye-laws of the said council within a period of two years from the date of execution of the agreement or such extended period as the Board may in any specified case, by written order permit. If the Building is not constructed within the said period, the Board may resume the site and resell it by public auction. Where any site is so resumed and resold, after defraying the expense of such resale, twenty-five per cent of the purchase money paid by the defaulting auction purchaser shall be forfeited to the Board, and the balance shall be paid to the said auction purchaser.

(9) The site shall be conveyed to the auction purchaser only after the building is constructed. The expenses on account of stamp duty, registration fees and any other incidental charges in respect of the conveyance shall be borne by the auction purchaser.

7. Decision of the Board.—The Board shall have the right to confirm or cancel any sale in auction without assigning any reason and when the sale is cancelled, the amount received from the auction purchaser as deposit shall be refunded to him.

8. Voluntary Surrender.—An allottee may, at any time after allotment, surrender the site allotted to him to the Board. On such surrender the Board shall refund all amounts paid by the allottee to the Board in respect of the said site.

9. Revision.—(1) The Government may, suo motu or otherwise, call for the record of any decision, order or proceeding of the Chairman or the Board under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding.

(2) If, in any case, it appears to the Government that any decision, order or proceeding so called for should be modified, annulled or reversed, the Government may pass such order as it may deem fit.
FORM 1

[See Rule 6(3)]

No. 
Office of the Chairman,
City Improvement Trust Board,
Mysore.
Dated:

Board Resolution No.
To:

Sri/Smt.
Sir/Madam,

Subject: — Auction sale of Site No. . . . . Extension.

I write to inform you that the sale of the above site for which you offered the highest bid at the time of auction sale of the site held on . . . . . has been confirmed in your name.

You are therefore required to pay the balance of amount noted under column (4) within forty-five days from the date of this letter.

1. Site No. . . . . . . . . . . . . . . . . . . . and dimensions.
2. Total cost of the site at Rs. . . . per sq. metre . . . . . . Rs.
3. Amount already paid by you as initial deposit Rs. . . . .
4. Balance due within forty-five days Rs. . . .

On payment of the full value you are required to execute an agreement after which possession certificate will be issued.

Yours faithfully,

Chairman
FORM 2

[See Rule 6(6)]

This agreement entered this ........ day ........ of One thousand and Nine hundred seventy ........ between Sri/Smt ........ son/daughter/wife of ........ aged ........ years residing in ........ (hereinafter called the First Party, which term means and includes his/her heirs, assigns, administrators and legal representatives) and the Mysore City Improvement Trust Board (hereinafter called the Second Party) witnesseth.

Whereas, the First Party purchased the site described in the schedule at the auction held by the Second Party on ........ and the said sale has been confirmed.

And, whereas, according to condition 5 of the sale, the auction purchaser is to execute an agreement binding himself/herself to construct over the site a dwelling house according to the plans and designs to be approved by the City Improvement Trust Board Mysore, and subject to the further conditions under which the auction was held.

And, whereas, the First Party has also paid the full value of the site namely ........ to the Second Party the receipt of which sum the Second Party acknowledges.

Now, therefore, it is hereby agreed as follows.—

(1) The First Party shall be bound by the provisions contained in the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973.

(2) The First Party shall construct on the site a dwelling house/a building which is required to be located on a commercial site, as per plans and designs approved by the City Improvement Trust Board and to complete the same within a period of two years after allotment. The Board may for sufficient reasons extend the time for such construction.

(3) The site which has been designed as a unit shall not be split up into two or more sites on any condition.

(4) Only one dwelling house shall be constructed in each unit. In this condition, "Dwelling House" means a building constructed to be used wholly for human habitation and shall not include any apartments to the building, where attached thereto or used for a purpose for which a commercial site is required to be used.

(5) The First Party shall put up out-houses such an kitchens, bathrooms and latrines or of similar nature providing such facilities as the Board may approve for the efficient escape of effuvia, smoke, etc., so as not to endanger the health of the occupants of the main dwelling portion.
(6) The level of the floor, baths, latrines and drainholes shall be fixed and proper cement lined drains and sewer shall be constructed by the parties to lead off sullage and sewerage from the premises into the Trust Board Sewage System.

(7) The plinth level of the building shall be at least 45 centimetre higher than the level of the road.

(8) All the walls and flooring shall be provided with damp courses in marshy and damp sites.

(9) Only cement mortar shall be used for the foundations and basement of all structures wherever the site is marshy or in the damp area.

(10) The Building bye-laws of the City of Mysore Municipal Council shall be complied with.

(11) No garages or out-houses shall be constructed in the front of the houses adjoining or near the road.

(12) No material of a perishable or combustible nature shall be used in the Construction of the building.

(13) The Chairman of the Second Party shall have the power of fixing the type of frontages and the compound wall in front to be adopted on any particular street and shall have power of fixing the direction of frontage for the corner site at the junction of two roads.

(14) No pits shall be dug on the site for earth, for building purposes.

(15) The Second Party shall execute the sale deed in respect of the schedule property only after building has been put up thereon. The entire cost of executing the sale deed, including the stamp duty and registration charges shall be borne by the first party.

(16) If the First Party fails to comply with any conditions of this agreement, the Second Party may resume the site along with any constructions then standing thereon. The Second Party may resell the same by public auction or reallocate the same to any other person at such price as it may determine. After defraying the expenses of such resale, twenty-five per cent of the purchase money paid by the First Party shall be forfeited to the Second Party and the balance alone shall be payable to the First Party or such other person entitled to receive such balance.
SCHEDULE

Site No.  
Formed by the Mysore City Improvement Trust in the Extension:

Board in Block

Site bounded on:

East by:

West by:

North by:

South by:

East to West:  
North to South.

In token whereof the First Party has affixed his signature to this agreement on the day of, .......... 19 .... in the presence of the Witnesses who have affixed their signature to this Agreement.

Witness:  

Signature.

1.

2.

THE

CITY OF MYSORE IMPROVEMENT (DISPOSAL OF CORNER SITES AND COMMERCIAL SITES) (AMENDMENT) RULES, 1975

GSR 37.—In exercise of the powers conferred by Section 38 of the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), the Government of Karnataka hereby makes the following rules further to amend the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973, namely,—

1. Title and commencement.—(1) These rules may be called the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) (Amendment) Rules, 1975.

(2) They shall come into force at once.

2. Amendment of Rule 6.—In sub-rule (4) of Rule 6 of the City of Mysore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1973 for the words “Nine per cent” the words “fifteen per cent” shall be substituted.

1. Published in the Karnataka Gazette, Extraordinary, dated 30-1-1976, vide Notification No. HMA 202 MNX 75, dated 28-1-1976
# THE

## BANGALORE DEVELOPMENT AUTHORITY (BULK ALLOTMENT) RULES, 1995

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**GSR 24.**—In exercise of the powers conferred by Section 69 of the Bangalore Development Authority Act, 1976 (Karnataka Act No. 12 of 1976), the Government of Karnataka hereby makes the following Rules, namely,—

---

1. Published in the Karnataka Gazette, Extraordinary, dated 26-7-1995, vide Notification No. HUD 309 MNJ 94, dated 25-7-1995
1. Title and commencement.—(1) These rules may be called the Bangalore Development Authority (Bulk Allotment) Rules, 1995.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) "Act" means the Bangalore Development Authority Act, 1976;

(b) "Committee" means ‘bulk allotment of land’ Committee constituted under Rule 9;

(c) "Form" means, a Form appended to these rules;

(d) "Section" means, the section of the Act.

3. Offer of Land for Bulk Allotment.—(1) Whenever the Authority proposes to make bulk allotment of any land it may reserve such extent of land out of the lands so proposed for the purpose of allotment in favour of the categories falling under clauses (i), (ii) and (iii) of Section 38-B.

(2) After making such reservation under sub-rule (1), the Authority may, subject to Section 38-B and the general or special orders of the Government, offer the remaining extent of land for the purpose of allotment in favour of categories falling under clauses (iv), (v) and (vi) of Section 38-B.

(3) Due publicity shall be given in respect of lands so offered specifying their location, dimension, last date for submission of application and such other particulars as the Commissioner may consider necessary by affixing a notice on the notice board of the Office and also by publishing in not less than two daily newspapers in English and Kannada having wide circulation in the City of Bangalore.

4. Disposal of Land Reserved.—Notwithstanding anything in these rules, the land reserved under sub-rule (1) of Rule 3 may be allotted by the Authority to the categories referred to therein subject to such terms and conditions as may be specified in it.

5. Eligibility.—(1) Where the applicant is either a Society or Trust falling under clauses (iv) to (vi) of Section 38-B, the Authority may make Bulk allotment of land only to a Society or Trust which is registered under Rule 6.

(2) Bulk allotment of land shall not be made unless such Society or Trust has capacity to develop the land for the purpose for which the allotment is sought.

6. Registration.—(1) A Society or trust mentioned in clauses (iv) to (vi) of Section 38-B of the Act which desires to apply for allotment under these rules shall get itself registered in the Office of the Authority in Form I. Every application shall be accompanied by a fee specified in the table below. If the applicant withdraws the registration, the Authority shall refund the
registration fees, after deducting ten per cent of the registration fees towards service charges.

TABLE

<table>
<thead>
<tr>
<th>Extent of the Land</th>
<th>Registration Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Upto One Acre</td>
<td>Rs. 1,000</td>
</tr>
<tr>
<td>(b) One Acre to Two Acres</td>
<td>Rs. 1,500</td>
</tr>
<tr>
<td>(c) Two Acres to Three Acres</td>
<td>Rs. 20,000</td>
</tr>
<tr>
<td>(d) Three Acres to Four Acres</td>
<td>Rs. 25,000</td>
</tr>
<tr>
<td>(e) Four Acres to Five Acres</td>
<td>Rs. 30,000</td>
</tr>
</tbody>
</table>

(2) The registration once made shall be valid for subsequent allotment unless registration is withdrawn.

(3) The registration fee paid shall not be refundable or adjustable if allotment is made.

7. Restrictions.—(1) The extent of land allotted under these rules shall not exceed five acres:

Provided that the Government may, for reasons to be recorded in writing accord approval for allotment of land exceeding five acres but not exceeding One Hundred acres and the Authority may in turn make allotment accordingly.

(2) The land allotted shall be used only for the purpose for which it is allotted.

8. Application for Allotment.—(1) Every society or trust registered under Rule 6 which desires an allotment under these rules, shall make an application in Form II to the Authority. Application in the case of categories falling under clauses (i) to (iii) of Section 38-B shall be made in such form as may be specified by the Authority.

(2) The application may be presented in person or sent by registered post so as to reach the office of the authority.

9. Principles of Selection.—(1) The authority shall consider the case on its merits and in the case of applicants referred to in clauses (iv) to (vi) of Section 38-B, it shall have regard to the following principles in making selection.—

(a) the objectives and activities of the society or Trust and the public cause served by it since its establishment;

(b) the financial position;

(c) the present location;
(d) the benefit likely to accrue to the general public of the locality by allotment;

(e) the bona fide and genuineness of the society or Trust as made out in the annual report, audit report etc.

(2) For the purpose of sub-rule (1), the Authority may constitute a separate committee to be called "Bulk Allotment of Land Committee" consisting of three official members and three non-official members. The Chairman of the authority shall be the Chairman of the Committee.

(3) Subject to the approval of the authority, the decision of the Committee shall be final.

(4) The authority or the Committee may call for further information or records for the purpose of satisfying itself on any matter, relating to such Society or Trust.

(5) The authority shall obtain the approval of the Government before making any allotment of land under these rules.

10. Conditions of Allotment.—The Bulk allotment under these rules shall be subject to the following conditions.—

(a) An allottee shall, in the case of sale, pay twenty-five per cent of the value of land; immediately within forty-five days from the receipt of the order of allotment of land and the balance amount shall be paid within a further period of forty-five days;

(b) The value of the land per acre shall be fixed by the authority having regard to the prevailing market value;

(c) An allottee shall, in the case of lease, pay the lease amount as may be fixed by the authority; within ninety days from the date of receipt of the letter of allotment;

(d) If the allottee fails to pay the balance amount within the stipulated time, the allotment shall stand cancelled without prior intimation;

(e) Where allotment is by way of sale, and all payments are made, the allottee shall get executed a sale deed in its favour at its own cost. The sale deed shall be in such form as may be specified by the authority. On the execution of the sale deed, the authority shall deliver the allottee the possession of the land so allotted;

(f) Where the allotment is by way of lease, the lease period shall not exceed thirty years and allottee shall on payment of the lease amount get executed a lease deed in such form and within such date as may be specified by the authority in its favour and at its own cost. The Authority shall on execution of the lease deed deliver possession of the land so allotted. The lessee shall pay the rent and such other charges as may be fixed by the authority;
(g) The land allotted shall be utilised for the purpose for which it is allotted, and in case of breach of any of the conditions, the lease stands cancelled and the initial deposit shall be liable to forfeiture;

(h) With effect from the date of taking possession, the lessee shall be liable to pay taxes, fees and cess payable in respect of land allotted and any building constructed thereon;

(i) The lessee shall not become the owner of, or derive any title to the land allotted during the lease period;

(j) If the lease is not renewed or has been terminated before the expiry of the lease, the land leased shall vest in the authority free from encumbrance;

(k) The lease amount may be paid in one lumpsum or in annual instalments, as may be specified by the Authority.

11. Voluntary Surrender. — An allotee may at any time after allotment, surrender the land allotted under these rules and on such surrender, the authority shall refund the amount paid by the allotee to the authority.

12. Surrender of sites in certain Cases. — In the case of bulk allotment of land to the allotees falling under clauses (iv) and (v) of Section 38-B, the Government or the authority may direct that such allotees shall be required to surrender, certain number of sites not exceeding thirty per cent of the total number of sites formed in the land allotted under these rules at such rate as may be fixed by the Government or the authority for allotment to persons belonging to economically weaker sections.

For the purpose of this rule a personnel shall be considered to be belonging to the economically weaker section if: —

(i) his total income including that of any member of his family does not exceed Rupees Six Thousand per Annum; and

(ii) he is a domicile of Karnataka for not less than ten years:

Provided that such person shall have to produce a Certificate from the employer or from the Revenue Officer not below the rank of a Tahsildar in respect of Income.

FORM 1

[See Rule 6]

1. Registration No. Registration No.

2. (a) Name of the person, registered Institution, Society (Association, Public Trust). (a) Name of the person, registered Institution, Society (Association, Public Trust).
FORM 2

Application for Bulk Allotment and Land

Bangalore Development Authority (Bulk Allotment) Rules, 1994.

Name of the Area or Layout: ..............................................

1. (a) Name of the applicant.
   (b) Name of the office bearers of the Society or Trust.
   (c) Date of Registration (enclose a copy of the Certificate of Registration).

2. The date of Resolution passed for seeking allotment (Enclose copy of Resolution).

3. Address of the applicant.

4. Number of Registration and date.

5. Initial deposit amount.

   D.D. No. .................
   Date ....................

6. Details of Society or Trust to utilise the land for the purpose for which it is allotted.
7. The objectives and the activities of the Society or Trust and the purpose served since its establishment (copy of annual report or audit report to be enclosed).

8. The Financial Position of the Society or Trust.

9. Present location of the Society or Trust.

I hereby declare that the above information is true to the best of my knowledge and belief and if the information furnished by me is found to be wrong or false, my application for allotment be rejected and the amount paid be forfeited.
REVISED MASTER PLAN 2015

ZONING OF LANDUSE AND REGULATIONS


ABBREVIATIONS

BDA    Bangalore Development Authority
BEL    Bharat Electronics Limited
BBMP   Bruhat Bangalore Mahanagara Palike
BMTC   Bangalore Metropolitan Transport Corporation
BPO    Business Process Outsourcing
BSUP   Basic Services for Urban Poor
BT     Bio-Technology
BWSSB  Bangalore Water Supply & Sewerage Board
CDP    Comprehensive Development Plan
CITB   City Improvement Trust Board
CMC    City Municipal Council
CPS    Coordinated Planning Scheme
EWS    Economically Weaker Section
FAR    Floor Area Ratio
IT     Information Technology
KHB    Karnataka Housing Board
KIADB  Karnataka Industrial Area Development Board

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Lpcd  Litre per Capita per day
MPVR  Master Plan Vision Report
MLCP  Multi level-Car Parking
NH    National Highway
PRR   Peripheral Ring Road
R&D   Research & Development
RMP   Revised Master Plan 2015
Rs    Rupees
SH    State Highway
TDR   Transferable Development Rights
TGR   Tippagondanahalli Reservoir
TMC   Town Municipal Council
ZR    Zonal Regulations
TECHNICAL TERMS AND DEFINITIONS

The following terminology is adopted:

1. Amalgamation: Combining two or more plots as a single plot.

2. Amenities: Means roads, open spaces, parks, recreational grounds, gardens, water supply, electric supply, lighting, sewerage, drainage and conveniences.

3. Apartment: Means one or two buildings containing or meant for multifamily dwellings and contains more than four units in a building.

4. Auditorium: Premises having an enclosed space to seat audience and stage for various performances such as concerts, plays, music, etc.

5. Authority: Authority means Bangalore Development Authority

6. Boarding house (service apartment): is a premise in which rooms are let out on a long term basis as compared to hotels.


8. Bus depot: A premises used by Public transport agency or any other agency for parking, maintenance and repair of buses. This may or may not include the workshop.

9. Building line: Means the line up to which the plinth of a building may lawfully extend within the plot on a street or an extension of a street. No overhead projections are allowed beyond the building line.

10. Building setback: Minimum distance between any building or any structure from the boundary line of the plot.

11. Bus terminal: A premises used by public transport agency to park the buses for short duration to serve the population. It may include the related facilities for passengers.

12. Clinic: A premises used for treatment of outdoor patients by a doctor. In case of poly clinic, it shall be managed by a group of doctors

13. Clinical laboratory: A premises used for carrying out various tests for diagnosis of ailments.

14. Community hall: Premises having enclosed space for various social and cultural activities without any cooking facility.
15. Corner site: Means a site at the intersection of two roads and facing two or more roads/streets.

16. Development Plan:
   - Residential development plan: Plan containing proposal for construction of one or more residential buildings on a plot measuring more than 20,000 sq.m in extent.
   - Non Residential development plan: Plan containing proposal for construction of one or more commercial buildings on a plot size measuring more than 12,000 sq.m in extent.

17. Dharmashala: is a premise where temporary accommodation for short duration is provided on non profit basis.

18. Drains: The drains have been categorized into 3 types namely primary, secondary and tertiary. These drains will have a buffer of 50, 25 and 15m (measured from the centre of the drain) respectively on either side. These classifications have been used for the drains newly identified while finalizing the RMP 2015.

19. Dwelling unit: Used primarily to describe the equivalent household in buildings.

20. Frontage: Frontage means the width of the site abutting the access road.

21. Gas godown: Premises where cylinders of cooking gas are stored.

22. Guest house: is a premise for housing the staff of Government, semi government, public undertaking and private limited company for short duration.

23. High density development: This includes star hotels, shopping malls, multiplexes, commercial complexes, IT and BT.

24. Height of building: Means the vertical distance measured, in the case of flat roofs, from the average level of the ground around and contiguous to the building up to the highest point of the building and in case of pitched roofs, up to the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and in case of gables facing the road, the mid point between the eaves level and the ridge.

25. High rise building or Multi-Storeyed Building: Means a building of a height of \[15.0 \text{ meters and more} \] above the average surrounding ground level.

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1. Substituted for the words and figures "24 meters or more" by Notification No. UDD 105 MNJ 2008, dated 11-12-2014, w.e.f. 11-12-2014

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26. Hospital: A premises providing medical facilities of general or specialized nature for treatment of indoor and outdoor patients.

27. Hotels: A premises used for lodging on payment with or with out boarding facilities.

28. Integrated residential schools: A premises having educational and playing facilities for student's up to XII standard. It shall have boarding facilities and may have residence for faculty members.

29. Junk yard: Premises for covered, semi covered, or open storage including sale and purchase of waste goods, commodities and materials.

30. Kalyana Mantapa: Premises where marriages, social and religious functions are conducted with cooking facilities.

31. Lodging house: is premises used for lodging on payment.

32. Mezzanine floor: Means intermediate floor between ground floor and first floor only. The area of the mezzanine floor shall not exceed 1/3 rd of covered area of ground floor.

33. Nursing home: A premises having medical facility for indoor and outdoor patients, having up to 30 beds, it shall be managed by a doctor or a group of doctors on commercial basis.

34. Park: A premises used for leisure, recreational activities, it may have a related landscaping, parking facilities, public toilet, fence etc. It includes synonyms such as lawn, open space, green, etc.

35. Playground: A premises used for outdoor games, it may have on it landscaping, parking facilities, public toilet, etc

36. Recreational club: Premises used for assembly of a group of persons for social and recreational purposes with all related facilities

37. Repair shop: A premises similar to retail shop for carrying out repair of household goods, electronic gadgets, automobiles, cycles, etc.

38. Retail shops: A premises for sale of commodities directly to consumer with necessary storage.

39. Restaurant: A premises used for serving food items on commercial basis including cooking facilities, with covered or open space or both having seating arrangements.

40. Stilt Parking: Building constructed with stilt area of non habitable height (less than 2.4mtr), used for parking.
41. Whole sale: A premises where goods and commodities are sold, delivered to retailers, the premises include storage / godown, loading and unloading facilities.

42. Villa: An independent house / dwelling on a given plot.
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FRAMEWORK AND OBJECTIVES

The Revised Master Plan 2015 vision document envisages a compact, balanced and equitable, urban growth for the city. In order to guide such growth, the Revised Master Plan 2015 uses the proposed land use Plans and zonal regulations.

Zonal Regulations are an integral part of the Revised Master Plan - 2015 and are required to be read with the Proposals as detailed in proposed land use plans.

The Local Planning Area is delineated into 47 planning districts, based on planning parameters.

OBJECTIVES

The key objectives of Zoning Regulations are:

a. To Safeguard Public Interest.
b. To be Realistic and Anticipatory.
c. To be Flexible and Responsive.
ZONING OF LANDUSE AND REGULATIONS

(As amended by Notification No. UDD 93 MNJ 2008, dated 2-3-2009)

CHAPTER 1
INTRODUCTION

1.1 Spatial extent of land use zoning regulations

The regulation applies to the Bangalore Metropolitan Area, also defined as the Local Planning Area (LPA) for the city of Bangalore and its environs as declared under KTCP Act, 1961.

The provisions of this document are to be read along with the relevant planning district plans of Revised Master Plan 2015, applicable to various areas of the city. The zone delineation and the permissible land uses within zone and respective regulations for land use are properly co-related to achieve orderly growth.

The regulations proposed are prospective. The developments that are lawfully established prior to the coming into force of zonal regulations shall be allowed to continue as non-confirming uses.

1.2 LAND USE ZONE CATEGORIES

A. The entire Local Planning Area is conceptually organized into three main Rings for consideration of zoning and regulations.

i. Areas coming within the Core Ring Road: Ring I

ii. Areas coming between the Core Ring road and the Outer Ring Road: Ring II

iii. Areas coming beyond the Outer Ring Road and within the LPA: Ring III

iv. The above rings are equivalent to Zone-A, Zone-B and Zone-C for TDR Purposes

B. Classification of Land use zones:

RESIDENTIAL (R)
COMMERCIAL (C)
INDUSTRIAL (I)
PUBLIC AND SEMI PUBLIC (P&SP)
TRAFFIC AND TRANSPORTATION (T&T)
PUBLIC UTILITIES (PU)
1.3 Zonal boundaries and interpretation

The exact location and specific regulations applicable for a particular zone is to be verified from the Proposed Land Use Zoning Plans.

The zonal boundary is usually a feature such as a road, valley, village boundary, etc and includes the immediate inner edge of the area.

Certain restrictions imposed by competent authorities are to be maintained as "buffers" for various utilities such as power, oil, etc and are marked on the proposed land use plans. The NOC for the same shall be sought, if necessary.

The planning perimeters such as area improvement perimeter, transport and utilities perimeter, etc. shown in RMP2015 refer to indicative areas in the city that need to be dealt with detailed action plans and they serve as mere informative tool on the Plans.

Generally, in case of uncertainty as regards the boundary or interpretation, it shall be referred to the authority for final decision.

CHAPTER 2.0
LIST OF LAND USE CATEGORIES PERMISSIBLE IN VARIOUS ZONES

Various land uses permissible within each zone are listed below.

- Land uses are grouped according to the nature and intensity of use in an ascending manner. For e.g.: C-4: indicates Commercial and 4 the order within the category. The C-4 list includes all land uses permissible specific to C-4 and the lower order uses of C-3, C-2, and C-1 unless specifically mentioned.
- The various codes used include:
  - R: Residential
  - C: Commercial: C-1 to C-6
    - I: Industrial: I-1 to I-4
  - T: Transportation: T-1 to T-4
- Though the various uses are listed, the corresponding space standards for buildings/uses are to be referred. The two main parameters are minimum size of Plot and the Minimum width of Road.
### Table 1: Permissible Land uses in Residential category

<table>
<thead>
<tr>
<th>R</th>
<th>Residential land uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Plotted residential developments</td>
</tr>
<tr>
<td>2.</td>
<td>Villas, semi detached houses</td>
</tr>
<tr>
<td>3.</td>
<td>Apartments, Hostels, Dhammasala</td>
</tr>
<tr>
<td>4.</td>
<td>Multi Dwelling Housing, Service Apartments.</td>
</tr>
<tr>
<td>5.</td>
<td>Group Housing (Development Plans)</td>
</tr>
</tbody>
</table>

**Note:** When service apartments are permitted, fee under Section 18 of KTCP Act, 1961 for commercial use shall be levied.

### Table 2: Permissible Land uses in Commercial Category

<table>
<thead>
<tr>
<th>C1</th>
<th>Commercial Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Petty shops, Newspaper, stationery and milk booth, vulcanizing shops</td>
</tr>
<tr>
<td>2</td>
<td>Tutorial centers not exceeding 50 sq.m</td>
</tr>
<tr>
<td>3</td>
<td>STD/FAX/internet centre/ATM centers</td>
</tr>
<tr>
<td>4</td>
<td>Hair dressing and beauty parlors</td>
</tr>
<tr>
<td>5</td>
<td>Offices/clinics belonging to &quot;Professional services&quot; category and self-owned not exceeding 50 sq.m</td>
</tr>
<tr>
<td>6</td>
<td>Tailoring, dry cleaners</td>
</tr>
<tr>
<td>7</td>
<td>Bakery and sweetmeat shop</td>
</tr>
<tr>
<td>8</td>
<td>Pathological labs.</td>
</tr>
<tr>
<td>9</td>
<td>Recreational Clubs as per Table 7 provisions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C2</th>
<th>Commercial Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Eateries such as darshinis, tea stalls, and takeaways</td>
</tr>
<tr>
<td>2</td>
<td>Gyms, orphanages, old age homes clinics</td>
</tr>
<tr>
<td>3</td>
<td>Retail shops &amp; hardware shops</td>
</tr>
</tbody>
</table>
4. Banks, ATMS, insurance and consulting and business offices
5. Mutton and poultry stalls, cold storages
7. Uses for small repair centers- electronic, mechanical, automobile, etc
8. Photo Studio
9. Nursing homes and poly clinics/dispensaries/labs subject to minimum 300sq.m plot size and NOC from pollution control board after adequate parking facility is provided.
10. Fuel stations and pumps, LPG storage (as per Table.7)
11. Kalyana mantaps as per Table.7
12. All the uses of C1 are permitted

C3 - Commercial Uses
1. Commercial and corporate offices
2. Retail Shopping complexes
3. Restaurants and Hotels
4. Convention centers and banquet halls
5. Financial institutions
6. Cinema and multiplexes
7. Places of assembly, exhibitions centers
8. Entertainment and amusement centres.
9. Hospitals and specialty hospitals
10. Automobile repair and garage centers, spares and stores
11. All uses of C1 & C2 are permitted

C4 - Commercial Uses
1. Sale of second hand junk goods, junk yards
2 Warehouses and storage areas for goods
3 Whole sale and trading
4 All uses of C1, C2 & C3 are permitted

C5 Commercial Uses
1 Wholesale and warehouses -business
2 Agro Mandis
3 Heavy goods markets
4 All uses of C1, C2, C3 & C4 are permitted

Table 3: Permissible land uses in Industrial Uses Category

I-1 House hold industries
1 Tiny and household industries

Above Uses are permitted subject to condition that the zone permits the extent of area and the power consumption does not exceed 5 KW. The activity follows the required space standard given in Table.7

Note: The power required for air conditioners, lifts & computers shall be excluded while calculating the kilowatt above.

Illustrative list as in table.4

I-2 Service industries
1 R & D labs, Test centers , IT, BT, BPO activities
2 All uses included in the I-1 category

I-3 Light Industries
1 All uses in I-1 and I-2 included
Uses permitted subject to condition that the zone permits the extent of the area and power consumption, the activity follows the required space standard, performance characteristics such as Noise, Vibration, Dust, Odour, Effluent, General nuisance

<table>
<thead>
<tr>
<th>I-4</th>
<th>Medium Industries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All uses of I-1, I-2 &amp; I-3 included</td>
</tr>
<tr>
<td>2</td>
<td>Warehousing, loading and unloading platforms to be provided</td>
</tr>
</tbody>
</table>

Uses permitted subject to condition that the zone permits the extent of the area and installed power and performance characteristics such as Noise, Vibration, Dust, Odour, Effluent, General nuisance are to be considered.

<table>
<thead>
<tr>
<th>I-5</th>
<th>Heavy Industries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All uses of I-1, I-2, I-3 &amp; I-4 are included</td>
</tr>
<tr>
<td>2</td>
<td>Hazardous industries and heavy manufacturing industries</td>
</tr>
</tbody>
</table>

Uses permitted subject to condition that the zone permits the extent of the area and installed power and performance characteristics such a Noise, Vibration, Dust, Odour, Effluent, General nuisance are to be considered.

Table 4: Illustrative list of uses in the Industrial (I-1) category:

<table>
<thead>
<tr>
<th>I-1.</th>
<th>Industrial land uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Food products</td>
</tr>
<tr>
<td></td>
<td>Preparation of bakery products &amp; confectionaries,</td>
</tr>
<tr>
<td></td>
<td>Candies, sweets, ice &amp; ice creams, Biscuit making, huller and flour mills,</td>
</tr>
<tr>
<td></td>
<td>Aerated water and food beverages.</td>
</tr>
<tr>
<td></td>
<td>Supari and masala grinding,</td>
</tr>
<tr>
<td></td>
<td>Coffee powder, packing, milk and dairy products,</td>
</tr>
<tr>
<td></td>
<td>Juice crushers and processing, etc.</td>
</tr>
<tr>
<td>2)</td>
<td>Textile products</td>
</tr>
<tr>
<td></td>
<td>Embroidery works, handloom and power looms,</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Hosiery, netted garments, crepe, cotton and silk printing, tailoring of apparels.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Bedding material, textile bags, mosquito nets, others;</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Wood products and carpentry</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacture of wooden furniture, fixtures, toys, mirrors &amp; photo frames</td>
<td></td>
</tr>
<tr>
<td>Bamboo and cane furniture works, Repair and sale of wood junk, etc</td>
<td></td>
</tr>
<tr>
<td><strong>Paper products and printing</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacturing of cartons for packing,</td>
<td></td>
</tr>
<tr>
<td>Printing, publishing, book binding, engraving, etching</td>
<td></td>
</tr>
<tr>
<td>Making of stationery - post cards, mathematical items, block making, etc</td>
<td></td>
</tr>
<tr>
<td><strong>Other works such as</strong></td>
<td></td>
</tr>
<tr>
<td>Ornamental jewellery, gold and silver thread,</td>
<td></td>
</tr>
<tr>
<td>Repair of kitchen related equipments, Porcelain wares,</td>
<td></td>
</tr>
<tr>
<td>Medicines, wax polishing, &amp; washing soaps, candles and wax products,</td>
<td></td>
</tr>
<tr>
<td>Chalk, crayons, and artists colour, Musical instruments</td>
<td></td>
</tr>
<tr>
<td>Laundries, bleaching, dyeing, Photo processing laboratories</td>
<td></td>
</tr>
<tr>
<td>Cement moulded products, Plaster of Paris,</td>
<td></td>
</tr>
<tr>
<td>Repacking/ mixing of liquids, powder, pastes, not involving hazardous materials, etc</td>
<td></td>
</tr>
<tr>
<td><strong>Tobacco and Agarbathis</strong></td>
<td></td>
</tr>
<tr>
<td>Rolling of Beedis, Agarbathis and packing, etc</td>
<td></td>
</tr>
<tr>
<td><strong>Leather products</strong></td>
<td></td>
</tr>
<tr>
<td>Manufacture and repair of finished leather goods</td>
<td></td>
</tr>
<tr>
<td>Upholstery, suitcases, etc</td>
<td></td>
</tr>
<tr>
<td><strong>Rubber and plastic products</strong></td>
<td></td>
</tr>
<tr>
<td>Re treading, recapping and vulcanizing, toy making,</td>
<td></td>
</tr>
<tr>
<td>Rubber/polymer stamp, brush making, conduit pipes fabrication,</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Buckets and household plastic products.</td>
</tr>
<tr>
<td></td>
<td>Manufacturing of rubber balloons, hand gloves, other products.</td>
</tr>
<tr>
<td>9)</td>
<td>Metal works</td>
</tr>
<tr>
<td></td>
<td>Storage of Metal commodities, Painting and finishing works</td>
</tr>
<tr>
<td></td>
<td>Fabrication and welding works</td>
</tr>
<tr>
<td></td>
<td>Toy making, electro plating, mica plating,</td>
</tr>
<tr>
<td></td>
<td>Engraving, steel ware products and metal works,</td>
</tr>
<tr>
<td></td>
<td>Metal polishing, general jobbing machine</td>
</tr>
<tr>
<td></td>
<td>Blacksmith, cutlery, door and window fittings,</td>
</tr>
<tr>
<td></td>
<td>Aluminum and copper wire drawing and winding,</td>
</tr>
<tr>
<td></td>
<td>Padlocks and pressed locks, button clips,</td>
</tr>
<tr>
<td></td>
<td>Precision instruments of all kinds, screws, bolts nuts,</td>
</tr>
<tr>
<td></td>
<td>Pulleys and gears, oil stove, pressure lamps, hand tools</td>
</tr>
<tr>
<td></td>
<td>Repair works such as cabinets, furniture, others</td>
</tr>
<tr>
<td>10)</td>
<td>Electrical goods</td>
</tr>
<tr>
<td></td>
<td>Watch repairs, Storage of electronic components</td>
</tr>
<tr>
<td></td>
<td>Rewinding and re-furbishing works, assembly of computers, others</td>
</tr>
<tr>
<td>11)</td>
<td>Transport equipment</td>
</tr>
<tr>
<td></td>
<td>Servicing of automobiles- garages, storage of automobile parts</td>
</tr>
<tr>
<td></td>
<td>Painting and washing works, cycle parts and accessories, etc</td>
</tr>
<tr>
<td>12)</td>
<td>Glass works</td>
</tr>
<tr>
<td></td>
<td>Glass grinding, cutting and finishing</td>
</tr>
<tr>
<td></td>
<td>Etching and art works, Manufacture and repair of spectacles</td>
</tr>
<tr>
<td></td>
<td>Artificial Glass Jewellery works, etc</td>
</tr>
<tr>
<td>13)</td>
<td>Job oriented Training activity</td>
</tr>
<tr>
<td></td>
<td>Computer &amp; IT training centres and such other activities.</td>
</tr>
</tbody>
</table>
### Table 5: Permissible Land uses in Transportation Category

<table>
<thead>
<tr>
<th>T1</th>
<th>Transportation zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bus bays, Auto stand, Bus shelters, information kiosk</td>
</tr>
<tr>
<td>2</td>
<td>Metro stations, parking areas</td>
</tr>
<tr>
<td>3</td>
<td>Multi level car parking</td>
</tr>
<tr>
<td>4</td>
<td>Filling stations, service stations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>T2</th>
<th>Transportation zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Transport offices</td>
</tr>
<tr>
<td>2</td>
<td>Workshops and garages</td>
</tr>
<tr>
<td>3</td>
<td>All uses of T1 are permitted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>T3</th>
<th>Transportation zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Automobile spares and services, Godowns,</td>
</tr>
<tr>
<td>2</td>
<td>Loading and unloading platforms (with/without Cold storage facility), weigh bridges.</td>
</tr>
<tr>
<td>3</td>
<td>Bus terminals, Road transport uses</td>
</tr>
<tr>
<td>4</td>
<td>All uses of T1 &amp; T2 are permitted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>T4</th>
<th>Transportation zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ware houses, Storage depots</td>
</tr>
<tr>
<td>2</td>
<td>Truck terminals</td>
</tr>
<tr>
<td>3</td>
<td>Railway station, Yards, Depots, Airport</td>
</tr>
<tr>
<td>4</td>
<td>Special warehousing, cargo terminals.</td>
</tr>
<tr>
<td>5</td>
<td>All ancillary (complimentary) uses for above categories (decision of the authority shall be final)</td>
</tr>
<tr>
<td>6</td>
<td>All uses of T1, T2 &amp; T3 are permitted</td>
</tr>
</tbody>
</table>

[Note.—When filling stations and service stations are permitted, it shall be subject to fulfillment of conditions specified in any other law.]

1. Note inserted by Notification No. UDD 105 MNJ 2008, daed 11-12-2014, w.e.f. 11-12-2014
### Table 6: Permissible land uses in Public and Semi Public category

<table>
<thead>
<tr>
<th>U1</th>
<th>Urban amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sub offices of utilities up to 50 sq.m</td>
</tr>
<tr>
<td>2</td>
<td>Police stations, post offices</td>
</tr>
<tr>
<td>3</td>
<td>Primary schools subject to space standards</td>
</tr>
<tr>
<td>5</td>
<td>Parks, Playgrounds and Maidans</td>
</tr>
<tr>
<td>6</td>
<td>Telecommunication/microwave under special case</td>
</tr>
<tr>
<td>7</td>
<td>Nursery creches</td>
</tr>
<tr>
<td>8</td>
<td>Spastic Rehabilitation centers, Orphanages, Government dispensaries</td>
</tr>
<tr>
<td>9</td>
<td>Public distribution system shops</td>
</tr>
<tr>
<td>10</td>
<td>Fire stations</td>
</tr>
<tr>
<td>11</td>
<td>Bill collection centers</td>
</tr>
<tr>
<td>12</td>
<td>Traffic and Transport related facilities</td>
</tr>
<tr>
<td>13</td>
<td>Places of worship, Dharmashala, hostels</td>
</tr>
<tr>
<td>14</td>
<td>Dhobi Ghat</td>
</tr>
<tr>
<td>15</td>
<td>Broadcasting and Transmission stations</td>
</tr>
<tr>
<td>16</td>
<td>Public library</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>U2</th>
<th>Urban amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All uses of U1 are permissible.</td>
</tr>
<tr>
<td>2</td>
<td>Burial grounds, crematorium under special circumstances.</td>
</tr>
<tr>
<td>3</td>
<td>Nursery school subject to a plot size of min 300 sq.m</td>
</tr>
<tr>
<td>4</td>
<td>Places of congregation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>U3</th>
<th>Urban amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All uses of U1 and U2 are permissible.</td>
</tr>
<tr>
<td>2</td>
<td>Higher primary schools, Integrated Residential Schools.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Common to all permissible zones</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Kalyana Mantaps</td>
</tr>
<tr>
<td>2</td>
<td>Cinema, game centres, Multiplex, convention centres</td>
</tr>
<tr>
<td>3</td>
<td>Social clubs and amenities</td>
</tr>
<tr>
<td>4</td>
<td>Multi storey car parking</td>
</tr>
<tr>
<td>5</td>
<td>Office buildings (C3 and above)</td>
</tr>
<tr>
<td>6</td>
<td>Middle school</td>
</tr>
<tr>
<td></td>
<td>High school with playground, Integrated Residential School</td>
</tr>
<tr>
<td>7</td>
<td>College &amp; higher educational institution</td>
</tr>
<tr>
<td>8</td>
<td>Petrol pumps/Fuel stations</td>
</tr>
<tr>
<td>9</td>
<td>Hotels and lodges</td>
</tr>
<tr>
<td>10</td>
<td>Service Apartments</td>
</tr>
<tr>
<td>11</td>
<td>LPG storages</td>
</tr>
<tr>
<td>12</td>
<td>Places of congregation</td>
</tr>
<tr>
<td>No</td>
<td>Use</td>
</tr>
<tr>
<td>----</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>13</td>
<td>Public libraries</td>
</tr>
<tr>
<td>14</td>
<td>Conference hall</td>
</tr>
<tr>
<td>15</td>
<td>Community hall</td>
</tr>
<tr>
<td>16</td>
<td>Nursing homes/ polyclinics</td>
</tr>
<tr>
<td>17</td>
<td>Star hotels (up to 3 star within I ring)</td>
</tr>
<tr>
<td>18</td>
<td>Star hotels (up to 3 star) in II and III ring</td>
</tr>
<tr>
<td>19</td>
<td>Star hotels (above 3 star) Anywhere within conurbation</td>
</tr>
<tr>
<td>20</td>
<td>R &amp; D lab</td>
</tr>
</tbody>
</table>

**CHAPTER 3.0**

**REGULATIONS APPLICABLE TO ALL ZONES**

**3.1 SETBACKS:**

Front and Rear setback shall be with reference to depth of the site.

i. The left and right setback shall be with reference to width of the site.

ii. Up to 11.5 m height, the setbacks are calculated as percentages of depth and width of the plot, as per Table.8.

iii. Table.9 shall be referred for Buildings which are more than 11.5 m in height to fix the setbacks.

iv. In case of irregular plots, the setbacks are to be calculated according to the depth or the width at the point where the depths or widths are varying and average setbacks shall not be considered in such cases.

v. The setbacks shall be provided in the owners plot. Public open spaces or conservancies should not be considered as setbacks.

vi. Wherever the building lines are fixed, in such cases the front setback or the building line which ever is higher shall be considered as the front setback to the building.

vii. In case of corner site, both the sides facing the road shall be treated as front side and regulations applied accordingly to maintain the building line on these roads and for providing better visibility.
viii. In case of building facing more than two roads, the plot should be considered as corner plot taking two wider roads into consideration.

ix. In case of site facing roads both in front and rear, both the sides facing roads shall be treated as front and other two sides not facing roads should be treated as right and the setbacks be applied accordingly.

**SETBACKS:**

*Table 8: Setbacks for building Height up to 11.5m & Plot size of up to 4000sq.m*

<table>
<thead>
<tr>
<th>Width/Depth of site (m)</th>
<th>Width of site</th>
<th>Depth of site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Right side</td>
<td>Front side</td>
</tr>
<tr>
<td>Up to 6.0</td>
<td>1.0 m</td>
<td>1.0 m</td>
</tr>
<tr>
<td>Above 6.0 up to 9.0</td>
<td>1.0 m on all sides</td>
<td>12%</td>
</tr>
<tr>
<td>Above 9.0 m</td>
<td>8%</td>
<td>8%</td>
</tr>
</tbody>
</table>

*For plot over size of 4000 sq.m, a minimum setback of 5.0 m on all sides shall be insisted.*

*Table 9: All around setbacks for buildings above 11.5 m height*

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Height of the bldg (m)</th>
<th>Front, rear and side setbacks (Min. in m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1{1}</td>
<td>Above 11.5m up to 15m or G+3</td>
<td>5.00</td>
</tr>
<tr>
<td>2</td>
<td>15m and above upto 18.0 m</td>
<td>6.00</td>
</tr>
<tr>
<td>3</td>
<td>18.0m and above upto 21.0 m</td>
<td>7.00]</td>
</tr>
<tr>
<td>4</td>
<td>Above 21 up to 24 m</td>
<td>8.00</td>
</tr>
<tr>
<td>5</td>
<td>Above 24.0 m up to 27.0 m</td>
<td>9.00</td>
</tr>
<tr>
<td>6</td>
<td>Above 27 up to 30.0 m</td>
<td>10.00</td>
</tr>
<tr>
<td>7</td>
<td>Above 30 up to 35.0 m</td>
<td>11.00</td>
</tr>
<tr>
<td>8</td>
<td>Above 35 up to 40.0 m</td>
<td>12.00</td>
</tr>
</tbody>
</table>

1. Sl. Nos. 1, 2 and 3 substituted by Notification No. UDD 105 MNJ 2008, dated 11-12-2014, w.e.f. 11-12-2014
### 3.2 Width of the road:

i. While determining the width of the road the distance between the boundaries of a road including foot path, drains measured at right angles at the center of the plot.

ii. In case of roads having service roads in addition to the main roads, the width of the roads shall be aggregate width of service roads and main roads for determining the FAR.

### 3.3 Floor:

The lower surface of storey on which one normally walks into the building; the general term floor does not refer to basements / cellar or mezzanine floor.

i. Floor area for calculating Parking requirements: Floor area shall be the aggregate area of all the floors of a building including thickness of wall, staircase room, lift room, escalators, balconies, lobbies, corridors, foyers, and such other parts provided for common service.

### 3.4) FAR or Floor Area Ratio

i) The ratio of the Floor area to the plot area is FAR. However, it includes escalators, open balconies, staircase and corridors.

ii) The floor area ratio shall exempt the floor area used for purposes such as parking space, main stair case room, lift shaft, lift wells, and lift machine rooms, ramps, ventilation ducts, sanitary ducts and overhead tanks.

iii) When the site does not face the road of required width noted against each, then the FAR applicable to the corresponding width of the roads shall apply.

iv) Where a plot faces a wider road than the one prescribed against it, the FAR shall be restricted only to the limit prescribed for the area of the plot.

v) Additional FAR: With a view to encourage redevelopment in old/core areas, additional floor area ratio (FAR) as an incentive is
proposed for properties located within I & II rings (lands falling under 100 & 200 series planning district plans) which are amalgamated or reconstituted only after the date of approval of Revised Master Plan 2015. Details of additional FAR are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Up to 360 sq.m</th>
<th>Above 360 sq.m up to 4000 sq.m</th>
<th>Above 4000 sq.m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ring.1</td>
<td>As per existing FAR</td>
<td>0.25 additional FAR over the existing</td>
<td>0.50 Additional FAR over the existing.</td>
</tr>
<tr>
<td>Ring.2</td>
<td>As per existing FAR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ring.3</td>
<td>As per existing FAR and Norms</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.5) **Ground coverage:**

The total area covered by building immediately above the plinth level. Swimming pool, sump tank, pump house and electric substation, utilities are not included.

3.6) **Two or more buildings on the site:**

i. For more than one building on a given site, the distance between the buildings shall be 1/2 the height of the tallest building, between the buildings under consideration.

ii. In case, two or more buildings with different heights are proposed on a single site, then setbacks shall be applied with reference to the tallest building.

3.7) **Garage:**

i. The maximum width of the garage shall not exceed 4m.

ii. The garages shall not be constructed or reconstructed within 4.5m from the road edge. This may be relaxed in cases where the garage forms part of the main building with minimum setback for that plot.

iii. The length of garage shall not exceed 1/3 rd the length of the site but not exceeding 8.0m in any case.
iv. In case of lumber room being proposed within the portion of the garage, the depth of the lumber room shall not exceed 1.25 m and entrance to such lumber room shall be from the rear setback only.

v. In the case of corner-plots the garage shall be located at the rear corner diagonally opposite to the road intersection.

vi. For garage, no side or rear setback should be insisted, one upper floor not exceeding 3.0m height shall be permitted provided, no opening are provided towards neighbouring property and at least one opening for light and ventilation is provided towards the owners property.

vii. The garage may be allowed in right or left side of the plot subject to site conditions.

3.8) Means of access:

i. The means of exclusive access which would be other than through public roads or streets shall not be more than 30.0 m in length from the existing public road and the minimum width of such access shall be 3.5 m. If the width of access road is less than 3.5 mtrs, then max floor area permitted in such cases shall not exceed 150 sq mtrs and 50 sq mtrs in residential and commercial zones respectively irrespective of the sital area.

ii. FAR and height of the building shall be regulated according to the width of public street or road only.

iii. The means of exclusive access which would be other than through public roads or streets having more width than the public road or street, but less than 30.0 m in length, then width of the public road or street shall be considered for reckoning FAR.

iv. Access rights needs to be obtained before applying for any sanction/permission for development. Documents to support the rights obtained needs to be submitted along with the plan.

(v) the means of access to High Rise Buildings shall be from a thoroughfare of width 12 mts. and above, and this road shall have the approval of the authority, (BDA) and/or maintained by the Local Authority.

(vi) the Cul-de-Sac roads less than 12 meters wide with a circle of turning radius less than 9 meters shall not be considered as thoroughfare for purposes of issuance of Permissions for High Rise Buildings.

(vii) the High Rise Buildings shall have provision for independent entry and exit to the vehicles, in addition to the ingress and egress, exclusively provided to the inhabitants.]

1. Clauses (v) to (vii) inserted by Notification No. UDD:105 MNJ 2008, dated 11-12-2014, w.e.f. 11-12-2014
3.9) Basement:

i. Means storey which is partly or wholly below the average ground level and with a height not exceeding a projection of 1.2 m above the average ground level and overall height of the basement under any circumstances should not exceed 4.5 m between the floor and the ceiling of the basement in case of normal parking. In case of stacked/mechanical parking the height of the basement may be permitted up to a maximum of 4.5m

ii. If a site is measuring less than 200sqm, then car parking shall not be permitted in the basement floor.

iii. If the minimum setback is more than 2.0 m, then the basement may be extended on all sides except the side abutting the road, provided the minimum setback between the basement and property boundary is minimum 2.0 m.

iv. Basement floors up to a maximum of 5 (five) levels may be permitted for car parking.

v. Permissible uses in the Basement for buildings other than 3 star and above category:

Dark rooms for X ray and storage of light sensitive materials

Bank Safes/ Strong room included in the FAR

Air condition handling units/equipment, utilities and services connected with the building.

Parking

vi. In case of 3 star and above category of hotels, the spare area in the basement after catering to the requirement of parking facilities may be allowed to be used for other purposes incidental to the running of the hotel, such as; health club, shopping arcade, dining area, with or without kitchen facilities, with gas cylinder, administrative office, gym rooms, banquet/conferencing facility, swimming pool, discotheque etc. subject to reckoning of the same for FAR calculations.

vii. Parking area if misused is liable to be municipalised/taken over by the local body/authority without any compensation.

viii. Basement in a residential building shall be allowed without taking into FAR calculations subject to the condition that it will be used only for the purposes of Home Theater or Gym or a combination of both for personal use of the occupant on a site which does not exceed 500sqm and should be in Residential (Main) area as per Revised Master Plan 2015. In such cases, it should be single dwelling unit only and the entry to the basement shall be from inside the main building itself.

ix. When Basement is used for Car parking, the convenient entry and exit shall be provided. Adequate drainage, ventilation, lighting arrangements shall be made to the satisfaction of the authority.
3.10) Ramps

i) Provision for ramp shall have a minimum width of 3.5 m and a slope not less than 1 in 10 and 1 in 8 in special cases. The ramp and the driveway in the basement shall be provided after leaving a clear gap of minimum 2.0 m from the common property line. The slope of the ramp shall commence from 1.5 m of the edge of property line.

ii) Ramps for the physically challenged shall be provided in all Public buildings.

3.11) Projections:

i. Projection into open spaces: Every open space provided either interior or exterior shall be kept free from any erection there on and shall be open to the sky and no cornice roof or weather shade more than 0.75 m wide or 1/3 rd of open space setback which ever is less shall overhang or project over the said open space.

ii. No projection shall over hang/project over the minimum setback area either in cellar floor or at the lower level of ground floor.

iii. Cantilever Portico of 3.0 m width (maximum) and 4.50 m length (maximum) may be permitted within the side setback. No access is permitted to the top of the portico to use it as a sit out place and the height of the portico shall be not be less than 2.00 m from the plinth level. The portico is allowed only on the side where the setback/open space left exceeds 3.00 m width.

iv. Balcony: Balcony projection should not exceed 1/3 rd of the setback on that side subject to a maximum of 1.10 m in the first floor and 1.75 m beyond the second floor. No balcony is allowed in the ground floor.

3.12) No Objection Certificates:

i. For all Development Plans, Apartment buildings and Residential layouts which come under the category stipulated by the KSPCB, necessary NOC from KSPCB (KSPCB shall mention the need for environment clearance if any in the NOC) shall be furnished.

ii. For all buildings with a height of [15m and more or G+4 (including stilt floor)], NOC from Fire Force in, addition to, NOC from Pollution Control Board (KSPCB shall mention the need for environment clearance if any in the NOC) shall be furnished.

iii. For Cinema theatres, the setbacks and other provisions shall be as per Karnataka Cinematography Act and Rules.

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Substituted for the figures, letter and words "24.0 m and above" by Notification No. UDD 105, MNJ 2008, dated 11-12-2014, w.e.f. 11-12-2014
iv. NOC from Airport Authority of India shall be furnished wherever applicable.

3.13) Security Deposit

i. The applicant shall deposit a refundable non earning security deposit at the rate of Rs. 100 per sq.m of floor area within the Corporation area and Rs. 50 per sq.m of the floor area outside Corporation area for the following categories of buildings, namely:

A. Residential building group housing/ multi dwelling/apartments having more than 4 dwelling units.

B. Commercial buildings.

ii. The Security Deposit shall be refunded within three years or thirty days from the date on which completion certificate is produced, whichever is earlier. If the construction is not as per approved plan, this deposit shall be forfeited and separate action initiated as per the provisions of KTCP Act, 1961.

iii. The security deposit will be refunded with 2 % interest if the building has no deviation.

3.14) Architect/Engineer/planner who prepares the plan or supervises the development works or who does both the jobs shall submit an affidavit duly notarized to the extent that the safety of the building in terms of fire and resistance to earthquake are taken care while preparing the plan. Also, he/she shall undertake to acknowledge that he/she will intimate the competent authority within 3 days of any violations with regard to sanctioned plan. Copy of the affidavit at appendix II.

3.15) Cul-de-Sac:

i. While developing a land, if for any reason, the road has to be stopped without continuation, and then Cul de Sac with turn around area of 9.0 Radius at the end shall be provided.

3.16) General notes:

i. All permissions accorded by BDA or Government shall be treated as conforming uses irrespective of the classification made in the Revised Master Plan 2015. This is to be allowed on a case by case basis only.

ii. All cases of SEZ approved by Government of India (GOI), till the Revised Master Plan-2015 is finally approved, shall be considered for clearance, irrespective of land use classification (except the drain buffers) subject to payment of fees under section 18 of KTCP Act, 1961. Decision of the Authority in this regard shall be final.

iii. In case of buildings that have been permitted lawfully by CMC's or BMP or BDA and if such structures are in obstruction to the
alignment of the proposed roads in RMP 2015, such road alignment shall be re-looked into by the authority and decision may be taken suitably.

iv. When mixed uses are permitted on the plot, the land use of ground floor shall be considered as the main use and the relevant regulations shall be applicable.

v. In case of commercial buildings or shopping centres and residential apartments, provision shall be made for fire safety measures in accordance with requirement as stipulated by the Fire Force authorities before the issue of occupancy certificate.

vi. Mezzanine floor is not permitted in residential buildings.

vii. Elevator (Lift) has to be provided for buildings with more than G+3 floors.

viii. New Additions to existing buildings: In case of buildings which are existing prior to coming into force of these regulations, upper floors may be permitted according to the existing coverage subject to limitation of height, FAR, building line or any road widening proposals in accordance with present regulations.

ix. Areas which fall within a distance of 150m from the outer boundary of the metro station/terminals subject to confirmation from Bangalore Metro Rail Corporation Limited, shall be eligible for a maximum FAR of 4 for all permissible uses, irrespective of the FAR applicable for the respective uses in the respective tables.

x. TDR may be permitted till the completion of the Metro stations and not after that.

However, FAR shall not exceed 4 in any case.

xi. All bus terminals shall be eligible for an FAR as applicable to commercial zone. Min. area 1 acres.

xii. If the total floor area of a proposed building is more than 500 sq mtrs, then an area measuring minimum of 3mx5mt abutting to the access road shall be reserved for installation of electrical transformer, while issuing building permission.

xiii. Rain water harvesting: Provision of Rain Water Harvesting is mandatory for all plots which are more than 240 sq.m in extent. A 5% rebate on the property tax is offered for residential property and 2% for non-residential buildings within BMA for the first 5 years, when rain water harvesting is made as an integral part of the building constructed.

xiv. Solar energy: Solar lighting and solar water heating is recommended for all new development/constructions. If the solar lighting and solar water heating is adopted, then refundable security deposit on fulfilling the conditions shall be returned along with 7% interest.

xv. Tree Planting: Planting of minimum one tree is mandatory for a site measuring more than 2400 sq ft and minimum of 2 trees for a site measuring more than 4000 sq ft. The concerned authorities shall ensure that the trees are planted before approval of building plan and tax shall be accessed only after confirming the existence of trees in the site in question. The trees shall be planted only in the rear set back area.

CHAPTER 4
REGULATIONS FOR MAIN LAND USE ZONES

4.1 RESIDENTIAL (MAIN)

4.1.1) Description

The areas of the city which have predominantly residential land use pattern is considered for the Residential (Main) zone. This includes many old areas of the city such as Parts of Malleswaram, Richmond Town, Vasant Nagar, Jayanagar, Vijaynagar, Visveswarapura, Rajajinagar, RT Nagar, etc.

4.1.2) Regulations

1[(i) Permissible land uses:

- Main land use category: R and T1.
- Ancillary land use category: C2, I-2 and U3.
- Ancillary use in allowable upto 20% of the total built-up area or 50 sq. m. whichever is lower, only in plots abutting to roads having width 12m or more.
- In Ring II, if the plot size is more than 1000 sq. m. having a frontage of 10m or more and the abutting road is more than 18m width, then ancillary uses can be used as main use.

(b) in Ring III:

- Main land use category: R and T1.
- Ancillary land use category: C2, I-2 and U3.
- Ancillary land use is allowable upto 20% of total built-up area or 50 sq. m. whichever is lower, only in plots abutting roads having width 12m or more.
- If the plot size is more than 1000 sq. m. having a frontage of 10m or more and abutting road is more than 18m width, then ancillary uses can be used as main use.

Note.—Space Standards as at Table 7 are applicable.]

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1. Clause (i) substituted by Notification No. UDD 105 MNJ 2008, dated 11-12-2014, w.e.f. 11-12-2014

A KLJ PUBLICATION
Table 10: FAR and Ground Coverage in Residential (Main)

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Plot size (sq.m)</th>
<th>Ground Coverage (Max)</th>
<th>FAR</th>
<th>Road width (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 360</td>
<td>Up to 75%</td>
<td>1.75</td>
<td>Up to 12.0</td>
</tr>
<tr>
<td>2</td>
<td>Above 360 up to 1000</td>
<td>Up to 65%</td>
<td>2.25</td>
<td>Above 12.0 up to 18.0</td>
</tr>
<tr>
<td>3</td>
<td>Above 1000 up to 2000</td>
<td>Up to 60%</td>
<td>2.50</td>
<td>Above 18.0 up to 24.0</td>
</tr>
<tr>
<td>4</td>
<td>Above 2000 up to 4000</td>
<td>Up to 55%</td>
<td>3.00</td>
<td>Above 24.0 up to 30.0</td>
</tr>
<tr>
<td>5</td>
<td>Above 4000 up to 20000</td>
<td>Up to 50%</td>
<td>3.25</td>
<td>Above 30.0</td>
</tr>
</tbody>
</table>

(ii) Notes:

a) Setbacks shall be in accordance with Table 8 or Table 9 depending on the height of proposed building and the plot size.

b) If the road width is less than 9.0 m, then the maximum height is restricted to 11.5 meters or Stilt +GF+2 floors (whichever is less) irrespective of the FAR permissible.

c) Multi dwelling units (Apartments) shall be allowed only on plot sizes of above 360 sq.m in the I and II Ring and on plots above 750 sq.m in the III Ring. In both cases, the road width shall be more than 9.0m.

d) TDR is applicable as per rules.

4.1.3) Parking

As applicable vide Table no: 23

4.2 RESIDENTIAL (MIXED)

4.2.1) Description

Main features of 'Mixed Land Use' areas are those where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and will be pedestrian-oriented and highly accessible by public transit. Mixed use areas will foster community interaction by providing focus on community facilities.

The design and development of mixed use activity areas provide opportunities to create and/or maintain a special community identity and a focal point for a variety of city wide, community and neighbourhood functions.

Mixed activity areas address the demand for employment, shopping and residential areas within the city.
4.2.2) Regulations

1(i) Permissible Land Uses:

(a) in Ring I and II.

- Main land use category: R and T1.
- Ancillary land use category: C2, I-2 and U3.
- Ancillary land use is allowable upto 20% of the total built-up Area or 50 sq. m. whichever is lower, only in plots abutting roads having width 12m or more.
- In Ring II if the plot size is more than 1000 sq. m. having a frontage of 10m or more and the abutting road is more than 18m width, then ancillary uses can be used as main use.

(b) in Ring III:

- Main land use category: R and T1.
- Ancillary land use category: C3, I-2, T2 and U4
- Ancillary land use is allowable upto 30% of the total built-up area only in plots abutting roads having a width 12m or more.
- If the plot size is more than 1000 sq. m. having a frontage of 10m or more and the abutting road is more than 18m width, then ancillary uses can be used as main use.

Note.—Space Standards as at Table 7 are applicable

Table 11: Plot Size and Ancillary uses permissible in Residential (Mixed)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Plot size (sq.m)</th>
<th>Road Width (Min)</th>
<th>Ancillary Uses permissible as main land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 240</td>
<td>15.0m</td>
<td>C2, I-2,U3,T2</td>
</tr>
<tr>
<td>2</td>
<td>Above 240 Up to 1000</td>
<td>18.0m</td>
<td>C3, I-2,U4,T2</td>
</tr>
</tbody>
</table>

Table 12: FAR and Ground Coverage in Residential (Mixed) zone up to 20000 sq m

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Ground Coverage. (Max)</th>
<th>FAR</th>
<th>Road width (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 70 %</td>
<td>1.75</td>
<td>Up to 12.0</td>
</tr>
<tr>
<td>2</td>
<td>Up to 65 %</td>
<td>2.25</td>
<td>Above 12.0 up to 18.0</td>
</tr>
<tr>
<td>3</td>
<td>Up to 60 %</td>
<td>2.50</td>
<td>Above 18.0 up to 24.0</td>
</tr>
<tr>
<td>4</td>
<td>Up to 55 %</td>
<td>3.00</td>
<td>Above 24.0 m up to 30m</td>
</tr>
<tr>
<td>5</td>
<td>Up to 50 %</td>
<td>3.25</td>
<td>Above 30m</td>
</tr>
</tbody>
</table>

1. Clause (i) substituted by Notification No. UDD 105 MNJ 2008, daed 11-12-2014, w.e.f. 11-12-2014
iii) Notes;
   a) Setbacks shall be in accordance with Table 8 or Table 9 depending on the height and the plot size.
   b) TDR is applicable as per rules.

4.2.3) Parking
   a) Buildings with a floor area not exceeding 100sqm are exempted from providing car parking. However, equivalent parking fee shall be levied as determined by the authority from time to time. This is applicable only for areas coming within I Ring.
   b) As applicable vide Table no: 23

4.3 COMMERCIAL (CENTRAL)

4.3.1) Description
The Historic and commercial core of Bangalore as delineated on the map mainly comprising of Pettah area such as Chickpet, Cubbonpet, Cotton pet, etc and parts of Shivajinagar around the Russell Market area.

4.3.2) Regulations
   i) Permissible land uses:
      Main Land use category: C4
      Other land uses permissible (as main land use): R, I-3, T3 & U4

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>FAR (Max)</th>
<th>Ground Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.50</td>
<td>75%</td>
</tr>
</tbody>
</table>

Table 13: FAR and Ground Coverage in Commercial (Central)

ii) Notes:
   i) Setbacks need not be insisted except on the front side up to a size of 150 sq.m, and for plots ranging between 150sqm to 500sqm, no setbacks on rear and side shall be insisted. In all other cases setbacks shall be in accordance with Table 8 or Table 9 depending on the height of the proposed building and the plot size.
4.3.3) Parking:

i. Buildings with a floor area not exceeding 100sqm are exempted from providing car parking. However, equivalent parking fee shall be levied as determined by the authority from time to time. Parking fee shall be credited to a separate head of account and it shall be used for providing parking facilities.

ii. Parking as applicable vide table.23

4.4 COMMERCIAL (BUSINESS)

4.4.1) Description

This zone comprises of areas in between MG Road, Brigade Road, Residency Road, Madras Bank Road and St Marks Road and also areas between the traffic island of Mayo hall, Magrath Road and Residency Road, Manipal Centre between MG Road and Ulsoor Road. Some pockets in the III Ring have been demarcated as Commercial (Business) zone, with the objective of supporting formation of secondary centres.

4.4.2) Regulations

i) Permissible land uses:

Main land use category: C3

Other land uses permissible (as main land use): R, I-3, T3 & U4

If the road width is less than 12.0m and plot area is less than 240sq.m then, C2, I-2, R and U4 only are allowed.

Table 14: FAR and Ground Coverage in Commercial (Business) up to 12000 sq.m

<table>
<thead>
<tr>
<th>Road width (m)</th>
<th>FAR</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 9</td>
<td>1.50</td>
<td>55%</td>
</tr>
<tr>
<td>Above 9 and up to 12</td>
<td>1.75</td>
<td>50%</td>
</tr>
<tr>
<td>Above 12 and up to 18</td>
<td>2.25</td>
<td>50%</td>
</tr>
<tr>
<td>Above 18.0 up to 24.0</td>
<td>2.50</td>
<td>45%</td>
</tr>
<tr>
<td>Above 24.0 m up to 30.0</td>
<td>3.00</td>
<td>40%</td>
</tr>
<tr>
<td>Above 30.0 m</td>
<td>3.25</td>
<td>40%</td>
</tr>
</tbody>
</table>
iii) Notes

a) TDR is applicable as per rules.

b) Setbacks shall be in accordance with Table-8 or Table-9 depending on the height of the proposed building and the plot size.

4.4.3) Parking:

As applicable vide Table no: 23

4.5 MUTATION CORRIDORS

4.5.1) Description

The radial corridors and main arteries/corridors of the city are designated as Mutation Corridor Zones.

4.5.2) Regulations

i) Eligibility for the zone:

- Plots facing the corridors shall have a minimum frontage of 12m.

- For mutation corridor, the maximum depth for zone consideration in case of sub-divided layout is two property depth (if they are amalgamated), subject to the condition that entry and exit are provided from the front road only (abutting the Mutation corridor), so that the residential area on the rear side is insulated from the effects of commercial activity. In case the applicant cannot come up with the reconstituted/amalgamated plot, then, only one property depth shall be allowed. Decision of the authority in this regard is final.

- In case of lands that have no plotted development, a maximum of one property depth (as per the document which existed prior to the approval of Revised Master Plan 2015) may be allowed. Decision of the authority in this regard is final.

- For the purpose of claiming benefit under Mutation Corridor, if access is provided for the rear property using another property abutting the Mutation Corridor, then the Mutation Corridor benefits shall not be allowed.

ii) Permissible land uses:

- Main Land use category: C4

- Other land uses permissible (as main land use): R, I-3, T3 & U4
Table 15: FAR and Ground Coverage in Mutation Corridors (Commercial)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Plot size</th>
<th>FAR</th>
<th>Ground Coverage</th>
<th>Road width</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All plot sizes</td>
<td>2.75</td>
<td>55%</td>
<td>Up to 30m</td>
</tr>
<tr>
<td>2</td>
<td>up to 12000sq.m</td>
<td>3.25</td>
<td>50%</td>
<td>Above 30m</td>
</tr>
</tbody>
</table>

iv) Note:

a) Setbacks shall be in accordance with Table 8 or Table 9 depending on the height of the proposed building and the plot size.

4.5.3) Parking:

As applicable vide Table no: 23

4.6 COMMERCIAL AXES

4.6.1) Description

The major and minor roads which have commercial activities along them are recognized as commercial axes and are included within the zone. As these are part of the residential zone through which they pass and the regulations applicable shall be that of the main zone in which they are located with an exception to the permissible land uses of commercial axes.

4.6.2) Regulations

i) Permissible land use category:

- If the plot size is more than 240 sq.m and faces a road width up to 15.0 m, C2, I-2 & T2 uses in addition to uses allowable in the respective zone are permissible.
- If the plot size is more than 240 sq.m and faces a road width 15.0 m and above, C3, T2 and I-2 uses in addition to uses allowable in the respective zone are permissible.

ii) FAR and Ground Coverage

The FAR and Ground Coverage Regulations for the Commercial Axes will be same as that of the table for the surrounding zone that it passes through e.g. a Commercial Axes passing through a Residential (Main) Zone shall avail FAR and Ground Coverage of a Residential (Main) Zone.
iii) **Notes:**

a) Setbacks shall be in accordance with Table 8 or Table 9 depending on the height of the proposed building and the plot size.

b) TDR is applicable as per rules.

4.6.3) **Parking**

As applicable vide Table no: 23

4.7 **INDUSTRIAL [I (General)]**

4.7.1) **Description**

This zone supports the establishment of all types of industries.

4.7.2) **Regulations**

i) Permissible land uses;

- Main land use category: I-5
- Ancillary land use category: R, C4, U2 & T3
- Ancillary use allowable up to 10% of the total land area.
- If the road width is more than 15 mtrs, T3 may be allowed as main land use.

**Table 16: FAR and Ground Coverage in Industrial (General)**

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Size of the Plot (sq.m)</th>
<th>Ground cover</th>
<th>FAR</th>
<th>Setbacks</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front</td>
<td>Rear and sides</td>
</tr>
<tr>
<td>1.</td>
<td>Up to 500</td>
<td>75%</td>
<td>1.50</td>
<td>4.50</td>
<td>4.50</td>
</tr>
<tr>
<td>2.</td>
<td>Above 500 up to 1000</td>
<td>60%</td>
<td>1.25</td>
<td>4.50</td>
<td>4.50</td>
</tr>
<tr>
<td>3.</td>
<td>Above 1000 up to 3000</td>
<td>50%</td>
<td>1.00</td>
<td>6.00</td>
<td>6.00</td>
</tr>
<tr>
<td>4.</td>
<td>Above 3000</td>
<td>45%</td>
<td>1.00</td>
<td>10.0</td>
<td>8.00</td>
</tr>
</tbody>
</table>

iii) **Notes:**

a) After leaving minimum setbacks as per the above table if the remaining portion of the plot cannot be used for erecting a
meaningful building, the Authority may insist for set backs as in table 8 or table 9

b) All lands/sites allotted by government agencies like KIADB, KSIIDC etc, for industrial use shall not be permitted to be utilised for any other use, without the NOC from such departments/agencies as case may be.

c) TDR is applicable as per rules.

4.7.3) Parking

As applicable vide Table no: 23

4.8 INDUSTRIAL (Hi-Tech: [I (H)]

4.8.1) Description

This is a priority area for establishment of activities associated with new technologies: IT, IT Enabled Services, BT, electronics, telecom and other emerging areas and as well as services sector organised in industry format (Back offices, etc). This zone also enables work-home — play relationship.

4.8.2) Regulations

i) Permissible land uses:
   • Main land use category: I-3
   • Ancillary Land use: R, C3, T2 & U4
   • Ancillary use allowable up to 40 % of the total built up area

Wherever the road width is less than 12m, then on such lands residential developments may be permitted as main use.

Table 17 FAR and Ground Coverage in Industrial (Hi-Tech zone):

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Size of the plot (sq.m)</th>
<th>Ground cover</th>
<th>Permissibility of FAR</th>
<th>Road width (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 1000</td>
<td>55%</td>
<td>2.00</td>
<td>Up to 12.0</td>
</tr>
<tr>
<td>2</td>
<td>Above 1000 up to 2000</td>
<td>50%</td>
<td>2.25</td>
<td>Above 12.0 up to 18.0</td>
</tr>
<tr>
<td>3</td>
<td>Above 2000 up to 4000</td>
<td>50%</td>
<td>2.50</td>
<td>Above 18.0 up to 24.0</td>
</tr>
<tr>
<td>4</td>
<td>Above 4000 up to 6000</td>
<td>45%</td>
<td>3.00</td>
<td>Above 24.0 up to 30.0</td>
</tr>
<tr>
<td>5</td>
<td>Above 6000 up to 12000</td>
<td>45%</td>
<td>3.25</td>
<td>Above 30.0</td>
</tr>
</tbody>
</table>
Note:

a) Setbacks shall be in accordance with Table 8 or Table 9 depending on the height of the proposed building and the plot size.
b) TDR is applicable as per rules.

4.8.3) Parking

As applicable vide Table No: 23

4.9 PUBLIC AND SEMI PUBLIC (P&SP)

4.9.1) Description

This zone includes Government owned complexes and civic amenities and large infrastructure facilities of health, education, sport, cultural and social institutions.

4.9.2) Regulations

i) Permissible land use

Main land use category: U4

This shall include Government administrative centres, district offices, law courts, jails, police stations, institutional offices, health facilities (including health tourism), educational, cultural and religious institutions, community halls, working hostel facilities, convention centres of non-commercial nature, utilities and all uses permissible in parks and open spaces.

- Ancillary land use category: R, C2 & T2
- Ancillary uses to the main use shall not exceed 20% of sital area.

Table 18: FAR and Ground Coverage in Public and Semi public

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Size of the plot (sq.m)</th>
<th>Ground cover</th>
<th>FAR</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 500</td>
<td>60%</td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Up to 1000</td>
<td>55%</td>
<td>1.75</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Above 1000 up to 2000</td>
<td>50%</td>
<td>2.00</td>
<td>Refer Table 8 or Table 9</td>
</tr>
<tr>
<td>4</td>
<td>Above 2000</td>
<td>45%</td>
<td>2.25</td>
<td></td>
</tr>
</tbody>
</table>

Note:

i) In case, any private property is included within the boundary of Public and Semi-public use and if the owner can establish that the ownership of land vests with him/her, the land use adjoining the
land shall be assigned to the land in question.(to be decided by the
Authority only).

ii) TDR is applicable as per rules.

4.9.3) Parking:

As applicable vide Table No: 23

4.10 TRAFFIC AND TRANSPORTATION (T&T)

1[4.10.1) Description

Transportation zones are reserved for Transport and Transport related
activities such as railway lines, railway yards, railway stations, railway
workshops and sidings, roads, road transport depot, bus stations and bus
shelter parking areas, truck terminals, dock yards, jetties, piers, airports and
air stations, special wear housing, cargo terminals and transfer of cargo
between different types of transport (rail, road and air), post offices,
telegraph offices, telephones and telephone exchanges, television, telecasting
and radio broadcasting stations, microwave stations and offices in their own
premises and residential quarters for watch and ward.

4.10.2) Regulations

Permissible land uses

Main land use category: T4 (for MLCP, refer note below)

Ancillary land uses: R, U2, C3, I-3

Retails shops, restaurants and hotels, showrooms, offices, boarding and
lodging houses, banking counters, indoor recreational uses, multiplexes,
clubs, godowns, two-wheeler parking and other conforming commercial
activities that are ancillary to the main use. Provided;

"total area for such ancillary uses shall not exceed 45% of the Permissible
FAR of the project when taken up by the Central, State Government,
Agencies and Public Undertakings; and shall not exceed 20% of the total built
up area in other cases.

If the road width abutting the land is less that 12m, then I-2, U2 or C2 may
be allowed as main land use or as independent land use.

Table 19: FAR and Ground Coverage in Traffic and Transportation

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Size of the Plot (sq.m.)</th>
<th>Ground over</th>
<th>FAR</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Up to 500</td>
<td>60%</td>
<td>1.00</td>
<td>Refer Table 8 or Table 9</td>
</tr>
<tr>
<td>2</td>
<td>Above 500 upto 1000</td>
<td>55%</td>
<td>1.25</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Above 1000 upto 2000</td>
<td>50%</td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Above 2000</td>
<td>45%</td>
<td>1.50</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

i. When Multi Level Car Parking (MLCP) is proposed on a plot as independent activity, there shall not be any limitation of FAR or height of building subject to condition that it satisfies fire and airport authority restrictions wherever applicable.

ii. TDR is applicable as per rules.

iii. Station boundary should be as defined by the BMRCL/concerned authority.

4.10.3) Parking as per vide table. 23

4.11 PUBLIC UTILITIES (PU)

4.11.1) Description

Public utilities include energy, water, telecommunication, sub stations, gas and gas lines, transformers, and microwave towers and solid waste management facilities such as land fill sites.

4.11.2) Notes:

1. The buffer created for accommodating the utilities such as Power, Water Pipeline, Oil pipelines, and High Voltage lines, gas lines and any other utilities. Each “buffer” is dictated by technical standards specified by the competent authority.

2. The regulations for the above will be decided by the Authority.

3. In case of new developments, these shall remain as non-buildable areas and remain as reservations and marked for the purpose intended. They may be considered for calculation of open spaces within the schemes while approving building/development and layout plans.

4. For electrical networks, KPTCL standards are followed.
4.12 PARK AND OPEN SPACE (P)

4.12.1) Description

The natural and man made features meant for environmental conservation and preservation, including water bodies, forests and drains; parks, playgrounds, burial grounds and crematoria.

4.12.2) Regulations

i) Permissible land uses:

i. Uses permissible include: Sports grounds, stadium, playgrounds, parks, swimming pools, cemeteries, garden land and crematoria.

ii. Uses permissible under special circumstances by the authority: Open air theatres, indoor recreational uses, dwelling for watch and ward, sports clubs, libraries, milk booths, HOPCOMS, the area of such use shall not exceed 5% of the total area and shall not be more than G+ 1 floor in any case.

iii. Setbacks for the above will be decided by the Authority taking into account the surrounding development and traffic scenario in that area.

ii) Valley/drain

Within the demarcated buffer for the valley the following uses are allowed:

i. Sewerage Treatment Plants and Water treatment plants

ii. Roads, pathways, formation of drains, culverts, bridges, etc which will not obstruct the water course, run offs, channels.

iii. In case of water bodies a 30.0 m buffer of `no development zone` is to be maintained around the lake (as per revenue records) with exception of activities associated with lake and this buffer may be taken into account for reservation of park while sanctioning plans.

iv. If the valley portion is a part of the layout/development plan, then that part of the valley zone could be taken into account for reservation of parks and open spaces both in development plan and under subdivision regulations subject to fulfilling section 17 of KTCP Act, 1961 and sec 32 of BDA Act, 1976.

v. Any land falling within the valley for which permission has been accorded either by the Authority or Government, and then such permission shall be valid irrespective of the land use classification in the RMP 2015. Fresh permissions for developments shall not be accorded in valley zone.
Note:
Drains: The drains have been categorized into 3 types namely primary, secondary and tertiary. These drains will have a buffer of 50, 25 and 15m (measured from the centre of the drain) respectively on either side. These classifications have been used for the drains newly identified while finalizing the RMP 2015. In case the buffer has not been marked due to cartographical error for any of the above types of drains, then based on the revenue records buffer shall be insisted in all such cases without referring the land use plan while according approval for building/development/ layout plan. Permissions in sensitive areas earmarked on the land use plan shall be considered only by the planning Authority.

4.13 AGRICULTURAL LAND ZONE (AG)

4.13.1 Description
The area outside the conurbation limits.

4.13.2 Regulations

1) Permissible land use

- Agro processing units using locally produced agriculture produce as raw materials.

- Urban amenities such as burial grounds, education and health institutions, sports grounds, stadium, playgrounds, parks and garden land.

- Public utilities such as solid waste land fills, water treatment plants, power plants, fuel stations and other highway amenities such as weigh bridges, check posts, toll gates, having access to major roads.

- Agriculture, Horticulture, Dairy, Milk Chilling centres, Farm houses and accessory not exceeding 250 sqm of plinth area within the plot area limitation of 1.2 Ha limited to G+ 1 floor.

- Clubs, cultural buildings, exhibition centres, storage and sale of farm products.

- Service and repairs of farm machinery.

- Piggeries and poultry farms, livestock rearing.

- Brick Kilns.

- When the land is more than 40.0 ha in extent, Golf course along with ancillary uses like administrative office, guest rooms/guest houses and dining facilities are permissible.
ii) Coverage:

- 20% of the sital area of the land may be used for educational and health purposes and a building height of G+1 floor only shall be permitted.

- For Golf courses on land area which is above 40 ha, ancillary uses can be permitted up to a maximum of 20% of sital area subject to a building height of G+1 floor only.

- For uses other than education, health and Golf courses, 5% of sital area of the land may be permitted subject to a building height of G+1 floor only.

- Set backs as per Table 8.

iii) Regulations for Rural Development

Within a radius of 250m from the gramathana (as defined in the note below) developments required for the natural growth of the village may be permitted with the following regulations:

1) FAR: 1.0
2) Maximum no of floors: G+1
3) Setbacks and coverage for the respective uses: As per Table no 8

iv) Note:

a) Gramathana: means old village settlement as earmarked in the revenue survey map (village map). Any addition already made to the gramathana in any form shall not be considered while measuring the distance between land in question and gramathana.

4.14 UNCLASSIFIED USE (UC)

(i) Many of the areas on the planning district maps are under unclassified use and these include Defence and notified lands. If any discrepancies are observed regarding the boundaries, land use and extent, the authority may take appropriate decisions. Any disputes shall be referred to the Government and the decision of the Government shall be final.

(ii) In case, any private property is included within the boundary of unclassified and if the owner can establishes that the ownership of land vests with him/her, the land use adjoining the land shall be assigned to the land in question (to be decided by the Authority Only)
CHAPTER 5
PLANNING PERIMETERS AND SCHEMES:

5.1) Planning Perimeters:

These areas that are proposed to be taken up as detailed schemes are shown as planning perimeters and schemes. The planning perimeters include the Area improvement scheme, transport and utilities perimeters, which are delineated on the map and serve as informational tool. Detailed studies and action planning for the same will need to be taken up in due course of the Revised Master Plan period.

(i) Area improvement schemes:

These are identified areas which require detailed planning and design schemes that can be implemented by the Govt, Private sector, ULBs. The specifics and the program content of the scheme needs to be approved by the Local planning Authority. Slums, poorly serviced infrastructure areas and any other area that have significant impact at the Planning district level are to be taken up within the area improvement perimeters and detailed out for implementation.

(ii) Transport and utilities scheme:

Areas identified for need of detailed project planning and implementation by the relevant authority includes utilities, road underpasses, flyovers, etc. Necessary studies are to be carried out in order to implement the proposals. This shall be in consultation with the Authority.

(iii) Heritage conservation areas:

The areas worthy of conservation are marked on the map. With detailed plans and studies, the action plan for conserving them shall be taken up.

5.2) Co-ordinated Planning Schemes:

The Co-ordinated planning schemes are the zones where the BDA intends to take up development under its own schemes through the regulations prescribed for commercial zone.

5.3) Redevelopment Scheme:

Following regulations shall apply for all redevelopment schemes taken up by Karnataka Slum Clearance Board/BDA/BBMP/KHB within the local planning area of Bangalore:

- Redevelopment schemes (including slums) may be allowed in the following Land uses:
- Residential (Main), Residential (Mixed), Commercial (Central), Commercial (Business), Industrial (General) & Industrial (Hi-tech).

- Maximum plot coverage is allowable up to 60%.

- Maximum FAR is allowable up to 3.

- In case of Layout/Group housing, minimum of 10% of area for Park and 5% of area for C.A shall be reserved and maintained by the respective authorities.

Note: Set backs shall be applicable as per Table 8 or 9 as the case may be.

CHAPTER 6
SUBDIVISION REGULATIONS

6.1) RESIDENTIAL

a. Road widths:
The minimum width of road shall not be less than 9.0 m and the road widths shall not be less than the plot widths facing the respective road.

Every Fourth road in a layout shall have a minimum of 12.0 m width.

b. Area for Residential development:
Apart from the provision for amenities and open spaces, the area for residential development shall be up to a maximum of 55% of the total land area.

c) Parks/Open spaces and Playgrounds:
Parks/Open spaces and Playgrounds shall not be less than 15% of the total land area. This shall be relinquished to the Authority (free of cost and free of encumbrance) and if required, the authority may handover the area for maintenance to the resident’s welfare association. If the land is not maintained up to the satisfaction of the authority, it shall be resumed back by the authority.

d) Civic amenities and Roads:

i) After making provision for Parks and roads in the layout, the balance portion of land shall be earmarked for civic amenity site only. Such CA site shall be relinquished to BDA free of cost and free of encumbrance.

ii) If the area that remains after making provision for road and park is less in extent, then the authority shall have the discretion to earmark such land for park.
iii) When ever the total area proposed for formation of layout exceeds 10 acres, then adequate extent of land may be earmarked for provision/installation of utilities like transformer, sewage treatment plant, overhead water tank, bus bay/shelter etc. This area may be taken into calculation under either CA or Park as the case may be. Decision of the Authority in this regard shall be final.

iv) CA sites owned by Bangalore Development Authority (BDA) could be used for any purpose irrespective of the land use classification in the Revised Master Plan-2015. But, such use shall be based on the need of the locality and the Authority has to take a conscious decision in this regard. This clause is operative till amendments to relevant Acts & Rules are made.

e) Exemptions:

On request from the land owner, reservations for Parks and Civic Amenities as per subdivision regulations may be dispensed with by collecting the guideline value of equivalent converted land, in case the land is less than 4,000 sq.m. The value to be collected from the land owner in lieu of open space and civic amenity shall be in addition to other fees/charges as prescribed by the Govt. from time to time.

- The authority shall deposit the amount so collected under separate head of accounts and shall be utilized only for the acquisition and development of areas reserved for parks and open spaces in the Revised Master Plan.

- In case of residential layouts proposed for development by individuals wherein the extent of land is more than 10.0 ha, commercial uses up to 3% of total land may be permitted within the permissible percentage of 55% in one or two blocks only.

- When the residential layouts / development plans are proposed / taken up by either Bangalore Development Authority (BDA) or Karnataka Housing Board (KHB) or Karnataka Slum Clearance Board (KSCB), then commercial uses may be allowed up to an extent of 5% of the permissible land to facilitate for neighbourhood facilities.

6.2 General conditions applicable for sub division, amalgamation and Bifurcation of plot:

i. Subdivision

- The Authority reserves the right to modify the layout submitted by the applicant/owner and may impose any condition either from planning point of view or in the interest of public.
• 60% of the sites shall be released upon issue of work order based on the draft plan. The sites to be released are to be clearly indicated on the plan along with the phase wise development. The release of sites is subject to relinquishment of civic amenity sites/parks & open spaces and roads to the authority free of cost by way of a registered relinquishment deed. 40% of the sites shall be released only after the layout is fully developed in terms of utilities and infrastructure. The entire process shall be as per the government order issued in this regard.

• The approval of Layout Plan is subject to the condition that the proposal satisfies all the requirements stipulated under section 17 of K.T.C.P Act, 1961 and section 32 of BDA Act, 1976.

ii. Amalgamation

• In the case of amalgamation, the proposed sites shall have the same land use.

• Ownership of the amalgamated plot could be in single or multiple names/family members/company. But, amalgamation shall not be considered if the plots are under lease agreement.

• Development controls for the amalgamated plot shall be with reference to new dimensions.

iii. Bifurcation:

• In the case of all bifurcations, whether corner site or intermediate site, front setback for the resulting site abutting the road shall be the same as that of the original site and not that of the subdivided site.

• A Plot/Site which is a part of the sub division plan/layout/scheme duly approved by the authority maybe further bifurcated with prior permission of Authority and the sub-divided plot shall not be less than the prescribed size.

• Bifurcated plot shall not be less than 50 sq mt. Bifurcated plot shall have a minimum of 3.0 m access.

• The bifurcated plot shall have a minimum of 6.0 m frontage.

6.3 REGULATIONS FOR NON RESIDENTIAL LAYOUT PLAN:

Sanction of layout plans for non residential purpose shall be subject to the following conditions:

i. 10% of Total area shall be earmarked for Park and Civic amenities (ratio to be decided by authority).
ii. Minimum width of road shall not be less than 12.0 m.

iii. 5% of the total area shall be reserved for parking purpose.

iv. Parks, CA and roads shall be handed over to Authority as per section 32 of BDA Act; 1976.

CHAPTER 7

REGULATIONS FOR RESIDENTIAL DEVELOPMENT PLANS AND NON-RESIDENTIAL DEVELOPMENT PLANS.

7.1 Regulations for Residential Development Plan:

1. 10% of the land shall be reserved for Park & Open space. The open space (park) shall be relinquished to the authority free of cost and the same may be allowed to be maintained by the local residents association (registered), if the Authority so desires.

2. A minimum 5% of total plot area shall be provided for Civic amenities and the owner or developer shall develop such civic amenities which finally shall be handed over to the local residents association for maintenance. The mode of such handing over shall be decided by the authority.

3. FAR is calculated on the total land area after deducting Civic amenity site.

4. Parking area requirements shall be as applicable vide Table no: 23

5. Roads as shown in the Revised Master Plan 2015 shall be incorporated within Plan and shall be handed over to the authority free of cost.

Table 20

FAR & Ground coverage for Residential development plan on a site area over 20,000sqm.

<table>
<thead>
<tr>
<th>Road width (m)</th>
<th>Coverage</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 12.0</td>
<td>60%</td>
<td>2.00</td>
</tr>
<tr>
<td>Above 12 and up to 18</td>
<td>55%</td>
<td>2.25</td>
</tr>
<tr>
<td>Above 18 and up to 24</td>
<td>55%</td>
<td>2.50</td>
</tr>
<tr>
<td>Above 24 m and up to 30</td>
<td>50%</td>
<td>3.00</td>
</tr>
<tr>
<td>Above 30.0 m</td>
<td>50%</td>
<td>3.25</td>
</tr>
</tbody>
</table>
7.2) Regulations for Non-Residential Development Plan and Flattened Factories

The non-residential development plan and flattened industries are approved on the following conditions:

a. 10% of the total area shall be reserved for Parks and Open Spaces, which shall be maintained by the owner to the satisfaction of the Authority.

b. Parking area requirements shall be as applicable vide Table no: 23. An additional 5% of the plot area shall be reserved for surface parking.

c. FAR is calculated based on entire sital area excluding the area reserved for Park and Open Spaces.

d. Roads as shown in the Revised Master Plan 2015 shall be incorporated within Plan and shall be handed over to the Authority free of cost.

e. The FAR and coverage shall be as per Table no 21, below:

<table>
<thead>
<tr>
<th>Road width (m)</th>
<th>Coverage</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 9</td>
<td>60%</td>
<td>1.50</td>
</tr>
<tr>
<td>Above 9 and up to 12</td>
<td>55%</td>
<td>1.75</td>
</tr>
<tr>
<td>Above 12 and up to 15</td>
<td>55%</td>
<td>2.00</td>
</tr>
<tr>
<td>Above 15.0 to 18.0</td>
<td>50%</td>
<td>2.25</td>
</tr>
<tr>
<td>Above 18 and up to 24</td>
<td>50%</td>
<td>2.50</td>
</tr>
<tr>
<td>Above 24 and up to 30.0</td>
<td>45%</td>
<td>3.00</td>
</tr>
<tr>
<td>Above 30.0m</td>
<td>45%</td>
<td>3.25</td>
</tr>
</tbody>
</table>

7.3) Regulation for Integrated Township

“Integrated Township” concept is gaining more importance in the recent times. To give impetus to economic growth and to retain the vibrancy and dynamism of the urban form for a city like Bangalore, the concept of
"Integrated Township": with minimum 40 Ha of land having access from minimum 18 m road width is a good approach for the future of Bangaloré.

Permissible in Residential / Commercial/Hi-Tech/Industrial zones

a) Minimum area required - 40 Ha (100 acres).

b) Permissible Land Use
   i. Residential
   ii. High Tech
   iii. Industrial
   iv. Commercial

c) Permissible usage (% of allowable usage)
   i. Residential - 40%
   ii. Non-Residential

High-Tech (IT, BT related activities) - 55%
Commercial (to support the township) - 05%

d) Minimum Road width required - 18 Mtrs

e) Other Regulations for approval of integrated town ship
   i. 10% of the total area shall be reserved for parks & open space. It shall be handed over to the authority free of cost & shall be maintained by the developer to the satisfaction of the authority.
   ii. 5% of the site area shall be reserved for public & semi-public use / CA sites & shall be handed over to the authority; the same shall be allotted by the authority for development for specified C.A. either to the developer or others on lease basis.
   iii. The FAR is calculated on entire area excluding area reserved for CA.
   iv. Road shown in by Revised Master Plan 2015 shall be incorporated with in the plan and shall be handed over to the authority free of cost.
   v. The FAR & coverage shall be as below;
### Table 22: FAR and Ground coverage for Integrated Township.

<table>
<thead>
<tr>
<th>Road Width</th>
<th>Coverage</th>
<th>FAR Allowable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above 18m&lt;24m</td>
<td>55%</td>
<td>2.5</td>
</tr>
<tr>
<td>Above 24m&lt;30m</td>
<td>50%</td>
<td>3.00</td>
</tr>
<tr>
<td>Above 30m</td>
<td>45%</td>
<td>3.25</td>
</tr>
</tbody>
</table>

### CHAPTER 8.0

**PARKING REQUIREMENTS AND NORMS**

### Table 23: Parking requirements for various uses:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of use</th>
<th>One car parking of 2.5m x 5.5m each shall be provided for every</th>
<th>50sqm of floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Theaters and Auditoriums except Educational Institutions.</td>
<td>25 seats of accommodation subject to minimum of 20</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Retail Business (shops, Shopping complexes, Malls, etc)</td>
<td>50sqm of floor area</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Multiplex integrated with shopping</td>
<td>40sqm of floor area plus requirement of parking according to Cinematographic act</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Wholesale and Warehouse buildings</td>
<td>150sqm plus 1 lorry parking space measuring 3.5m x 7.5m. 1 additional for every 500sqm or part thereof</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Restaurant establishment servicing food and drinks and such other establishment</td>
<td>75sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Lodging establishments, hotels and Tourist homes</td>
<td>80 sq.m of Floor area</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>For star hotels</td>
<td>For every 2 rooms. Additional 10% of the total requirement shall be reserved as parking for visitors.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Office buildings (Govt/Semi-Govt. &amp; Pvt)</td>
<td>50sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Hostels</td>
<td>Professional college hostels: 1 for every 5 rooms and others: 1 for every 10 rooms.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Industrial Buildings</td>
<td>100sqm of floor area plus 1 lorry space measuring 3.5m x 7.5m for every 1000 sq.m or part thereof</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nursing homes</td>
<td>50sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Hospitals</td>
<td>100sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Multi-dwellings Units</td>
<td>A. Dwelling unit measuring more than 50 sq.m up to 150 sq.m of floor area. Additional 1 car park for part thereof, when it is more than 50% of the prescribed limit.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>B. Additional car parking for each two Dwelling units, if the DU is less than 50 sq.m</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>C. 10 % of additional parking shall be kept for visitors car parking.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Kalyana mantaps, Convention centers</td>
<td>50sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Recreational clubs</td>
<td>50sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Educational buildings</td>
<td>150sqm of Floor area</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Other Public and Semi-Public Buildings</td>
<td>100sqm of Floor area</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Additional parking for part area shall be provided when the part area exceeds 50% of the prescribed limits/standards.

**8.1) NOTES:**

(a) Parking provision through building on stilts:

i) Parking provided on the ground floor with the building on stilts, parking area shall be exempt from the calculation of FAR.

ii) All sides of the stilt parking shall be open.

iii) When stilt parking is provided the height shall not exceed 2.4mtrs and the height shall be considered for calculating the total height of the building

iv) Any place used for parking is not included in the calculation of FAR.

v) In case, additional car parking is provided as part of parking complex or parking lot in excess of required car parking, such area shall be exempt from reckoning the FAR.
(b) Parking provision on multi level or on any number of floors:

i) Access Ramps, elevators, escalators to the upper floors or terrace floor shall not be provided in the setback area and ramps to be within the plinth area of the building and shall be exempt from FAR calculation.

ii) Car Parking shall not be provided in the setback areas. If provided, a minimum of 3.0m shall be left free from the building in case of G+3 buildings and a minimum of 6.0m in case of buildings which are G+4 or more.

iii) When Multi Level Car Parking (MLCP) is proposed on a plot as independent activity, there shall not be any limitation for FAR or height of building subject to condition that they satisfy fire and airport authority restrictions where ever applicable.

CHAPTER 9
FIRE PROTECTION REQUIREMENTS AND SAFETY MEASURES AGAINST EARTH QUAKE.

9.1 General — The Planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of Part-IV, Fire Protection Chapter and National Building Code shall apply.

For multi-storeyed, high rise and special buildings, additional provisions relating to fire protection contained in Annexure C of NBC shall also apply. The approach to the building and open spaces on all sides up to 6mtrs width and their layout shall conform to the requirements of the Chief Officer. They shall be capable of taking the weight of a fire engine weighing up to 18 tonnes. These open spaces shall be free of any obstruction and shall be motorable.

9.2 Exits.-Every building meant for human occupancy shall be provided with exits sufficient to permit safe escape of its occupants in case of fire or other emergency for which the exits shall conform to the following:

i. Types.—Exits should be horizontal or vertical. A horizontal exit may be a door-way, a corridor, a passage-way to an internal stairway or to an adjoining building, a ramp, a verandah, or a terrace which has access to the street or to the roof of a building. A vertical exit may be a staircase or a ramp, but not a lift.

ii. General requirement - Exits from all the parts of the building, except those not accessible for general public use, shall.—

a. provide continuous egress to the exterior of the building or to an exterior open space leading to the street;
b. be so arranged that, except in a residential building, they can be reached without having to cross another occupied unit;

c. be free of obstruction;

d. be adequately illuminated;

e. be clearly visible, with the routes reaching them clearly marked and signs posted to guide any person to the floor concerned;

f. be fitted, if necessary, with fire fighting equipment suitably located but not as to obstruct the passage, clearly marked and with its location clearly indicated on both sides of the exit way;

g. be fitted with a fire alarm device, if it is either a multi-storeyed, high use or a special building so as to ensure its prompt evacuation;

h. remain unaffected by any alteration of any part of the building so far as their number, width, capacity and protection thereof is concerned;

i. be so located that the travel distance on the floor does not exceed the following limits:

1. Residential, educational; institutional and hazardous occupancies: 22.5mtrs.


Note: The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above.

When more than one exit is required on a floor, the exits shall be as remote from each other as possible.

Provided that for all multi-Storeyed high rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one of them 'opens' directly to the exterior to an interior open space or to any open place of safety.

(iii) Number and width of exits - The width of an exit, stairway/corridor and exit door to be provided at each floor in occupancies of various types shall be as shown in columns 3 & 5 of Table 23. Their number shall be calculated by applying to every 100 sq. m. of the plinth or covered area of the occupancy, the relevant
multiplier in columns 4 & 6 of Table 23, Fractions being rounded off upward to the nearest whole number.

### 9.3 Safety Measures against Earthquake

Buildings with ground plus four floors and above or buildings with a height of 15 mtrs. and above shall be designed and constructed adopting the norms prescribed in the National Building Code and in the 'Criteria for earthquake resistant design of structures' bearing No. IS 1893-2002 published by the Bureau of Indian Standards, making the buildings resistant to earthquake. The supervision certificate and the completion certificate of every such building shall contain a certificate recorded by the Registered Engineer / Architect that the norms of the National Building Code and I.S. 1893-2002 have been followed in the design and construction of buildings for making the buildings resistant to earthquake.

### TABLE - 24: WIDTH AND NUMBER OF EXITS FOR VARIOUS OCCUPANCIES

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of Occupancy</th>
<th>Minimum width in meters</th>
<th>Multiplier</th>
<th>Door minimum width in meters</th>
<th>Exit Multiplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Residential Dwellings Row housing (2 storeys) Hotels</td>
<td>1.2</td>
<td>0.145</td>
<td>0.213</td>
<td>0.107</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.75</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Educational-up to 24 mtrs high</td>
<td>1.5</td>
<td>0.333</td>
<td>0.250</td>
<td>0.067</td>
</tr>
<tr>
<td></td>
<td>Over 24 mtrs. high</td>
<td>2.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Institutional i.e. Hospitals</td>
<td>1.5</td>
<td>0.089</td>
<td>0.067</td>
<td>0.044</td>
</tr>
<tr>
<td></td>
<td>Up to 10 beds.</td>
<td>2.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Over 10 beds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>Assembly.- fixed seats or loose seats and dance floor. No seating facilities and dining rooms</td>
<td>2.0</td>
<td>0.694</td>
<td>1.0</td>
<td>0.926</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.0</td>
<td>0.278</td>
<td>0.370</td>
<td></td>
</tr>
</tbody>
</table>
Note: No deductions shall be made in the gross area of the corridors, closets or other sub-divisions; all space serving the particular assembly occupancy shall be reckoned.

CHAPTER-10
TRANSFER OF DEVELOPMENT RIGHTS (TDR)

When an area with in the local planning area is required for public purpose (i.e. road, widening of road, parks, etc.) the owner of any site or land which comprises of such area surrenders it free of cost and hands over possession of the same to the planning authority/Local Authority free of cost and encumbrance. The Planning Authority/Local Authority permits development rights in the form of additional floor area which shall be equal to one and half times the area surrendered. The development rights so permitted may be utilised either at the remaining portion of the area after surrender or any where in the LPA, either by himself or by transfer to any other person.

10.1. Terms and Conditions for Grant & Utilisation of TDR:

1. The Planning Authority/Local Body shall publish an annual programme for road widening or construction of new road or for any other public purpose specified in Section 14(B) of the Act, for granting Transferable Development Rights.

2. The land shall be surrendered through a relinquishment deed for which a Development Rights Certificate (hereinafter called "D.R.C.") is to be issued. The land so surrendered shall vest with the Authority/Local Body free from all encumbrances.

3. D.R.C. shall be issued only after the required land is surrendered to the Planning Authority/Local Body free of cost and free of encumbrances. In respect of land surrendered for purpose other than road widening, the land has to be fenced to the satisfaction of the Authority / Local Body.
4. DRC shall be issued under the seal of the Planning Authority / Local Body and under the signature of the Commissioner, Bangalore Development Authority/Commissioner of Local Body within the LPA of Bangalore.

5. The D.R.C. shall be valid for a period of five years. However, the same may be revalidated for a further period of five years subject to payment of revalidation fee.

6. The D.R.C. shall contain details of the floor area credit in square meter of built up area and the area to which the owner of the surrendered land is entitled shall be stated in figures and words. The description of the land from where development rights are generated and the land use zone of the same shall also be stated in the D.R.C.

7. The eligible additional floor area may be utilised in the remaining portion of the land after surrender, irrespective of the road width.

8. The DRC shall not be valid for use on receivable plot/plots abutting a road of less than 9 meters within the LPA of Bangalore subject to condition No.12.

9. In case of Bangalore LPA, if the additional floor area is transferred to another plot, FAR of the receiving plot shall be allowed to be exceeded by not more than 0.60 times of the existing FAR, provided the receiving plot abuts a road width of 12 m and above. If the receiving plot abuts a road width of 9 meters to 12 meters, then a maximum of 0.40 times the existing FAR shall only be allowed, subject to limitations prescribed in these terms and conditions.

10. The Authority may consider relaxing set backs and coverage to a maximum extent of fifty percent, when the permissible Floor Area Ratio cannot be achieved, in case of D.R.C. arising out of land surrendered free of cost for road widening. This relaxation is also permissible in the receiving plot or in the same plot left over after surrender. When plot generating the TDR utilises the DRC as the receiving plot, then the incremental parking need not be insisted. No relaxation can be given for area required for parking in receiving plot. While exercising the above power, the Authority shall finalise the building line for the entire road taken up for widening keeping in view the developments existing, feasibility and smooth flow of traffic and notify the same. No construction shall be allowed in violation of such notified building line.

11. A DRC can be purchased for utilisation in respect of a building already existing, subject to all the limitations prescribed in these terms and conditions.
12. Development rights certificate may be utilized in all the areas irrespective of A, B and C (Ring I, II & III) zones, in the following manner.

E.g.:

<table>
<thead>
<tr>
<th>Area of site surrendered</th>
<th>DRC issued for the above</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>100 sq. mtrs.</td>
</tr>
<tr>
<td></td>
<td>150 sq. mtrs.</td>
</tr>
</tbody>
</table>

Table No: 25

<table>
<thead>
<tr>
<th>DRC Generation Zone</th>
<th>A zone (Ring I)</th>
<th>B zone (Ring II)</th>
<th>C zone (Ring III)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Zone (Ring I)</td>
<td>150 x 1.00</td>
<td>150 x 1.50</td>
<td>150 x 2.00</td>
</tr>
<tr>
<td>B Zone (Ring II)</td>
<td>150 x 0.666</td>
<td>150 x 1.00</td>
<td>150 x 1.333</td>
</tr>
<tr>
<td>C Zone (Ring III)</td>
<td>150 x 0.50</td>
<td>150 x 0.666</td>
<td>150 x 1.00</td>
</tr>
</tbody>
</table>

13. The D.R.C. obtained on account of surrendering a particular land / plot shall be utilised on transfer to any other plot only for the purpose for which such receiving plot is designated in the development plan.

14. Whenever the remaining portion of the plot or land after surrender to the Planning Authority/Local Body is too small to construct any meaningful building, if so, the owner may desires to surrender the entire property to the Planning Authority/Local Body in lieu of the D.R.C.

15. The Authority may charge a fee of Rupees one hundred for grant/transfer/utilization/revalidation etc., of DRC.

16. A D.R.C. shall not be valid for use on receivable plot in the area notified as such by Government.

17. The utilisation of Development Rights shall be in multiples of ten sq. meters only except the last remainder.

18. The Authority may reject or cancel the grant of D.R.C. in the following circumstances namely. —

a. Where any dues are payable by the owner of the property to the State Government or Planning Authority/Local body prior to the date of handing over physical possession of the
property to the Authority. Also, Planning Authority/Local Body may grant and withhold issue of D.R.C. until all the dues of the State Government or the Planning Authority/Local Body are paid by the owner.

b. Where D.R.C. is obtained by fraudulent means.

c. Where there is a dispute on the title of the land, till the dispute is settled by a Competent Court.

19. The utilisation of D.R.C. in favour of Non-Resident of India and Foreign nationals will be subject to rules and regulations - under Foreign Exchange Management Act, 1999 (FEMA) and/or the rules and regulations made by the Reserve Bank of India/Government of India in this behalf.

20. The Authority may decline to allow utilisation of D.R.C. in the following situations:-

   a. Under direction from a competent court.

   b. Where the Authority has reason to believe that the transfer for utilisation of D.R.C. has been obtained by fraudulent means.

   c. Where the utilisation application does not comply with the terms and conditions.

   d. Where the utilisation application is not duly signed by the transferor and transferee.

   e. Where the utilisation application is not duly accompanied by original D.R.C.

21. In full utilization of D.R.C., the D.R.C. shall not be returned to the D.R.C. holders but shall be retained with the Planning Authority/Local Body concerned after canceling the same.

22. In case of death of holders of D.R.C., the D.R.C. will be transferred only on production of ‘Will/Survivors Certificate/Inheritance Certificate/ Heir ship Certificate’/ succession certificate of letter of Administration and/or probate of a will wherever applicable. On production of aforesaid documents names of the legal heirs shall be included in the D.R.C.

23. Where the D.R.C. holder is a minor, no permission for transfer for utilisation shall be considered unless the application is made by the guardian appointed by the Court.

24. If a holder of D.R.C. intends to transfer it to any other person, he will submit the D.R.C. to the Planning Authority/Local Body with
an application for endorsement of the new holder’s name, i.e., the transferee, on the said certificate. Without such endorsement by the Planning Authority/Local Body, the transfer shall not be valid and the Certificate will be available for use only by the earlier original holder.

25. D.R.C. shall be in prescribed form transferable only after due authentication by the Planning Authority / Local Body.

26. The Planning Authority (BDA when the TDR is generated by a plot/land located in BDA jurisdiction and BBMP when the TDR is generated by a plot or land located in BBMP jurisdiction) shall maintain a register in the format annexed to this Notification relating to grant and utilisation of Development Rights. Planning Authority / Local Body which issues the DRC shall only maintain the account of utilisation till it is exhausted.

27. If in, or in connection with, the exercise of its powers and discharge its functions by the Planning Authority / Local Body, any difficulty arises relating to the interpretation of these regulations, it shall be referred to the Government, whose decision will be final.

APPENDIX 1

Table 26: Building lines specified for various roads

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Road</th>
<th>Building Line Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1°</td>
<td>Sampige Road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>2.</td>
<td>Margosa road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>3.</td>
<td>17th Cross, Malleswaram</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>4.</td>
<td>Platform Road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>5.</td>
<td>Palace Cross Road,</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>6.</td>
<td>K.B.G. Road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>7.</td>
<td>80 ft road, Rajajinagar</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>8.</td>
<td>West of chord Road</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>9.</td>
<td>Magadi road</td>
<td>12.0 m beyond Housing Board, Quarters Road</td>
</tr>
<tr>
<td></td>
<td>Road Name</td>
<td>Distance Details</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>10</td>
<td>Tumkur road</td>
<td>5.0 m up to C.M.T.I, Quarter road</td>
</tr>
<tr>
<td>11</td>
<td>Tumkur road</td>
<td>12.0 m beyond C.M.T.I, Quarter road</td>
</tr>
<tr>
<td>12</td>
<td>Triveni Road, Yashwanthpur</td>
<td>12.0 m beyond C.M.T.I Quarter road</td>
</tr>
<tr>
<td>13</td>
<td>Tannery road</td>
<td>5.0 m beyond Devarajeevanahalli cross</td>
</tr>
<tr>
<td>14</td>
<td>Old Madras road</td>
<td>5.0 m up to level crossing Devarajeevanahalli cross (new Aero engine Factory)</td>
</tr>
<tr>
<td>15</td>
<td>Old Madras road</td>
<td>12.0 m beyond New Aero engine Factory</td>
</tr>
<tr>
<td>16</td>
<td>Kangal Hanumanthaiah road</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>17</td>
<td>Jayachamarajendra road</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>18</td>
<td>H. Siddaiah road</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>19</td>
<td>Raja Ram Mohan Roy road</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>20</td>
<td>Varthur</td>
<td>3.0 m from the edge of the road between Trinity church to Airport</td>
</tr>
<tr>
<td>21</td>
<td>Varthur road</td>
<td>12.0 m from the edge of the road, from beyond the Airport</td>
</tr>
<tr>
<td>22</td>
<td>Chinmaya Mission Hospital</td>
<td>3.0 m from Adarsha theatre to police station road</td>
</tr>
<tr>
<td>23</td>
<td>Indiranagar 100 ft. road</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>24</td>
<td>Mahatma Gandhi Road</td>
<td>5.0 m up to Dickenson road</td>
</tr>
<tr>
<td>25</td>
<td>Mahatma Gandhi Road</td>
<td>5.0 m Dickenson road to trinity church</td>
</tr>
<tr>
<td>26</td>
<td>Central Street</td>
<td>3.0 m from the edge of road</td>
</tr>
<tr>
<td>27</td>
<td>St. John's road</td>
<td>5.0 m from the edge of the road</td>
</tr>
<tr>
<td>28</td>
<td>St. John's road</td>
<td>5.0 m from the edge of the road</td>
</tr>
<tr>
<td>29</td>
<td>Assaye road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>30</td>
<td>Brigade road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>No.</td>
<td>Road</td>
<td>Distance from the edge of the road</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>31.</td>
<td>St marks road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>32.</td>
<td>Residency road</td>
<td>5.0 m from the edge of the road</td>
</tr>
<tr>
<td>33.</td>
<td>Cambridge road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>34.</td>
<td>Nandidurga road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>35.</td>
<td>District office road</td>
<td>5.0 m from the edge of the road</td>
</tr>
<tr>
<td>36.</td>
<td>Chickpet road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>37.</td>
<td>Akkipet road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>38.</td>
<td>Nagarthpet road</td>
<td>2.0 m from the edge of the road</td>
</tr>
<tr>
<td>39.</td>
<td>East tank bund road (Subashnagar)</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>40.</td>
<td>Goods shed road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>41.</td>
<td>Balepet road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>42.</td>
<td>Subedar Chathram road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>43.</td>
<td>5th main road (Gandhinagar)</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>44.</td>
<td>Narasimharaja road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>45.</td>
<td>Silver jubilee park road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>46.</td>
<td>Pampamahakavi road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>47.</td>
<td>Kanakapura road</td>
<td>5.0 m from the edge of the road up to ring road</td>
</tr>
<tr>
<td>48.</td>
<td>Kanakapura road</td>
<td>12.0 m from the edge of the road beyond outer ring road</td>
</tr>
<tr>
<td>49.</td>
<td>Hosur road</td>
<td>12.0 m from the edge of the road beyond ring road</td>
</tr>
<tr>
<td>50.</td>
<td>Roads all round Jayanagar shopping complex</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>51.</td>
<td>South End road</td>
<td>5.0 m from the edge of the road</td>
</tr>
<tr>
<td>No.</td>
<td>Street Name</td>
<td>Distance from Road Edge</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>52</td>
<td>East End road</td>
<td>5.0 m from the edge of the road</td>
</tr>
<tr>
<td>53</td>
<td>Pattallamma street</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>54</td>
<td>Krumbigal road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>55</td>
<td>Ashoka pillar road (100ft road)</td>
<td>6.0 m from the edge of the road</td>
</tr>
<tr>
<td>56</td>
<td>Alur Venkatarao road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>57</td>
<td>K.R. road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>58</td>
<td>Gandhi Bazar main road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>59</td>
<td>Nagasandra road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>60</td>
<td>B.P. Wadia road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>61</td>
<td>Vasavi temple road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>62</td>
<td>Diagonal road V.V. Puram</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>63</td>
<td>Hennur road</td>
<td>3.0 m up to Salem railway line level crossing</td>
</tr>
<tr>
<td>64</td>
<td>Hennur road</td>
<td>8.0 m beyond Salem railway line level crossing</td>
</tr>
<tr>
<td>65</td>
<td>Munireddypalya main road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>66</td>
<td>Poorna Venkatarao road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>67</td>
<td>Police road &amp; Bellimutt road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>68</td>
<td>Kilari road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>69</td>
<td>Seppings road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>70</td>
<td>New market road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>71</td>
<td>Jewelers road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>72</td>
<td>Dharma raja koil street</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>No.</td>
<td>Street Name</td>
<td>Distance from the edge of road</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>73</td>
<td>Jumma masjid road, OPH Road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>74</td>
<td>Narayananpillay street</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>75</td>
<td>Ibrahim saheb street</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>76</td>
<td>Thoppa mudaliar road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>77</td>
<td>Linden street</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>78</td>
<td>Austin town centre street</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>79</td>
<td>KHN Badur Abdul Rehman road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>80</td>
<td>Sheshadri puram 1st main road</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>81</td>
<td>50 ft road Hanumanthnagar</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>82</td>
<td>44th cross Hanumanthnagar</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>83</td>
<td>Thavarekere main road (Hosur road junction to circle of old village)</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>84</td>
<td>Gavipuram Guttahalli main road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>85</td>
<td>Nethaji road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>86</td>
<td>Malleshwaram 8th main (from 6th cross junction to 15th cross junction)</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>87</td>
<td>Dattatreya temple road</td>
<td>2.0 m from the edge of road</td>
</tr>
<tr>
<td>88</td>
<td>West of chord road from Navarang circle to LIC colony</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>89</td>
<td>Rajajinagar Bashyam circle to ESI Hospital</td>
<td>3.0 m from the edge of the road</td>
</tr>
<tr>
<td>90</td>
<td>Madhavarao Mudaliar road</td>
<td>3.0 m from the edge of the road</td>
</tr>
</tbody>
</table>
91. Davis road 2.0 m from the edge of road
92. Robertson road 2.0 m from the edge of road.

<table>
<thead>
<tr>
<th>Town Planner Member</th>
<th>Commissioner</th>
<th>Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>BDA</td>
<td>BDA</td>
<td>BDA</td>
</tr>
</tbody>
</table>

APPENDIX - II
AFFIDAVIT

I hereby certify that the erection, re-errection, material alternation in the building bearing property survey No. .......... , plot No. ............. 
.......... Village ...... Hobli ...... Taluk will be carried out under my supervision and I certify that all the materials (type and grade) and the workmanship of the work and structural safety of the building will be in accordance with the general and detailed specifications submitted along with this certificate and that the work will be carried out according to the sanctioned plan.

I hereby undertake to report to the authority within 3 days of any deviation from the sanctioned plan, or violation of Zoning Regulations, observed during the construction of the aforesaid building.

I also certify that the building has been designed as per the specifications prescribed in the National Building Code 2005 and publication of the Bureau of the Indian Standard 1893-2002 for making the building resistant to earthquake and also as per fire safety norms.

I hereby agree that if any of the above statements are found false, then the concerned Authority is at liberty to cancel my licence for practice.

Signature .......................................

Name of the registered Architect / Planner / Engineer / ..................
(In block letters)

Registration Number of the registered Architect/Planner/Engineer .......

Address of the registered Architect / Planner / Engineer ...................

..........................................................

Dated: ............

Place: .............
APPENDIX-III
APPLICATION FOR PERMISSION FOR DEVELOPMENT RIGHTS CERTIFICATE

Date:

From

........................
(Name of owner of land)

Address

........................
........................
........................

To:
The Commissioner,

........................ BDA/BBMP
........................

Sir,

I/We intend to surrender the under mentioned land bearing Survey No. .................. Village of .................. Hobli: and .................. Taluk reserved for the public purpose of .................. as per the R.M.P 2015 for the grant of “Development Rights Certificate”.

I/We forward herewith the following.—

- Site Plan as per R.M.P 2015.
- Detailed Survey Plan
- Title Deed
- Property card and latest assessment book extract
- Up-to-date tax paid receipt
- The area statement of reservation duly certified by the architect
- Encumbrance certificate
- I/We hereby request that the land affected by the reservation of . . . . . May be taken over and Development Rights Certificate (D.R.C) in lieu thereof may be issued to me/us.

Signature of the Owner(s) of the land

A KJ PUBLICATION
## APPENDIX-IV
Office of the Commissioner
BDA/BBMP, Bangalore

Register of Utilization of Development Rights Certificate

<table>
<thead>
<tr>
<th>Sí. No.</th>
<th>Folio No.</th>
<th>D.R.C. No</th>
<th>Date and Sanction No.</th>
<th>Name of the Transferer</th>
<th>Built area in sq. mtrs. as per D.R.C.</th>
<th>Transfer/Utilisation of D.R.C. area in sq. mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Balance area of D.R.C. in sq. met.</th>
<th>Name and Address of the Transferees(s)</th>
<th>Details Property where D.R.C. is Proposed to be used (Registering plot)</th>
<th>Transfer fee paid</th>
<th>Utilisation Form No. and Date</th>
<th>Signature of the sanctioning Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
</tr>
</tbody>
</table>

---

## APPENDIX-V
UNDERTAKING BY THE APPLICANT

To
The Commissioner,
BDA/BBMP,
Bangalore.

Sir,

**Subject: ..........................................................**

I/We, Smt./Shri ........................................... Residing at/carrying on business at ........................................... Are the owners/developers of the property bearing Sy.No./C.T.C. No/K.No. ............................... village, .................. Hobli, ..............
Taluk, .................................. Bangalore, do hereby agree and undertake as under.

Whereas, I/We are absolutely owner of the property bearing C.T.C. No./K. No. ................... of village ......................... Hobli, ...................... Taluk, ...................... Bangalore.

And whereas, the owner/developers have requested the Authority to grant of Development Rights Certificate.

And whereas, the Commissioner, Bangalore Development Authority/Brufat Bangalore Mahanagara Palike, has intended to grant Development Rights Certificate on compliance of various terms and conditions vide letter under No. ................ dated .........................

I/We, hereby agree and undertake as under:

1. I/We have leveled the aforesaid land up to the formation level as stipulated by the authority. I/We hereby agree and undertake to rectify any defects in respect of filling and leveling of the aforesaid land within period of one year from the date of handing over possession of the said land.

2. This undertaking is binding upon me/us by my/our heirs, executors and administrators and assignees.

Dated this ...................... day of .......... 200 ............

Witness: (1)

(2) Yours faithfully

APPENDIX-VI
PRO FORMA FOR AFFIDAVIT TO BE GIVEN BY OWNER/S

I/We...................... Aged, ...................... of Indian inhabitant residing at ......................

I/We, am/are the Proprietors/Partner(s) of the firm ......................

Having its registered office at ...................... is/am the owner(s) of the land bearing C.S.No./C.T.S.No./K.No. ...................... of ...................... village ...................... Hobli, ...................... Taluk, ...................... Bangalore.

State on affirmation as under:

The aforesaid land is partly/fully reserved for the purpose of ...................... as per the sanctioned R.M.P 2015.
I/We have neither taken any monetary compensation or Compensatory F.A.R. not claimed Transfer of Development Right in lie of the said land earlier. I/We, am/are, entitled for T.D.R. and grant of Development Rights Certificate under Section 14-B of the Karnataka Town and Country Planning Act, 1961 and Rules thereunder.

Dated this .................. date of .................... the year .....................

Deponent:

Identified by me:

Advocate:

Name:

Address:

Before me:

Notary/Magistrate

————

APPENDIX-VII

Office of the Commissioner,
BDA/BBMP,

Bangalore.

Date of issue .....................

Sr. No. .....................

A) DEVELOPMENT RIGHTS CERTIFICATE UTILISATION FORM

We, the undersigned to hereby request to allow to utilize the build-up area measuring (in words `. sq. mts.' In figures. `.s q.mts.') out of the total build-up area available in the Development Rights Certificate No. ........... dated .......... Folio............... and permit the said built-up area to be utilized by the persons named belo.—

PARTICULARS OF D.R.C. HOLDERS

Development Rights Certificate No. .....................

Folio No. .....................

Name in full .......................................... Signature(s)

(1) .......................... ..........................

(2) .......................... ..........................

(3) .......................... ..........................

(4) .......................... ..........................

A KIJ PUBLICATION
Attestation:

I hereby attest the signature of the D.R.C. Holder's herein mentioned

Signature
Name
Address Seal

Signature of Witness
Name and address of Witness

Pin

(A) Details of property where D.R.C. is proposed to be used i.e., Location and Building.

(B) Area to be utilized in sq.mts. (in fig.) ..................... (in words)

(C) Balance built-up area as per D.R.C. in sq.mts. (in fig.) ..................... (in words)

(D) Balance area in the D.R.C. after utilisation (in fig.) ..................... (in words)


Office of the Commissioner,
BDA/BBMP,
Bangalore.

B) PARTICULARS OF PERSON(S) UTILIZING D.R.C.

<table>
<thead>
<tr>
<th>Name's and address in full</th>
<th>Signature(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(1)</td>
</tr>
<tr>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td>(3)</td>
<td>(3)</td>
</tr>
<tr>
<td>(4)</td>
<td>(4)</td>
</tr>
</tbody>
</table>

Dated this ................ day of .......... two thousand .......... place...........

A KLJ PUBLICATION
Signature of magistrate/Public Notary with Seal
Date:

<table>
<thead>
<tr>
<th>For Office Use</th>
<th>Folio No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Checked by...........</td>
<td>...............</td>
</tr>
<tr>
<td>Signature tallied by.......</td>
<td>...............</td>
</tr>
<tr>
<td>Entered in the register of Transfer No. ...............</td>
<td>Specimen Signature of person’s utilizing D.R.C.</td>
</tr>
<tr>
<td>Approval date and No.</td>
<td></td>
</tr>
</tbody>
</table>

Development Rights Certificates to be returned
To (Fill in the name and address to which the certificates are required to be returned)

Name and address ..................

Fees for utilization paid Rs.
Vide Receipt No. .............
Date ..................
Signature ..................

__________________

APPENDIX-VIII

Office of the Commissioner,
BDA/BBMP,
Bangalore.

DEVELOPMENT RIGHTS CERTIFICATE

I, ............... Commissioner, BDA/BBMP Certify that the person(s) within named in this certificate is / are the registered holder(s) of the Development Rights Certificate issued subject to the provision of Section 14-B of the Karnataka Town and Country Planning Act, 1961 and Rules thereunder:

(1) Location and details of the land surrendered.

   (a) Area of the land in sq. mts.

   (b) Land handed over the Authority/Govt.

Vide Possession Receipt No. and Date

(1) Zone of land surrendered.

(2) Reservation of land surrendered.

(3) The area where D.R.C. can be utilised.

   D.R.C. will be allowed to be used as provided under regulations.

   Folio No: certificate No.

   TDR/W/SW.ARD .............

Name of the
DRC Holder(s) (1)
ZONAL REGULATIONS OF MASTER PLANS (AMENDMENT) NOTIFICATION

No. UDD 130 My Aa Pra 2011, Bangalore, dated 30th September, 2011
Karnataka Gazette, dated 10-11-2011

Whereas, a draft notification to amend the Zonal Regulations of Master Plans of the local planning areas of all Corporation cities including Bangalore Development Authority, with regard to high-rise building was published vide Notification No. UDD 130 My Aa Pra 2011, dated 25-3-2011, inviting objections and suggestions to the said draft amendment from all persons likely to be affected thereby within thirty days from the date of publication.

Whereas, no objections and suggestions to the said draft amendment have been received within the said period.

Now, therefore, in exercise of the powers conferred under Section 13-E of the Karnataka Town and Country Planning Act, 1961, the State Government makes amendments to the Zonal Regulations of Master Plans of the Local Planning Area of all Corporation cities including BDA approved by the Government with respect to high-rise building.

Under the regulations for high-rise buildings, the following shall be inserted at appropriate place.—

“Note.—While issuing NOC for high-rise hospital buildings, the Fire Force Department shall consider the maximum height upto 40 m.”

THE

ZONING REGULATIONS OF BANGALORE OF THE REVISED MASTER PLAN - 2015 (AMENDMENT) REGULATIONS, 2014

Whereas, the draft of the Zoning Regulations of Bangalore of the Revised Master Plan - 2015 (Amendment) Regulations, 2014 was published as required by Section 13-E of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) vide Notification No. UDD 105 MNJ 2008, dated 14-10-2014, in Part IV-A of the Karnataka Gazette, Extraordinary, dated 14-10-2014, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 14-10-2014.

And whereas, the objections and suggestions have been received and considered by the State Government.

Now, therefore, in exercise of powers conferred by Section 13-E of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the Government of Karnataka hereby makes the following regulations, namely.—

1. Title and commencement.—(1) These regulations may be called the Zoning Regulations of Bangalore of the Revised Master Plan - 2015 (Amendment) Regulations, 2014.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Technical Terms and Definitions.—In the Zoning Regulation of Bangalore of the Revised Master Plan - 2015 (hereinafter referred to as 'said regulations'), under the heading "Technical Terms and Definitions", in item 25, for the figures and words "24 meters or more", the figures, words, letter and symbol "15.0 meters and more or G+4" shall be substituted.

3. Amendment of Chapter 2.—In Chapter 2 of the said regulations, at the end of the Table 5, the following note shall be inserted, namely.—

"Note.—When filling stations and service stations are permitted, it shall be subject to fulfillment of conditions specified in any other law".

4. Amendment of Chapter 3.—In Chapter 3 of the said regulations.—

(i) in Regulation 3.1, in the Table 9, for Serial Numbers 1, 2 and 3 and the entries relating thereto, the following shall be substituted, namely.—

1. Above 11.5m upto 15m or G+3 5.00
2. 15m and above upto 18.0m 6.00
3. 18.0m and above upto 21.0m 7.00

(ii) in Regulation 3.8, after clause (iv), the following shall be inserted, namely.—

"(v) the means of access to High Rise Buildings shall be from a thoroughfare of width 12 mts. and above, and this road shall have the approval of the authority, (BDA) and/or maintained by the Local Authority.

(vi) the Cul-de-Sac roads less than 12 meters wide with a circle of turning radius less than 9 meters shall not be considered as thoroughfare for purposes of issuance of Permissions for High Rise Buildings.

(vii) the High Rise Buildings shall have provision for independent entry and exit to the vehicles, in addition to the ingress and egress, exclusively provided to the inhabitants".

(iii) in Regulation 3.12, in clause (ii), for the figures, letter and words "24.0m and above", the figures, letters, words, brackets and symbol "15m and more or G+4 (including stilt floor)" shall be substituted.

5. Amendment of Chapter 4.—In Chapter 4 of the said regulations.—

(i) in Regulation 4.1.2, for clause (i) except Table 10, the following shall be substituted, namely.—
“(i) Permissible Land Uses:

(a) in Ring I and II.—

- Main land use category: R and T1.
- Ancillary land use category: C2, I-2 and U3.
- Ancillary use in allowable upto 20% of the total built-up area or 50 sq. m. whichever is lower, only in plots abutting to roads having width 12m or more.
- In Ring II if the plot size is more than 1000 sq. m. having a frontage of 10m or more and the abutting road is more than 18m width, then ancillary uses can be used as main use.

(b) in Ring III:

- Main land use category: R and T1.
- Ancillary land use category: C2, I-2 and U3.
- Ancillary land use is allowable upto 20% of total built-up area or 50 sq. m. whichever is lower, only in plots abutting roads having width 12m or more.
- If the plot size is more than 1000 sq. m. having a frontage of 10m or more and abutting road is more than 18m width, then ancillary uses can be used as main use.

Note.—Space Standards as at Table 7 are applicable”.

(ii) in Regulation 4.2.2, for clause (i), except Table 12, the following shall be substituted, namely.—

“(i) Permissible Land Uses:

(a) in Ring I and II.

- Main land use category: R and T1.
- Ancillary land use category: C2, I-2 and U3.
- Ancillary land use is allowable upto 20% of the total built-up Area or 50 sq. m. whichever is lower, only in plots abutting roads having width 12m or more.
- In Ring II if the plot size is more than 1000 sq. m. having a frontage of 10m or more and the abutting road is more than 18m width, then ancillary uses can be used as main use.

(b) in Ring III:

- Main land use category: R and T1.
- Ancillary land use category: C3, I-2, T2 and U4
- Ancillary land use is allowable upto 30% of the total built-up area only in plots abutting roads having a width 12m or more.
- If the plot size is more than 1000 sq. m. having a frontage of 10m or more and the abutting road is more than 18m width, then ancillary uses can be used as main use.

Note.—Space Standards as at Table 7 are applicable”.

A KLJ PUBLICATION
ZONING OF LAND USE AND REGULATIONS,
B.D.A. — 1995

G.O. No. HUD 139 MNJ 94, dated 5-1-1995

COMPREHENSIVE DEVELOPMENT PLAN, 1995


In order to promote public health, safety and the general social welfare of the community, it is necessary to apply reasonable limitations on the use of land and buildings. This is to ensure that the most appropriate economical and healthy development of the city takes place in accordance with the land use plan. For this purpose, the city is divided into a number of use Zones such as residential, commercial, industrial, public and semi-public, etc. Each zone has its own regulations as the same set of regulations cannot be applied to the entire town/city.

Zoning protects residential areas from the harmful invasions of commercial and industrial uses and at the same time promotes the orderly development of industrial and commercial areas. By regulating the spacing of buildings, adequate light, air, protection from fire, etc. can be provided. It prevents over-crowding in buildings and land, and thus ensures adequate facilities and services.

Zoning is not retrospective. It does not prohibit the uses of land and buildings that are lawfully established prior to the coming into effect of the zoning regulations. If these uses are contrary to the newly proposed uses, they are termed as non-conforming uses and are gradually eliminated over years without inflicting unreasonable hardship upon the property owner.

The zoning regulations and their enforcement are a major tool in keeping the land use pattern of the master plan.

The zoning regulations for Bangalore Local Planning Area are prepared under clause (iii) of sub-section (2) of Sections 16 and 21 of the Karnataka Town and Country Planning Act, 1976.

1. Establishment of Zones and Zoning Maps:

The entire area within the local planning area is divided into different zones as shown in the enclosed maps, which together with all explanatory
notes thereon is hereby adopted and declared to be a part of these regulations.

The detailed zoning of any particular area could be verified with reference to that particular planning district only.

The zoning maps as approved by the Government shall be identified by the seal of the Government. Any changes in the land uses that may be permitted by the Authority or the Government as the case may be from time to time shall be attested. The maps as approved by the Government shall be kept in the office of the Bangalore Development Authority and those shall be the Authoritative maps of the reference.

The copies of the maps shall be supplied to the local authorities, viz., (Bengaluru: Mahanagara Palike, H.A. Sanitary Board, Notified Area Committees and all the Mandal Panchayats coming within the territorial jurisdiction of the Bangalore Development Authority. The changes as approved by the Government shall also be intimated to all these local authorities having jurisdiction over the area.

The maps shall be made available to the public and the local Authorities in the office of the BDA for inspection during the prescribed hours on all working days.

2. Zonal boundaries and interpretation of Zoning Regulations:

(a) When there is uncertainty as regards the boundaries of the zones in the approved maps, it shall be referred to the Authority and decision of the Authority in this regard shall be final.

(b) For any doubt that may arise in interpretation of the provisions of the zoning regulations, the Director of Town Planning (D.T.P.) shall be consulted by the Authority.

3. The Annexure No. II appended to these regulations sets out the various uses of land:

(a) that are permissible and

(b) that are permissible under special circumstances as decided by the Authority in different zones. Any land use other than what is permissible shall not be permitted by the Authority.

4. The regulations governing minimum size of plot, maximum plot coverage, minimum set-backs on four sides of the building, minimum road widths, maximum number of floors and maximum height of structures that could be permitted in various zones are set out in Annexure II appended to these regulations.
ANNEXURE II

Classification of land uses and the uses or developments that are permissible

Classification of land into various use zones

(a) Residential
(b) Commercial (retail and whole sale business)
(c) Industrial (light and service industries, medium industries and heavy industries)
(d) Public and Semi-public
(e) Utilities and Services
(f) Parks and Open space and Playgrounds (including public recreational area)
(g) Transportation and Communication
(h) Agricultural land, water sheet (Green belt)

Uses of land that are permitted and that may be permitted under special circumstances by the Bangalore Development Authority which is the Planning Authority for the local planning area of Bangalore shall be as detailed hereunder.

Residential Zone:

(a) Uses that are permissible.—Dwellings, Hostels including working women’s and gents hostels, Dharmasalas, Places of public worship, Schools offering general education course up to secondary education, Public libraries, Post and Telegraph Offices, KEB counters, BWSSB counters, clubs, Semi-public recreational uses, milk booths and neighbourhood or convenience shops, occupying a floor area not exceeding 20.00 sq. mts., Doctor’s consulting rooms, Offices of Advocates, other professions in public interest not exceeding 20.00 sq. mts. of floor area in a building.

(b) Uses that are permissible under special circumstances by the Authority.—Municipal, Statutory Authorities, State and Central Government Offices, Banks, Public Unity Buildings, Colleges, Cemeteries, Golf Clubs, Tailoring, Laundry, Hospitals for human care except those meant for mental treatment, Nursing Homes, Philanthropic uses, fuel storage depots, filling stations, huller and flour mills. Coffee grinding machines including service industries, with a maximum power upto 5 HP for all the industries as per the list given in Schedule I and 10 HP in case of Huller and flour mills.
The power required for air conditioners, lifts and computers shall be excluded while calculating the Horse-power specified above.

**Commercial [Retail Business] Zone:**

(a) **Uses that are permissible:** Offices, Residential Buildings, Shops and Service Establishments, like: Barber, Tailor, Laundry, Dry Cleaning, Shops, Hotels, Clubs, newspaper or job printing, place of amusement or assembly, community halls, convention centres, exhibitions, restaurants, advertising signs confirming to relevant building bye-laws, public places of worship, schools, colleges and other institutions, libraries, municipal, State or Central Government Offices, any retail business or service not specifically restricted or prohibited, filling stations, service industries listed in Schedule I (upto 10 HP in major business area and only upto 5 HP in neighbourhood shops, nursing homes and residential buildings) ware houses, Kalyana Mantapas, Banks, Cinema Theatres. Power required for air conditioners, lifts and computers shall be excluded from the HP specified.

(b) **Uses that are permissible under special circumstances by the Authority:** Automobile workshops, garages, storages, service of industrial establishments employing not more than 10 labourers and manufacturing units with not more than 20 'HP in major business area and in district shopping centre and uses permitted or permissible on appeal in the residential zone, except those specifically prohibited therein.

**Commercial [Wholesale Business] Zone:**

(a) **Uses that are permissible:** Same as in the case of retail business zone and service industries with power upto 20 'HP, except residential buildings.

(b) **Uses that are permissible under special circumstances by the Authority:** Same as in the case of retail business zone with power upto 50 HP (except residence and Hospitals), storage of inflammable materials, junk yards, truck terminals and truck parking.

**Light Industrial Zone:**

(a) **Uses that are permissible:** Industries conforming to performance standards as given in illustrative list as in Schedule II which would not cause excessive injurious or obnoxious fumes, odour, dust effluents or other objectionable conditions employing not more than 50 workers, with or without power, aggregate installed power not exceeding 25 HP, covered storage for industry. Public Utilities
like: Sewage and garbage disposal plants and related buildings, parking, loading and unloading requirements to be provided for all uses. Bus and truck terminals, petrol filling station, taxi and scooter stands, dwelling for one manager, watch and ward staff area not exceeding 240 sq. mts. or 10% of the total area whichever is lower. Canteen and recreation facilities, Kalyana Mantapa, Offices, Shops, Clubs, Job Printing, Banks, Restaurants, Dispensary and Automobile service stations.

(b) Uses that are permissible under special circumstances by the Authority: Junk yards, dairy and poultry farms, ice and freezing plants with power not exceeding 50 HP and sports and recreations uses.

Medium Industrial Zone:

(a) Uses that are permissible: All uses, all industries that are permitted in light industrial zone employing not more than 500 workers with aggregate installed power not exceeding 100 HP. Industries conforming to performance standards as given in illustrative list in Schedule III, Warehousing and storage, Public utility buildings, parking, loading and unloading requirements to be provided in all cases, managers and watch and ward quarters only, not exceeding 300 sq. mts. area or 5% of the total area whichever is lower.

(b) Uses that are permissible under special circumstances by the Authority: All uses that are permissible under special circumstances in light industrial zone and power upto 300 HP conforming to performance standard.

Heavy Industrial Zone:

(a) Uses that are permissible: All industries, all uses permitted in the light and medium industry zone and employing more than 500 workers. The industry shall be classified as heavy, if the labour force and power exceed the quantum prescribed for medium industry. Watch and ward, managers quarters only not exceeding 600 sq. mts. or 5% of the total area whichever is lower.

(b) Uses that are permissible under special circumstances by the Authority: All uses that are permissible under special circumstances in light or medium industry zone, slaughter houses, burial grounds, cemeteries, obnoxious and hazardous industries away from predominant wind directions with necessary clearance from Pollution Control Board.
Public and Semi-Public Use:

(a) Uses that are permissible: Government Administrative centres, district offices, law Courts, jails, police stations, institutional offices, educational, cultural and religious institution, including libraries, reading rooms and clubs, Medical and Health institutions, cultural institutions like: community halls, opera houses of non-commercial nature, convention centres, Exhibitions, utilities and services, water supply installation including disposal works, electric power plants, high tension sub-stations, gas installations and gas works, fire fighting stations, banking institutions, filling stations and quarters for essential staff and all uses permitted in parks and play grounds.

Note: Restaurants, Banks, Canteens, Staff quarters not exceeding 240 sq. mts., required for proper maintenance and functioning of public and semi-public uses, may be permitted, which are run on non-commercial basis in their own premises as ancillary to the respective institution.

(b) Uses that are permissible under special circumstances by the Authority: Government printing press, parking lots, repair shops, stadium, cemeteries, recreational clubs, canteens, libraries, aquaria, planetoria, horticultural nursery and swimming pools.

Parks and Open space and Playgrounds: (including Public Recreational Area)

(a) Uses that are permissible: Sports grounds, stadium, Playgrounds, Parks, Swimming pools, other recreational uses, cemeteries, garden land, crematoria.

(b) Uses that are permissible under special circumstances by the Authority: Open air theatres, indoor recreational uses, dwelling for watch and ward, social clubs, canteens, libraries, Government dispensaries, milk booths, HOPCOMS and public use ancillary to park and open spaces, the area of such ancillary use not exceeding 5% of the total area.

Transport and Communication:

(a) Uses that are Permissible: Railway yards, Railway station, Bus stand, Bus shelters, Roads-Transport depots and parking areas, Airport, Telegraph offices, Telephone Exchanges, T.V. station, Micro Wave Stations, essential residential quarters for watch and ward.

(b) Uses that are permissible under special circumstances by the Authority: Canteens, banking counters, clubs, godowns, indoor
recreational uses and other ancillary uses. The area of such ancillary use not exceeding 5% of the total area.

Utilities and Services:

(a) **Uses that are permissible:** Water supply installation, treatment plants, drainage and sanitary installations including treatment plants, electric power plants, high-tension and low-tension transmission lines, sub-station etc., Gas installation, gas works, fire stations, milk dairies and such other publi

(b) **Uses that are permissible under special circumstances by the Authority:** Canteens, banking counter, clubs, indoor recreational use and other ancillary uses, the area of such ancillary use not exceeding 5% of the total area.

Agricultural Zone [Green Belt]:

(a) **Uses that are permissible:** Agriculture, horticulture, dairy and poultry farming, milk chilling centres, farm houses and their accessory building and uses not exceeding 200 sq. mts. of plinth area within the plot area limitation of 1.20 hectares. Uses specifically shown as stated in the land use plan like: urban village, brick kilns, quarrying and removal of clay and stone upto 3.0 mts. depth, gardens, orchards, nurseries and other stable crops, grazing pastures, forest lands, marshy land, barren land and water sheet, Highway amenities viz., Filling stations, weigh bridges and check posts.

(b) **Uses that are permissible under special circumstances by the Authority:** Places of worship, schools, hospitals, libraries, sports clubs, cultural buildings, exhibition centres, park and open spaces, storage and sale of farm products, where it is produced, the service and repairs of farm machinery and agricultural supplies, residential developments within the area reserved for natural expansion of villages and buildings in such areas should not exceed two floors [Ground + one].

**Note:**

(1) Diesel generators equivalent to the quantity of power supplied by the KEB may be permitted as substitute to power cut and power failures in any zone after obtaining information on the quantity of power supplied to a premises and the capacity of generators required from the KEB. However, in residential zone, installation of diesel generators be discouraged and shall be given in exceptional cases after spot verification and obtaining NOC from the people living within a distance of 100 mtrs. from the location point of the generators.
(2) The land use indicated towards road side of a property shall be the land use for the entire property [one property depth] without identifying it for different uses by measuring as per the scale of the maps.

(3) Different uses permitted in a given zone may be allowed in different floors of the building. In such cases, the regulations applicable to the use of ground floor shall apply to the entire building.

**SCHEDULE I**

*Illustrative list of service industries that are permissible in Residential Zone (as a part of Residential building)/Retail Business Zone*

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bread and Bakeries</td>
</tr>
<tr>
<td>2</td>
<td>Confectionary, Candies and Sweets</td>
</tr>
<tr>
<td>3</td>
<td>Biscuit Making</td>
</tr>
<tr>
<td>4</td>
<td>Ice, Ice-Cream</td>
</tr>
<tr>
<td>5</td>
<td>Cold Storage [small scale]</td>
</tr>
<tr>
<td>6</td>
<td>Aerated water and fruit beverages</td>
</tr>
<tr>
<td>7</td>
<td>Huller and Flour Mills</td>
</tr>
<tr>
<td>8</td>
<td>Automobile, Scooter and Cycle Service and Repair Workshop</td>
</tr>
<tr>
<td>9</td>
<td>Furniture [Wooden and Steel]</td>
</tr>
<tr>
<td>10</td>
<td>Printing, Book Binding, Embossing, <em>etc.</em></td>
</tr>
<tr>
<td>11</td>
<td>Laundry, Dry Cleaning and Dyeing facilities</td>
</tr>
<tr>
<td>12</td>
<td>General Jobbing and Machine shops</td>
</tr>
<tr>
<td>13</td>
<td>Household utensil repairs, welding, soldering, patching and polishing</td>
</tr>
<tr>
<td>14</td>
<td>Photography, printing [including sign board printing]</td>
</tr>
<tr>
<td>15</td>
<td>Vulcanizing</td>
</tr>
<tr>
<td>16</td>
<td>Tailoring</td>
</tr>
<tr>
<td>17</td>
<td>Hand Looms</td>
</tr>
</tbody>
</table>
18. Velvet embroidery shops
19. Art weavers and silk sarees, printing and binding works
20. Jewellery, gold ornaments and silver wares
21. Mirror and Photo frames
22. Umbrella assembly
23. Bamboo and Cane products
24. Sport goods and repair shops
25. Medical Instrument repair shops
26. Optical lens grinding, watch, pen repairs
27. Radio and T.V. repair shops
28. Electric lamp fittings
29. Shoe making and repairs
30. Audio/Video libraries
31. STD/ISD counters

SCHEDULE II

Illustrative list of Industries that are permitted in light Industrial zone

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bread and Bakeries</td>
</tr>
<tr>
<td>2.</td>
<td>Confectionary, Candies and Sweets</td>
</tr>
<tr>
<td>3.</td>
<td>Ice, Ice-Cream</td>
</tr>
<tr>
<td>4.</td>
<td>Cold Storage [small scale]</td>
</tr>
<tr>
<td>5.</td>
<td>Aerated water and fruit beverages</td>
</tr>
<tr>
<td>6.</td>
<td>Flour mills and huller machines upto 25 HP</td>
</tr>
<tr>
<td>7.</td>
<td>Tailoring and garment making</td>
</tr>
<tr>
<td>8.</td>
<td>Hand looms and power looms</td>
</tr>
<tr>
<td>9.</td>
<td>Hats, Caps, turban, including embroidery</td>
</tr>
<tr>
<td>10.</td>
<td>Hosiery including knitted garments</td>
</tr>
<tr>
<td>11.</td>
<td>Gold and silver thread</td>
</tr>
</tbody>
</table>
12. Shoe lace making
13. Toy making [earthen, paper, wooden, plastic, metal and tin]
14. Cotton and silk printing
15. Cotton and silk cordages, twine thread and thread ball making
16. Velvet embroidered shoe
17. Webbing [narrow fabrics, embroidery, lace manufacturing]
18. Ivory carving
19. Artwares and silk screen printing and batik works
20. Jewellery, gold ornaments and silver wares
21. Wood and stone carving
22. Electroplating, mica plating and engraving
23. Photography, printing [including sign boards and painting]
24. Mirrors and photo frames
25. Umbrella assembly
26. Bamboo and cane products
27. Sports goods
28. Cardboard box and paper products including paper
29. Stationery items including educational and school drawing instruments
30. Furniture making [wooden and steel]
31. Musical instruments
32. Printing, book binding, embossing, photograph, etc.
33. Optical lens grinding, watch and pen repairs
34. Rubber stamps
35. Steel wire products
36. Sheet metal works
37. Metal polishing
38. Laboratory porcelain wares
39. Radio assembly and parts [small scale]
40. Electric lamp fitting, shades, fixtures, etc.
41. Automobiles, scooters and cycle service and repair workshop
42. Laundry and dry cleaners
43. General/jobbing machine
44. Iron products [only when related to other industries using electricity]
45. Biscuit making
46. Brushes [household, sanitary and toilet]
47. Shoe making and repairing
48. Leather goods
49. Black smithy
50. Household utensil, repair,"welding, soldering, packing, and polishing"
51. Vulcanising and tyre retreading
52. Fruit canning and preservation
53. Cement products
54. Candles and wax products
55. Chalk, Crayon artists colour
56. Tobacco products [cigarettes and beedies]
57. Cosmetics and hair oils
58. Cutlery
59. Cycle parts and accessories
60. Door and window fittings
61. Drugs and medicines
62. Lantern, torches and flash lights
63. Aluminium wires, cake and pastry moulds
64. Padlocks and pressed locks
65. Rope making
66. Mathematical instruments
67. Household kitchen appliances
68. Builders' hardwares
69. Tin products
70. Optical frames
71. Button clips
72. Wax polishing
73. Upholstery springs and other springs
74. Precision instruments of all kinds
75. Safety pins
76. Screws, bolts, nuts, pulleys, chains, gears
77. Conduit pipes fabrication [not exceeding 2" diameter]
78. Buckets and metal containers, plastic jugs and fixtures, metal embossing
79. Oil stoves and pressure lamps
80. Paper-mill, [small scale] hand made
81. Washing soaps
82. Hand tools

Conditions to be fulfilled:

1. Only small scale industries are allowed employing not more than 100 workers with or without power aggregate installed power not exceeding 25 HP.

2. The industry to be permitted is subject to its performance characteristics viz., (a) Noise (b) Vibration (c) Dust (d) Odour (e) Effluent (f) General Nuisance.

SCHEDULE III

Illustrative list of industries permitted in the medium Industrial zone

1. Small domestic appliances and gadgets [room heaters] coolers, hot plates, iron lamps etc.

2. Manufacturing of trunks and metal boxes, suit cases, small containers.


4. Clocks and watches, photographic equipments.

5. Typewriters.
ANNEXURE III

The minimum setback required on all the sides of a building, maximum plot coverage, maximum FAR, maximum number of floors, maximum height of building that are permissible for different dimensions of sites and width of roads are set out in Table given below appended to these zoning regulations.

TABLE 22


<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Rear</td>
<td>Front</td>
<td>Rear</td>
<td>Front</td>
<td>Rear</td>
<td>Left</td>
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<tr>
<td>^</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upto 6</td>
<td>1.00</td>
<td>—</td>
<td>1.00</td>
<td>—</td>
<td>1.50</td>
<td>—</td>
<td>Upto 6</td>
</tr>
<tr>
<td>Over 6 upto 9</td>
<td>1.00</td>
<td>1.00</td>
<td>1.50</td>
<td>—</td>
<td>1.50</td>
<td>1.50</td>
<td>Over 6</td>
</tr>
<tr>
<td>Over 9 upto 12</td>
<td>1.50</td>
<td>1.50</td>
<td>1.50</td>
<td>1.50</td>
<td>3.00</td>
<td>1.50</td>
<td>Over 9</td>
</tr>
<tr>
<td>Over 12 upto 18</td>
<td>3.00</td>
<td>1.50</td>
<td>3.00</td>
<td>1.50</td>
<td>3.00</td>
<td>1.50</td>
<td>Over 12</td>
</tr>
<tr>
<td>Over 18 upto 24</td>
<td>4.00</td>
<td>3.00</td>
<td>3.50</td>
<td>3.00</td>
<td>4.50</td>
<td>2.00</td>
<td>Over 18</td>
</tr>
<tr>
<td>Over 24</td>
<td>5.00</td>
<td>3.50</td>
<td>4.50</td>
<td>3.00</td>
<td>6.00</td>
<td>3.00</td>
<td>Over 24</td>
</tr>
</tbody>
</table>

Note: T & T: Traffic & Transportation, P.U.: Public Utility.

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### TABLE 23

**Exterior open spaces/set-backs for Residential, Commercial, Public and Semi-public, T & T, Public Utility Buildings — above 9.5 mtrs. in height**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Height of Buildings in Mtrs.</th>
<th>Exterior open spaces/set-backs to be left on all sides (Front, Rear and sides) Min. in mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Above 9.5 upto 12</td>
<td>4.5</td>
</tr>
<tr>
<td>2.</td>
<td>Above 12 upto 15</td>
<td>5.0</td>
</tr>
<tr>
<td>3.</td>
<td>Above 15 upto 18</td>
<td>6.0</td>
</tr>
<tr>
<td>4.</td>
<td>Above 18 upto 21</td>
<td>7.0</td>
</tr>
<tr>
<td>5.</td>
<td>Above 21 upto 24</td>
<td>8.0</td>
</tr>
<tr>
<td>6.</td>
<td>Above 24 upto 27</td>
<td>9.0</td>
</tr>
<tr>
<td>7.</td>
<td>Above 27 upto 30</td>
<td>10.0</td>
</tr>
<tr>
<td>8.</td>
<td>Above 30 upto 35</td>
<td>11.0</td>
</tr>
<tr>
<td>9.</td>
<td>Above 35 upto 40</td>
<td>12.0</td>
</tr>
<tr>
<td>10.</td>
<td>Above 40 upto 45</td>
<td>13.0</td>
</tr>
<tr>
<td>11.</td>
<td>Above 45 upto 50</td>
<td>14.0</td>
</tr>
<tr>
<td>12.</td>
<td>Above 50</td>
<td>16.0</td>
</tr>
</tbody>
</table>

**Note:** The open spaces to be left shall conform to the height necessary to consume the permissible FAR.
### Table 24
Coverage and FAR for Residential, Commercial and Public and Semi-public, T & T, & Public Utility Buildings

<table>
<thead>
<tr>
<th>Plot Area in Sq. Mtr.</th>
<th>Residential</th>
<th></th>
<th>Commercial</th>
<th></th>
<th>Public and Semi-public, T &amp; T, &amp; Public Utilities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>^</td>
<td>Plot Coverage Max.</td>
<td>FAR</td>
<td>Plot Coverage Max.</td>
<td>FAR</td>
<td>Plot Coverage Max.</td>
<td>FAR</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
<td>(7)</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### AREA - A INTENSELY DEVELOPED

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
<th>Public and Semi-public, T &amp; T, &amp; Public Utilities</th>
<th>Road Width in Mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 240</td>
<td>65%</td>
<td>0.75</td>
<td>65%</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 240 upto 500</td>
<td>60%</td>
<td>0.75</td>
<td>60%</td>
<td>1.00</td>
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<tr>
<td>Over 500 upto 750</td>
<td>60%</td>
<td>1.00</td>
<td>60%</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 750 upto 1,000</td>
<td>60%</td>
<td>1.00</td>
<td>60%</td>
<td>1.25</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>60%</td>
<td>1.25</td>
<td>55%</td>
<td>1.50</td>
</tr>
</tbody>
</table>

#### AREA - B MODERATELY DEVELOPED

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
<th>Public and Semi-public, T &amp; T, &amp; Public Utilities</th>
<th>Road Width in Mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto 240</td>
<td>65%</td>
<td>1.00</td>
<td>65%</td>
<td>1.25</td>
</tr>
<tr>
<td>Over 240 upto 500</td>
<td>60%</td>
<td>1.25</td>
<td>60%</td>
<td>1.50</td>
</tr>
</tbody>
</table>

A KLJ PUBLICATION
<table>
<thead>
<tr>
<th>Area Description</th>
<th>Over 500 upto 750</th>
<th>Over 750 upto 1,000</th>
<th>Over 1,000</th>
<th>Over 240 upto 500</th>
<th>Over 500 upto 750</th>
<th>Over 750 upto 1,000</th>
<th>Over 1,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60%</td>
<td>60%</td>
<td>60%</td>
<td>60%</td>
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<td>50%</td>
<td>45%</td>
<td>60%</td>
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<td>45%</td>
</tr>
<tr>
<td></td>
<td>1.25</td>
<td>1.50</td>
<td>1.75</td>
<td>1.25</td>
<td>1.50</td>
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<td>1.80</td>
</tr>
<tr>
<td></td>
<td>Over 12</td>
<td>Over 15</td>
<td>Over 18</td>
<td>Over 9</td>
<td>Over 9</td>
<td>Over 12</td>
<td>Over 18</td>
</tr>
</tbody>
</table>

**Area: C Sparsely Developed**

<table>
<thead>
<tr>
<th>Area Description</th>
<th>Upto 240</th>
<th>Over 240 upto 500</th>
<th>Over 500 upto 750</th>
<th>Over 750 upto 1,000</th>
<th>Over 1,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>65%</td>
<td>60%</td>
<td>60%</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td></td>
<td>1.00</td>
<td>1.25</td>
<td>1.50</td>
<td>1.75</td>
<td>2.00</td>
</tr>
<tr>
<td></td>
<td>65%</td>
<td>60%</td>
<td>55%</td>
<td>50%</td>
<td>45%</td>
</tr>
<tr>
<td></td>
<td>1.25</td>
<td>1.50</td>
<td>1.75</td>
<td>1.80</td>
<td>1.80</td>
</tr>
<tr>
<td></td>
<td>Upto 9</td>
<td>Over 9</td>
<td>Over 12</td>
<td>Over 15</td>
<td>Over 18</td>
</tr>
</tbody>
</table>
Norms for Approval of Group Housing Plan:

The following norms shall be adopted while approving the layout plan for group housing.—

(i) The boundary roads if any must have a minimum width of 12 mtrs.

(ii) The FAR should be considered with reference to the width of the public road abutting the property and the FAR should be calculated after deducting the area reserved for parks, open spaces and civic amenities.

(iii) The set-backs should be provided with reference to depth and width of total plot area.

(iv) The coverage shall be with reference to total area of the layout.

(v) The distance between the buildings should be a minimum of half of the height of the tallest building.

(vi) 25% of the total area be reserved for CA, Parks and open spaces, subject to a minimum of 15% for parks and open space.

(vii) The means of access to the building blocks in the area of group housing shall be as follows:—

<table>
<thead>
<tr>
<th>Access length in mtrs.</th>
<th>Min. width</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Less than 100 mtrs.</td>
<td>6 mtrs.</td>
</tr>
<tr>
<td>(b) 100 - 200 mtrs.</td>
<td>9 mtrs.</td>
</tr>
<tr>
<td>(c) More than 200 mtrs.</td>
<td>12 mtrs.</td>
</tr>
</tbody>
</table>

(viii) The area reserved for Parks and Open spaces, CA and roads [other than internal access in each sub-divided plot] shall be handed over free of cost to the BDA through registered relinquishment deed before issue of work order.


TABLE 25

GROUP HOUSING

The Table showing the maximum plot coverage, FAR, minimum setbacks and minimum road width for Group Housing is given below

<table>
<thead>
<tr>
<th>Plot Area</th>
<th>Minimum Road Width in Mtrs.</th>
<th>Maximum Plot Coverage</th>
<th>Maximum FAR</th>
<th>Minimum set-backs in Mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>Upto 0.40 Hectares</td>
<td>12</td>
<td>0.60%</td>
<td>2.00</td>
<td>5.0</td>
</tr>
<tr>
<td>Between 0.40 and 0.80 Hectares</td>
<td>15</td>
<td>0.60%</td>
<td>2.25</td>
<td>8.0</td>
</tr>
<tr>
<td>Above 0.80 Hectares</td>
<td>18</td>
<td>0.60%</td>
<td>2.50</td>
<td>9.0</td>
</tr>
</tbody>
</table>

Notes:

(1) Group housing means more than two buildings on a plot with one or more floors and with one or more dwelling units in each floor. They are connected by an access of not less than 3.5 mtrs. in width, if they are not approachable directly from the existing roads.

(2) Where the sital area of group housing exceeds 4,000 sq. mtrs. approval of layout showing the general arrangement of residential building blocks, and dimensions of plot earmarked for each building blocks, means of access roads and Civic Amenity areas, should precede the approval to building plan.

(3) In case, the height of group housing building exceeds 9.5 m. then set-back to be left around the premises shall be as per Table 23 or Table 25 whichever is higher.
### TABLE 26

**Semi-detached houses**

**[back to back or side to side]**

| 1. | Minimum combined area of the neighbouring plots | 140 sq. mtrs. |
| 2. | Building Coverage | |
| 3. | Floor area ratio | |
| 4. | Maximum number of floors | As applicable to individual plots |
| 5. | Minimum road width | |
| 6. | Front set-back for back to back plots | Shall be equal to the sum of front and rear set-backs of individual plots |
| 7. | Side set-backs for plots joined at the sides | On a plot on which a semi-detached building is proposed the left and right side set-backs are the same as required to the total width of the combined plot treating it as an individual site |

### TABLE 27

**Row Housing**

**[Maximum 12 units, Minimum 3 units]**

| 1. | Min. combined area of plot | 210 sq. mtrs. |
| 2. | Max. area of each plot | 108 sq. mtrs. |
| 3. | Building coverage | |
| 4. | Floor area ratio | As applicable to individual plots |
| 5. | Number of floors | |
| 6. | Minimum road width | |
| 7. | Set back min. | Front 2.00m Rear 1.50m Side 2.00m only for end units | |
### TABLE 28

**Setbacks, Coverage and FAR for Industrial Buildings**

<table>
<thead>
<tr>
<th>Plot area in Sq. Mtrs.</th>
<th>Industry</th>
<th>Maximum Plot Coverage</th>
<th>Minimum set-back in Mtrs.</th>
<th>FAR</th>
<th>Road width in Mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rear &amp; Sides</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upto 240</td>
<td>Service</td>
<td>75%</td>
<td>1.00</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td></td>
<td>Light</td>
<td>50%</td>
<td>4.50</td>
<td>4.50</td>
<td>0.75</td>
</tr>
<tr>
<td>Over 240 upto 1,000</td>
<td>Service</td>
<td>75%</td>
<td>50%</td>
<td>4.50</td>
<td>0.75</td>
</tr>
<tr>
<td></td>
<td>Light</td>
<td>50%</td>
<td>6.00</td>
<td>6.00</td>
<td>0.75</td>
</tr>
<tr>
<td>Over 1,000 upto 2,000</td>
<td>Service</td>
<td>75%</td>
<td>50%</td>
<td>10.00</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Light</td>
<td>50%</td>
<td>6.00</td>
<td>6.00</td>
<td>0.75</td>
</tr>
<tr>
<td>Over 2,000 upto 3,000</td>
<td>Service</td>
<td>75%</td>
<td>40%</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td></td>
<td>Light</td>
<td>40%</td>
<td>12.00</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Over 3,000 upto 4,000</td>
<td>Service</td>
<td>75%</td>
<td>40%</td>
<td>12.00</td>
<td>12.00</td>
</tr>
<tr>
<td></td>
<td>Light</td>
<td>40%</td>
<td>12.00</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Over 4,000</td>
<td>Service</td>
<td>75%</td>
<td>35%</td>
<td>15.00</td>
<td>15.00</td>
</tr>
<tr>
<td></td>
<td>Light</td>
<td>35%</td>
<td>15.00</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td></td>
<td>Medium</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Heavy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** After leaving minimum setbacks as per the above table if the remaining portion of the plot cannot be used for erecting the building, the Authority may insist for set-backs as applicable for residential buildings.

### TABLE 29

**Regulations for Flatted Factories**

1. Minimum Plot area 1,000 sq. mtrs.
2. Maximum plot coverage 40%
3. FAR 1.50 up to 9 mtrs. road width, and 1.75 above 9 mtrs. road width.
4. Minimum set-backs
   - (a) Front 8.0 mtrs.
   - (b) Rear 4.5 mtrs.
   - (c) Sides 4.5 mtrs.
### TABLE 30
Regulations for Rural Development

1. Within 100 mtrs. from the existing Gramatana, residential developments and other uses at the discretion of the Authority may be permitted.

2. Far
   - 1.00

3. Maximum No. of floors
   - G+1

4. Set-backs and Coverage
   - As per Table No. 22

### TABLE 31
Height limitations in the vicinity of Aerodromes

(A) International Civil Air-ports and their alternates:

<table>
<thead>
<tr>
<th>Limits of distance from the Aerodromes point measured horizontally to Buildings/structures or installations</th>
<th>Difference between the elevation of the top of the buildings/structures or installations and the elevation of the Aerodromes. (Aerodromes reference point)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Between 8534 M and 2224 M</td>
<td>Less than 152 M</td>
</tr>
<tr>
<td>2. Between 7315 M and 8534 M</td>
<td>Less than 122 M</td>
</tr>
<tr>
<td>3. Between 6096 M and 7315 M</td>
<td>Less than 91 M</td>
</tr>
<tr>
<td>4. Between 4877 M and 6096 M</td>
<td>Less than 61 M</td>
</tr>
<tr>
<td>5. Between 4267 M and 4877 M</td>
<td>Less than 49 M</td>
</tr>
<tr>
<td>6. Between 3658 M and 4267 M</td>
<td>Less than 37 M</td>
</tr>
<tr>
<td>7. Between 3048 M and 3658 M</td>
<td>Less than 24 M</td>
</tr>
<tr>
<td>8. Between 2438 M and 3048 M</td>
<td>Less than 12 M</td>
</tr>
<tr>
<td>9. Below 2438 M</td>
<td></td>
</tr>
</tbody>
</table>

(B) Other Civil Air-Ports and Civil Aerodromes

1. Between 7925 M and 22324 M                                                                         | Less than 152 M                                                                                                             |
2. Between 6706 M and 7925 M                                                                          | Less than 122 M                                                                                                             |
3. Between 6486 M and 6706 M                                                                          | Less than 91 M                                                                                                               |
4. Between 4267 M and 6486 M                                                                          | Less than 61 M                                                                                                               |
5. Between 3658 M and 4267 M                                                                          | Less than 49 M                                                                                                               |
6. Between 3048 M and 3658 M                                                                          | Less than 37 M                                                                                                               |
7. Between 2438 M and 3048 M                                                                          | Less than 24 M                                                                                                               |
8. Between 1829 M and 2438 M                                                                          | Less than 12 M                                                                                                               |
9. Between 1829 M and below                                                                            |                                                                                                                                |

*Nil except with the prior concurrence of the local Aerodrome Authorities.
### TABLE 32
Parking requirements

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Theatres and auditoriums including Cinema theatres except educational institutions</td>
<td>25 seats of accommodation subject to a minimum of 20</td>
</tr>
<tr>
<td>2.</td>
<td>Retail business</td>
<td>50 sq. mtrs. of floor area</td>
</tr>
<tr>
<td>3.</td>
<td>Wholesale and warehouse buildings</td>
<td>150 sq. mtrs. plus 1 lorry parking space measuring 4 x 8 mtr. for every 500 sq. mtr. or part thereof</td>
</tr>
<tr>
<td>4.</td>
<td>Restaurant establishments serving food and drinks and such other establishments</td>
<td>25 sq. mtr. of floor area space</td>
</tr>
<tr>
<td>5.</td>
<td>Lodging establishments and tourist homes</td>
<td>4 rooms</td>
</tr>
<tr>
<td>6.</td>
<td>Office buildings [Govt./semi-govt. &amp; Pvt.]</td>
<td>50 sq. mtr. of office floor space</td>
</tr>
<tr>
<td>7.</td>
<td>Hostels</td>
<td>10 rooms</td>
</tr>
<tr>
<td>8.</td>
<td>Industrial Buildings</td>
<td>100 sq. mtr. of floor area plus 1 lorry space measuring 4 x 8 mtr. for every 1000 sq. mtr. or part thereof</td>
</tr>
<tr>
<td>9.</td>
<td>(a) Nursing homes</td>
<td>4 beds</td>
</tr>
<tr>
<td></td>
<td>(b) Hospitals</td>
<td>10 beds</td>
</tr>
<tr>
<td>10.</td>
<td>Multi-family dwellings</td>
<td>Dwelling unit measuring more than 50 sq. mtr. of floor area 4 dwelling units if it is 50 sq. mtr. or less</td>
</tr>
<tr>
<td>11.</td>
<td>Kalyana Mandira</td>
<td>20 sq. mtr. of auditorium floor area</td>
</tr>
<tr>
<td>12.</td>
<td>Recreation Clubs</td>
<td>50 sq. mtr. of floor area</td>
</tr>
<tr>
<td>13.</td>
<td>Educational buildings</td>
<td>200 sq. mtr. of floor area</td>
</tr>
<tr>
<td>14.</td>
<td>Other public and semi-public buildings</td>
<td>100 sq. mtr. of floor area</td>
</tr>
</tbody>
</table>

1. **Set-backs:**
   (a) The front and rear set-backs shall be with reference to depth of the site.
   (b) The left and right set-backs shall be with reference to width of the site.
2. Where the buildings lines are fixed, in such cases the front set-back or the building line which is higher of the two shall be considered as the set-back to the building in the front.

3. In case of corner sites both the sides facing the road shall be treated as front side and regulations applied accordingly to maintain the building line on these roads and to provide better visibility.

4. In case of Building facing more than two roads, the plot should be considered as corner plot taking two wider roads into consideration.

5. In case of sites facing roads both in front and rear, both the sides facing roads should be treated as front and other two sides not facing roads should be treated as right and the set-backs be applied accordingly.

6. In case where the plinth of the building is not parallel to the property line, the set-backs shall not be less than the specified set-backs at any given point on any side.

7. In case of buildings which are existing prior to coming into force of these regulations, upper floors may be permitted according to the existing set-backs only, but limiting the FAR and No. of floors according to the present regulations, subject to production of foundation certificate by a registered engineer.

8. In case of irregular plots the setbacks are to be calculated according to the depth or width at the points where the depths or widths are varying. Average set-backs shall not be considered in such cases.

9. The left and right set-backs may be interchanged by the authority in exceptional cases due to existing structures like: open well and also considering the topography of the land. However, this shall be resorted to by the authority only as an exception.

10. Set-backs should be provided in the owners plot, public, open space or conservancy should not be considered as setbacks.

11. For garages no side or rear setbacks are to be insisted. One upper floor not exceeding 3 m. in height shall be permitted provided no openings are provided towards neighbouring buildings and at least one opening for light and ventilation is provided towards the owners property.

12. Where lumber room is proposed in a portion of garage, the length of garage shall not exceed 1/3 of the length of the site but not more than 6 mtrs. in any case. In such cases the depth of the lumber room
shall not exceed 1.25 metres and entrance to such lumber room shall be from the rear set back only. The width of garage shall not exceed 4 mtr.

13. Garages shall be permitted in the rear right hand corner of the plot. In cases of buildings constructed or sanctioned prior to the enforcement of these regulations, where space is not available on the right side, it may be permitted on the left side provided minimum setback exists in the adjoining property of the left side.

14. In case of corner plots the garage shall be located at the rear corner diagonally opposite to the road intersection.

15. The maximum width of the garage shall not exceed 4 mtr.

16. The garages shall not be constructed or reconstructed within 4.5 mtr. from road edge. This may be relaxed in cases where the garage forms part of the main building with minimum set-back for that plot.

17. For Cinema theatres the set backs and other provision shall be as per the Karnataka Cinematograph Act and Rules.

18. In case of two or more buildings, proposed on a single site, the set-backs shall be applied as if they are on single common site.

19. In case of 'High-Rise buildings' i.e., building with Ground Floor plus four floors and above, the minimum setback all-round the building shall be read with Table 23 and Group Housing Table.

20. For high rise buildings, NOCs from BWSSB, KEB, Fire force, National Airport Authorities and Telecommunication Department, shall be furnished.

21. For group housing with Ground+3 floors or below, NOCs from BWSSB and KEB only be furnished, if the vital area exceeds 4000 sq. mtrs.

II. Floor area, Covered area, height, FAR, etc.

The maximum number of floors, percentage of plots coverage, FAR, height of the building for different plot size with existing road width as limiting factor are given in the tables for various types of buildings like, Residential, Commercial, Public and Semi-Public, Industrial etc. The local Planning Area is divided into A, B and C areas for the purpose of regulating Building constructions.

2. A map drawn to a scale of 1:31680 showing the details of A, B and C areas is made available in the Office of Bangalore Development Authority.
3. When two sides of the same road are included in two different areas like; A and B or A and C, then the side of the other area shall also be treated as intensively populated area ['A' area] upto one property depth.

4. When two sides of the same road are included in two different areas like; B and C, then the other area classification shall also be treated as moderately developed area ['B' area] upto one property depth.

5. **Covered Area**: Means, area covered by building/buildings immediately above the plinth level, but does not include the area covered by swimming pool, sump-tank, pump-house and electric sub-station.

6. **Floor**: The lower surface in a storey on which one normally walks into a building. The general term 'floor' does not refer basement or cellar floor and mezzanine floor.

   (a) **Basement/Cellar floor**:

   (i) Means any storey which is partly/wholly below the ground level. The basement height should not project more than one metre above the average ground level.

   (ii) If the plinth of the building is constructed leaving more set-backs than the minimum prescribed, basement floor may extend beyond the plinth of the building, but no part of the set-backs shall be used for basement.

   (iii) One basement in the intensely populated area [A Zone] be permitted only for parking purpose, if the area of the premises is 500 sq. mtrs. and above with a minimum road width of 12 m.

   (iv) One additional basement [two] for all buildings exceeding five floors may be permitted for parking and machines used for service and utilities of the building.

   (v) The maximum of three basements in case of three stars and above Hotels be permitted for parking and machines used for service and utilities of buildings.

   (b) **Ground floor**: Means immediately above the level of the adjoining ground level on all sides or above the basement floor.

   (c) **Mezzanine floor**: Means an intermediate floor between ground floor and first floor only. The area of mezzanine floor shall not exceed 1/3 of covered area of ground floor.
7. **Floor Area Ratio (FAR):** Means the quotient obtained by dividing the total covered area of all floors by the plot area. Floor area includes the mezzanine floor also.

8. (a) The floor area excludes the area used for Car parking, staircase room, lift room, ramp, escalators, ducts, water tanks, main sanitary duct, open balcony and machine rooms.

(b) When sites do not face the roads of required width noted against each, then the FAR applicable to corresponding width of roads shall apply.

(c) When a site faces wider road than the one prescribed against it, the FAR shall be restricted only to the limit prescribed for the area of that particular site.

(d) When coverage is less than the maximum prescribed in Table No. 24, more No. of floors and height may be permitted to utilise the full FAR.

(e) The set-backs and coverage are irrespective of road width.

9. **Means of Access:** The means of exclusive access which would be other than through public roads and streets, shall not be of more than 30 mtrs. length from the existing public roads and streets. The minimum width of such access shall be 3.5 mtrs. FAR and height of buildings coming up on such plots shall be regulated according to the width of public street or road. If the means of access exceeds 30.0 mtrs. in length, FAR shall be regulated with reference to the width of such access road. Construction of buildings on plots with common access/lanes from the public road/street shall be regulated according to width of such common access roads/lanes.

10. **Width of Road:** Road width means distance between the boundaries of a road including footways and drains measured at right angles at the centre of the plot.

In case of roads having service roads in addition to the main roads the width of road shall be the aggregate width of service roads and main roads for determining FAR and No. of floors.

11. The height of the building coming within the landing and take off zones of air craft in the vicinity of aerodromes should not exceed the height shown in the Table 31.

12. Lifts will have to be provided for buildings with more than ground + three floors.

13. In case of commercial buildings or shopping centres and residential apartments, provision should be made for fire safety
measures in accordance with the requirement as stipulated by Fire Force Authorities, before issue of occupancy certificate.

14. **Ramp:** Ramp shall be provided with a minimum width of 3.50 metres and a slope of not more than 1 in 10. Ramp shall be provided after leaving a clear gap of minimum 2.0 from the neighbouring properties.

15. When basement floor is proposed for car parking, convenient entry and exit shall be provided. Adequate drainage, ventilation and lighting arrangements shall be made to the satisfaction of Bangalore Development Authority.

16. **Water Supply:** Bore well shall be provided in all district shopping centres and residential apartments as an alternative source of water supply if the Bangalore Water Supply and Drainage Board desires and the strata is capable of yielding water.

17. When mixed uses are permitted in the ground floor on a site, the regulations of the predominant use shall be considered.

18. **Exemption to open space:** The following exemption to open shall be permitted.

(a) **Projection into open space:** Every open space provided either interior or exterior shall be kept free from any erection thereon and shall be open to the sky and no cornice roof or weather shade more than 0.75 metres wide or 1/3 of open space whichever is less shall over hang or project over the said open space.

(b) No projection shall over hang/project over the minimum set-back area either in cellar floor or at the lower level of ground floor.

(c) **Cantilever Portico:** Cantilever portico of 3 mtrs. width (maximum) and 4.5 mtrs. length (maximum) may be permitted within the side set back. No access is permitted to the top of the portico for use it as a sitout place and the height of the portico shall be not less than 2 mtrs. from the plinth level. The portico is allowed only on the side where the set-back/open space left exceeds 3 mtrs. in width.

(d) **Balcony:** Balcony projection should not exceed 1/3 of the set-back on that side subject to a maximum of 1.1 mtrs. in first floor and 1.75 mtrs. beyond the second floor. No balcony is allowed in ground floor.

(e) Cross wall connecting the building and compound wall may be permitted limiting the height of such wall to 1.5 mtrs.
19. **Height Limitation:**

(a) The height of the building shall be covered by the limitation of FAR, the frontage of the plots as stipulated in the respective tables.

(b) If a building abuts on two or more streets of different widths then the height of the building shall be regulated according to the width of the wider road.

(c) For buildings in the vicinity of aerodromes the maximum height of the building shall be as given in Table 31. This shall be regulated by the rules for giving NOC for the construction of building in the vicinity of aerodromes by the Competent Aerodrome Authority.

20. **Parking Space:** Adequate space for car parking shall be provided in the premises as per standards given in Table 32 subject to the following:

**Note:** (Parking)

1. Each off street car parking space provided for motor vehicles shall not be less than 18 sq. mtrs. For motor cycle and scooter, the parking space provided shall not be less than 2.5 sq. mtrs. and 1.5 sq. mtrs. respectively, and it shall be not more than 25% of the car parking space leaving clear space round the building for the movement of vehicles.

2. Off street car parking space shall be provided with adequate vehicular access to a street and areas of drives of not less than 2.5 mtr., wide, aisles and such other provisions required for adequate monitoring of vehicles excluding the parking space stipulated in these regulations.

3. No parking space shall be insisted upon in the intensely built up area up to 100 sq. mtrs. of floor space.

4. Car parking shall not be provided in the set-back areas. If provided a minimum of 3.0 mtrs. shall be left free from the building.

21. **Security Deposit:** The applicant shall deposit a sum at the rate of Rs. 25/- sq. mtr. of floor areas as refundable non-earning security and earnest deposit for the following categories of buildings, namely:—

(i) Residential building, group housing/multidwelling/Apartments, with 5 dwelling units and more.

(ii) Commercial buildings exceeding 300 sq. mtrs. of floor area.
The security deposit shall be refunded two years after completion of the construction as per approved plan as certified by BDA. If the construction is not as per approved plan this deposit amount would be forfeited.

ANNEXURE IV
Proposed Sub-Division Regulations

Sub-division Regulations:

The purpose of these regulations is to guide the development of new areas in accordance with the land use plan. As long as this is done on sound planning principles with adequate space standards, the future of the city is assured. The sub-division regulations is confined to standards of size of plots, street widths and community facilities.

In sanctioning the sub-division of a plot/land under Section 17 of Karnataka Town and Country Planning Act the Bangalore Development Authority shall among other things see that the following standards shall be followed for division of plots.

1. Size of plots: No building plot resulting from the sub-division is smaller in size than 0.4 hectares in the agricultural zone and 50 sq. mtrs. in all other zones. However, the Authority may relax this provision in case of sites formed for EWS and plots sub-divided due to family partitions.

2. (a) Private streets, lanes, etc., in residential areas shall conform to the minimum widths notes below:—

(b) Street in Residential area:

1. Cul-de-sac: 7 mtrs. maximum length 100 mtrs. with sufficient turning radius

2. Roads in Layouts for EWS: 7 mtrs.

3. Loop street: 9 mtrs. maximum length 300 mtrs.

   (a) Residential streets upto length of 500 mtrs.: 9 mtrs.

   (b) Residential streets above 500 mtrs. Upto 1000 mtrs.: 12 mtrs.

   (c) Residential streets above 1000 mtrs.: 15 mtrs.

5. Collector Road: 12 mtrs. to 15 mtrs.


8. Ring Roads (Outer): 30 to 45 mtrs.

Note: Service or conservancy lanes at the back of the buildings may be permitted only when absolutely necessary as in the case of row housing. No residential building shall be allowed to face service lanes, when permitted shall have a minimum right of way of 7 mtrs.

2. Private streets in sub-division of non-residential areas:

(a) Commercial-Retail 12 mtrs. width

(b) Others 15 mtrs. width

(b) Industrial & other non-residential areas 12 mtrs. width

3. Areas for open spaces and Civic Amenities:

(a) Sanctioning of a layout plan for residential purpose shall be subject to the following—

(i) 55% of the total area shall be earmarked for residential sites;

(ii) The remaining 45% of the total area shall be earmarked for roads, parks and playgrounds and civic amenities;

(iii) Out of 45% of the area so reserved, parks and playgrounds shall not be less than 15% of total area and the balance is for roads and civic amenities.

(b) Sanctioning of a layout plan for non-residential purpose shall be subject to the following conditions:

(i) 10% of the total area shall be earmarked for Park and Civic Amenities.

(ii) The minimum width of road shall not be less than 12.0 mtrs.

(iii) 5% of the total area shall be reserved for parking purpose.

Note: It should also satisfy all the requirements stipulated, under Section 17 of Karnataka Town and Country Planning Act and Section 32 of Bangalore Development Authority Act, 1976.

If plot of official records at the time of adoption of these regulations is smaller than the minimum size specified for the zone in which it is located

and compliance with requirements of these regulations is not feasible, the Bangalore Development Authority may permit the plot to be used as plot/site.

1[I. Exemption for open space and civic amenities in sub-division of land.

(i) Subject to the provisions of Master Plan [ODP/CPDP/CDP(R)] in respect of land use, proposed roads and minimum road width, whenever the total extent of land of the private residential layout for approval by the Planning Authority is 4000 sq. m. (0.40 hectares) and below, reservation of open space and civic amenities areas as per the Zonal Regulations/Sub-Division Rules may be dispensed with;

(ii) In lieu of this, the Planning Authority may collect the market value of converted equivalent land as fixed by the Sub-Registrar;

(iii) The value to be recovered from the landowner in lieu of open space and civic amenities, shall be in addition to the fee to be collected under Section 18 of the Karnataka Town and Country Planning Act, development charges and any other fees/charges prescribed by the Government from time to time;

(iv) The Planning Authority shall deposit the amount so collected under a separate Head of Account and the amount shall be utilised only for acquisition of areas reserved as parks and open spaces in the approved Master Plan [ODP/CPDP/CDP(R)]. The Planning Authority shall, under no circumstances divert this amount for any other purposes.

(v) In case the landowner refuses to pay the market value of the equivalent land in lieu of open space and civic amenity to be reserved, the Planning Authority shall approve the sub-division providing land separately to an extent which otherwise would have been reserved for parks, open spaces and civic amenities as per Zonal Regulations and shall take possession of such land free of cost from the landowner, and the Authority may dispose the same through auction for the purpose decided by the authority.

2[Subject to the provisions of Master Plan in respect of land use, proposed roads and minimum road width, wherever the total extent of land of the private residential layout of approval by the Planning Authority is 4000 sq. m. (0.40 hectares) and below, 15% of the total area shall be reserved for parks and open spaces.]
II. Approval of non-residential private layouts.

A. If the private non-residential layout for approval consists of only one single unit, approval shall be given subject to the following conditions:

(i) 5% of the total extent of land shall be reserved for vehicle parking and this shall be in addition to the parking space prescribed in the Zonal Regulations as per the total floor area of the building;

(ii) 10% of the total extent shall be earmarked as open space;

(iii) The area reserved for vehicle parking and open space shall be maintained by the landowner and this land shall not be used for any other purpose by the landowner;

(iv) The Planning Authority shall collect the fee under Section 18 of the Karnataka Town and Country Planning Act and development charges applicable and any other fees and charges prescribed by the Government from time to time.

B. If the private non-residential layout for approval consists of two or more number of plots, the following conditions shall apply:

(i) 5% of the total extent of land shall be reserved for vehicle parking and this shall be in addition to the parking space prescribed in the Zonal Regulations as per the total floor area of the building;

(ii) 10% of the total extent of land shall be earmarked as open space;

(iii) The area earmarked for parking, open space and roads shall be handed over to the local authority at free of cost for maintenance;

(iv) The Planning Authority shall collect the fee under Section 18 of the Karnataka Town and Country Planning Act and development charges and any other fees and charges prescribed by the Government from time to time.

III. Approval of single plot for residential purpose.

Any extent of land can be approved as single plot subject to the following conditions:

(a) The land in question shall be converted for non-agricultural purpose;
(b) The land shall have access from the public road and the use of land shall be in accordance with the Zonal Regulations of the Master Plan [ODP/CDP/CDP(R)];

(c) The necessary development charges shall be paid to the concerned UDA/Local Authority. This fee is in addition to recovery of fee under Section 18 of the Karnataka Town and Country Planning Act and other fees/charges prescribed by the Government from time to time;

(d) If the owner of single plot desires to sub-divide the plot at subsequent dates, he shall obtain approval by the authority treating it as sub-division of land and the norms applies accordingly as prescribed in the Zonal Regulations.

4. Civic Amenities

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Population per unit</th>
<th>Area in Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Educational facilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Nursery School (age group</td>
<td>1,000</td>
<td>0.20</td>
</tr>
<tr>
<td>3-6 yrs)</td>
<td></td>
<td>(including playground)</td>
</tr>
<tr>
<td>(ii) Basic primary and higher</td>
<td>3,500 to 4,500</td>
<td>1.00</td>
</tr>
<tr>
<td>primary school (age group 6-14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>yrs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) Higher Secondary school</td>
<td>15,000</td>
<td>2.00</td>
</tr>
<tr>
<td>(age group 14-17 yrs)</td>
<td></td>
<td>(including playground)</td>
</tr>
<tr>
<td>(iv) College</td>
<td>50,000</td>
<td>3.00 to 4.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(including Playground)</td>
</tr>
<tr>
<td>(b) Medical facilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Dispensary</td>
<td>5,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(ii) Health centre</td>
<td>20,000</td>
<td>0.40</td>
</tr>
<tr>
<td>(c) Other facilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Post &amp; Telegraph</td>
<td>10,000</td>
<td>0.15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(including staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td>quarters)</td>
</tr>
<tr>
<td>(ii) Police Stations</td>
<td>10,000</td>
<td>0.20</td>
</tr>
<tr>
<td>(iii) Religious Buildings</td>
<td>3,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(iv) Filling Stations</td>
<td>15,000</td>
<td>0.50</td>
</tr>
</tbody>
</table>

5. Shopping facilities:

- Neighbourhood and convenient shopping (3,000-15,000 population) 3 shops/1000 persons
- 10-15 sq. mt. area per shop
6. Parks, Open space and Playgrounds:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category</th>
<th>Population per unit</th>
<th>Area in hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tot-lot</td>
<td>500</td>
<td>0.50</td>
</tr>
<tr>
<td>2.</td>
<td>Children's park</td>
<td>2,000</td>
<td>0.20</td>
</tr>
<tr>
<td>3.</td>
<td>Neighbourhood playground</td>
<td>1,000</td>
<td>0.20</td>
</tr>
<tr>
<td>4.</td>
<td>Neighbourhood park</td>
<td>5,000</td>
<td>0.80</td>
</tr>
</tbody>
</table>

**TABLE 33**

Building line

Building lines are prescribed for some important roads in Bangalore. Wherever village/gramatana/built-up areas are facing the highways, 5 mtrs. of building line is prescribed. Front set-backs are also prescribed separately for various types of buildings in tables 22 and 23. The maximum of the above have to be provided as set-back/building line in the front.

**Building Lines for the following roads are as follows:**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Road</th>
<th>Building Line Required</th>
<th>District No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sampige Road</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Margosa Road</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>17th Cross, Malleswaram</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Platform Road</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>T. Chowdaiah Road</td>
<td>5 m from the edge of the Road</td>
<td>2</td>
</tr>
<tr>
<td>6.</td>
<td>Palace Cross Road</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>7.</td>
<td>KBG Road</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>80 ft. (Dr. Rajkumar Road), Rajajinagar</td>
<td>3 m from the edge of the Road</td>
<td>2</td>
</tr>
<tr>
<td>9.</td>
<td>West of Chord Road</td>
<td>3 m from the edge of the Road</td>
<td>3</td>
</tr>
<tr>
<td>10.</td>
<td>Magadi Road</td>
<td>5 m upto Housing Board Quarters Road</td>
<td>3</td>
</tr>
<tr>
<td>11.</td>
<td>Magadi Road</td>
<td>12 m beyond Housing Board Quarters Road</td>
<td>3</td>
</tr>
</tbody>
</table>

A K L J PUBLICATION
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Road</th>
<th>Building Line Required</th>
<th>District No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Tumkur Road</td>
<td>5 m upto CMTI Quarters Road</td>
<td>4</td>
</tr>
<tr>
<td>13</td>
<td>Tumkur Road</td>
<td>12 m beyond CMTI Quarters Road</td>
<td>4</td>
</tr>
<tr>
<td>14</td>
<td>HMT</td>
<td>3 M beyond CMTI Quarters Road</td>
<td>5</td>
</tr>
<tr>
<td>15</td>
<td>Triveni Road, Yeshwanthpur</td>
<td>12 m beyond CMTI Quarters Road</td>
<td>5</td>
</tr>
<tr>
<td>16</td>
<td>Bellary Road</td>
<td>5 m upto Mekri Circle from the edge of the Road</td>
<td>6</td>
</tr>
<tr>
<td>17</td>
<td>Bellary Road</td>
<td>12 m beyond Mekri Circle from the edge of the Road</td>
<td>6</td>
</tr>
<tr>
<td>18</td>
<td>Tannery Road</td>
<td>3 m upto Devarajeevanahalli cross</td>
<td>6</td>
</tr>
<tr>
<td>19</td>
<td>Tannery Road</td>
<td>5 m beyond Devarajeevanahalli Cross</td>
<td>6</td>
</tr>
<tr>
<td>20</td>
<td>Old Madras Road</td>
<td>5 m upto level crossing beyond Devarajeevanahalli cross (new Aero Engine Factory)</td>
<td>8</td>
</tr>
<tr>
<td>21</td>
<td>Old Madras Road</td>
<td>12 m beyond</td>
<td>8</td>
</tr>
<tr>
<td>22</td>
<td>Kengal Hanumanthaiah Road</td>
<td>3 m from the edge of the Road</td>
<td>9</td>
</tr>
<tr>
<td>23</td>
<td>Jayachamarajendra road</td>
<td>3 m from the edge of the Road</td>
<td>9</td>
</tr>
<tr>
<td>24</td>
<td>Lalbagh Fort Road</td>
<td>3 m from the edge of the Road</td>
<td>9</td>
</tr>
<tr>
<td>25</td>
<td>H. Siddaiah Road</td>
<td>3 m from the edge of the Road</td>
<td>9</td>
</tr>
<tr>
<td>26</td>
<td>Rajaram Mohan Roy Road</td>
<td>3 m from the edge of the Road</td>
<td>9</td>
</tr>
<tr>
<td>27</td>
<td>Varthur Road</td>
<td>3 m from the edge of the Road between Trinity Church to Airport</td>
<td>9A</td>
</tr>
<tr>
<td>28</td>
<td>Varthur Road</td>
<td>12 m beyond Airport</td>
<td>9A</td>
</tr>
<tr>
<td>29</td>
<td>Chinmaya Mission Hospital Road</td>
<td>3 m from Adarsha Theatre to Police Station</td>
<td>9A</td>
</tr>
<tr>
<td>30</td>
<td>Indiranagar 100' Road</td>
<td>3 m from the edge of the Road</td>
<td>9A</td>
</tr>
<tr>
<td>31</td>
<td>Mahatma Gandhi Road</td>
<td>5 m upto Dickenson Road</td>
<td>10</td>
</tr>
<tr>
<td>32</td>
<td>Mahatma Gandhi Road</td>
<td>5 m from Dickenson Road to Trinity church</td>
<td>10</td>
</tr>
<tr>
<td>33</td>
<td>Central Street</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Name of the Road</td>
<td>Building Line Required</td>
<td>District No.</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------</td>
<td>----------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>34</td>
<td>Infantry Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>35</td>
<td>Chandni Chowk</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>36</td>
<td>Dispensary Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>37</td>
<td>Commercial Street</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>38</td>
<td>Dickenson Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>39</td>
<td>Kensington Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>40</td>
<td>Cavalry Road (Kamraj Road)</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>41</td>
<td>St. Johns Road</td>
<td>5 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>42</td>
<td>St. Johns Road</td>
<td>5 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>43</td>
<td>Assaye Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>44</td>
<td>Wheeler Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>45</td>
<td>Brigade Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>46</td>
<td>St. Marks Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>47</td>
<td>Residency Road</td>
<td>5 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>48</td>
<td>Richmond Road</td>
<td>5 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>49</td>
<td>Cambridge Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>50</td>
<td>Murphy Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>51</td>
<td>Vidhana Veedhi</td>
<td>9 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>52</td>
<td>Palace Road</td>
<td>6 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>53</td>
<td>Miller Road</td>
<td>5 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>54</td>
<td>Queen's Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>55</td>
<td>Jayamahal Main Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>56</td>
<td>Nandidurg Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>57</td>
<td>Cunningham Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>58</td>
<td>Race Course Road</td>
<td>6 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>59</td>
<td>Kempegowda Road</td>
<td>5 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>60</td>
<td>District Office Road</td>
<td>5 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Name of the Road</td>
<td>Building Line Required</td>
<td>District No.</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>61.</td>
<td>Avenue Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>62.</td>
<td>Chickpet Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>63.</td>
<td>Akkipet Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>64.</td>
<td>Cottonpet Main Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>65.</td>
<td>Nagarapet Main Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>66.</td>
<td>East Tank Bund Road (Subashnagar)</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>67.</td>
<td>Goodshed Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>68.</td>
<td>Balepet Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>69.</td>
<td>BVK Iyengar Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>70.</td>
<td>Arcot Srinivasachar St.</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>71.</td>
<td>Seshadri Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>72.</td>
<td>Subedar Chatram Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>73.</td>
<td>5th Main Road (Gandhinagar)</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>74.</td>
<td>1st Main Road (Gandhinagar)</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>75.</td>
<td>3rd cross Road (Chamrajpet)</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>76.</td>
<td>Narasimharaja Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>77.</td>
<td>Silver Jubilee Park Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>78.</td>
<td>Kalasipalayam Main Road</td>
<td>3 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>79.</td>
<td>Pampamahakavi Road</td>
<td>3 m from the edge of the Road</td>
<td>12</td>
</tr>
<tr>
<td>80.</td>
<td>Kanakapura Road</td>
<td>5 m upto Ring Road</td>
<td>13</td>
</tr>
<tr>
<td>81.</td>
<td>Kanakapura Road</td>
<td>12 m beyond Ring Road</td>
<td>12 &amp; 14</td>
</tr>
<tr>
<td>82.</td>
<td>Hosur Road</td>
<td>5 m upto Outer ring Road near Central</td>
<td>14A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Silk Board</td>
<td></td>
</tr>
<tr>
<td>83.</td>
<td>Hosur Road</td>
<td>12 m beyond outer ring Road</td>
<td>13</td>
</tr>
<tr>
<td>84.</td>
<td>Roads all around Jayanagar Shopping</td>
<td>3 m from the edge of the Road</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Complex</td>
<td></td>
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</tr>
<tr>
<td>Sl. No.</td>
<td>Name of the Road</td>
<td>Building Line Required</td>
<td>District No.</td>
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</tr>
<tr>
<td>85</td>
<td>South End Road</td>
<td>5 m from the edge of the Road</td>
<td>14</td>
</tr>
<tr>
<td>86</td>
<td>East End Road</td>
<td>5 m from the edge of the Road</td>
<td>14</td>
</tr>
<tr>
<td>87</td>
<td>Patallamma Street</td>
<td>3 m from the edge of the Road</td>
<td>14</td>
</tr>
<tr>
<td>88</td>
<td>Bannerghatta Road</td>
<td>5 m upto drive in theatre</td>
<td>14</td>
</tr>
<tr>
<td>89</td>
<td>Bannerghatta Road</td>
<td>12 m beyond Drive in theatre</td>
<td>14</td>
</tr>
<tr>
<td>90</td>
<td>Krumbigal Road</td>
<td>3 m from the edge of the Road</td>
<td>14</td>
</tr>
<tr>
<td>91</td>
<td>Ashoka Pillar Road (100' Road)</td>
<td>6 m from the edge of the Road</td>
<td>14</td>
</tr>
<tr>
<td>92</td>
<td>Alur Venkatarao Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>93</td>
<td>K.R. Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>94</td>
<td>Bull Temple Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>95</td>
<td>Gandhi Bazaar Main Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>96</td>
<td>Nagasandra Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>97</td>
<td>BP Wadia Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
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<tr>
<td>98</td>
<td>Vani Vilas Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>99</td>
<td>Vasavi Temple Road</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>100</td>
<td>Diagonal Road, V.V. Puram</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>101</td>
<td>Mysore Road</td>
<td>5 m upto REMCO from the edge of the Road</td>
<td>16</td>
</tr>
<tr>
<td>102</td>
<td>Beyond REMCO</td>
<td>12 m from the edge of the Road</td>
<td>16</td>
</tr>
<tr>
<td>103</td>
<td>Hennur Road</td>
<td>3 m upto Salem Railway line level crossing</td>
<td>16</td>
</tr>
<tr>
<td>104</td>
<td>Hennur Road</td>
<td>8 m beyond Salem Railway level crossing</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>Banasawadi Road</td>
<td>3 m upto Salem Railway level crossing</td>
<td>16</td>
</tr>
<tr>
<td>106</td>
<td>Banasawadi Road</td>
<td>8 m beyond Salem Railway level crossing</td>
<td>16</td>
</tr>
<tr>
<td>107</td>
<td>Munireddy palyam main Road</td>
<td>2 m from the edge of the Road</td>
<td>6</td>
</tr>
<tr>
<td>108</td>
<td>Poorna Venkatarao Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
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<tr>
<td>Sl. No.</td>
<td>Name of the Road</td>
<td>Building Line Required</td>
<td>District No.</td>
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<tr>
<td>109.</td>
<td>Police Road and Belimutt Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>110.</td>
<td>Kilari Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>111.</td>
<td>Seppings Road</td>
<td>2 m from the edge of the Road</td>
<td>11</td>
</tr>
<tr>
<td>112.</td>
<td>New Market Road</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>113.</td>
<td>Newellers Street</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>114.</td>
<td>Dharmaraja Koil Street</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>115.</td>
<td>Jumma Masjid Road, OPH Road</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>116.</td>
<td>Narayanapillai Street</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>117.</td>
<td>Ibrahim Saheb Street</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>118.</td>
<td>Thoppa Mudaliar Road</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>119.</td>
<td>Thimmaiah Road</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>120.</td>
<td>Linden Street</td>
<td>2 m from the edge of the Road</td>
<td>9A</td>
</tr>
<tr>
<td>121.</td>
<td>Austin Town Centre Street</td>
<td>2 m from the edge of the Road</td>
<td>9A</td>
</tr>
<tr>
<td>122.</td>
<td>KHN Bahadur Abdul Rehman Road</td>
<td>2 m from the edge of the Road</td>
<td>9A</td>
</tr>
<tr>
<td>123.</td>
<td>Seshadripuram I Main Road</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>124.</td>
<td>50' Road, Hanumanthanagar</td>
<td>3 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>125.</td>
<td>4th Cross Road, Hanumanthanagar</td>
<td>2 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>126.</td>
<td>Thavarekere Main Road (from Hosur Road Junction to circle of old village)</td>
<td>2 m from the edge of the Road</td>
<td>13</td>
</tr>
<tr>
<td>127.</td>
<td>Gavipuram Guttahalli Main Road</td>
<td>2 m from the edge of the Road</td>
<td>15</td>
</tr>
<tr>
<td>128.</td>
<td>Nethaji Road</td>
<td>2 m from the edge of the Road</td>
<td>6</td>
</tr>
<tr>
<td>129.</td>
<td>Malleswaram 8th Main (from 6th cross junction to 15th cross junction)</td>
<td>3 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>130.</td>
<td>Dattatreya Temple Street</td>
<td>2 m from the edge of the Road</td>
<td>1</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Name of the Road</td>
<td>Building Line Required</td>
<td>District No.</td>
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</tr>
<tr>
<td>131.</td>
<td>West of Chord Road from Navrang Circle to LIC Colony</td>
<td>3 m from the edge of the Road</td>
<td>4</td>
</tr>
<tr>
<td>132.</td>
<td>Rajajinagar Bashyam Circle to ESI Hospital</td>
<td>3 m from the edge of the Road</td>
<td>2</td>
</tr>
<tr>
<td>133.</td>
<td>Madhavarao Mudalair Road</td>
<td>3 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>134.</td>
<td>Davis Road</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
<tr>
<td>135.</td>
<td>Robertson Road</td>
<td>2 m from the edge of the Road</td>
<td>10</td>
</tr>
</tbody>
</table>

**CASE LAW**

**Regulation 3 and Annexure-II — Amalgamation of two sites into one — Construction of building for college in residential zone — When amenity of college is held permissible amenity in residential zone, such amalgamation of sites is also permissible and Planning Authority is competent to grant permission.**

_S.R. Nayak and H.N. Nagamohan Das, JJ., Held: If a site could be permitted to be used for an amenity other than the amenities for which it was originally allotted by the Planning Authority, in terms of law, simply because two sites were permitted to be used for establishing a permissible amenity in accordance with the Zonal Regulations, that fact itself would not vitiate the action of the Planning Authority. . . . Clause (b) of Zoning Regulations undeniably empowers the Planning Authority to permit an allottee of a site in a residential zone to use that site for establishing a college. Even in such case, if the allottee were to resort to the procedure envisaged under Section 14-A of the Planning Act, clause (b), which is a statutory provision, would be rendered otiose, in other words a dead letter. — Alliance Business Academy, Bangalore v Dr. H. Jayaram Reddy and Others; 2005(2) Kar. L.J. 17C (DB) : ILR 2005 Kar. 450 (DB).**
ZONAL REGULATIONS
BANGALORE INTERNATIONAL AIRPORT AREA
PLANNING AUTHORITY (BIAAPA)

MASTER PLAN 2021
(As amended by Notification No. UDD 213 BMR 2011(P), dated 21-11-2013)

In order to promote public health, safety and the general social welfare of the community, it is necessary to apply control and reasonable limitation on the development of land and buildings. This is to ensure that most appropriate, economical and healthy development of the town takes place in accordance with the land use plan, and its continued maintenance over the years. For this purpose, the town is divided into a number of use zones, such as, residential, commercial, industrial, public and semipublic etc. Each zone has its own regulations, as the same set of regulations cannot be applied to the entire town.

Zonal Regulations protects residential areas from the harmful invasions of commercial and industrial uses and at the same time promotes the orderly development of industrial and commercial areas, by suitable regulations on spacing of buildings to provide adequate light, air, protection from fire, etc. It prevents over crowding in buildings and on land to ensure adequate facilities and services.

Zoning is not retrospective. It does not prohibit the uses of land and buildings that are lawfully established prior to the coming into effect of these Zonal Regulations. If these uses are contrary to the newly proposed uses, they are termed non-conforming uses and are gradually eliminated over years without inflicting unreasonable hardship upon the property owner.

The Zonal Regulations and its enforcement ensure proper land use and development and form an integral part of the Master Plan, 2021. It also ensures solutions to problems of development under local conditions.

The Zonal Regulations for BIAAPA Local Planning Area prepared under the clause (iii) of sub-section (2) of Section 12 of the Karnataka Town and Country Planning Act, 1961 are detailed below.—

1. Establishment of Zones and Zonal Maps:

   (i) The local planning area is divided into use zones such as residential, commercial, industrial etc., as shown in the enclosed maps;
(ii) Zonal boundaries and interpretations of Zonal Regulations:

(a) Where there is uncertainty as regards the boundary of the zones in the approved maps, it shall be referred to the authority and the decision of the Authority in this regard shall be final;

(b) For any doubt that may arise in interpretation of the provisions of the Zonal Regulations, the Metropolitan Commissioner, BMRDA and Director of Town Planning shall be consulted by the authority.

2. Annexure-I appended to these regulations sets out the uses of land:

(i) Those that are permitted;

(ii) Those that may be permitted under special circumstances by the Authority in different zones.

3. The regulations governing minimum size of plot, maximum plot coverage, minimum front, rear and side setbacks, minimum road widths and maximum number of floors and height of structures are set out in Annexure-II appended to these regulations.

9.1 Definitions.—In these Zonal Regulations, unless the context otherwise requires, the expressions given below shall have the meaning indicated against each of them.


9.1.2 'Agriculture' includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder, trees of any kind or cultivation of soil, breeding and keeping of live stock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees, the use of land which is ancillary to the farming of land or any purpose aforesaid but shall not include the use of any land attached to a building for the purpose of garden to be used along with such building; and 'agriculture' shall be construed accordingly.

9.1.3 'Amenity' includes roads, street, open spaces, parks, recreational grounds, playgrounds, gardens, water supply, electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences.
9.1.4 ‘Apartment’ means a room or suite or rooms, which are occupied or which is intended or designed to be occupied by one family for living purpose.

9.1.5 ‘Apartment building/multi dwelling units’ means a building containing four or more apartments/dwelling units, or two or more buildings, each containing two or more apartments with a total of four or more apartments/dwelling units for all such buildings and comprising or part of the property.

9.1.6 ‘Applicant’ means any person who gives notice to the authority with an intention to erect or re-erect or alter a building.

9.1.7 ‘Balcony’ means a horizontal cantilever projection including a handrail or balustrade, to serve as passage or sit out place.

9.1.8 ‘Basement storey or cellar’ means any storey, which is partly/wholly below the ground level. The basement height should not project more than 1.5 mtrs. above the average ground level.

9.1.9 ‘Building’ includes; A house, out-house, stable, privy, shed, well, verandah, fixed platform, plinth, door step and any other such structure whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

A structure on wheels simply resting on the ground without foundation.

Any structure used for human habitation or used for keeping animals or storing any article or goods on land.

9.1.10 ‘Chimney’ means a structure usually vertical containing a passage or flue by which the smoke, gas, etc., of a fire or furnace are carried off and by means of which a draught is created.

9.1.11 Civic Amenity: ‘Civic amenity’ means a market, a post office, a bank, a bus stand or a bus depot, a fair price shop, a milk booth, a school, a dispensary, a maternity home, a child care centre, a library, a gymnasium, a recreation centre run by the Government or local authority, a centre for educational, religious, social or cultural activities or philanthropic service run by a co-operative society or society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or by a trust created wholly for charitable, educational or religious purposes, a police station, an area office or a service station of the local authority or the Karnataka Urban Water Supply and Drainage Board or the Karnataka Electricity Board and such other amenity as the Government may by notification specify.
9.1.12 'Commercial building' means a building or part of a building, which is used as shops, and/or market for display and sale of merchandise either wholesale or retail, building used for transaction of business or the keeping of accounts, records for similar purpose; professional service facilities, corporate offices, software services, offices of commercial undertakings and companies petrol bunk, restaurants, lodges, nursing homes, cinema, theatres, multiplex, Kalyana mantapa, community hall (run on commercial basis) banks, clubs run on commercial basis. Storage and service facilities incidental to the sale of merchandise and located in the same building shall be included under this group, except where exempted.

9.1.13 'Corner plot' means a plot facing two or more intersecting streets.

9.1.14 'Corridor' means a common passage or circulation space including a common entrance hall.

9.1.15 'Courtyard' means a space permanently open to the sky either interior or exterior of the building within the site around a structure.

9.1.16 'Covered Area' means area covered by building/buildings immediately above the plinth level, but does not include the space covered by:

(i) Garden, rocky area, well and well structures, plant, nursery, water pool, swimming pool (if uncovered) platform around a tree, tank, fountain, bench with open top and unenclosed sides by walls and the like;

(ii) Drainage, culvert, conduit, catch-pit, gully-pit, chamber gutter and the like;

(iii) Compound or boundary wall, gate, un-storied porch and portico, Chajja, slide, swing, uncovered staircase, watchman booth, pump house. The area covered by watchman booth/pump house shall not exceed three square meters;

(iv) Sump tank and electric transformer.

9.1.17 'Cross wall' means an internal wall within the building upto the roof level or lintel level.

9.1.18 'Density' means concentration of population expressed in terms of number of persons per hectare in a particular area.
9.1.19 'Detached building' means a building, the walls and roof of which are independent of any other building with open spaces on all sides, except the portion covered by the garage.

9.1.20 'Development' with its grammatical variations - means the carrying out of building, engineering, mining or other operations in, or over or under land or the making of any material change in any building or land or in the use of any building or land and includes sub-division of any land.

9.1.21 'Drain' means any pipe or other construction emanating from a plumbing fixture unit, traps, gullies, floor traps, etc., which carries water, or waste water in a building and connects to the drainage system.

9.1.22 'Drainage' means the removal of any waste liquid by a system constructed for this purpose.

9.1.23 'Dwelling unit/Tenement' means an independent housing unit with separate facility for living, cooking and sanitary requirements.

9.1.24 'Exit' means a passage, channel or means of egress from any floor to a street or other open space of safety.

9.1.25 'External wall' means an outer wall of the building not being a partition wall even though adjoining a wall of another building and also a wall abutting on an interior open space of any building.

9.1.26 'First floor' means the floor immediately above the ground floor, on which second and other floors follow subsequently.

9.1.27 'Flatted factory' means a premises having group of non-hazardous small industrial units as given in Schedule-1 and II having not more than 50 workers and these units are located in multi-storeyed buildings.

9.1.28 'Floor' means the lower surface in a storey on which one normally walks in a building. The general term 'floor' does not refer basement or cellar floor and mezzanine.

9.1.29 'Floor Area Ratio' (FAR) means the quotient of the ratio of the combined gross areas of all floors, except the areas specifically exempted under these regulations, to the total area of the plot, viz.
9.1.30 'Frontage' means the measurement of the side of any site abutting the road.

9.1.31 'Garage' means a structure designed or used for the parking of vehicles.

9.1.32 'Government' means the Government of Karnataka.

9.1.33 'Ground floor' means immediately above the level of the adjoining ground level on all sides or above the basement floor.

9.1.34 'Group Housing' means apartments or group of apartments on a minimum plot size of 1 hectare or more with one or more floors and with one or more dwelling units in each floor. They are connected by an access of not less than 3.5 m in width, if they are not approachable directly from the road.

9.1.35 'Head room' where a finished ceiling is not provided the lower side of the joists or beams or tie beams shall determine the clear headroom.

9.1.36 'Heavy industry' means an industry employing more than 500 workers.

9.1.37 'Height of Building' means the vertical distance measured in the case of flat roofs from the average road level of the site to the top of the roof and in the case of pitched roofs up to the point where the external surface of the outer wall intersects a finished surface of the sloping roof and in case of gable facing the street, the mid point between the eave-level and the ridge. Architectural features, service no other function except that of decoration shall be excluded for the purpose of measuring height. Water tank, chimneys, lift room, stair case room, and parapet are also excluded for the purpose of measuring height. This shall exclude stilt parking.

9.1.38 'High-rise Building' means a building measuring G+4 or 15 meters and above, whichever is less. However, stilt, chimneys, coating towers, boiler, rooms, lift machine rooms, cold storage and other not-working areas in case of industrial buildings and water tanks, and architectural features in respect of other buildings may be permitted as a non-High Rise building.
9.1.39 ‘Industrial building’ means a building wholly or partly used as a factory, for the manufacture of products of all kinds including fabrication and assembly, power plant, refinery, gas plant distillery, brewhery, dairy, factory, workshop etc.

9.1.40 ‘Land use’ includes the purpose to which the site or part of the site or the building or part of the building is in use or performed to be used by the Authority. Land use includes zoning of land use as stipulated in the Master plan and the Zoning Regulations.

9.1.41 ‘Layout’ means any subdivision of land with the formation of a new road or an access road.

9.1.42 ‘Light industry’ means an industry employing not more than 50 workers with power or without power, aggregate installed power not exceeding 25 HP, and which conforms to performance standards and are listed in Schedule-II not causing excessive, injurious or obnoxious fumes, odour, dust, effluent or other objectionable conditions.

9.1.43 ‘Master Plan’ means Interim Master Plan/Master Plan, 2021/Master Plan (Revised) prepared for the Local Planning Area of BIAAPA approved by the Government under the Karnataka Town and Country Planning Act, 1961.

9.1.44 ‘Medium industry’ medium industry, which employs not more than 500 workers and conforming to performance standards and are as listed in Schedule-III.

9.1.45 ‘Mezzanine floor’ means an intermediate floor between two floors, above ground level with area of mezzanine floor restricted to 1/3rd of the area of that floor and with a minimum height of 2.20 mts.

9.1.46 ‘Municipality’ means the Urban Local Bodies in the LPA such as Doddaballapur CMC, Devanahalli TMC and Vijayapura TMC established under the Municipalities Act, 1964.

9.1.47 ‘Parking space’ means an area enclosed or unenclosed, covered or open sufficient in size to park vehicles together with a drive-way connecting the parking space with a street or any public area and permitting the ingress and egress of the vehicles.

9.1.48 ‘Penthouse’ means a covered space not exceeding 10 square metres on the roof of a building, which shall have at least one side completely open.
9.1.49 'Plinth' means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.

9.1.50 'Plinth area' means the built-up covered area of the building/buildings immediately above plinth level.

9.1.51 'Plinth level' means the level of the floor of a building immediately above the surrounding ground.

9.1.52 'Porch or portico' means a roof cover supported on pillars or cantilevered projection for the purpose of pedestrian or vehicular approach to a building.

9.1.53 'Public and semi-public building' means a building used or intended to be used either ordinarily or occasionally by the public such as offices of State or Central Government or Local authorities, a church, temple, chapel, mosque or any place of public worship, dharmashala, college, school, library, theatre for cultural activities, public concert room, public hall, hospital run by public institutions, public exhibition hall, lecture room or any other place of public assembly.

9.1.54 'Residential building' means a building used or constructed or adopted to be used wholly for human habitation and includes garages, and other outhouses necessary for the normal use of the building as a residence.

9.1.55 'Row Housing' means a row of houses with only front, rear and interior open spaces.

9.1.56 'Semi-detached Building' means a building detached on three sides with open spaces as specified in these regulations.

9.1.57 'Service Apartments' means fully furnished room or suite or rooms with kitchen, which are intended to be rented out on daily/weekly/monthly basis.

9.1.58 'Service Road' means a road/lane provided at the front, rear or side of a plot for service purposes.

9.1.59 'Service Industry' means an industry where services are offered with or without power. If power is used, aggregate installed capacity shall not exceed 5 HP or the site area shall not exceed 240 sq. m. Service industries shall be permitted in the light industries zone of the Master Plan as given in Schedule I.

9.1.60 'Set back' means the open space prescribed under these Zonal Regulations between the plot boundary and the plinth of the building.
9.1.61 'Storey' means the space between the surface of one floor and the surface of the other floor vertically above or below.

9.1.62 'Stilt Floor' means a floor consisting of columns, used only as car parking and shall not exceed 2.4m in height and not be covered by enclosures and shutters.

9.1.63 'Zonal Regulations' means Zoning of Land use and Regulations prepared under the Karnataka Town and Country Planning Act, 1961 prescribing the uses permissible in different land use zones, the open spaces around buildings, plot coverage, floor area ratio, height of the building, building lines, parking, etc.

Note:

1. The words and expressions not defined in these regulations shall have the same meaning as in the Karnataka Town and Country Planning Act, 1961 and Rules, the Building Bye-laws of Bangalore Mahanagara Palike and National Building Code of India.

2. The Authority till the framing of its own Building Bye-laws under Section 75 of the KTCP Act, 1961 shall adopt the relevant portions of the Building Bye-laws of the Bangalore Mahanagara Palike not covered under these Regulations in respect of size of drawings, qualifications of persons drawing the plans, size of habitable rooms, ventilation, facilities for physically handicapped persons, fire safety requirements, staircase details, etc. in a building.

3. Safety measures against earthquake in building construction Buildings with a height of 10m and above shall be designed and constructed adopting the norms prescribed in the National Building Code and in the "criteria for earthquake resistant design of structures" bearing No. IS 1893-2002 published by the Bureau of Indian Standards, making the buildings resistant to earthquake. The building drawing and the completion certificate of every such building shall contain a certificate recorded by the registered engineer/architect that the norms of the National Building Code and IS No. 1893-2002 have been followed in the design and construction of buildings for making the buildings resistant to earthquake.

9.2 Zoning of land use:

For the purpose of these regulations, the planning area of the town is divided into the following use zones:

1. Residential
2. Commercial
3. Industrial
4. Public and Semi-Public
5. Public Utilities
6. Park and Open Spaces
7. Airport Zone
8. Transport and Communication
9. Agricultural Use

Uses of land that are permitted and those that may be permitted under special circumstances by the BIAAPA in different zones of the local planning area shall be as follows.—

Uses permissible under special circumstances by the Authority in different zones, provided that:

(a) All changes are in concurrence with the Metropolitan Commissioner, BMRDA;

(b) The proposal for all such changes are published in BIAAPA as well as BMRDA notice boards, inviting objections from the public within a period of not less than fifteen days from the date of publication as may be specified by the Planning Authority;

(c) Roads are permitted without change of land use.

9.2.1 Residential zone:

(a) Uses permitted:

Dwellings, hostels including working women and gents hostels, service apartments, old age homes, orphanages, places of public worship, parking lot (including multi-level), schools offering higher primary school courses, (with a minimum sital area of 500 sq. mtrs. for nursery schools and 1000 sq. mtrs. for lower primary schools) public libraries, post and telegraph offices, telephone exchange, Karnataka Power Transmission Corporation Limited counters, milk booths, HOPCOM centres, STD booths, mobile phone service repairs, computer institutes.
(b) Uses that are permitted under special circumstances by the Authority Municipal, State and Central Government Offices, Public Utility Buildings, Cemeteries, Clubs, Banks, Nursing Homes, Higher Primary Schools with minimum sital area of 2000 sq. mts. hospitals for human care, (with a minimum sital area of 750 sq. mtrs. and the site is abutting a road of minimum 12 mtr width), philanthropic uses, fuel storage depots, filling stations, service industries with power up to 10 HP (for all the above industries and those as per the list given in Schedule-I, power required for air conditioning, lifts and computers are excluded from HP specified above), power loom for silk twisting (up to 10 HP) provided the noise generated shall be within the limit prescribed by the Ministry of Environment and Forest, Government of India, gas cylinder storage provided it satisfies all required norms of safety neighbourhood or convenience shops limited to 20 sq.m., internet cafe centres, Practising professionals consulting room such as for doctors, Architects, Town Planners, Consulting Engineers, Lawyers and Auditors, not exceeding 50.00 sq. m. provided the applicant himself or a member of his immediate family is a medical professional, pay and use toilets and service apartments, vehicle parking including multilevel car parking.

Note:

(a) Diesel generators equivalent to the quantity of power supplied by the Karnataka Power Transmission Corporation Limited (KPTCL) may be permitted as substitute to power cut and power failures in any zone after obtaining information on the quantity of power supplied to a premises and the capacity of generator required from KPTCL. However, in residential zone installation of diesel generators be discouraged and shall be given in exceptional cases after spot verification and obtaining No Objection Certificate from the KSPCB.

9.2.2 Commercial zone:

Uses permitted.—All the uses permitted under residential zone, offices, shops, commercial complexes, Parking lot (including multi-level) and service establishments like hair dressing saloons, laundries, dry cleaning and tailoring shops, hotels, clubs, hostels, newspaper or job printing, all type of offices including IT parks, banks, places of amusement or assembly, restaurants microwave towers and stations, advertising signs conforming to relevant building bye-laws, church, temple and other places of worship. Educational, Medical/Engineering/technical and research institutions (on the Sites having minimum 2 Ha with a minimum of 12m wide approach road).
Libraries, any retail business or services not specifically restricted or prohibited therein, Filling stations, neighbourhood shops, nursing homes, Service industries listed in Schedule-I (power upto 10HP). Residential buildings including orphanages and old age homes; warehouses and kalyana mantapas; cinema theatres, multiplexes, auditoriums, community centres; hard and software computer offices and information technology related activities (Power required for air conditioners, lifts and computers are excluded from the HP specified above) and all uses permitted and permissible under special circumstances in residential zone.

Uses that are permitted under special circumstances by the Authority.—Automobile workshop, manufacturing establishments employing not more than ten workers and uses permitted or permissible on appeal, in the residential zone other than those specifically prohibited therein. Storage of inflammable materials, junkyard, truck terminals weigh bridges, cold storage, fruit and vegetable markets, meat and fish markets, Wholesale business.

General Note.—Commercial complexes/Office Complexes/ neighborhood shops should have sufficient provision for toilet for visitors in each floor and should be shown on plan. It shall have scientific waste disposal arrangements.

9.2.3 Industrial Zone:

Uses that are permissible.—All the uses permissible under residential and commercial zone, industries both manufacturing and service sector, Microwave towers, Power plants, Filling stations, Parking lot (including multi-level), Bus and truck terminals, Loading and unloading facilities, warehouses, public utilities like garbage and sewage disposal, Municipal and Government offices/dwellings for manager, watch and ward staff in an area not exceeding 1000 sq. m. or 10% of the total area, whichever is lower. Obnoxious industries are not permitted.

Canteen and recreation facilities, kalyana mantapa, offices, shops, clubs, job printing, banks, restaurants, dispensary and automobile service stations. There is no power limitations for industries to be permitted in this zone.

Uses that are permissible under special circumstances, by the Authority.—Obnoxious industries are subject to clearance from the State Pollution Control Board, Junk yards, dairy and poultry farms, Ice and freezing plants with power, sports and recreation uses, resorts and amusement parks.

Wherever industries are permitted in an area of 5 Hectares and above, 25% of the area may be allowed for residential apartment for the convenience of the employees.
9.2.4 Public and Semi-Public Uses:

Uses permitted.—All Central, State and Quasi Government offices and centres and institutional office, educational, college campus including hostel facilities for students, cultural and religious institutions including libraries, reading rooms and clubs, medical and health institutions, Holistic cure/Naturopathy institutes, cultural institutions like community halls, opera houses, clubs, predominantly non commercial in nature, utilities and services, water supply installations including disposal works, electric power plants, high tension and low tension transmission lines, sub-stations, gas installation and gas works, fire fighting stations, filling stations, banks, and quarters for essential staff and all uses permitted under parks and playgrounds.

Note.—Retail shops, restaurants, filling stations, clubs, banks, canteens, dwellings required for power maintenance and functioning of public and semi-public uses in the zone may be permitted when they are run on commercial basis in their own premises and ancillary to the respective institutions.

Uses that are permitted under special circumstances by the Authority.—Parking lot, repair shops, parks, playgrounds and recreational uses, stadium, cemeteries, crematorium, clubs, canteen, libraries, aquarium, planetarium, museum, horticultural nursery and swimming pool, orphanages and old age homes.

9.2.5 Public utilities:

Uses permitted.—Water supply installations including treatment plants, storage reservoirs, OHT, drainage and sanitary installations including treatment plants and disposal works, drying beds, solid waste management, electric power plants, high and low tension transmission lines and power sub-stations, micro-wave towers, gas installations and gas works, fire stations, milk dairies.

Uses that are permitted under special circumstances by the Authority.—Shops, canteens, offices, banking counter, dwellings required for proper maintenance and functioning of public utility and other ancillary users, in their own premises as an ancillary to the respective institutions not exceeding 5% of the total area.

9.2.6 Parks and open space:

Uses permitted.—Parks, play grounds, stadium, sports complexes, children's play spaces inclusive of amusement parks such as Disney Land type, toy trains, parkways, boulevards, cemeteries and crematoria, public toilets, parking, water supply installations, OHT, sewage treatment plants, public use ancillary to park and open space and playground. The area of such ancillary use shall not exceed 5% of total area.
Uses that are permitted under special circumstances by the Authority.—Clubs (non-commercial nature and run by residents' association), canteens, libraries, aquarium, planetarium, museum, balabhavan, art gallery, horticulture/nursery, transportation terminals and swimming pool, milk booths, HOPCOMS centres.

9.2.7 Transportation and Communication:

Uses permitted.—Railway lines, railway yards, railway stations, railway workshops, roads, road transport depot, bus stations and bus shelter, parking areas, truck terminals, godowns, MRTS' terminals, warehouse, helipad, post offices, telegraph offices, telephones and telephone exchanges, television telecasting and radio broadcasting stations, microwave stations and offices in their own premises and residential quarters for watch and ward, filling stations.

Uses that are permitted under special circumstances by the Authority.—Hotels, motels, clubs, and indoor recreational uses, shops, canteens, restaurants, banks, dwellings required for proper maintenance of the transport and communication services in their own premises as an ancillary use to the transport not exceeding 25% of the total area.

Note: In the old Devanahalli Town, Doddaballapur Town and Vijayapura Town certain existing roads which are proposed in the Master Plan for widening shall not be insisted upon (except for major roads such as NH, SH, STRR, IRR, TRR, RR) and the existing old roads may be considered with minimum road widening of 1 or 2 m.

9.2.8 Airport Zone:

Uses permitted.—Airports and ancillary uses covering all items covered in concessionaire agreement between the Government of India, Government of Karnataka and Bangalore International Airport Limited.

9.2.9 Agricultural zone:

(a) Uses Permitted.—Agriculture and horticulture, children’s play spaces inclusive of parks, amusement parks such as Disney Land type, toy trains, dairy and poultry farming, pisciculture, milk chilling centers, warehousing, cold storage, farm houses and their accessory building and uses not exceeding 200 sq. mts. of plinth area for the farmer's own use within the limitation of minimum plot area of 1.20 hectares. Uses specifically shown as stated in the land use plan like urban village, brick kilns, quarrying and removal of clay and stone up to 3.0 mts. depth, rice mills, sugar mills, jaggery mills gardens, orchards, nurseries and other stable crops, grazing pastures, forest lands, marshy land, barren land and water sheet; Highway amenities viz. Filling stations, weigh bridges and check posts.
Uses that are permitted under special circumstances by the Authority.—Agro processing units, places of worship, air terminal and helipads, educational institutions, hospitals, libraries, sports clubs, stadiums, playgrounds, water sports, golf centres, race course, race/driving testing tracks, cultural buildings, exhibition centres, park and open spaces, graveyards/burial grounds. Rehabilitation schemes of Government, Institutions relating to agriculture, research centres, storage and sale of farm products locally produced. For wine yards attached to its own orchards in not less than 100 acres along with tourist orientation and lodging facilities, provided the ground coverage does not exceed 15 per cent and subject to a maximum of ground + first floor only. Service and repairs of farm machinery and agricultural supplies, old age and orphanages homes, Highway facilities (truck terminals), residential developments within the area reserved for natural expansion of villages and buildings in such areas should not exceed two floors (ground + one). LPG bottling plants are permissible subject to the condition that they are located at least 500 mtrs away from habitation.

Special agriculture zone.—Certain areas around Bangalore International Airport is categorised as special agricultural zone where no development other than purely agricultural activities are permitted from the aircraft safety point of view. Only residential buildings upto G + 1 floor from the gramathana may be permitted for natural’ expansion of villages on the lines of ‘Regulation for rural development’ mentioned in Zonal regulation elsewhere and staff quarters of Government agencies involved in operation and maintenance of the Airport may be permitted in consultation with the Airport Authority of India. Activities/Developments proposed by Government in relation to Aircraft industry, with prior permission of the Airport Authority of India may be permitted.

Note:

1. A buffer of 45 m is assumed all along the flow of the river on both banks, which shall be treated as no development zone.

2. In case of change of land use from the approved Master Plan to other use, the setbacks shall be the higher of the two uses.

3. Highway facilities include the activities specified in Government circular vide dated 20-12-2004.
**SCHEDULE I**

Illustrative list of service industries that are permissible in residential zone under special circumstances by the Authority and as well as that are permissible in Retail business zone

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bread and bakeries</td>
</tr>
<tr>
<td>2.</td>
<td>Confectionery, candies and sweets</td>
</tr>
<tr>
<td>3.</td>
<td>Biscuit making</td>
</tr>
<tr>
<td>4.</td>
<td>Ice cream</td>
</tr>
<tr>
<td>5.</td>
<td>Cold storage (small scale)</td>
</tr>
<tr>
<td>6.</td>
<td>Aerated water and fruit beverages</td>
</tr>
<tr>
<td>7.</td>
<td>Flour mills with 5 HP in residential zone and 10 HP in retail business zone</td>
</tr>
<tr>
<td>8.</td>
<td>Automobile two wheelers and cycle servicing and repairs</td>
</tr>
<tr>
<td>9.</td>
<td>Furniture (wooden and steel)</td>
</tr>
<tr>
<td>10.</td>
<td>Printing, book binding, embossing, etc.</td>
</tr>
<tr>
<td>11.</td>
<td>Laundry, dry cleaning and dyeing facilities</td>
</tr>
<tr>
<td>12.</td>
<td>General jobs and machine shops</td>
</tr>
<tr>
<td>13.</td>
<td>Household utensil repair, welding, soldering, patching and polishing (kalai)</td>
</tr>
<tr>
<td>14.</td>
<td>Photograph, printing (including sign board printing)</td>
</tr>
<tr>
<td>15.</td>
<td>Vulcanising</td>
</tr>
<tr>
<td>16.</td>
<td>Tailoring</td>
</tr>
<tr>
<td>17.</td>
<td>Handlooms (small scale)</td>
</tr>
<tr>
<td>18.</td>
<td>Velvet embroidery shops</td>
</tr>
<tr>
<td>19.</td>
<td>Art weavers and silk screen printing and batik work</td>
</tr>
<tr>
<td>20.</td>
<td>Jewellery, gold ornaments and silver wares</td>
</tr>
<tr>
<td>21.</td>
<td>Mirrors and photo frames</td>
</tr>
<tr>
<td>22.</td>
<td>Umbrella assembly</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>23.</td>
<td>Bamboo and cane products</td>
</tr>
<tr>
<td>24.</td>
<td>Sports goods and its repair shops</td>
</tr>
<tr>
<td>25.</td>
<td>Musical instruments repair shops</td>
</tr>
<tr>
<td>26.</td>
<td>Optical lens grinding, watch and pen repairing</td>
</tr>
<tr>
<td>27.</td>
<td>Radio repair shop</td>
</tr>
<tr>
<td>28.</td>
<td>Rubber stamps, Xerox</td>
</tr>
<tr>
<td>29.</td>
<td>Card board box and paper products including paper (manual only)</td>
</tr>
<tr>
<td>30.</td>
<td>Cotton and silk printing/screen printing</td>
</tr>
<tr>
<td>31.</td>
<td>Webbing (narrow, fabrics, embroidery, lace manufacturing)</td>
</tr>
<tr>
<td>32.</td>
<td>Ivory, wood carving and small stone carving</td>
</tr>
<tr>
<td>33.</td>
<td>Coffee curing units</td>
</tr>
<tr>
<td>34.</td>
<td>Candles and wax products</td>
</tr>
<tr>
<td>35.</td>
<td>Household kitchen appliances</td>
</tr>
<tr>
<td>36.</td>
<td>Washing soaps small scale only</td>
</tr>
<tr>
<td>37.</td>
<td>Fruit canning and preservation</td>
</tr>
<tr>
<td>38.</td>
<td>Electric lamp fitting/Assembly of Bakelite switches.</td>
</tr>
<tr>
<td>39.</td>
<td>Shoe making, repairing</td>
</tr>
<tr>
<td>40.</td>
<td>Power looms (silk reeling unit up to 10 HP)</td>
</tr>
<tr>
<td>41.</td>
<td>Areca nut processing unit</td>
</tr>
<tr>
<td>42.</td>
<td>Beedi rolling</td>
</tr>
<tr>
<td>43.</td>
<td>Agarbathi rolling</td>
</tr>
<tr>
<td>44.</td>
<td>Assembly and repair of measuring instruments (excluding handling of mercury and hazardous materials)</td>
</tr>
<tr>
<td>45.</td>
<td>Clay and modelling with plaster of Paris</td>
</tr>
<tr>
<td>46.</td>
<td>Diary products e.g. cream, ghee, paneer, etc.</td>
</tr>
<tr>
<td>47.</td>
<td>Enamelling vitreous (without use of coal)</td>
</tr>
<tr>
<td>48.</td>
<td>Milk cream separation</td>
</tr>
<tr>
<td>49.</td>
<td>Manufacture of jute products</td>
</tr>
</tbody>
</table>
50. Manufacture of Bindi
51. Photo Copying of drawings including enlargement of drawings and designs.
52. Packaging of shampoos
53. Packaging of hair oil
54. Internet cafe
55. Utensil washing powder (only mixing and packaging)

9.3 Zoning regulations for buildings:

The minimum set back required on all the sides of a building, maximum plot coverage, maximum FAR, maximum number of floors, maximum height of building that are permissible for different dimensions of sites and width of roads are set out in Tables given below.

**TABLE 1**

Exterior open spaces/setbacks in percentage (minimum) for Residential, Commercial, Public and Semi-Public, Traffic and Transportation, Public Utility buildings upto 10.00 mtr.s in height.

<table>
<thead>
<tr>
<th>Depth of site in mtrs.</th>
<th>Residential Minimum in Mtrs.</th>
<th>Commercial</th>
<th>T &amp; T, P.U. &amp; Public and Semi-Public</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Rear</td>
<td>Front</td>
</tr>
<tr>
<td>^</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>Upto 6</td>
<td>1.00</td>
<td>0</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 6 upto 9</td>
<td>1.00</td>
<td>1.00</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 9 upto 12</td>
<td>1.00</td>
<td>1.00</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 12 upto 18</td>
<td>1.50</td>
<td>1.50</td>
<td>2.50</td>
</tr>
<tr>
<td>Over 18 upto 24</td>
<td>2.50</td>
<td>2.00</td>
<td>3.00</td>
</tr>
<tr>
<td>Over 24</td>
<td>3.50</td>
<td>3.00</td>
<td>3.50</td>
</tr>
</tbody>
</table>

**Note:** T & T: Traffic & Transportation, P.U.: Public Utility.
<table>
<thead>
<tr>
<th>Width of site</th>
<th>Residential Minimum in Mtrs.</th>
<th>Commercial</th>
<th>T &amp; T, P.U. &amp; Public and Semi-Public</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Left</td>
<td>Right</td>
<td>Left</td>
</tr>
<tr>
<td>(8)</td>
<td>(9)</td>
<td>(10)</td>
<td>(11)</td>
</tr>
<tr>
<td>Upto 6</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Over 6 upto 9</td>
<td>1.00</td>
<td>1.00</td>
<td>0</td>
</tr>
<tr>
<td>Over 9 upto 12</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 12 upto 18</td>
<td>1.50</td>
<td>2.00</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 18 upto 24</td>
<td>2.00</td>
<td>3.00</td>
<td>2.00</td>
</tr>
<tr>
<td>Over 24</td>
<td>2.00</td>
<td>3.00</td>
<td>2.00</td>
</tr>
</tbody>
</table>

**Note:** T & T: Traffic & Transportation, P.U.: Public Utility.

**Notes:**

(i) When car garage is proposed on the right side, the minimum set backs shall be 3.0 m;

(ii) For residential, commercial, public and semi-public, traffic and transportation, public utility buildings, above 10 m. in height, the set backs shall be insisted as per Table 2;

(iii) For residential sites up to 120 sq. m;

(a) Open staircase shall be permitted in the side setbacks, but there shall be a minimum open space of 0.50 m from the side boundary and 1.0 m from the front and rear boundary of the site;

(b) Toilets minimum of 1 m x 1.5 m and not exceeding 1.4 per cent of the plot area permissible in rear set back only;

(c) When minimum set back of 1.5 m is left on the right side, a scooter garage may be permitted at the back side limiting the depth of the garage to 3.0 m;

(iv) The height of the stilt floor not exceeding 2.4m can be permitted without reckoning the same for the purpose of height of the building.
TABLE - 2

Exterior open spaces/setbacks for residential, commercial, public and semi-public, traffic and transportation, public utility buildings, above 10.00 meters in height.

<table>
<thead>
<tr>
<th>S1. No.</th>
<th>Height of building in meters</th>
<th>Minimum Exterior open spaces/setbacks to be left on all sides (in meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Above 10.0 upto 12.0</td>
<td>4.5</td>
</tr>
<tr>
<td>2.</td>
<td>Above 12.0 upto 15.0</td>
<td>5.0</td>
</tr>
<tr>
<td>3.</td>
<td>Above 15.0 upto 18.0</td>
<td>6.0</td>
</tr>
<tr>
<td>4.</td>
<td>Above 18.0 upto 21.0</td>
<td>7.0</td>
</tr>
<tr>
<td>5.</td>
<td>Above 21.0 upto 24.0</td>
<td>8.0</td>
</tr>
<tr>
<td>6.</td>
<td>Above 24.0 upto 27.0</td>
<td>9.0</td>
</tr>
<tr>
<td>7.</td>
<td>Above 27.0 upto 30.0</td>
<td>10.0</td>
</tr>
<tr>
<td>8.</td>
<td>Above 30.0 upto 35.0</td>
<td>11.0</td>
</tr>
<tr>
<td>9.</td>
<td>Above 35.0 upto 40.0</td>
<td>12.0</td>
</tr>
<tr>
<td>10.</td>
<td>Above 40.0 upto 45.0</td>
<td>13.0</td>
</tr>
<tr>
<td>11.</td>
<td>Above 45.0 upto 50.0</td>
<td>14.0</td>
</tr>
<tr>
<td>12.</td>
<td>Above 50.0</td>
<td>16.0</td>
</tr>
</tbody>
</table>

[The height of the buildings in BIAAPA is limited to the height permitted by the Airport Authority of India, under the provisions of the Aircraft Act, 1934 (Central Act 22 of 1934) subject to maximum floor area ratio permitted by the State Government in the Zonal Regulation.]

TABLE - 3

Maximum Floor Area Ratio and Road Widths for Different Sital Areas

<table>
<thead>
<tr>
<th>Road width in metres</th>
<th>Residential</th>
<th>Commercial</th>
<th>Public and Semi-public, T and T, Public utility</th>
</tr>
</thead>
<tbody>
<tr>
<td>UPTO 9</td>
<td>1.50</td>
<td>1.50</td>
<td>1.25</td>
</tr>
</tbody>
</table>

1 Substituted by Notification No. UDD 213 BMR 2011(P), dated 21-11-2013, w.e.f. 30-1-2014
<table>
<thead>
<tr>
<th></th>
<th>1.75</th>
<th>1.75</th>
<th>1.50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 9</td>
<td>2.00</td>
<td>2.00</td>
<td>1.75</td>
</tr>
<tr>
<td>Over 12</td>
<td>2.25</td>
<td>2.50</td>
<td>1.75</td>
</tr>
<tr>
<td>Over 18</td>
<td>2.50</td>
<td>3.00</td>
<td>2.00</td>
</tr>
</tbody>
</table>

**Note:** Only effluent treatment plant, open to sky swimming pool, car parking are excluded from FAR computations.

**GROUP HOUSING**

**Approval of Group Housing Project**

The following norms shall be adopted while approving building plans for group housing:

1. The approach road to a group housing project must have a minimum width of 12 m;

2. The minimum area for group housing shall be 1.00 Ha.

3. A development plan showing the general arrangement of residential building blocks, and dimensions of the plots earmarked for each building block, access roads to abutting lands, parks, open spaces and civic amenity areas, shall be obtained prior to according approval to the building plan;

4. Set backs should be provided with reference to the depth and width of total plot area;

5. The floor area ratio (FAR) shall be with reference to the existing width of the public road abutting the property and the FAR shall be calculated for the net area of the plot as prescribed in Table 5 after deducting the area reserved for the civic amenities in the plot;

6. The coverage shall be with reference to the total area of the development plan;

7. The distance between any two buildings shall not be less than half the height of the taller building;

8. 25% of the total area be reserved for civic amenity, parks and open spaces, subject to a minimum of 15% for parks and open spaces and 5% for civic amenities.
TABLE 4
Maximum plot coverage, FAR, minimum setbacks and minimum road width for group housing

<table>
<thead>
<tr>
<th>Plot area</th>
<th>Minimum road width in m</th>
<th>Maximum Plot coverage</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between 1.00 to 2.00 ha</td>
<td>9</td>
<td>60%</td>
<td>1.75</td>
</tr>
<tr>
<td>Between 2.00 to 3.00 ha</td>
<td>12</td>
<td>50%</td>
<td>2.00</td>
</tr>
<tr>
<td>Above 3.00 ha</td>
<td>15</td>
<td>40%</td>
<td>2.50</td>
</tr>
</tbody>
</table>

Note:

1. Approval of development plan showing the general arrangement of residential building blocks, and dimensions of plot earmarked for each building blocks, means of access roads and civic amenity areas, should precede the approval to building plan.

2. In case, the height of group housing building exceeds 10.0 m, then setback to be left all-round the premises shall be as per Table-2.

3. Parking requirement shall be as per Table -11. In addition, 5% of the total area shall be reserved for visitors parking separately.

4. 5% of Residential area may be utilised for commercial purpose also.

5. Internal roads and park area shall be developed by the owner/developer himself for the specified purpose only.

6. The area reserved for parks and open spaces, civic amenity and roads shall be handed over free of cost to Planning Authority through registered relinquishment deed before issue of work order, if the number of tenements in a group housing scheme exceeds 400 dwelling units. Preference may be given to the owner/developer of the respective project for lease of C.A. area reserved in the Group Housing project. In other schemes the area reserved for civic amenities, park area and roads should be developed and handed over to the Société/Residents Association free of cost by the developer.
## Table-5
Standards for Civic Amenities in the layouts or group housing schemes

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Population per Unit</th>
<th>Area in Hectare</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(a) Educational facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Nursery school (age group 3-6 years)</td>
<td>1,000</td>
<td>0.10 (including playground)</td>
</tr>
<tr>
<td>(ii) Basic primary and higher primary school (age group 6-14 years)</td>
<td>3,500 to 4,500</td>
<td>0.50</td>
</tr>
<tr>
<td>(iii) Higher Secondary school (age group 14-17 years)</td>
<td>15,000</td>
<td>1.0 (including playground)</td>
</tr>
<tr>
<td>(iv) College</td>
<td>50,000</td>
<td>2.0 (Including playground)</td>
</tr>
<tr>
<td><strong>(b) Medical facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Dispensary</td>
<td>5,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(ii) Health center</td>
<td>20,000</td>
<td>0.25</td>
</tr>
<tr>
<td>(iii) Hospital</td>
<td>50,000</td>
<td>0.50</td>
</tr>
<tr>
<td><strong>(c) Other facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Post and Telegraph</td>
<td>10,000</td>
<td>0.15 (including staff quarters)</td>
</tr>
<tr>
<td>(ii) Police Station</td>
<td>10,000</td>
<td>0.20</td>
</tr>
<tr>
<td>(iii) Religious Buildings</td>
<td>3,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(iv) Filling Station</td>
<td>15,000</td>
<td>0.20</td>
</tr>
</tbody>
</table>

### Shopping facilities

<table>
<thead>
<tr>
<th>Population</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood and Convenient shopping 3 shops/1000 persons (3,000-15,000 population)</td>
<td>10-15 sq. m.</td>
</tr>
</tbody>
</table>

**Combined scheme for group housing and formation of individual plots.**—In case of a combined scheme plan proposed sub-division of land for group housing and individual plots, the norms for group housing and the norms for sub-division of land be applied separately to the extent covered by each of such developments.
Adoption of building Bye-laws of the Bangalore Mahanagara Palike.—The Authority till framing of the Building Bye-laws of its own under Section 75 of the Karnataka Town and Country Planning Act, 1961, shall adopt the relevant provisions not covered under these regulations in respect of size of drawings, qualifications of persons drawing the plans, ventilations, staircase details, fire, safety requirements in a building as followed by Bangalore Mahanagara Palike.

**TABLE - 6**

<table>
<thead>
<tr>
<th></th>
<th>Semi-detached houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Minimum combined area of the neighboring plots</td>
</tr>
<tr>
<td>2.</td>
<td>Building coverage</td>
</tr>
<tr>
<td>3.</td>
<td>Floor area ratio</td>
</tr>
<tr>
<td>4.</td>
<td>Maximum number of floors</td>
</tr>
<tr>
<td>5.</td>
<td>Minimum road width</td>
</tr>
<tr>
<td>6.</td>
<td>Front setback for back to back plots</td>
</tr>
<tr>
<td>7.</td>
<td>Side setbacks for plots joined at the side</td>
</tr>
</tbody>
</table>

**TABLE - 7**

<table>
<thead>
<tr>
<th></th>
<th>Row Housing (Maximum 12 units, minimum 3 units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Minimum combined area of plot</td>
</tr>
<tr>
<td>2.</td>
<td>Maximum area of each plot</td>
</tr>
<tr>
<td>3.</td>
<td>Building coverage</td>
</tr>
<tr>
<td>4.</td>
<td>Floor area ratio</td>
</tr>
<tr>
<td>5.</td>
<td>Number of floors</td>
</tr>
<tr>
<td>6.</td>
<td>Minimum road width</td>
</tr>
</tbody>
</table>
7. Set backs minimum

| Front: 2.00 m |
| Rear: 1.50 m |
| Side: 2.00 m only for end units |

**TABLE - 8**

**Regulations for Flatted Factories**

<table>
<thead>
<tr>
<th>1. Minimum plot area</th>
<th>1,000 sq. mtrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Maximum plot coverage</td>
<td>40%</td>
</tr>
<tr>
<td>3. FAR</td>
<td>1.50 upto 12.0 mtrs. road width and 1.75 above 12.0 mtrs. road width</td>
</tr>
<tr>
<td>4. Minimum setbacks</td>
<td>a. Front 8.00 mtrs</td>
</tr>
<tr>
<td></td>
<td>b. Rear 4.50mtrs.</td>
</tr>
<tr>
<td></td>
<td>c. Sides 4.50 mtrs.</td>
</tr>
</tbody>
</table>

**TABLE - 9**

**Coverage, Floor Area Ratio and Setbacks for Industrial buildings**

<table>
<thead>
<tr>
<th>Plot area in sq. m.</th>
<th>Max. plot coverage</th>
<th>Floor area Ratio</th>
<th>Minimum Front setback in m.</th>
<th>Other sides in m.</th>
<th>Minimum road width in m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 230</td>
<td>80%</td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td>Up to 6</td>
</tr>
<tr>
<td>231 to 1000</td>
<td>60%</td>
<td>1.25</td>
<td>4.50</td>
<td>3.00</td>
<td>Over 6</td>
</tr>
<tr>
<td>1001 to 2000</td>
<td>50%</td>
<td>1.25</td>
<td>6.00</td>
<td>5.00</td>
<td>Over 9</td>
</tr>
<tr>
<td>2001 to 4000</td>
<td>40%</td>
<td>1.25</td>
<td>8.00</td>
<td>5.00</td>
<td>Over 12</td>
</tr>
<tr>
<td>4001 to 8000</td>
<td>35%</td>
<td>1.00</td>
<td>8.00</td>
<td>6.00</td>
<td>Over 15</td>
</tr>
<tr>
<td>Above 8000</td>
<td>30%</td>
<td>0.50</td>
<td>15.00</td>
<td>12.00</td>
<td>Over 15</td>
</tr>
</tbody>
</table>

Note: Wherever the setbacks prescribed in the Table-9 is not possible to adopt the Residential setbacks as per Table-1 may be adopted.

Regulation for Integrated Township:
'Integrated Township' concept is gaining more importance in the recent times. To give impetus to economic growth and to retain the vibrancy and dynamism of the urban form for a LPA like BIAAPA, the concept of 'Integrated Township' with minimum 40 Ha of land having access from minimum 18 m road width is a good approach for the future of BIAAPA. The spatial distribution of activities within the Integrated Township need not be restricted to the prevailing acceptable land uses (Residential, Commercial, Industrial and Public, Semi-Public and Park) as long as the stipulated percentage as mentioned below is adhered to.

**Permissible in Residential/Commercial/Industrial zones:**

(a) Minimum area required 40 Ha

(b) Permissible Land Use

i. Residential

ii. Industrial

iii. Commercial

iv. Public and Semi-Public

v. Park

(c) Permissible usage (% of allowable usage Excl. Roads, park and CA)

i. Residential 40%

ii. Non-Residential

IT, BT related activities upto 50%

Commercial (to support the township) 10%

(d) Minimum Road width required 18 Mtrs

(e) Other Regulations for approval of integrated township:

i. 10% of the total area shall be reserved for parks and open space. It shall be handed over to the authority free of cost and shall be maintained by the developer to the satisfaction of the authority.

ii. 5% of the site area shall be reserved for public and semi-public use CA sites and shall be handed over to the Local bodies (Gram Panchayat, TMC, CMC) the same shall be allotted by the Local bodies for development for specified CA, either to the developer or others on lease basis.
iii. The FAR is calculated on entire area excluding area reserved for CA. The unutilised area of one use (e.g. Residential), may be utilised for remaining non-residential activities (e.g. IT related or Commercial), subject to height, fire safety and parking regulations. Ground coverage is calculated for the total township area.

iv. Road shown in BIAAPA Master Plan, 2021 shall be incorporated within the plan and shall be handed over to the authority free of cost.

v. The FAR and ground coverage shall be as below:

**TABLE - 10**

<table>
<thead>
<tr>
<th>Road width</th>
<th>Coverage</th>
<th>FAR permissible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above 18 m &lt; 24 m</td>
<td>60%</td>
<td>2.00</td>
</tr>
<tr>
<td>Above 24 m &lt; 30m</td>
<td>55%</td>
<td>2.25</td>
</tr>
<tr>
<td>Above 30 m</td>
<td>50%</td>
<td>2.50</td>
</tr>
</tbody>
</table>

**Regulations for Rural Development:**

Within 150 mtrs. from the existing gramatana, for those villages having a population upto 1000 as per 2001 census, and for every additional 1000 population additional 50 mtrs for uses permitted under residential and agricultural zone may be permitted with the following conditions.

1. FAR: 1.00
2. Maximum No. of Floors: G+1
3. Setbacks: As per Table No. 1

**Security deposit**

The applicant shall deposit a sum of Rs. 50/- per sq. m. of floor area as refundable non-earning deposit for the following categories of buildings namely:

1. Residential buildings/group housing/multi-dwellings/apartments with 5 units or more.
2. Commercial Buildings exceeding 300 sq. m. of floor area. The
security deposit shall be refunded after one year of completion
of the building as per approved plan certified by Development
or Local Authority. If the construction is not as per the approved
plan, the deposit would be forfeited.

Parking Regulations

Parking space standards:

1. Each off-street parking space provided for motor vehicles shall
not be less than (2.5 m x 5.0 m) 12.50 sq. m. area and for scooter
and cycle parking spaces provided shall not be less than 3 sq. m.
and 1.4 sq. m. respectively and it shall be 25% of the car parking
space.

2. For building of different uses, off-street parking spaces for
vehicles shall be provided as stipulated below:

**TABLE - 11**

Off-street parking spaces

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Occupancy</th>
<th>Minimum one car parking space of 2.50 m x 5.00 m for every</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Multi-family residential</td>
<td>2 tenements each having area less than 50 sq. m.</td>
</tr>
<tr>
<td>2.</td>
<td>Lodging establishments, tourist</td>
<td>1 tenement exceeding area of 50 sq</td>
</tr>
<tr>
<td></td>
<td>homes and hotels</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Educational</td>
<td>6 guest rooms</td>
</tr>
<tr>
<td>4.</td>
<td>a. Hospital</td>
<td>200 sq. m. floor area</td>
</tr>
<tr>
<td></td>
<td>b. Nursing homes</td>
<td>a. 100 sq. m. floor area subject to minimum 20 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. 75 sq. m. floor area subject to minimum 10 spaces</td>
</tr>
<tr>
<td>5.</td>
<td>Assembly/Auditorium</td>
<td>25 seats</td>
</tr>
<tr>
<td>6.</td>
<td>Government or Semi public buildings</td>
<td>100 sq. m. floor area</td>
</tr>
<tr>
<td>7.</td>
<td>Retail business</td>
<td>75 sq. m. floor area</td>
</tr>
<tr>
<td>8.</td>
<td>Industrial</td>
<td>150 sq. m. floor area</td>
</tr>
<tr>
<td>9.</td>
<td>Storage</td>
<td>100 sq.m. floor area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>10.</td>
<td>Kalyana Mantapa</td>
<td>75 sq.m. floor area</td>
</tr>
<tr>
<td>11.</td>
<td>Private Offices</td>
<td>75 sq.m. floor area</td>
</tr>
<tr>
<td>12.</td>
<td>Restaurant Pubs/Bars/Coffee Parlours</td>
<td>75 sq. m. of floor area</td>
</tr>
<tr>
<td>13.</td>
<td>Students Hostels</td>
<td>15 rooms</td>
</tr>
<tr>
<td>14.</td>
<td>Working Persons Hostel</td>
<td>5 rooms</td>
</tr>
</tbody>
</table>

**Note on off-street parking:**

1. Upto 20 sq. m. in the case of shops, parking spaces need not be insisted.

2. Off-street parking space shall be provided with adequate vehicular access to a street, and the area of drive aisles subject to a minimum of 3.50 m. and such other provision required for adequate maneuvering of vehicles shall be exclusive of the parking spaces stipulated in these Zonal Regulations.

3. The parking spaces shall be provided in:
   (a) First basement for plots up to 1000 sq. m. and second basement shall be permissible for plots more than 1000 sq. m.;
   (b) Stilt floor or in upper floors (at any level):
       (a) Car parking can be provided in the set back areas provided, a minimum of 3.0 m is left free from the building.

4. The other aspects for providing parking spaces are:
   (i) Common and continuous cellar parking floors between adjoining blocks would be allowed depending upon structural safety aspects;
   (ii) The parking spaces should be efficiently designed and clearly marked and provided with adequate access, aisle, drives and ramps required for maneuvering of vehicles.
   (iii) Stilt floor/cell cellar parking floor shall be used only for parking and not for any habitation purpose. Misuse of the area specified for parking of vehicles for any other use shall be summarily demolished/removed by the Enforcement Authority;
(iv) For parking spaces in second basement and upper storey of parking floors, at least two ramps of minimum 3.5 m. width or one ramp of minimum 5.4 m. width and maximum slope of 1:8 shall be provided.

(v) Basement/cellar shall be permitted to extend in the setback area except the front setback after leaving a minimum of 1.5 m from the property line;

(vi) A maximum of three basements in the case of 3-Star Hotels or above, Shopping malls and IT parks and above can be permitted for parking and services;

(vii) Every basement storey shall be at least 2.4 m in height from the floor to the bottom of the roof slab/beam/ceiling/Ac or service ducts (whichever is less) and this clear height of basement floor shall not exceed 2.75 m.

(viii) The basement storey shall not be projected more than 1.20 m above the average ground level.

5. A truck parking (4m x 8m) for every 1000 sq. m. of floor area in industrial buildings/development plans is to be insisted.

Areas of special control:

The historical monuments in any city reflect the past glory of the city. As they attract tourists both from inside and outside the country. While permitting developments around historical monuments, care has to be taken to see that their aesthetic environs are not affected. In order to preserve aesthetic environs around these monuments it is necessary to declare the areas surrounding these monuments as zones of special control and impose the following special regulations around these monuments.

1. Building upto and inclusive of first floor or up to a height of 7 m from ground level, whichever is less, is permissible within a distance of 100 m distance from the premises of the monuments.

2. Buildings up to and inclusive, of second floor or up to a height of 10.5 m from ground level, whichever is less are only permissible between 100 m and 200 m distance from the premises of the monuments.

3. Building up to and inclusive of third floor or up to a height of 14 m from ground level, whichever is less are only permissible between 200 m and 400 m distance from the premises of the monuments.

Note: In any case no building shall be permitted within 400 m above the height of the declared monument.
2. General Rules:

The following shall be considered while enforcing the set backs of all types of building:

a. The front and rear set backs shall be with reference to depth of the site.

b. Left and right set backs shall be with reference to width of the site.

c. No side set backs shall be insisted upon only in the case of reconstruction of existing building where traditional row housing type of development exists and in areas specifically provided under the Zonal Regulations.

d. The provision of set backs should be read with tables prescribed for floor area ratio, Coverage etc., for different type of buildings.

e. When the building lines are fixed, the front set back shall not be less than the building line fixed or the minimum front set back prescribed whichever is higher.

f. In the case of corner sites both the sides facing the road shall be treated as front side and regulations applied accordingly to maintain the building line on these two roads and to provide better visibility.

g. In case where the building line is not parallel to the property line, the front and rear set backs shall not be less than the specified set backs at any point.

h. In case of building sanctioned prior to coming into force of these rules which are abutting other properties on one, two or more sides, upper floors may be permitted, to utilise the available FAR except in the front to enable road widening, if any.

i. In case of irregular plots set backs are to be calculated according to the depth or Width at the points where the depth or width are varying. In such cases, average set backs should not be fixed at as they may effect minimum set back at any point.

j. The left and right set-backs may be interchanged by the authority in exceptional cases due to existing structures like: open well and also considering the topography of the land.

(i) For all the high-rise buildings NOC from the following departments shall be obtained:

(i) Fire Force Department.
(ii) K.P.T.C.L./BESCOM
(iii) BSNL/Telecommunication Department
(iv) Karnataka State Pollution Control Board
(v) Airport Authority of India

4. **Lifts**: Lifts shall be provided for buildings with ground plus three floors and above.

5. **Parking space**: Adequate space for car parking shall be provided in the premises as per standards in Table-11.

6. **Water supply**: Bore well shall be provided in all high rise buildings to provide alternative source of water supply where the Karnataka Urban Water Supply and Drainage Board so desires and the strata is capable of yielding water.

7. **Height of building**: In the reckoning of height of buildings, stilt headroom, lift room, water tanks on terrace, penthouse may be excluded.

8. **Corridor**: The minimum width of corridor for different building or type is as given in the Table-13.

9. **Restrictions of building activity in vicinity of certain areas**:
   
   (a) No building/development activity shall be allowed in the bed of water bodies like nāla, and in the Full Tank Level (FTL) of any lake, pond.
   
   (b) The above water bodies and courses shall be maintained as recreational/Green buffer zone, and no building activity other than recreational use shall be carried out within.
      
      (i) 30 meters from the boundary of Lakes of area 10 Ha and above;

      (ii) 9 meters from the boundary of lakes of area less than 10 Ha.

      (iii) 9 meters from the boundaries of Canal.

      (iv) 3 meters from the boundary of Nala as defined in the RS map/toposheets.

      (v) The above shall be in addition to the mandatory setbacks. Unless and otherwise stated, the area and the Full Tank Level (FTL) of a lake shall be reckoned as measured or given in the Survey of India topographical maps/Irrigation Dept. maps.
TABLE - 12
Minimum Width of Corridors

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Building use or type</th>
<th>Minimum width of the corridor in meters</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Residential building</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>Apartment building</td>
<td>2.0</td>
</tr>
<tr>
<td>2.</td>
<td>Assembly buildings such as auditorium, Kalyana Mantapas, cinema theatre, religious</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>building, temple, mosque or church and other buildings of public assembly or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>conference.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Institutional buildings such as:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Government office</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>(b) Government Hospitals</td>
<td>2.4</td>
</tr>
<tr>
<td></td>
<td>(c) Educational Buildings such as Schools, Colleges, Research Institutions.</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>(d) Commercial buildings such as private office, nursing homes, lodges, etc.</td>
<td>2.0</td>
</tr>
<tr>
<td></td>
<td>(e) All other buildings</td>
<td>1.5</td>
</tr>
</tbody>
</table>

10. Rainwater harvesting is compulsory in all buildings with ground + 2 floors or exceeding 400 sq. m. and above in plot area.

11. **Road width:**

1. Road width means distance between the boundaries of a road including footways and drains.

2. If the road width varies along the length of road, then the minimum width of the road along 200 m stretch on either side, from the centre of the plot shall be considered.

3. In case of roads having service roads in addition to the main roads the width of road shall be aggregate width of service roads and main roads for determining FAR and number of floors.
12. **Means of Access.**—The means of exclusive access, which would be other than through public roads and streets, shall not be of more than 30 mtrs. length from the existing public roads and streets. The minimum width of such access shall be 3.5 mtrs. FAR and height of buildings coming up on such plots shall be regulated according to the width of public street or road. If the means of access exceeds 30.0 mtrs. in length, FAR shall be regulated with reference to the width of such access road. Construction of buildings on plots with common access/lanes from the public road/street shall be regulated according to width of such common access roads/lanes.

16. **Garages:**

1. For garages no side or rear setbacks are to be insisted. One upper floor not exceeding 3.0 mtrs. in height shall be permitted provided no openings are provided towards neighbouring buildings and at least one opening for light and ventilation is provided towards the owners property.

2. Garages shall be permitted in the rear right hand corner of the plot. In cases of buildings constructed or sanctioned prior to the enforcement of these regulations, where space is not available on the right side, it may be permitted on the left side provided minimum setback exists in the adjoining property of the left side.

3. In case of corner plots, the garage shall be located at the rear corner diagonally opposite to the road intersection.

4. The maximum width of the garage shall not exceed 4 m and the depth should not be more than 6.0 m or 1/3rd the depth of the plot, whichever is lower.

5. The garages shall not be constructed or reconstructed within 4.5 mts from road edge. This may be relaxed in cases where the garage forms part of the main building with minimum setback for the plot.

17. **Plots facing the roads proposed for widening.**—In case of a plot facing the road proposed for widening, the required land as indicated in the development plan for road widening shall be handed over to the local authority free of cost by a ‘relinquishment deed’ by the owner of the land before sanction is accorded to his plan:

1. The FAR shall be allowed as applicable to the total area of the site without deducting the area to be taken over to road
widening, provided at least 60% at the sital area is available for use as a building site after the proposed road widening; and set back shall be determined for the remaining portion of the plot.

2. Existing road width along the site shall be considered for calculating the FAR. Benefit of Development Rights shall be extended in such cases as per the provisions of Section 14-B of KTCP Act, 1961

18. Exemptions in open space.—The following exemptions in open space shall be permitted:

1. Cantilever Portico: A cantilever portico of 3.0 m width (maximum) and 4.5 m length (maximum) may be permitted in the ground floor within the side set back. No access is permitted to the top of the portico for using it as a sit out. Height of the portico shall be open to sky. The portico when allowed shall have a clear open space of one meter from the boundary of the property.

2. Balcony: The projection of the balcony shall be measured perpendicular to the building up to the outermost edge of the balcony. Cantilever projection of the balcony shall be permitted not exceeding 1/3rd of the setback subject to a maximum of 1.1 m in the first floor and 1.75 m in and above the second floor. No balcony is allowed within the minimum setback area at the ground floor level. The length of the balcony shall be limited to 1/3rd of the length of each side of the building.

19. Distance of building from electrical lines.—No building shall be erected below an electrical line, as well as within the horizontal distance from the electrical line indicated in the Table-13. The vertical distance below the level of the electrical line and the topmost surface of the building corresponding to the minimum horizontal distance shall be as indicated in Table-13. The minimum vertical clearance is not applicable if the horizontal distance exceeds the minimum prescribed.
### TABLE - 13
Distance of buildings from electrical lines

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Electrical lines</th>
<th>Vertical clearance in m.</th>
<th>Horizontal clearance in m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Low and medium voltage lines up to 11 KV</td>
<td>2.5</td>
<td>6.0</td>
</tr>
<tr>
<td>2.</td>
<td>High voltage lines up to and including 11 KV</td>
<td>3.7</td>
<td>6.0</td>
</tr>
<tr>
<td>3.</td>
<td>High voltage line above 11 and up to and including 33 KV</td>
<td>3.7</td>
<td>6.0</td>
</tr>
</tbody>
</table>

20. **Solar water heater requirements.**—Solar water heaters shall be provided as per the table for different categories of buildings.

### TABLE - 14
Solar lighting and water heater requirements

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of use</th>
<th>100 litres per day shall be provided for every unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Restaurants service food and drinks with seating/serving area of more than 100 sq m and above.</td>
<td>40 sq. m. of seating or serving area</td>
</tr>
<tr>
<td>2.</td>
<td>Lodging establishments and tourist homes</td>
<td>3 rooms</td>
</tr>
<tr>
<td>3.</td>
<td>Hostel and guest houses</td>
<td>6 beds/persons capacity</td>
</tr>
<tr>
<td>4.</td>
<td>Industrial canteens</td>
<td>50 workers</td>
</tr>
<tr>
<td>5.</td>
<td>Nursing homes and hospitals</td>
<td>4 beds</td>
</tr>
<tr>
<td>6.</td>
<td>Kalyana Mantapas, community hall and convention hall (with dining hall and kitchen)</td>
<td>30 sq. m. of floor area</td>
</tr>
<tr>
<td>7.</td>
<td>Recreational clubs</td>
<td>100 sq m of floor area</td>
</tr>
<tr>
<td>8.</td>
<td>Residential buildings:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Single dwelling unit measuring 200 sq. m. of floor area or site area of more than 400 sq m whichever is more.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) 500 lpcd for multi dwelling unit/apartments for every 5 units and multiples thereof</td>
<td></td>
</tr>
</tbody>
</table>
9. Solar photovoltaic lighting systems shall be installed in multi unit residential buildings (with more than five units) for lighting the set back areas, drive ways, and internal corridors.

SCHEDULE - II
Rain Water Harvesting

Rainwater harvesting in a building site includes storage or recharging into ground of rainwater falling on the terrace or on any paved or unpaved surface within the building site.

The following systems may be adopted for harvesting the rainwater drawn from terrace and the paved surface.

1. Open well of a minimum of 1.00 m dia. and 6.00 m in depth into which rainwater may be channeled and allowed after filtration for removing silt and floating material. The well shall be provided with ventilating covers. The water from the open well may be used for non-potable domestic purposes such as washing, flushing and for watering the garden, etc.

2. Rainwater harvesting for recharge of ground water may be done through a borewell around which a pit of one meter width may be excavated up to a depth of at least 3.00 m and refilled with stone aggregate and sand. The filtered rainwater may be channeled to the refilled pit for recharging the bore well.

3. An impervious storage tank of required capacity may be constructed in the setback or other than, space and the rainwater may be channeled to the storage tank. The storage tank may be raised to a convenient height above the surface and shall always be provided with ventilating the surface and shall always be provided with ventilating covers and shall have draw off taps suitably place so that the rain water may be drawn off for domestic, washing, gardening and such other purposes. The storage tanks shall be provided with an overflow.

4. The surplus rainwater after storage may be recharged into ground through percolation pits, trenches, or combination of pits and trenches. Depending on the geomorphologic and topographical condition, the pits may be of the size of 1.20 m width x 1.20 m length x 2.00 m to 2.50 m depth. The trenches can be or 0.60 m width x 2.00 m to 6.00 m length x 1.50 m to 2.00 depth. Terrace water shall be channelled to pits or trenches. Such pits or trenches shall be backfilled with filter media comprising the following materials.—

i. 40 mm stone aggregate as bottom layer up to 50% of the depth;
ii. 20 mm stone aggregate as lower middle layer up to 20% of the depth;

iii. Course sand as upper middle layer up to 20% of the depth;

iv. A thin layer of fine sand as top layer;

v. Top 10% of the pits/trenches will be empty and a splash is to be provided in this portion in such a way that roof top water falls on the splash pad;

vi. Brick masonry wall is to be constructed on the exposed surface of pits/trenches and the cement mortar plastered;

vii. The depth of wall below ground shall be such that the wall prevents loose soil entering into pits/trenches. The projection of the wall above ground shall at least be 15 cm;

viii. Perforated concrete slabs shall be provided on the pits/trenches.

5. If the open space surrounding the building is not paved, the top layer up to a sufficient depth shall be removed and refilled with course sand to allow percolation of rainwater into ground.

The terrace shall be connected to the open well/bore well/storage tank/recharge pit/trench by means of H.D.P.E./P.V.C. pipes through filter media. A valve system shall be provided to enable the first washings from roof or terrace catchments, as they would contain undesirable dirt. The mouths of all pipes and opening shall be covered with mosquito (insect) proof wire net. For the efficient discharge of rainwater, there shall be at least two rain water pipes of 100 mm dia for a roof area of 100 sq. m.

Rainwater harvesting structures shall be sited as not to endanger the stability of building or earthwork. The structures shall be designed such that 0 dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.

Sub division regulations for residential use:

The purpose of these regulations is to guide the development of new areas in accordance with the land use plan. As long as this is done on sound planning principles with adequate space standards, the future of the Town is assured. This will not necessitate costly corrective measures, which would become necessary, if sub-standard growth is allowed to take place. These sub-division regulations are confined to standards of size of plots, street widths and community facilities.
Size of plots:

No building plot resulting from a sub-division after these regulations come into force is smaller in size than 54 sq m in residential zone. In specific cases of sites for housing schemes for economically weaker sections, low income groups, slum clearance and Ashraya housing, the authority may relax the above condition.

### TABLE -15
Civic Amenities

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Population per unit</th>
<th>Area in ha.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(a) Educational Facilities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Nursery School (age group 3 to 6 years)</td>
<td>1,000</td>
<td>Minimum 0.20</td>
</tr>
<tr>
<td>(ii) Basic primary and Higher primary school (age group 6 to 14 years)</td>
<td>3,500 to 4,500</td>
<td>(Including play ground) 1.00</td>
</tr>
<tr>
<td>(iii) Higher secondary school (age group 14 to 17 years)</td>
<td>15,000</td>
<td>Minimum 2.00</td>
</tr>
<tr>
<td>(iv) College</td>
<td>50,000</td>
<td>Minimum 3.0 to 4.0 (including play ground)</td>
</tr>
<tr>
<td><strong>(b) Medical Facilities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Dispensary</td>
<td>5,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(ii) Health Centre</td>
<td>20,000</td>
<td>0.40 (including staff quarters)</td>
</tr>
<tr>
<td><strong>(c) Other facilities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Post and Telegraph</td>
<td>10,000</td>
<td>0.15 (including staff quarters)</td>
</tr>
<tr>
<td>(ii) Police Station</td>
<td>10,000</td>
<td>0.20</td>
</tr>
<tr>
<td>(iii) Religious Building</td>
<td>3,000</td>
<td>0.10</td>
</tr>
<tr>
<td>(iv) Filling Station</td>
<td>15,000</td>
<td>0.05</td>
</tr>
</tbody>
</table>

### TABLE - 16
Parks, play ground and open spaces

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category</th>
<th>Population per unit</th>
<th>Area in hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tot-lot</td>
<td>500</td>
<td>Minimum 0.05</td>
</tr>
<tr>
<td>2.</td>
<td>Children park</td>
<td>2,000</td>
<td>Minimum 0.20</td>
</tr>
</tbody>
</table>

A KLJ PUBLICATION
3. Neighbourhood play ground 1,000 Minimum 0.20
4. Neighbourhood park 5,000 Minimum 0.80

I. Approval of Residential Layouts:

The areas for open space and Civic Amenities while sanctioning of layout for residential purpose shall be subject to the following conditions:

(i) The area earmarked for residential sites shall be a maximum of 55% of the total extent.

(ii) Balance area shall be earmarked for roads, parks, and playgrounds shall not be less than 10% of the total extent and civic Amenities shall not be less than 5% of the total extent.

(iii) If by incorporating major roads proposed in the Master Plan, the area under roads exceeds 45%, in such case the reservation under parks and civic amenities may be relaxed.

(iv) A maximum of 3% of the total area from out of the residential area may be earmarked for convenient shops.

(v) The area reserved for parks and open spaces, civic amenities and roads shall be handed over to the concerned Local bodies (Gram Panchayat, TMC, CMC) free of cost through a registered relinquishment deed before taking up development of the layout.

(vi) Minimum width of roads shall be 7.5m in case of Government sponsored EWS schemes, 9.0 m in case of plots up to 9 m x 12 m and 12.0 m and higher for plots more than 9 m x 12 m.

II. Approval of non-residential private layouts:

A. If the private non-residential layout for approval consists of only one single unit, approval shall be given subject to the following conditions:

(i) 5% of the total extent of land shall be reserved for vehicle parking and this shall be in addition to the parking space prescribed in the Zoning Regulations as per the total floor area of the building.

(ii) 10% of the total extent shall be earmarked as park and open spaces.

(iii) The area reserved for vehicle parking and open space shall be maintained by the landowner and this land shall not be used for any other purpose by the landowner.
(iv) The Planning Authority shall collect the fee under Section 18 of K.T.C.P. Act and development charges applicable and any other fees and charges prescribed by the Government from time to time.

B. If the private non-residential layout for approval consists of two or more number of plots, the following conditions shall apply:

(i) 5% of the total extent of land shall be reserved for vehicle parking and this shall be in addition to the parking space prescribed in the Zoning Regulations as per the total floor area of the building;

(ii) 10% of the total extent of the land shall be earmarked as open space;

(iii) Minimum width of road shall not be less than 12.0 m.

(iv) The area earmarked for parking and open space and roads shall be handed over to the local authority at free of cost for maintenance;

(v) The Planning Authority shall collect the fee under Section 18 of K.T.C.P. Act and development charges and any other fees and charges prescribed by the Government from time to time.

III. Approval of single plot for residential purpose:

Any extent of land can be approved as single plot subject to the following conditions.—

(a) The land in question shall be converted for non-agricultural purpose;

(b) The land shall have access from the public road and the use of land shall be in accordance with the Zoning Regulations of the Master Plan;

(c) The necessary development charges shall be paid to the concerned UDA/Local Authority. This fee is in addition to recovery of fee under Section 18 of K.T.C.P. Act and other fees/charges prescribed by the Government from time to time.

(d) If the owner of Single plot desires to sub-divide the plot at subsequent dates, he shall obtain approval by the Authority treating it as sub-division of land and the norms applies accordingly as prescribed in the Zoning Regulations.
IV. Amalgamation:

(i) In case of amalgamation, the proposed sites shall have the same land use.

(ii) Ownership of the amalgamated plot could be in single or multiple names/family members/company. But amalgamation shall not be considered if the plots are under lease agreement.

(iii) No amalgamation shall be entertained in cases of designated EWS sites.

(iv) Development controls for the amalgamated plot shall be with reference to new dimensions.

TABLE - 16
Building Line

Building lines in metres are prescribed for some important roads in BIAAPA Local Planning Area. Front setback is also prescribed separately for various types of buildings. The maximum of the front setback/building line shall be:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Road</th>
<th>Proposed Right of way</th>
<th>Proposed Building Line from the edge of ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>STRR</td>
<td>90.0</td>
<td>-10.0</td>
</tr>
<tr>
<td>2.</td>
<td>IRR</td>
<td>90.0</td>
<td>-10.0</td>
</tr>
<tr>
<td>3.</td>
<td>TRR Airport Expressway</td>
<td>90.0</td>
<td>10.0</td>
</tr>
<tr>
<td>4.</td>
<td>Radial Road/National Highway-7</td>
<td>60.0</td>
<td>10.0</td>
</tr>
<tr>
<td>5.</td>
<td>National Highway-207</td>
<td>45.0</td>
<td>6.0</td>
</tr>
<tr>
<td>6.</td>
<td>State Highway</td>
<td>30.0</td>
<td>6.0</td>
</tr>
<tr>
<td>7.</td>
<td>Major District Road</td>
<td>30.0</td>
<td>4.0</td>
</tr>
<tr>
<td>8.</td>
<td>Other District Road</td>
<td>24.0</td>
<td>3.0</td>
</tr>
<tr>
<td>9.</td>
<td>Village Roads</td>
<td>18.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

The names of villages/towns included in the Bangalore International Airport Planning Area are as under:

DEVANAHALLI TALUK

Malligenahalli, Vaderaahalli, Attibele, Abbachikkanahalli, Devanahalli, Gullobanahalli, Kurubara Kunte, Lalagondanahalli, Kammanada.
Kote, Bijjawara, Holerahalli, Gururayana Hosur, Irrigenahalli, Gonuru, Mudugurki, Doddasagarahalli, Bingipura, Hosahudiya.

**DOODABALLAPURA TALUK**


**BANGALORE NORTH TALUK (HESARAGHATA HOBLI)**


**BANGALORE NORTH TALUK (JALA HOBLI)**

Navarathna Agrahara, Tabaranahalli, Kudurugere, Tarahunase, Papanahalli, Byapanahalli, Channahalli, Meenkunte, Dodda jala, Begur, Muttukadahalli, Settigere, Chokkanahalli, Mylanahalli, Unachur, Dummanur, Bandikodigenahalli Amanikere, Palana, Bandikodigenahalli, Bavyanahalli, Misanganahalli, Huttanahalli, Chikkajala, Billamarahanahalli, Bagalur, Huvinayakanahalli, Areburnamangala, Mahadevakodigehalli, Manchappanahosahalli, Maralakunte, Chalamkunte, Marasandra, Maranayakanahalli, Doddajala Amanikere, Singahalli, Gādenahalli, Gollahalli, Kodegenahalli, Bollahalli.

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A KLJ PUBLICATION
AMENDMENTS TO THE ZONAL REGULATIONS OF MASTER PLANS OF THE LOCAL PLANNING AREA OF ALL CORPORATION CITIES INCLUDING BDA APPROVED BY THE GOVERNMENT WITH RESPECT TO HIGH-RISE BUILDING

NOTIFICATION
No. UDD 130 My Aa Pra 2011, Bangalore,
dated 30th September, 2011
Karnataka Gazette, dated 10-11-2011

Whereas, a draft notification to amend the Zonal Regulations of Master Plans of the local planning areas of all Corporation cities including Bangalore Development Authority, with regard to high-rise building was published vide Notification No. UDD 130 My Aa Pra 2011, dated 25-3-2011, inviting objections and suggestions to the said draft amendment from all persons likely to be affected thereby within thirty days from the date of publication.

Whereas, no objections and suggestions to the said draft amendment have been received within the said period.

Now, therefore, in exercise of the powers conferred under Section 13-E of the Karnataka Town and Country Planning Act, 1961, the State Government makes amendments to the Zonal Regulations of Master Plans of the Local Planning Area of all Corporation cities including BDA approved by the Government with respect to high-rise building.

Under the regulations for high-rise buildings, the following shall be inserted at appropriate place.—

"Note.—While issuing NOC for high-rise hospital buildings, the Fire Force Department shall consider the maximum height upto 40 m.”.

GUIDELINES FOR HIGH RISE BUILDINGS

OFFICE MEMORANDUM, dated 7th February, 2012

Subject: Guidelines for High Rise Buildings - Regarding.

Ministry has been regularly receiving proposals for Environmental Clearance for high rise buildings from the States of Kerala, Maharashtra, Haryana, etc. The relevant issues related to height of buildings, adequacy of fire fighting facilities and other requirements have been deliberated upon by the EAC for the related sector from time to time before giving its recommendations to this Ministry. The Ministry also received various representations from the State Government of Kerala and from the builders/developers regarding the specific issue of height of the buildings. In this regard, a site visit in Kerala was undertaken by the EAC.
2. The EAC for building/construction, Infrastructure and CRZ projects in its 105th meeting held on 21-23rd September, 2011 discussed in detail the issues related to increase in traffic, distance from fire stations and other emergency and evacuation requirements for high rise buildings.

3. The EAC recommended that the height of the building should be linked with the width of the road on which the proposed building is to be located and also the distance of Fire Station from the building so that in case of emergency, the Fire Tender may reach in the shortest possible time. The EAC also stressed the need for mandatory mock-up drills and availability of NOC’s from the concerned departments before the start of construction as well as before occupancy. The EAC also recommended that the provisions and the guidelines, as applicable of the State Departments and National/State Disaster Management Authority should be strictly followed. These recommendations of the EAC have been accepted by the Competent Authority.

4. In light of above acceptance, the following guidelines are stipulated regarding buildings of different heights whenever building projects are appraised by the EACs.—

(i) For Buildings more than 15 m, height.—

All necessary fire fighting equipments shall be in place before the occupancy of the building.

(ii) Minimum width of the road (right of way):

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Height of Building</th>
<th>Width of Road (right of way)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>(a)</td>
<td>between 15 m - 30 m</td>
<td>15 m</td>
</tr>
<tr>
<td>(b)</td>
<td>between 30 m - 45 m</td>
<td>18 m</td>
</tr>
<tr>
<td>(c)</td>
<td>between 45 m - 60 m</td>
<td>24 m</td>
</tr>
<tr>
<td>(d)</td>
<td>above 60 m</td>
<td>30 m</td>
</tr>
</tbody>
</table>

(iii) Location of fire station:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Height of Building</th>
<th>Location of Fire Station</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Minimum</td>
</tr>
<tr>
<td>(a)</td>
<td>between 30 m - 45 m</td>
<td>Within 10 km</td>
</tr>
<tr>
<td>(b)</td>
<td>between 45 m - 60 m</td>
<td>Within 05 km</td>
</tr>
</tbody>
</table>
(c) above 60 m

<table>
<thead>
<tr>
<th>Within 02 km</th>
<th>Within 10 minutes driving distance</th>
</tr>
</thead>
</table>

(iv) Mandatory Mock-up drills:

Regular and periodic mock-up drills shall be undertaken by the Fire Department at least once in a year.

(v) NOC from the Fire Department:

NOC shall be obtained from the local Fire Station at 2 stages.—

(a) Before the construction.

(b) Before the occupation of the building.

(vi) NOC shall be obtained from National/State Disaster Management Authority, wherever applicable.

(vii) Applicable guidelines of Fire Department/National/State Disaster Management Authority shall be strictly followed by the developer and occupiers/Co-operative Societies.

5. The State Level Environment Impact Assessment Authorities (SEIAAs) may decide to have the provision of more stringent than the above guidelines for projects within their jurisdiction, if the local circumstances so warrant, after following a transparent and inclusive process including consultation with their SEACs.

This issues with the approval of the Competent Authority.

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THE
ZONAL REGULATIONS OF MASTER PLAN OF
LOCAL PLANNING AREA OF BANGALORE INTERNATIONAL
AIRPORT AREA PLANNING AUTHORITY (BIAAPA) (AMENDMENT)
RÈGULATIONS, 2013

NOTIFICATION
No. UDD 213 BMR 2011 (P), Bangalore, dated 21st November, 2013
Karnataka Gazette, dated 30-1-2014

Whereas, the draft of the Zonal Regulations of Master Plan of Local Planning Area of Bangalore International Airport Area Planning Authority (BIAAPA) (Amendment) Regulations, 2012, was published as required by Section 13-E of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act No. 11 of 1963), in Notification No. UDD 213 BMR 2011 (P), dated 18-7-2012, in Part IV-A of the Karnataka Gazette, Extraordinary, dated 27th December, 2012, inviting objections and suggestions from all persons
likely to be affected thereby within thirty days from the date of its publication in Official Gazette.

And whereas, the said Gazette was made available to public on 27th December, 2012.

And whereas, no objections and suggestions have been received in this behalf by the State Government.

Now, therefore, in exercise of the powers conferred by Section 13-E of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act No. 11 of 1963), the Government of Karnataka hereby makes the following regulations, namely.—

1. Title and commencement.—(1) These regulations may be called the Zonal Regulations of Master Plan of Local Planning Area of Bangalore International Airport Area Planning Authority (BIAAPA) (Amendment) Regulations, 2013.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of Regulation 9.3.—In the Zonal Regulations of Master Plan of the Local Planning Area of BIAAPA, in Regulation 9.3, in Table 2, for the words, letters and figures “The height of the buildings in BIAAPA is limited to the maximum of G + 7 floor or 25 meters whichever is lower”, the words, letters, brackets and figures “the height of the buildings in BIAAPA is limited to the height permitted by the Airport Authority of India, under the provisions of the Aircraft Act, 1934 (Central Act 22 of 1934) subject to maximum floor area ratio permitted by the State Government in the Zonal Regulation” shall be substituted.
ZONING REGULATIONS
AS PER PROVISIONAL APPROVAL OF MASTER PLAN
(vide G.O.U.D 248 BEMRUPRA 2003 Dated 13-09-04)

PERTAINING TO BANGALORE INTERNATIONAL AIRPORT PLANNING AREA

(As amended by Notification No. UDD 213 BMR 2011(P), dated 21-11-2013)

ANNEXURE-I
Size of Plot, Set-backs, Floor Area Ratio, Road Width, Parking Requirement and Height of the Buildings

SETBACKS

The minimum set-backs required on all the sides of buildings that are permissible for different dimensions of sites are set out in the Table 1

Table 1

Exterior open spaces/setbacks for residential, commercial, P & S.P T and Public utility buildings up to 10.0 m in height.

<table>
<thead>
<tr>
<th>Depth of site in m.</th>
<th>Residential</th>
<th>Commercial</th>
<th>T &amp; T, P.U &amp; Public and Semi-Public</th>
<th>Width of Site in m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Rear</td>
<td>Front</td>
<td>Rear</td>
</tr>
<tr>
<td>Up to 6</td>
<td>1.00</td>
<td></td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>Over 6 Up to 9</td>
<td>1.00</td>
<td>1.50</td>
<td>1.50</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 9 Up to 12</td>
<td>1.50</td>
<td>2.00</td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Over 12 up to 18</td>
<td>3.00</td>
<td>1.50</td>
<td>3.00</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 18 up to 24</td>
<td>4.00</td>
<td>3.00</td>
<td>3.50</td>
<td>3.00</td>
</tr>
<tr>
<td>Over 24</td>
<td>4.25</td>
<td>3.50</td>
<td>4.50</td>
<td>3.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential</th>
<th>Commercial</th>
<th>T &amp; T, P.U &amp; Public and Semi-Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left</td>
<td>Right</td>
<td>Left</td>
</tr>
<tr>
<td>1.00</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>1.00</td>
<td></td>
<td>1.50</td>
</tr>
<tr>
<td>1.50</td>
<td>1.50</td>
<td>1.50</td>
</tr>
<tr>
<td>2.00</td>
<td></td>
<td>3.00</td>
</tr>
<tr>
<td>2.50</td>
<td>3.50</td>
<td>3.50</td>
</tr>
<tr>
<td>3.00</td>
<td>4.00</td>
<td>3.00</td>
</tr>
</tbody>
</table>

Note: T & T: Traffic & Transportation, PU: Public Utility

A KLJ PUBLICATION 973
Table – 2


<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Height of Building in m.</th>
<th>Exterior open Spaces / Set-backs to be left on all sides. (Front, Rear and Sides) Min. in m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Above 10.00 up to 13</td>
<td>4.5</td>
</tr>
<tr>
<td>2.</td>
<td>Above 13 up to 16</td>
<td>5.0</td>
</tr>
<tr>
<td>3.</td>
<td>Above 16 up to 19</td>
<td>6.0</td>
</tr>
<tr>
<td>4.</td>
<td>Above 19 up to 25</td>
<td>7.0</td>
</tr>
</tbody>
</table>

[The height of the buildings in BIAAPA is limited to the height permitted by the Airport Authority of India, under the provisions of the Aircraft Act, 1934 (Central Act 22 of 1934) subject to maximum floor area ratio permitted by the State Government in the Zonal Regulation.]

Note: The front and rear set backs shall be with reference to depth of the site. The left and right set backs shall be with reference to width of the site. Where the building lines are fixed, in such cases, the front set back or the building line whichever is higher of the two shall be considered as the set back to the building in the front.

- In case of corner sites, both the sides facing the road shall be treated as front side and regulations applied accordingly to maintain the building line on these roads and to provide better visibility.

- In case of building facing more than two roads, the plot should be considered as corner plot taking any two roads into consideration.

- In case where the plinth of the building is not parallel to the property line, the set-backs shall not be less than the specified set-backs at any given point on any side.

- In case of building which are existing prior to coming into force of these regulations, upper floors may be permitted without insisting for present set-backs, but limiting the F.A.R and no. of floors as per the present regulations, subject to production of foundation certificate by a registered engineer for stability of the building.

- The left and right set-backs may be interchanged in exceptional cases due to existing open well trees and also the topography of the land.

- Set-back should be provided in the owner’s plot, public open space or conservancy should not be considered as set-backs.

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Substituted for the words "The height of the buildings in BIAAPA is limited to the maximum of G + 7 floor or 25 m. which ever is lower" by Notification No. UDD 213 BMR 2011(P), dated 21-11-2013, w.e.f. 30-1-2014

A KLJ PUBLICATION
• For garages, no side or near sent back are to be insisted. One upper floor not exceeding 3m. in height shall be permitted provided there are no openings towards neighbouring buildings but at least one opening for light and ventilation is to be provided towards the owners property.

• The length of garage shall not exceed 1/3 of the depth of the site but not more than 6 m. in any case. When lumber room is provided within the garage, the depth of the lumber room shall not exceed 1.25 meters and entrance to such lumber room shall be from the rear set-back only.

• Garages be permitted in the rear right hand corner of the plot. In case of buildings constructed or sanctioned prior to the enforcement of these regulations, where space is not available on the right side, it may be permitted on the left side provided minimum set-back exists in the adjoining property or the left side.

• In case of corner plots, the garage shall be located at the rear corner diagonally opposite to the road intersection.

• The maximum width of the garage shall not exceed 4 m.

• The garages shall not be constructed or re-constructed within 4.5 meters from road edge. This may be relaxed in cases where the garage forms part of the main building with minimum set-back for that plot.

• For cinema theaters the set-backs and other provisions shall be as per the Karnataka Cinematograph Act and Rules.

• In case of ‘High-Rise buildings’ i.e., building with Ground Floor plus three floors and above, the minimum set-back all-round the building shall be read with Tanble-2 and Group Housing Table.

• For high-rise buildings, NOCs from the Fire Force, and Airport Authority of India shall be furnished.

• If additional floors are proposed on existing buildings, structural stability certificate from the qualified engineer shall be furnished.

B. FLOOR AREA RATIO (F.A.R)

The F.A.R for different type of building is based on the existing road width abutting, the properties is as per Table-3.
TABLE-3
F.A.R. FOR RESIDENTIAL, COMMERCIAL, PUBLIC AND SEMI-PUBLIC, T & T & PUBLIC UTILITY BUILDINGS

<table>
<thead>
<tr>
<th>Road width in m.</th>
<th>Residential</th>
<th>Commercial</th>
<th>Public &amp; Semi-Public T &amp; T, Public Utilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F.A.R</td>
<td>F.A.R</td>
<td>F.A.R</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Up to 9</td>
<td>1.50</td>
<td>1.75</td>
<td>1.25</td>
</tr>
<tr>
<td>Up to 12</td>
<td>1.75</td>
<td>2.00</td>
<td>1.50</td>
</tr>
<tr>
<td>Over 12</td>
<td>2.00</td>
<td>2.25</td>
<td>1.75</td>
</tr>
<tr>
<td>Over 15</td>
<td>2.25</td>
<td>2.50</td>
<td>2.00</td>
</tr>
</tbody>
</table>

NOTE:

- **Covered Area:** Means area covered by buildings / buildings immediately above the plinth level, but does not include the area covered by swimming pool, sump-tank, pump-house and electric substation.

- **Floor:** The lower surface in a storey on which one normally walks in a building. The general term "floor" does not refer to basement.

- **Basement / Cellar floor:**
  - Means any storey which is partly / wholly below the ground level. The basement height should not project more than one metre above the average ground level.
  - If the plinth of the building is constructed leaving more set backs than the minimum prescribed, basement floor may extend beyond the plinth of the building, but not part of the minimum set-backs shall be used for basement.
  - Two basements (two) for all buildings may be allowed for parking and machines used for services and utilities of the building provided the abutting public road is not less than 12 m. in width.
  - A maximum of three basements in case of Five Stars and above hotels be permitted for parking and machines used for services and utilities of the buildings.

- **Ground Floor:** Means immediately above the level of the adjoining ground level on all sides or above the basement floor.
- **Mezzanine Floor:** Means an intermediate floor between any two floors in a building. The area of mezzanine floor shall not exceed 1/3 of lower floor.

- **Floor Area Ratio (F.A.R.):** Means the quotient obtained dividing the total covered area by plot area. Floor area includes the mezzanine floor, all types of balconies, staircase, lifts, lobbies, and other common areas.

- The floor area excludes the area used for car parking, ducts open to sky, pumps and generating rooms, electrical rooms, air conditioning plants.

- **Additional F.A.R.:** In case of the properties abutting the roads proposed for widening, an additional F.A.R. eligible to the area required for widening be allowed over and above the area of the total plot, providing the owner of such sites surrenders the road widening portion free of cost to the Development Authority or the local authority.

- **Means of Access other than through public road:** The means of exclusive access which would be other than through public roads and streets, shall not be of more than 30 m. in length from the existing public roads and streets. The minimum width of such access shall be 4.5 m. FAR and height of buildings coming up on such plots shall be regulated according to the width of public street or road. If the means of access exceeds 30.0 m in length, FAR shall be regulated with reference to the width of such exclusive access.

- **Width of Road:** Road width means distance between the boundaries of a road including footways and drains measured at right angle to the center line of the road at the center of the plot. In case of roads having service roads in addition to the main roads for determining FAR.

- **Lift will have to be provided for buildings with more than ground two floors.**

- In case of high rise buildings, occupancy certificates shall be issued only after clearance from Fire Force Department.

- **Ramp:** Ramp shall be provided with a minimum width of 3.50 m. and a slope of not more than 1 in 8. Ramp shall be provided after leaving a clear gap of minimum 1.0 m from the neighboring properties.

- When basement floor is proposed for car parking, convenient entry and exit shall be provided. Adequate drainage, ventilation and lighting arrangement shall be made to the satisfaction of the Authority.
- **Water-Supply**: Water supply for any use has to be met from the common source, i.e., the municipal water supply system. Rainwater harnessing must be adopted to augment the supply. Only in exceptional cases bore well may be provided in all shopping complexes and residential apartments as an alternative source of water supply subject to approval from the concerned Authority.

- **Exemption to open space**: The following exemption to open shall be permitted:

- **Projection into open space**: Every open space provided either interior or exterior shall be kept free from any erection there on and shall be open to the sky and no cornice, roof or weather shade more than 0.75 m. wide or 1/3 of open space whichever is less shall over hang or project over the said open space.

- **No projection shall over hang / project over the minimum setback area** either in cellar floor or at the lower level of ground floor.

- **Cantilever Portico**: Cantilever portico of 3 m. width (Maximum) and 4.5 m. length (maximum) may be permitted within the side setback. No access is permitted to the top of the portico to use it as a sitting place and the height of the portico shall be not less than 2 m. from the plinth level. The portico is allowed only on the side where the setback / open space left exceeds 3 m. in width.

- **Balcony**: Balcony projection should not exceed 1/3 of the setback on that side subject to a Maximum of 1.2 m. In first floor and 1.75 m. in the second floor and above. No balcony shall be allowed in ground floor. The length of the balcony on any part of the building shall not exceed 1/3 of the length of the concerned side.

- Cross wall connecting the building and compound wall may be permitted limiting the height of such wall to 1.5 Mts.

**INDUSTRIAL BUILDINGS**

**Table – 4**

**SETBACKS, F.A.R AND MINIMUM ROAD WIDTH FOR INDUSTRIAL BUILDINGS**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Plot Area in sq.m</th>
<th>F.A.R</th>
<th>Setbacks in m</th>
<th>Setbacks in m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front</td>
<td>Rear and sides</td>
</tr>
<tr>
<td>1</td>
<td>Up to 500</td>
<td>1.25</td>
<td>1.50</td>
<td>1.0</td>
</tr>
<tr>
<td>2</td>
<td>Over 500 up to 1000</td>
<td>1.00</td>
<td>4.50</td>
<td>3.5</td>
</tr>
<tr>
<td>3</td>
<td>Over 1000 up to 4000</td>
<td>0.75</td>
<td>6.00</td>
<td>5.00</td>
</tr>
<tr>
<td>4</td>
<td>Over 4000</td>
<td>0.50</td>
<td>10.00</td>
<td>8.00</td>
</tr>
</tbody>
</table>
Note: After leaving the minimum setbacks specified above if the remaining portion of the plot cannot be used for erecting the meaningful building, the authority may permit to adjustment of setback on any side subject to achieving the over all open space required around the building.

Table – 5
SEMI-DETACHED HOUSES (back to back or side by side)

1. Minimum combined area of the neighbouring plots: 50 sq.mtr
2. Building coverage As applicable to the dimensions of the
3. Floor area ratio combined plots.
4. Maximum number of floors Individual plots.
   • Minimum road width

Note: Owners of two adjoining plots if apply jointly, it could be considered under these provisions without insisting amalgamated khatha.

ROW HOUSING

Table – 6
(Maximum 12 units, Minimum 3 units)

1. Min. combined area of plot: 90 sq.mtrs
2. Floor area ratio As applicable to the dimensions of combined plot.
3. Number of floors
4. Minimum road width
   • Setbacks min. Front
   Rear According to depth of
   Side: Plot 1.50 m. only for end units.

Note: Owners of continuous plots if apply jointly, it could be considered under these provisions without insisting amalgamated khatha.

GROUP HOUSING

Group Housing: Means a housing project with more than three buildings on a plot or land with one or more floors and with one or more dwelling units in each floor. It does not include plotted housing development.
### TABLE-7
GROUP HOUSING NORMS SPECIFYING MINIMUM ROAD WIDTH F.A.R. AND SETBACKS

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Minimum road width</th>
<th>Maximum F.A.R</th>
<th>Minimum Setback in m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9 m.</td>
<td>1.75</td>
<td>As per Table 1 or 2 as the case may be</td>
</tr>
<tr>
<td>2</td>
<td>15 m.</td>
<td>2.25</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>18 m.</td>
<td>2.50</td>
<td></td>
</tr>
</tbody>
</table>

### NOTE
- The F.A.R should be considered with reference to the width of the existing public road abutting the property and the F.A.R should be calculated with reference to the total area of the project.
- The set-backs at the edge of the property are with reference to depth and width of total plot area.
- The distance between the buildings should be a minimum of half the height of the taller building.
- When buildings are connected by corridors even then the distance between shall not be less than half the height of the taller building.
- 25% of the total area be reserved for CA, parks and open spaces, subject to a minimum of 15% for parks and open spaces.
- The access to the building blocks in the area of group housing shall be as follows:

**Access length in m. min.Width**

a) Less than 100 m. 7.5 m.

b) 100 – 200 m. 9 m.

c) More than 200 m. 12 m.

- The area reserved for parks & open spaces, civic amenity and roads shall be handed over free of cost to Planning Authority through registered relinquishment deed before issue of work order, if the number of tenements in a group housing scheme exceeds 400 dwelling units. In other schemes the area reserved for civic amenities and park area and roads should be developed and handed over to the Society/Residents Association free of cost by the developer.

- The Authority may allow three shops for every thousand population (200 tenements) with an area of 15 Sq. m. for each shop.
subject to a minimum three in the area proposed for buildings and will include for F.A.R calculations. The area covered by shops may be clubbed for the purposes of departmental store etc.,

SECURITY DEPOSIT

The applicant shall deposit a sum at Rs.25/- sq. m. of total floor area as refundable non-earning security earnest deposit for the following categories of buildings, namely:

- Residential buildings / group housing / multi dwellings / apartments, with 10 dwellings units and more.
- Commercial buildings exceeding 300 sq. m. of floor area. The security Deposit shall be refunded after one year of completion of the construction as per approved plan as certified by Development Authority or Local Authority. If the construction is not as per approved plan this deposit amount would be forfeited.

PARKING SPACE

Parking Space: Adequate space for parking shall be provided in the premises as per standards given in table below

**TABLE – 8**

Parking requirements

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of use</th>
<th>One car parking of 3.0 m x 5.5 m. Each shall be provided for every</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Theatres and auditoriums except educational institutions</td>
<td>50 seats of accommodation subject to a minimum of 20</td>
</tr>
<tr>
<td>2.</td>
<td>Retail business</td>
<td>100 m. of floor area</td>
</tr>
<tr>
<td>3.</td>
<td>Whole sale and warehouse buildings</td>
<td>200 sq. m. plus 1 lorry parking space measuring 4 m. x 8 m. for every 500 sq.m. or part thereof.</td>
</tr>
<tr>
<td>4.</td>
<td>Restaurant, establishments serving food and drinks</td>
<td>25 sq. m. of floor area</td>
</tr>
<tr>
<td>5.</td>
<td>Lodging establishments and tourist homes</td>
<td>8 rooms</td>
</tr>
<tr>
<td>6.</td>
<td>Office buildings (Government / Semi-Governments)</td>
<td>100 sq.m. of office floor space</td>
</tr>
<tr>
<td>7.</td>
<td>Hostels</td>
<td>20 rooms</td>
</tr>
<tr>
<td>8.</td>
<td>Industrial building</td>
<td>200 sq.m. of floor area plus 1 lorry space measuring 4 m. x 8 m. for every 1000 sq.m. or part thereof</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Type of use</td>
<td>One car parking of 3.0 m x 5.5 m. Each shall be provided for every</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>9.</td>
<td>a) Nursing homes</td>
<td>6 beds</td>
</tr>
<tr>
<td></td>
<td>b) Hospitals</td>
<td>10 beds</td>
</tr>
<tr>
<td>10.</td>
<td>Multi-family dwellings</td>
<td>Dwelling unit measuring more than 70 sq. m. of floor area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 dwelling units if it is 70 sq. m. or less.</td>
</tr>
<tr>
<td>11.</td>
<td>Kalyana mantaps</td>
<td>20 sq.m. of auditorium floor area and min of 20</td>
</tr>
<tr>
<td>12.</td>
<td>Recreation Clubs</td>
<td>150 sq.m. of floor area</td>
</tr>
<tr>
<td>13.</td>
<td>Educational buildings</td>
<td>200 sq.m. of floor area</td>
</tr>
<tr>
<td>14.</td>
<td>Other public and semi-public buildings</td>
<td>200 sq.m of floor area</td>
</tr>
</tbody>
</table>

**NOTE: (Parking)**

- In the parking space as calculated above 1/3 of the area be reserved for two wheelers and cycles.

- Each off street car parking space provided for motor vehicles shall not be less than 3.00 m x 5.00 m. For each motor cycle and scooter, the parking space provided shall not be less than 1.50 m x 2.00 m i.e., 3.0 sq.m.

- Off street car parking space shall be provided with adequate vehicular access to a street and width of drive way and aisles of not less than 3.5 m, wide and such other provisions required for adequate movement of vehicles. Drive ways and aisles are exclusive of parking space stipulated in these regulations.

- No parking space shall be insisted upon in the built up area of 200 sq.m. of floor space.

- Car parking shall not be provided in the set back areas. If provided, a minimum of 2.5 m. shall be left free from the building.

- Multilevel parking may be allowed on any part of the building subject to easy and safe movement of the vehicles and provision of vehicle left and without the side enclosures.

- For residential apartments, additional 10% of the parking space shall be provided for visitors’ vehicles, in case of commercial and office buildings 25% of additional parking space shall be provided in addition to the parking standards specified above.
Building Lines

Building lines are required for the purpose of road widening as it reserves the land to the required width. The building lines are prescribed for different width of major roads shown in the circulation plan as follows:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Width of Roads in m.</th>
<th>Building line from the center line of the road</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>45 m</td>
<td>25 m</td>
</tr>
<tr>
<td>2</td>
<td>30 m</td>
<td>17 m</td>
</tr>
<tr>
<td>3</td>
<td>24 m</td>
<td>13 m</td>
</tr>
<tr>
<td>4</td>
<td>18 m</td>
<td>9.5 m</td>
</tr>
<tr>
<td>5</td>
<td>15 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>6</td>
<td>12 m</td>
<td>6 m</td>
</tr>
</tbody>
</table>

PLANNING AREAS

The names of villages/towns included in the Bangalore International Airport Planning Area are as under:

DEVANAHALLI TALUK

ZONING REGULATION AS PER PROVISIONAL APPROVAL OF MASTER PLAN


DODDABALLAPURA TALUK


A KLJ PUBLICATION

BANGALORE NORTH TALUK (Hesaraghatta Hobli)


BANGALORE NORTH TALUK (Jala Hobli)

- Navarathna Agrahara, Tabaranahalli, Kudurugere, Tarahunase, Papanahalli, Byapanahalli, Channahalli, Meenakunte, Doddajala, Begur, Muttukadahalli, Settigere, Chokkanahalli, Mylanahalli, Unachur, Dumanur, Bandikodigenahalli Amanikere, Palana, Bandikodigenahalli, Bayyanahalli, Misaganahalli, Huttanahalli, Chikkajala, Billamaranahalli, Bagalur, Huvinayakanahalli, Arebinnamangala, Mahadevakodighalli, Manchappanahosahalli, Maralakunte, Chalakunte, Marasandra, Maranayakanahalli, Doddajala Amanikere, Singahalli, Gadenahalli, Gollahalli, Kodigenahalli, Bollahalli.
ಅನುಷೇರ್

ಇನ್ನು. ಚಾರ 142 ಹೌಸಿಂಗ್ 95, ಡೀಸೆಂಬರ್ 12-1-1996

ನಿರ್ಧಾರಣೆ ಅನುಷೇರ್ಯದ ಸಮಯ ಷೆಪ್ಟೆಂಬರ್ 142 ಹೌಸಿಂಗ್ 95, ನಿರ್ಧಾರಣೆ 12-1-1996ರೂಬಿಬಿಸಿತ ವಿಭಾಗದ ವಿಭಾಗದಲ್ಲಿ ನಿರ್ದರ್ಶಿಸಲಾಣು ಸಮಯ ವಿದ್ನ ವಿದ್ನ ಸಂಗ್ರಹಾಲಯದಲ್ಲಿ ಹಸ್ತಾಕ್ರಮೆಗೆಡುಗಡೆಯಲ್ಪಡುತ್ತದೆ. ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು. ಇತರೆ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು. ಇತರೆ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು. 1961ರ ಜನ್ಮಾಧಿಕಾರ (2)ರ ಪ್ರತಿಲಭದ ಅನುಷೇರ್ಯವು ಸಹ ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು. 1961ರ ಜನ್ಮಾಧಿಕಾರ (2)ರ ಪ್ರತಿಲಭದ ಅನುಷೇರ್ಯವು ಸಹ ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು. 1961ರ ಜನ್ಮಾಧಿಕಾರ (2)ರ ಪ್ರತಿಲಭದ ಅನುಷೇರ್ಯವು ಸಹ ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು. 1961ರ ಜನ್ಮಾಧಿಕಾರ (2)ರ ಪ್ರತಿಲಭದ ಅನುಷೇರ್ಯವು ಸಹ ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು.

(1) ಸಾಮಾಜಿಕ ವೈಶಿಷ್ಟ್ಯವಾಗಿ ಸಮಾಜದ ಸಂಘವನ್ನು ಪ್ರಮಾಣವಾಗಿ ಸಮಾಧ್ಯಮಾನಿಸಿಕೊಂಡರು.

(2) ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು.

(3) ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು.

(4) ಸಂಯೋಜಕ ನೀರಿಂದಲ್ಲಿ ಎತ್ತರಾಮರೆಯನ್ನು ಸಂಖ್ಯೆ ದಿನ ನೀರಿಂದಲ್ಲಿ ಪರಿವರ್ತಿಸಿಕೊಂಡರು.

A KLJ PUBLICATION
ಅಧಿಕಾರಿ
ಸಂ. ನಂಬರ್ 142 ದಿನಚರಿಣಿ 95, ದಿನಚರಿಣಿ 29-2-1996

ಅಧಿಕಾರಿ ಸಂಖ್ಯೆ 142 ದಿನಚರಿಣಿ 95, ದಿನಚರಿಣಿ 12-1-1996ಕ್ಕೆ ತಿಳಿಸಲಾಗಿದೆ ಅವಕಾಶದಾದ ಕಾಲಕ್ಕೆ ಪ್ರವೃತ್ತಿಯಲ್ಲಿ ಪ್ರತ್ಯೇಕವಾಗಿ ಜೋತಾದ ಮಾರುಕಟ್ಟೆ ತೇಲುಟ್ಟಿಯು ತೀವ್ರಾವಧಿಯಲ್ಲಿ ಬಳಸಲಾಗಿದೆ ಅದು ಹೇಗೆ 3. ಯಾವುದೇ ಸ್ಥಿತಿಯಲ್ಲಿ ನಿರ್ಧರಿಸಿದ ಮೂಲತಾತ್ಕಾಲಿಕ ಶ್ರೇಣಿ, 1961ರ ಸೂಪ್ರಭಾವಮೈ 4-1(3)ಯಾದ್ವರ್ತಿಕ ಸೂತ್ರದಾದಿ ಆಗಿರುತ್ತದೆ ಇದು ಸ್ವಾರೂಪಿಸುತ್ತದೆ ಆಗ್ರಹಿಸುತ್ತದೆ, ನಿರ್ಧರಿಸಿದ ಮೂಲತಾತ್ಕಾಲಿಕ ಅಧಿಕಾರಕ್ಕೆ ಸಹಾಯ ಪಡೆಯುವ ಇತರ ವಿಷಯದ ಮೂಲಕ ನಿರ್ಧರಿಸಿದ ಸರಕಾರ 3 ವಿಧಿಯ ಗುಣಾರೂಪಗೊಳಿಸುವ ಮೂಲಕ ಯೇನೊಂದು ಮೂಲತಾತ್ಕಾಲಿಕ ಅಧಿಕಾರವನ್ನು ಅಭಿವೃದ್ಧಿಪಡಿಸಿಕೆ ಸಹಾಯ ಪಡೆಯಲಾಗುವ ಮೂಲಕ ಅಧಿಕಾರವನ್ನು ಸರಕಾರಕ್ಕೆ ಸಹಾಯ ಪಡೆಯಲಾಗುವ ಮೂಲಕ ಸೇರಿಸಲಾಗುತ್ತದೆ.

(1) ಅನುಕೂಲ, ಗಂಗಾ ಹುಟ್ಟೆ, ತೆರೆಯಲುಜ ಸರಕಾರ
(2) ಕೊಟ್ಟಿಮು, ಕಾಮಾರಾದಿತ್ವಪತನ, ಗಂಗಾ ಹುಟ್ಟೆ, ತೆರೆಯಲುಜ ಸರಕಾರ
(3) ಸೇನಾಶಾಸ್ತ್ರ ಸರಕಾರ, ಗಂಗಾ ಹುಟ್ಟೆ, ತೆರೆಯಲುಜ ಸರಕಾರ
(4) ರಾಷ್ಟ್ರೀಯ ನೀರಾಂಶ ಅಧಿಕಾರ, ವಿಜಯಪುರ ಗಂಗಾ ಹುಟ್ಟೆ, ತೆರೆಯಲುಜ ಸರಕಾರ
(5) ಭಾರತದ ರಾಜಕೀಯ ಸಂಸ್ಥೆ, ಗಂಗಾ ಹುಟ್ಟೆ, ತೆರೆಯಲುಜ ಸರಕಾರ
नः. नं. 142 व. जनवरी 95, नं. 30-09-1996

निर्देश: रिगिधित्व तथा अन्य वैश्विक वातावरणीय
निर्माण न्यायिक तथा वित्तीय संस्थान नामक वर्तमान
मार्ग.

प्राप्त: नं. 50 व. जनवरी 95; कॉड: नं. 97-98, नं. 8-8-1997.

निर्देश नं. 142 व. जनवरी 95, नं. 30-09-1996

निर्देश: रिगिधित्व तथा अन्य वैश्विक वातावरणीय
निर्माण न्यायिक तथा वित्तीय संस्थान नामक वर्तमान
मार्ग.

प्राप्त: नं. 50 व. जनवरी 95; कॉड: नं. 97-98, नं. 8-8-1997.

निर्देश नं. 316 व. जनवरी 97, नं. 13-11-1996

निर्देश: रिगिधित्व तथा अन्य वैश्विक वातावरणीय
निर्माण न्यायिक तथा वित्तीय संस्थान नामक वर्तमान
मार्ग.

प्राप्त: नं. 50 व. जनवरी 97; कॉड: नं. 97-98, नं. 5-8-1997.

निर्देश नं. 441 व. जनवरी 97, नं. 4-11-1997

निर्देश: रिगिधित्व तथा अन्य वैश्विक वातावरणीय
निर्माण न्यायिक तथा वित्तीय संस्थान नामक वर्तमान
मार्ग.
ಅಶ್ರುತಿ

ಎಂ. ನಿಧರಿಸಿ 142 ಅಂಶದಾರಿ 95, ಮೇಸೋರ್ 5-12-1997

ಅಶ್ರುತಿ ಅಧ್ಯಕ್ಷರಿಗೆ ಎಂ. ನಿಧರಿಸಿ 142 ಅಂಶದಾರಿ 95 ಮೇಸೋರ್
12-1-1996ರ ದಿನ ಯೂ ವಿಜ್ಞಾನ ಅಧ್ಯಕ್ಷರಿಗೆ ಎಂದರ ಪ್ರತಿಪಾದ ಅನುಮಾನ
ಇರುವುದನ್ನು ಕರೆದಿದ್ದಾರೆ. 1961ರ ಜನವರಿ 4-ನೇ ತಿಥಿಯಲ್ಲಿ
ಕಾಲಯಂತೆ ಮುಂದುವರೆದ ಅನುಮಾನ ಅತ್ಯಂತ ಹೆಚ್ಚಾಗಿದ್ದು, ವಿಶಿಷ್ಟ ಅವಧಿಯನ್ನು ಸಮ್ಮುಖ
ಕಾರ್ಪೊರೇಟ್ ಕಂಪಾಸನ್ನು 4-9(3)ನ ಪ್ರತಿ ಮತ್ತು ತಿನ್ನಿಲುಗಳಿಗೆ ಕಂಪಾಸ
ಮತ್ತು ಹೆಚ್ಚಾಗಿದ್ದವೆನ್ನುತ್ತಾರೆ.

1. ಜಿಪ್ಸ್, ಕೌನ್ಸಿಲ್, ದಿರ್ಕಸ್ಥಾಪನ
2. ಕಾಲಯಂತೆ, ಮುಂದುವರೆದ, ಮುಂಗಡೆತ
3. ಎಂದರ ಕೌನ್ಸಿಲ್ಫೇರೇಶನ್ ಭಾಷಾನಗರ, ಶುಭ್ರ ಸಮ್ಮುಖ, ಚಿಕ್ಷಣ ಕಳೆಪೊರ ಮೇಲೆ.
2021

(2) BIAAPA, 17-11-2004.
(3) BMRDA/BIAAPA/Master Plan/2006-07, 18-1-2006.
(4) BIAAPA/ODP/87/2003-04, 30-12-2006.
(5) BIAAPA/Master Plan/2005-06, 15/6-1-2009.
(6) BIAAPA/Master Plan/2005-06, 22-6-2006,

(1) संस्था के निर्देश में, अधिराज्य के अधिकारी सन्तोष राय के साथ राज्य के अधिकारी सन्तोष राय का साथ वापस लेने के लिए भेजते हैं।

(2) सुमन के कारण उसका वापस लेने के लिए वापस लेने के लिए 1647 सन् 44 जून से तितली करता है।

(3) संस्था के निर्देश में, अधिराज्य के अधिकारी सन्तोष राय के साथ राज्य के अधिकारी सन्तोष राय का साथ वापस लेने के लिए भेजते हैं।

BIAAPA (SCHEME, 2021)

The above table shows the Analysis of Acreage, the area proposed for different land uses, with the proposed percentage for each land use. The area proposed for Residential land use is 7,284.34 hectares, which is 49.80% of the total proposed area. The area proposed for Commercial land use is 470.33 hectares, which is 3.23% of the total proposed area.

<table>
<thead>
<tr>
<th>Description</th>
<th>Total Area Conurbation Area-2021 (Hectares)</th>
<th>% Total Proposed-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>7,284.34</td>
<td>49.80%</td>
</tr>
<tr>
<td>Commercial</td>
<td>470.33</td>
<td>3.23%</td>
</tr>
</tbody>
</table>


A KLJ PUBLICATION
<table>
<thead>
<tr>
<th>Category</th>
<th>Area (ha)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>566.70</td>
<td>3.87%</td>
</tr>
<tr>
<td>Public and Semi Public</td>
<td>731.94</td>
<td>5.00%</td>
</tr>
<tr>
<td>Park and Open Space</td>
<td>1,841.89</td>
<td>12.59%</td>
</tr>
<tr>
<td>Airport Zone</td>
<td>1,743.98</td>
<td>11.92%</td>
</tr>
<tr>
<td>Transportation</td>
<td>1,982.61</td>
<td>13.55%</td>
</tr>
<tr>
<td>Public Utilities</td>
<td>5.84</td>
<td>0.04%</td>
</tr>
<tr>
<td>Total Area Proposed</td>
<td>14,627.63</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

| 1. KIADB Area             | 1,706.84  |            |
| 2. Special Agricultural Zone | 1,800.52 |            |
| 3. Water bodies           | 5,669.09  |            |
| 4. Agriculture            | 55,395.92 |            |
| Grand Total Area          | 79,200.00 |            |

2021ರ ರಾಷ್ಟ್ರೀಯ ಕಾರ್ಯದಾರ ಸಮಯದಲ್ಲಿ ಅಚ್ಚು ಆಗಿದ್ದ ರಾಷ್ಟ್ರೀಯ ಮಾರ್ಗದ ಸಮಯದಲ್ಲಿ ಅದನ್ನು ನಿರ್ವಹಿಸುವ ಸರಕು ಅಂಗಗಳು ಅಂದರೆ ಸಪ್ತಾಹ ಮತ್ತು ನಾಲ್ಕು ನಾಲ್ಕು ವರ್ಷಗಳ ಮಾರ್ಗದ ಸಮಯದಲ್ಲಿ ಅಂದರೆ ಸಂಶೋಧನೆ ಮತ್ತು ಪರಿಶೀಲನೆ.
THE
KARNATAKA
TANK CONSERVATION AND DEVELOPMENT
AUTHORITY ACT, 2014

(KARNATAKA ACT No. 32 of 2014)

(First published in the Karnataka Gazette, Extraordinary No. 554, on the Sixth
day of September, 2014)
(Received the assent of the Governor on the Second day of September, 2014)

An Act to provide for establishment of a Tank Conservation and
Development Authority and other matters connected therewith or
incidental thereto.

Whereas, the Apex Court has already ruled that right to water is a part of
right to life guaranteed by Article 21 of the Constitution of India;

Whereas, due to rapid urbanization, industrialisation and population
explosion, water bodies like tanks and ponds are being converted into urban
and industrial land use after breaking bund and draining water;

Whereas, in the State there are large number of tanks which are main
source of the agriculture, drinking water and rural industries. These tanks
are managed, protected, conserved and rejuvenated by various Government
Departments like Minor Irrigation, Rural Development and Panchayat Raj,
Forest Department etc.

Whereas, such destruction of water bodies leads to acute shortage of water
and rapid depletion of groundwater and thereby affecting availability of water
for irrigation, drinking and consumption by live stock, besides affecting
aquatic flora and fauna and accordingly there is an urgent need for protection,
conservation and rejuvenation of water bodies by a single authority;

And, now therefore, it is expedient to provide for establishment of a Tank
Conservation and Development Authority having necessary powers and
functions to achieve the object of protection, conservation and rejuvenation of
water bodies, and for other matters connected therewith or incidental thereto;

Be, it enacted by the Karnataka State Legislature in the Sixty-fifth year of
the Republic of India as follows.—

CHAPTER I
Preliminary

1. Short title, commencement and application.—(1) This Act may be
called the Karnataka Tank Conservation and Development Authority Act,
2014.

1. The Karnataka Tank Conservation and Development Authority Act, 2014 was
published in the Karnataka Gazette, dated 6th September, 2014 in Kannada. The
publishers have translated the same in English. Hence the publisher is not responsible for
the errors and omissions.
(2) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

(3) It applies to all the tanks, ponds, lakes in the Karnataka State located outside the limits of all Municipal Corporations and Bangalore Development Authority or any other water bodies.

2. Definitions.—(1) In this Act, unless the context otherwise requires.—

(a) "Authorised Officer" means any Officer appointed by the Government under Section 11;

(b) "Authority" means the Karnataka Tank Conservation and Development Authority constituted under Section 3;

(c) "Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under Section 8;

(d) "Designated Officer" means any Officer who may belongs to any of the Departments of Minor Irrigation or Rural Development and Panchayat Raj or Forest Department and appointed or designated as such by the Authority under Section 10;

(e) "Government" means the Government of Karnataka;

(f) "Industry" includes any operation or process or treatment and disposal system, which consumes, water or any other liquid or gives rise to sewage effluents or trade effluents, but does not include any hydro power unit;

(g) "Tank" or "Ponds" or "Lake" means an inland water body irrespective of whether it contains water or not, but mentioned in revenue records as sarkari kere, kharab kere, kunte, katte or by any other name and includes the peripheral catchment areas, inlets, bunds, weirs, sluices, draft channels, outlets and the main channels of drainages to and fro; but does not include — Medium Irrigation tanks which has command area more than 2000 Hectors and above;

(h) "Landscape" includes all forms of trees, shrubs, grasses, whether naturally growing or planted in water bodies to enhance aesthetic value;

(i) "Surface water" includes water occurring on the land of tanks as defined above.

(2) Words and expressions used in this Act, but not defined herein, shall have the meanings assigned to them in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) and Karnataka Irrigation Act, 1964.

CHAPTER II
Karnataka Tank Conservation and Development Authority

3. Constitution of the Development Authority.—(1) As soon as may be after the date of commencement of this Act, the Government shall constitute an Authority to be called the Karnataka Tank Conservation and Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the
provisions of this Act to hold property and shall by the said name sue or be sued.

(3) The Karnataka Tank Conservation and Development Authority shall consist of the following members, namely:—

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The Minister for Minor Irrigation shall be the Chairperson of the Authority.</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>The Principal Secretary to Government, Finance Department</td>
<td>Member</td>
</tr>
<tr>
<td>(c)</td>
<td>The Principal Secretary to Government, Department of Law or his nominee not less than the rank of Additional Secretary</td>
<td>Member</td>
</tr>
<tr>
<td>(d)</td>
<td>The Principal Secretary to Government, Forest, Ecology and Environment Department.</td>
<td>Member</td>
</tr>
<tr>
<td>(e)</td>
<td>The Principal Secretary to Government, Rural Development and Panchayat Raj Department.</td>
<td>Member</td>
</tr>
<tr>
<td>(f)</td>
<td>The Principal Secretary to Government, Revenue Department.</td>
<td>Member</td>
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<td>(g)</td>
<td>The Principal Secretary to Government, Urban Development Department.</td>
<td>Member</td>
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<td>(h)</td>
<td>The Principal Secretary to Government, Agriculture Department.</td>
<td>Member</td>
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<tr>
<td>(i)</td>
<td>The Principal Secretary to Government, Animal Husbandry and Fisheries Department.</td>
<td>Member</td>
</tr>
<tr>
<td>(j)</td>
<td>The Chief Engineer, South (Minor Irrigation), Bangalore.</td>
<td>Member</td>
</tr>
<tr>
<td>(k)</td>
<td>Four non-official members nominated by the Government from amongst experts in the field of environment and ecology or tank or ponds or lake conservation, of whom at least one shall be a woman and one shall be a person belonging to the Scheduled Castes and one shall be a person belonging to the Scheduled Tribes.</td>
<td>Non-Official Members</td>
</tr>
<tr>
<td>(l)</td>
<td>The Principal Secretary to Government/Secretary, Minor Irrigation.</td>
<td>Member-Secretary, <em>Ex-Officio</em>, Chief Executive Officer of the Authority</td>
</tr>
</tbody>
</table>

(4) Subject to the pleasure of the Government, term of office of non-official members shall be as prescribed by the Government, they shall not be eligible for re-appointment.

(5) The non-official members shall be entitled to receive such allowances as may be prescribed.
(6) The District Executive Authority shall implement the decision of the State Authority from time to time. The District Executive Authority in each District shall consist of the following members, namely.—

| (a) | The Deputy Commissioner of the concerned District. | Chairman |
| (b) | The Chief Executive Officer of the concerned Zilla Panchayat. | Vice-Chairman |
| (c) | The Superintendent of Police in charge of the concerned District. | Member |
| (d) | The Joint Director, Department of Agriculture (Soil Conservation). | Member |
| (e) | The Deputy Director of the concerned District, Horticulture Department. | Member |
| (f) | The Deputy Forest Conservator, Department of Forest. | Member |
| (g) | Senior Geologist of the concerned District Mines and Geology Department. | Member |
| (h) | The Deputy Director of Fisheries of the concerned District. | Member |
| (i) | The Executive Engineer of Minor Irrigation in charge of concerned District. | Convener |

4. Meetings of the Authority.—(1) The Authority shall meet at least once in three months.

(2) The Chairperson shall preside over the meeting of the Authority or if for any reason, he is unable to attend any meeting, any other member chosen by the members present at the meeting shall preside.

(3) Quorum for a meeting of the Authority shall be one-third of the total number of members.

(4) Save as otherwise expressly provided by or under this Act, the procedure for conduct of business at the meeting of the Authority shall be as such be specified in the rules.

5. Functions of the Authority.—Subject to the provisions of this Act and the rules made thereunder, the functions of the Authority shall be.—

(1) to exercise regulatory control over all the tanks within its jurisdictions including prevention and removal of encroachment of tank;

(2) to protect, conserve, reclaim, regenerate and restore tanks, ponds, lakes to facilitate recharge of depleting groundwater by promoting integrated approach with the assistance of concerned Government Departments, local and other authorities;

(3) to take up environmental impact assessment studies for any or all tanks;
(4) to take up environmental planning and mapping of tanks and their surrounding areas with the help of geographical information system and prepare database and atlas of tanks and their catchments;

(5) to prepare a plan for integrated development of tanks and monitor the expenditure and development of tanks;

(6) to desilt the tank and to encourage the water resource efficiency and agricultural productivity through integrated approach to land and water management for a balanced economic growth and sustainability in agriculture;

(7) to encourage to integrate various farm enterprises to utilise full potential of the farmer and their natural resource base to maximise their income, employment and economic sustainability;

(8) to encourage Fisheries and allied activity for generation of additional income;

(9) to improve and also create habitat (wet lands) for aquatic biodiversity, water birds and aquatic plants by reducing sullage and non-point sewage impacts;

(10) to facilitate for impounding water through storm water drainage system, reduce or remove siltation of tanks by taking up appropriate soil and water conservation measures including afforestation and to augment recharge of groundwater aquifers and revive borewells;

(11) to improve and monitor water quality, conserve tank ecology on need basis and to protect them against domestic and industrial pollution;

(12) to utilise or allow to utilise the tanks for the purpose of drinking water, irrigation, education or tourism or any other purpose as the Authority may determine;

(13) to encourage participation of communities and voluntary agencies in development of tank and to launch public awareness programmes for tank conservation, preservation and protection;

(14) to advise on any matter that may be referred to it by the Government or any institution;

(15) to promote integrated and co-ordinated applied research on all the relevant issues pertaining to tanks;

(16) to do such other acts as the Authority may consider necessary, conducive or incidental, directly or indirectly, to achieve the object of this Act;

(17) to create a strong database of all tanks in the State and record all the developmental activities taken up to the tanks periodically.

6. Powers of the Authority.—Subject to the provisions of this Act and the rules made thereunder, powers of the Authority shall be.—

(1) to cause entry upon or authorise any Officer to enter upon any land, to survey, demarcate and make a map of tanks;
2. to receive grants, donations, contributions, deposits and rents; and to levy fees or charges for development and maintenance of tanks at such rates approved by the Government;

3. to grant approval to any project proposal made by any Government Department or organisation or association or person interested in developing, maintaining, conserving or protecting a tank and also to take up such activities on its own which shall be approved by the Government;

4. to invite experts as and when required to its meetings;

5. to constitute sub-committees as may deemed necessary for the purpose of research, implementation, studies, approval of projects, etc. and any other purpose relating to tanks; and

6. to take up survey of tank boundary, detect encroachment, if any, and to detect and remove encroachments and erect boundary pillars and to fence them to prevent encroachment of the tank;

7. to direct the Designated Officer or any other Officer of any department including water users society or association to implement the development plans of tanks and to perform other functions specified in this Act.

7. Powers of Chairperson.—The Chairperson shall be the head of the Authority and shall:

(a) convene, preside at and conduct meetings of the Authority;

(b) discharge all duties conferred and exercise all powers conferred on him by or under this Act.

8. The Chief Executive Officer.—(1) The Principal Secretary or Secretary to the Government in charge of Minor Irrigation shall be the Ex Officio Chief Executive Officer of the Authority.

(2) Subject to the general powers of the Authority and the Chairperson, overall powers to carry out, the provisions of this Act or to carry out the duties imposed or powers conferred upon the Authority under any other law for the time being in force shall vest in the Chief Executive Officer and who shall also,—

(a) perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or under any other law for the time being in force;

(b) carry into effect the resolutions of the Authority;

(c) conduct all affairs of the Authority;

(d) supervise and control execution of all schemes and works of the Authority entrusted by the Government or any other Authority;

(e) draw and disburse monies out of the fund of the Authority;

(f) exercise control over the Officers and officials of the Authority;

(g) authenticate by his signature all permissions, orders, decisions, notices and other documents of the Authority;
(h) exercise such other powers and discharge such other functions and perform such other duties as may be prescribed.

9. Officers and other employees of the Authority.—(1) The Government shall provide the Authority with such Officers and employees as may be necessary for the efficient discharge of the functions of the Authority.

(2) The method of recruitment, the salaries and allowances payable to and other terms and conditions of service of the Officers and other employees appointed for the purpose of the Authority shall be such, as may be prescribed.

10. Designated Officer.—(1) The Authority may designate or appoint any Officer of the Government as Designated Officer to be in charge of one or more tanks, ponds, lakes of district wise to ensure their protection, conservation, development and for any other purpose.

(2) The Designated Officers shall exercise powers under the Act and such other powers as the Authority may by a special or general order confer upon them.

(3) The Designated Officer shall also be competent to receive complaints from any person regarding the contraventions of the provisions of this Act.

11. Authorised Officer.—The Government may appoint an Officer of the Government not below the rank of a Group ‘A’ Officer or any Executive Engineer of the concerned district of Irrigation Department of the State Civil Services as Authorised Officer, who shall exercise powers under this Act and such other powers as may be specified by the Government from time to time.

CHAPTER III
Protection of Tanks

12. Acts prohibited in tanks.—Notwithstanding anything to the contrary contained in any law for the time being in force, no person or institution or organisation (registered or unregistered) or company or firm or association, Government Departments, corporation or any local or other authority and their agents or employees or any body on their behalf shall.—

(1) use the tank for any purpose other than storage or impounding of water or for the purpose mentioned in clause (9) of Section 5;

(2) construct any structure on tank land, occupy any tank land or part thereof or cause any obstruction at the natural or normal course of inflow or outflow of water into, or from, the tanks on the upstream and or downstream without permission of the Government;

(3) make any irregular and unauthorised construction, any commercial, recreational or industrial complexes or houses or carry on any industrial activity within thirty meters from the outer boundary of the tank;

(4) dump debris, municipal solid wastes, mud or earth soil or liquid wastes or any pollutants, into the tank by using vehicle or otherwise;

(5) discharge untreated sewage into the tank directly or indirectly;
(6) construct roads, bridges and likewise other structures within the tank area including the tank bund without permission of the Government;

(7) breach bund, waste weir including lowering raising the height of the waste weir from its original height or remove fence, boundary stones or any hoarding or any sign board erected by the authority; and

(8) do any other act which is detrimental directly or indirectly to the tanks:

Provided that nothing in this Act shall prohibit withdrawal of water for drinking or irrigation or any other purpose, for human consumption from any tank specified by the Authority from time to time.

Provided further that nothing in this Act shall prohibit stocking of fish seeds and development of fisheries (except the fish which are dangerous or harmful to the aquatic eco-system of the tank) by the Government and its licensee, lessee or contractor in any tank specified by the Authority from time to time.

13. Protection of tanks.—(1) The Authority may direct any Officer of the Government or any local or other authority who is the custodian, or in control, of any tank to permanently demarcate its boundaries and to take such other measures as may be necessary.

(2) The Authority may issue general or specific directions to any Officer of the Government Department or any local or other Authority who is the custodian or in control of any tank to take such measures as are necessary and expedient to remove encroachment or unauthorised occupation of such tank and prevent its recurrence.

(3) The Authority may by order specify any tank as a heritage site or bio-conservation site or protected site, or reserve it for any special purpose in view of its historical, ecological or environmental importance and prevent from being put to any other alternate use and may specify its utilisation, if any.

14. Powers to Seize.—(1) When there is reason to believe that any offence punishable under Section 12 has been committed, any instrument, implement, machinery, device, tool, boat, vehicle or any other material or object used in committing any such offence, may be seized by the Designated Officer or any other Officer empowered by the Authority in this behalf (hereinafter referred to as 'Empowered Officer').

(2) The Designated Officer or Empowered Officer seizing any property, vehicle, material or object under sub-section (1) shall place on them a mark indicating that the same has been so sized and shall as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure is made. The procedure for seizer shall be as specified in the Code of Criminal Procedure, 1973:

Provided that where the seized property, vehicle, material or object is believed to belong to the Central or the State Government or a local or other authority or if the offender is unknown, the Designated Officer or Empowered Officer shall report to the Authorised Officer.
15. Power to release property seized under Section 14.—Where the seized property is such that it cannot be conveniently be produced before the Magistrate or the Authorised Officer as the case may be, it may be released by the Authorised Officer to the owner thereof on his executing a Bank guarantee and a bond undertaking to produce the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made or before the Authorised Officer.

16. Confiscation by the Authorised Officer.—(1) The Designated Officer or Empowered Officer seizing the property under Section 14 shall, without any unreasonable delay produce the property, before the Authorised Officer.

(2) When any seized property is produced before the Authorised Officer and he is satisfied that an offence prohibited under Section 12 has been committed using such property, the Authorised Officer may whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property so seized.

(3) Where the Authorised Officer, passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order confiscated property or any part thereof to be sold in public auction,

(4) Where any confiscated property is sold, as aforesaid, the proceeds thereof, after deduction of expenses of any such auction or other incidental expenses relating thereto, shall, where the order of confiscation made under sub-section (2), is set aside or annulled by an order under Section 17 or 18 be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

17. Issue of show-cause notice before confiscation.—(1) No order confiscating any instrument, implement, machinery, device, tool, boat, vehicle or any other property shall be made under Section 14 except after giving notice in writing to the person from whom it is seized and considering his objection, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving a notice in writing to the registered owner thereof, if in the opinion of the Authorised Officer, it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any instrument, implement, machinery, device, tool, boat, vehicle or any other property shall be made if the owner of the instrument, implement, machinery, device, tool, boat, vehicle or any other property proves to the satisfaction of the Authorised Officer that it was used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the instrument, implement, machinery, device, tool, boat, vehicle or any other property and that each of them has taken all reasonable and necessary precautions against such use.

18. Revision.—The Chief Executive Officer may before the expiry of thirty days from the date of the order of the Authorised Officer under Section 16, suo motu call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and may pass orders as he deems fit.
19. Appeal.—(1) Any person aggrieved by an order passed under Section 16 or 18 may within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property in respect to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the Authorised Officer, to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under this section shall be final and shall not be questioned in any Court of law.

20. Order of confiscation not to interfere with other punishments.—The order of any confiscation under Section 15 or 16 or 17 or 18 shall not prevent the infliction of any punishment to which the person prosecuted thereby is liable, under this Act.

21. Property confiscated when to vest in the Government.—When an order for confiscation of any property has been passed under Section 15 or 16 or 17 or 18 and such order has become final in respect of the whole or any portion of such property, such property or portion thereof (or if it has been sold under sub-section (3) of Section 16 the sale proceeds thereof) as the case may be; shall vest in the Government free from all encumbrances:

Provided that no such order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

22. Power to remove encroachment.—(1) Notwithstanding anything contained in the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) any person who is found to be unauthorisedly occupying any tank land or part thereof, may, without prejudice to any other action that may be taken against him under any other provisions of the Act, or any other law for the time being in force, be summarily evicted by the Designated Officer or any other Officer authorised by the authority in this behalf:

Provided that no person shall be evicted under this sub-section without giving a reasonable opportunity of being heard.

(2) Every order for eviction passed under sub-section (1) shall be in writing and shall be served on the person unauthorisedly occupying tank land by tendering or delivering a copy thereof to such person or by sending a copy thereof by registered post or if he refuses to receive it or evades service, by pasting it on a prominent part of the property in occupation by him or by publication in a newspaper having wide circulation in the area.

(3) Any crop including trees raised in the tank land and any buildings or other construction erected thereon by the unauthorised occupant shall also, if not removed by him within thirty days of the order of eviction passed in sub-section (1), be liable to forfeiture or to summary removal.

(4) Any property forfeited under sub-section (3) shall vest in the authority and which may dispose of it, in such manner as deemed fit and the cost of removal of any crop, trees, building or other construction and the expenditure incurred for restoring the tank to its original condition shall be recoverable from the person evicted as if it were an arrear of land revenue or in any other manner as may be prescribed.
(5) Any person aggrieved by order of the Designated Officer or other Officer authorised by the authority under sub-section (1), may, within thirty days from the date of the order, appeal against such order to the District and Sessions Judge and in such manner as may be prescribed and the order passed under sub-section (1) shall, subject to the decision in such appeal be final.

CHAPTER IV
Penalties and Procedures

23. Penalty for contravention of Section 12.—Whoever contravenes the provisions of Section 12 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with a fine of not less than ten thousand rupees but which may extend to rupees twenty thousand.

24. Penalty for causing obstruction to an Officers.—Whoever.—

(1) obstructs any Designated Officer, Authorised Officer, Empowered Officer or any person acting under the orders or directions of the authority or the authorised or Designated Officer from exercising his powers, discharging his function or performing his duties under this Act or the rules, or regulation made thereunder; or

(2) damages any works or property of the Authority; or

(3) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the directions of the authority or any Authorised Officer or Designated Officer;

shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.

25. Penalty for failure to report unlawful occupation of tank.—Being an Officer or servant of the authority or the Government or any local or other authority entrusted with the responsibility of report of unlawful occupation or use of tank or maintenance and protection of tank, fails to report or to take action to remove such unlawful occupation or to maintain or protect tank shall be punished with such disciplinary penalty after departmental enquiry or with a fine of rupees ten thousand.

26. Punishment for wrongful seizure.—Any Officer, who vexatiously and unnecessarily seizes any property on the pretence of seizing property liable to forfeiture under this Act shall be punished with such penalty as prescribed in the relevant disciplinary rules and with fine which may extend to five thousand rupees.

27. Penalty for contravention of certain provisions of the Act.—Whoever contravenes any other provisions of this Act or any rules or regulations made thereunder or fails to comply with any order or direction given under this Act, for which no penalty has been specifically provided, shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.

28. Enhanced penalty after previous conviction under Section 23.—If any person, who has been convicted of any offence under Section 23 is again found guilty of an offence involving a contravention of the same provision,
shall on the second and on every subsequent conviction be punishable with imprisonment for a term which shall not be less than six months and with a fine of rupees one lakh.

29. Abetment of offence. — Whoever abets any offence punishable by or under this Act or attempts to commit any such offence shall be punished with a penalty provided by or under this Act for committing such offence.

30. Offences by Companies/residents association. — Where an offence under this Act has been committed by a company/residents association, every person who, at the time the offence was committed was in charge of, and was responsible to, the conduct of the business of the company/residents association shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section, shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purposes of this section.—

(a) "Company" means any body corporate and includes a firm or other association of individuals;

(b) "Director" in relation to a firm means a partner in the firm, in relation to the association, the Secretary or the President of the Association as the case may be.

31. Offences by Government Department. — Where an offence under this Act has been committed by any department of the Government or any local or other authority, the Head of the Department of the Government, or as the case may be, the Chief Executive Officer (by whatever name called) who is in charge of such local or other authority shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department or as the case may be, the Chief Executive Officer liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

32. Arrest without warrant. — (1) Any Police Officer or Designated Officer or Empowered Officer may without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been committed in any offence under this Act punishable with imprisonment for one year or more if such person refuses to give his name and residence address or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Any person arrested under this section shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate having jurisdiction in the case within a period of twenty-four hours of such arrest excluding the time necessary for journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.
33. Power to release on bond a person arrested.—Any Police Officer or
Designated Officer who has arrested any person under Section 32, may
release such person on his executing a bond with proper surety to appear, if
and when so required, before the Magistrate having jurisdiction in the case or
before the Officer in charge of the nearest Police Station.

34. Cognizance of offences.—The offences under this Act shall be
cognizable.

CHAPTER V
Fund, Accounts and Audit of the Authority

35. Fund of the Authority.—(1) The Authority shall have its own fund
and the amount which may from time to time, be paid to it by the
Government and all other receipts (by way of gifts, grant, penalties, fees,
charges or otherwise) shall be carried to the fund of the Authority and all the
payments for the Authority made therefrom.

(2) The Authority may spend such sum as it deems fit for performing its
duties and discharging its functions under this Act. Such sum shall be treated
as expenditure payable out of the fund of the Authority.

(3) The Authority may release funds to the District Executive Authority
for implementation of the scheme or program in such manner as may be
prescribed.

36. Accounts and Audit.—(1) The Authority shall maintain proper
accounts and other records and prepare an annual statement of accounts in
such form and in such manner as may be prescribed.

(2) The accounts of the Authority shall be audited by the State Accounts
Department or such auditor appointed by the Government.

(3) The said auditor shall have the right to demand production of books,
accounts, connected vouchers and other documents and papers and to
inspect any offices of the Authority.

(4) The Authority shall send a copy of the report of the auditor together
with an audited copy to the Government within nine months from the end of
each financial year.

(5) The Government shall, as soon as may be after the receipt of the audit
report under sub-section (4) cause the same to be laid before both the Houses
of the State Legislature.

37. Annual report.—The Authority shall during each financial year
prepare in such form as may be prescribed the annual report giving full
accounts of its activities under this Act during the previous financial year
and copies thereof shall be sent to the Government within four months from
the last date of the previous financial year and the Government shall cause
such report to be laid before both the Houses of the State Legislature within a
period of nine months from the last date of previous financial year.

38. Budget.—The Authority shall during each financial year prepare in
such form and at such time as may be prescribed, a budget in respect of
financial year next ensuing showing the estimated receipt and expenditure,
and copy thereof shall be forwarded to the Government.
39. Borrowing power of Authority.—The Authority may, with the consent of the Government, or in accordance with the terms of any general or special authority given to it by the Government, borrow money from any source, by way of loan or issue of bonds, debentures or such other instruments as it may deem fit for the discharge of all or any of its function under this Act.

40. Mode of making contract.—The Chief Executive Officer shall execute contracts and agreements on behalf of the Authority in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contracts or agreements on behalf of the Authority upto such amount as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the sanction of the Authority.

CHAPTER VI
Miscellaneous

41. Officers of Government, local authorities, etc., to assist.—All Officers of the Government, any local or other authority or water users society or Association shall render such help and assistance and furnish such information to the Authority as it may require for the discharge of its functions, and shall make available to the Authority or any other Officer authorised in this behalf for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

42. Bar of jurisdiction.—Whenever any instrument, implement, machinery, device, tool, boat, vehicle or any other property is seized under Section 14, the Authorised Officer under Sections 15 and 16 or the Chief Executive Officer under Section 18 or the Sessions Judge hearing appeal under Section 19 shall have powers to exercise in accordance with the Code of Criminal Procedure, 1973 (Central Act 2 of 1973) or in any other law for the time being in force and any other Officer, Court, Tribunal or Authority shall have jurisdiction to make any order with regard to the custody, possession, delivery, disposal or distribution of such property.

43. Officers to be public servants.—The Chairperson, Members, Officers and other employees of the Authority and every other Officer exercising any of the powers conferred by this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

44. Protection of action taken in good faith.—No suit, prosecution or any other legal proceedings shall lie against the Authority or the Chairperson or the member of the Authority or any Officer or employee of the Authority or any person appointed or authorised by the Authority under this Act, in respect of anything done or omitted to be done in good faith under this Act or the rules or regulations made thereunder.

45. Suits or prosecution in respect of acts done under colour of duty.—In any case of alleged offence by Designated Officer, Empowered Officer or any other Officer or employee of the Authority or of a wrong alleged to have been done by such Designated Officer, Empowered Officer or their Officer or employee of authority by any act done under colour of duty or in excess of such duty or authority under this Act, or wherein it shall
appear to the Court that the offence, if committed or done was of the aforesaid character, the prosecution or suit shall not be entertained against them except with the previous sanction of the Government.

(2) In the case of an intended suit on account of such wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer at least three month's notice of the intended suit with sufficient description of the wrong complained of failing which such suit shall not be maintainable.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state whether any, and if so what tender of amends has been made by the defendant. A copy of the said notice, shall be annexed to the plaint endorsed with a declaration by the plaintiff of the time and manner of service thereof.

46. Delegation of powers.—The Authority may, by notification delegate to any Officer or authority subordinate to it, any of the powers conferred on it or any Officer subordinate to it under this Act to be exercised by such Officer or authority subject to such restrictions and conditions, if any, as may be specified in the said notification.

47. Effect of other laws.—(1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act of omission, which also constitutes an offence under this Act, or from being liable under such other law to any higher punishment or penalty other than that provided in this Act or the rules made thereunder:

Provided that no person shall be punished twice for the same offence.

48. Removal of difficulty.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove difficulties.

49. Notice of suit against the Authority etc.—(1) No suit or other proceedings shall be commenced against the Authority, Chairperson or any Member of the Authority for anything done or purporting to have been done in pursuance of this Act or the rules or regulation made thereunder without giving three month's notice in writing of the intended suit or other proceedings and of the cause thereof but not after six months from the accrual of the cause of such suit or other proceedings or not after tender of sufficient amends.

(2) A suit to obtain an urgent or immediate relief against the Authority, Chairperson or any member of the Authority in respect of any act done or purporting to be done by the Authority, Chairperson or such member in its or as the case may be, his official capacity may be instituted with the leave of the Court, without serving any notice as required by sub-section (1) but the Court shall not grant relief in the suit whether interim or otherwise except after giving to the Authority, Chairperson, member, as the case may be, a reasonable opportunity of showing cause in respect of relief prayed for in the suit.
50. Power to make rules.—(1) The Government may, by notification after previous publication make rules to carry out any or all the purposes of this Act.

(2) Every rule made under this Act shall be laid down as soon as may be before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session, in which it is so laid or the session immediately following both the Houses agree in making any modification in the rule or both the Houses agree that the rule shall not be made; the rule shall thereafter have effect in such modified form or of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

51. Power to make regulations.—The Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanctions of the Government by notification after previous publication may make regulations to carry out the purposes of this Act in so far as it relates to its functions, powers and duties.

STATEMENT OF OBJECTS AND REASONS

(As appended to at the time of Introduction)

In the Budget speech for the year 2013-14, it is declared that an Authority to develop tanks and lakes will be constituted in the State. Therefore, it is considered necessary to provide for,—

(a) establishment of the Karnataka Tank Development Authority, having necessary powers and functions for, improvement of all tanks, ponds, lakes in the rural areas of the Karnataka State, and to improve Groundwater;

(b) eviction of encroachment of tanks, protection and Development of Water Bodies etc.; and

(c) other matters connected therewith or incidental thereto.

Hence, the Bill.
THE
KARNATAKA
LAKE CONSERVATION AND DEVELOPMENT
AUTHORITY ACT, 2014
(KARNATAKA ACT No. 10 OF 2015)
(First published in the Karnataka Gazette, Extraordinary No. 206, on the Seventh
day of March, 2015)
(Received the assent of the Governor on the Third day of March, 2015)

An Act to provide for establishment of a Lake Conservation and
Development Authority and other matters connected therewith or
incidental thereto.

Whereas, the Apex Court has already ruled that right to water is a part of
right to life guaranteed by Article 21 of the Constitution of India;

Whereas, due to rapid urbanisation, industrialisation and population
explosion, water bodies like tanks and lakes are being converted into urban
and industrial land use after breaking bund and draining water;

Whereas, such destruction of water bodies leads to acute shortage of
water and rapid depletion of groundwater and thereby affecting availability
of water for irrigation, drinking and consumption by live stock, besides
affecting aquatic flora and fauna and accordingly there is an urgent need for
protection, conservation and rejuvenation of water bodies;

And now, therefore, it is expedient to provide for establishment of a
Karnataka Lake Conservation and Development Authority having necessary
powers and functions to achieve the object of protection, conservation and
rejuvenation of water bodies like tanks, lakes, wet lands and their catchment
areas, inlets and outlets for ensuring long-term sustenance of such water
bodies, and for other matters connected therewith or incidental thereto;

Be it enacted by the Karnataka State Legislature in the Sixty-fifth year of
the Republic of India as follows.—

CHAPTER I
Preliminary

1. Short title, commencement and application.—(1) This Act may be
called the Karnataka Lake Conservation and Development Authority Act,
2014.

(2) It shall come into force on such date as the Government may, by
notification appoint.

(3) It applies to all the lakes in the Karnataka State located within the
limits of all Municipal Corporations and Bangalore Development Authority
or any other water bodies or lakes notified by the Government from time to
time.
2. Definitions.—(1) In this Act, unless the context otherwise requires.—

(a) "Authority" means the Karnataka Lake Conservation and Development Authority constituted under Section 3;

(b) "Authorised Officer" means any officer appointed by the Government under Section 11;

(c) "Chief Executive Officer" means the Chief Executive Officer of the Authority appointed under Section 9;

(d) "Designated Officer" means any officer who belongs to Forest Department or Urban Development Department and appointed or designated as such by the Authority under Section 12;

(e) "Empowered Officer" means any officer appointed under Section 13;

(f) "Government" means the Government of Karnataka;

(g) "Industry" includes any operation or process or treatment and disposal system, which consumes water or any other liquid or gives rise to sewage effluents or trade effluents, but does not include any hydro power unit;

(h) "Lake" means an inland water body irrespective of whether it contains water or not, mentioned in revenue records as sarkari kere, kharab kere, kunte, katte or by any other name and includes the peripheral catchment areas, Rajakaluve main feeder, inlets, bunds, weirs, sluices, draft channels, outlets and the main channels of drainages to and fro;

(i) "Landscape" includes all forms of trees, shrubs, grasses whether naturally growing or planted in water bodies to enhance aesthetic value;

(j) "Notification" means a notification published in the Official Gazette;

(k) "Member" means a member of the Lake Conservation Development Authority, specified in sub-sections (3) and (5) of Section 3 includes the Chairman;

(l) "Research" means study or systematic investigation on all the relevant issues pertaining to lakes;

(m) "Surface water" includes water occurring on the land of lakes as defined above.

(2) Words and expressions used in this Act, but not defined herein, shall have the meanings assigned to them in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964).
CHAPTER II
The Lake Conservation and Development Authority

3. Constitution of the Authority.—(1) As soon as may be after the date of commencement of this Act, the Government shall constitute an Authority to be called the Karnataka Lake Conservation and Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act to hold property and shall by the said name sue or be sued.

(3) The Governing Council of the Authority shall consist of the following members, namely.—

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<td>(a)</td>
<td>The Chief Secretary to Government shall be the Chairperson of the Governing Council</td>
<td>Ex officio Member</td>
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<td>(b)</td>
<td>The Additional Chief Secretary or Principal Secretary to Government, Forest, Ecology and Environment Department</td>
<td>Ex officio Member</td>
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<td>(c)</td>
<td>Additional Chief Secretary or Principal Secretary to Government, Finance Department</td>
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<td>(d)</td>
<td>Additional Chief Secretary or Principal Secretary to Government, Urban Development Department</td>
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<td>The Principal Secretary or Secretary to Government, Minor Irrigation Department</td>
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<td>The Principal Secretary or Secretary to Government, Animal Husbandry and Fisheries Department</td>
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<td>The Principal Secretary to Government, Revenue Department</td>
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<td>(i)</td>
<td>The Chairman, Bangalore Water Supply and Sewerage Board, Bangalore</td>
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<td>(j)</td>
<td>The Commissioner, Bangalore Development Authority, Bangalore</td>
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<td>The Commissioner, Bruhat Bangalore Mahanagara Palike, Bangalore</td>
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<td>(l)</td>
<td>The Secretary to Government, Forest, Ecology and Environment Department (Ecology and Environment)</td>
<td>Ex officio Member</td>
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<td>Three non-official members nominated by the Government from amongst experts in the field of environment and ecology or lake conservation of whom at least one shall be a woman and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes.</td>
<td>Non-official Member</td>
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<td>(n)</td>
<td>The Chief Executive Officer of the Authority</td>
<td>Member-Secretary</td>
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(4) There shall be an Executive Committee of the Authority which shall be chaired by the Additional Chief Secretary or Principal Secretary to Government, Forest, Ecology and Environment Department. The Executive Committee shall function as an Empowered Committee of the Authority.

(5) The Executive Committee of the Authority shall consist of the following members, namely:—

| 1. | Additional Chief Secretary or Principal Secretary to Government, Forest, Ecology and Environment Department Chairperson |
| 2. | Additional Chief Secretary or Principal Secretary to Government, Urban Development Department |
| 3. | Principal Secretary or Secretary to Government, Animal Husbandry and Fisheries Department |
| 4. | Principal Secretary or Secretary to Government, Minor Irrigation Department |
| 5. | Principal Secretary or Secretary to Government, Revenue Department |
| 6. | Principal Secretary or Secretary to Government, Finance Department |
| 7. | Secretary to Government (Ecology and Environment), Forest, Ecology and Environment Department |
| 8. | Member Secretary, Karnataka State Pollution Control Board, Bangalore |
| 9. | Principal Chief Conservator of Forests (HODF), Forest Department |
| 10. | Chairman, Bangalore Water Supply and Sewerage Board, Bangalore |
| 11. | Commissioner, Bruhat Bangalore Mahanagar Palike |
| 12. | Chief Executive Officer of the Authority |

(6) The Government may remove from the Authority any non-official member who, in its opinion, has—

1. been adjudged as an insolvent; or
2. been convicted of an offence which involves moral turpitude; or
3. become physical or mentally incapable of acting as a member; or
4. so abused his position as to render his continuance in office detrimental to the public interest; or
5. acquired such financial or other interest as is likely to affect prejudicially his functions as a member.
4. Meetings of the Authority.—(1)(a) The Governing Council of the Authority shall meet at least once in a financial year.

(b) The Executive Committee of the Authority shall meet at least once in three months.

(2) The Chairperson shall preside over the meeting of the Authority or if for any reason he is unable to attend any meeting, any other member chosen by the members present at the meeting shall preside.

(3) Quorum for a meeting of the Authority shall be one-third of the total number of members.

(4) Save as otherwise expressly provided by or under this Act, the procedure for conduct of business at the meeting of the Authority shall be such as may be specified in the regulations.

5. Functions of the Authority.—Subject to the provisions of this Act and the rules made thereunder, the functions of the Authority shall be.—

1. to exercise regulatory control over all the lakes within its jurisdictions including prevention and removal of encroachment of lake;

2. to protect, conserve, reclaim, regenerate and restore lakes to facilitate recharge of depleting groundwater by promoting integrated approach with the assistance of concerned Government Departments, local and other authorities;

3. to take up environmental impact assessment studies for any or all lakes;

4. to take up environmental planning and mapping of lakes and their surrounding areas with the help of geographical information system and prepare database and atlas of lakes and their catchments;

5. to prepare a plan for integrated development of lakes;

6. to improve and also create habitat (wet lands) for aquatic biodiversity, water birds and aquatic plants by reducing sullage and non-point sewage impacts;

7. to facilitate for impounding storm water drainage system, reduce or remove siltation of lakes by taking up appropriate soil and water conservation measures including afforestation and to augment recharge of groundwater aquifers and revive bore-wells;

8. to improve and monitor water quality, conserve lake ecology on need basis and to protect them against domestic and industrial pollution;

9. to utilise or allow to utilise the lakes for the purpose of drinking water, fishing, irrigation, education or tourism or any other purpose as the Authority may determine;

10. to encourage participation of communities and voluntary agencies and to launch public awareness programmes for lake conservation, preservation and protection of lakes;
(11) to advise on any matter that may be referred to it by the Government or any institution.

(12) to promote integrated and co-ordinated applied research on all the relevant issues pertaining to lakes;

(13) to do such other acts as the Authority may consider necessary, conducive or incidental, directly or indirectly, to achieve the object of this Act.

6. Powers of the Authority. — Subject to the provisions of this Act and the rules made thereunder, powers of the Authority shall be, —

(1) to cause entry upon or authorise any officer to enter upon any land, to survey, demarcate and make a map of lakes;

(2) to receive grants, donations, contributions, deposits and rents, and to levy fees or charges for development and maintenance of lakes at such rates approved by the Government;

(3) to grant technical approval to any project proposal made by any Government Department or organisation or association or person interested in developing, maintaining, conserving or protecting a lake and also to take up such activities on its own which shall be approved by the Government;

(4) to invite experts as and when required to its meetings;

(5) to constitute sub-committees as may deemed necessary for the purpose of research, implementation, studies, approval of projects, conservation, preservation, protection and any other purpose relating to lake; and

(6) to take up survey of lake boundary, detect encroachment if any and to remove encroachments and erect boundary pillars and to fence them to prevent encroachment of the lake.

7. Powers of Chairperson of Governing Council. — The Chairperson of the Governing Council shall be the Non-Executive Head of the Authority and shall. —

(a) convene, preside over and conduct meetings of the Governing Council;

(b) discharge all duties conferred and exercise all powers conferred on him by or under this Act.

8. Powers of Chairperson of Executive Committee. — The Chairperson of the Executive Committee shall be the Non-Executive Head of the Authority and shall. —

(a) convene, preside over and conduct meetings of the Executive Committee;

(b) discharge all duties conferred and exercise all powers conferred on him by or under this Act;

(c) seek funds for the regeneration/development/maintenance of lakes;
grant approval for the Detailed Project Reports (DPRs) to be submitted to Ministry of Environment and Forests under National Plan for Conservation of Aquatic Ecosystem, grant approvals for the works to be taken up by following due process under Karnataka Transparency in Public Procurements Act, 1999;

have powers to constitute any sub-committee/s for the above purposes.

9. Chief Executive Officer.— (1) The Government may appoint an officer not below the rank of a Secretary to the Government or equivalent officer to be the Chief Executive Officer of the Authority.

(2) Subject to the general powers of the Authority and the Chairperson, overall powers for the purpose of carrying out the provisions of this Act and any other law for the time being in force which imposes a duty or confers any powers on the Authority shall vest in the Chief Executive Officer and who shall also.—

(a) perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or under any other law for the time being in force;

(b) carry into effect the resolutions of the Authority;

(c) conduct all affairs of the Authority;

(d) supervise and control execution of all schemes and works of the Authority or entrusted by the Government or any other Authority;

(e) draw and disburse monies out of the fund of the Authority;

(f) exercise control over the officers and officials of the Authority;

(g) authenticate by his signature all permissions, orders, decisions, notices and other documents of the Authority;

(h) exercise such other powers and discharge such other functions and perform such other duties as may be prescribed.

10. Officers and other employees of the Authority.— (1) The Government shall provide to the Authority with such officers and employees as may be necessary for the efficient discharge of the functions of the Authority.

(2) The method of recruitment, the salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Authority shall be such as may be prescribed.

11. Authorised Officer.— The Government may appoint an officer not below the rank of a Group 'A' Officer of the State Civil Services as Authorised Officer who shall exercise powers under this Act and such other powers as may be specified by the Government from time to time.

12. Designated Officer.— (1) The Authority may designate or appoint any officer as Designated Officer to be in charge of one or more lakes to ensure their protection, conservation, development and for any other purpose.
(2) The Designated Officers shall exercise powers under this Act and such other powers as the Authority may by a special or general order confer upon them.

13. Empowered Officer.—The Authority may designate or appoint any officer as the Empowered Officer to carry out any of the works assigned to the Designated Officer.

CHAPTER III
Protection of Lakes

14. Acts prohibited in lakes.—Notwithstanding anything to the contrary contained in any law for the time being in force, no person or institution or organisation (registered or unregistered) or company or firm or association, Government Departments, Corporation or any local or other authority and their agents or employees or any body on their behalf shall.—

(1) use the lake for any purpose other than storage or impounding of water or for the purpose mentioned in clause (9) of Section 5;

(2) construct any structure on lake land, occupy any lake land or part thereof or cause any obstruction at the natural or normal course of inflow or outflow of water into, or from, the lakes on the upstream and/or downstream;

(3) construct any commercial, recreational or industrial complexes or houses or carry on any industrial activity within the distance to be notified by the Government depending on the water spread area of the lake;

(4) dump debris, municipal solid wastes, mud or earth soil or liquid wastes or any pollutants, into the lake by using vehicle or otherwise;

(5) discharge untreated sewage into the lake directly or indirectly;

(6) construct roads, bridges and likewise other structures within the lake area including the tank bund;

(7) breach bund, waste weir including lowering the height of the waste weir from its original height or remove fence, boundary stones or any hoarding or any sign board erected by the Authority; and

(8) do any other act which is detrimental directly or indirectly to the lakes:

Provided that nothing in this Act shall prohibit withdrawal of water for drinking or irrigation or any other purpose for human consumption from any lake be specified by the Authority from time to time:

Provided further that nothing in this Act shall prohibit stocking of fish seeds and development of fisheries (except the fish which are dangerous or harmful to the aquatic eco-system of the lake) by the Government and its licensee, lessees or contractor in any lake specified by the Authority from time to time.

15. Protection of lakes.—(1) The Authority may direct any Officer of the Government or any local or other authority who is the custodian, or in
control, of any lake to permanently demarcate its boundaries and to take such other measures as may be necessary at their own cost.

(2) The Authority may issue general or specific directions to any officer of the Government Department or any local or other Authority who is the custodian or in control of any lake to take such measures as are necessary and expedient to remove encroachment or unauthorised occupation of such lake and prevent its recurrence.

(3) The Authority may by order specify any lake as a heritage site or bio-conservation site or protected site, or reserve it for any special purpose in view of its historical, ecological or environmental importance and prevent from being put to any other alternate use and may specify its utilisation, if any.

16. Seizure of property liable for confiscation.—(1) When there is reason to believe that an offence punishable under Section 25 has been committed, any instrument, implement, machinery, device, tool, boat, vehicle or any other material or object used in committing any such offence, may be seized by the Designated Officer or any other officer empowered by the Authority in this behalf.

(2) The Designated Officer or Empowered Officer seizing any property, vehicle, material or object under sub-section (1) shall place on them a mark indicating that the same has been so seized and shall as soon as may be, make a report of such seizure to the Magistrate or Authorised Officer having jurisdiction to try the offence on account of which the seizure is made. The procedure of seizure shall be has specified in the Code of Criminal Procedure, 1973:

Provided that where the seized property, vehicle, material or object is believed to belong to the Central or the State Government or a local or other authority or if the offender is unknown, the Designated Officer or Empowered Officer shall report to the Chief Executive Officer.

(3) The arrested persons shall be produced before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

17. Power to release property seized under Section 16.—Where the seized property is such that it cannot be conveniently be produced before the Magistrate or the Authorised Officer as the case may be, it may be released by the Chief Executive Officer to the owner thereof on his executing a Bank guarantee and a bond undertaking to produce the property so released if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made or before the Authorised Officer.

18. Confiscation by the Authorised Officer.—(1) The Designated Officer or Empowered Officer seizing the property under Section 16 shall, without any unreasonable delay produce the property, before the Authorised Officer.

(2) When any seized property is produced before the Authorised Officer and he is satisfied that an offence punishable under Section 25 has been committed using such property, the Authorised Officer may whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property so seized.
(3) Where the Authorised Officer, passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order confiscated property or any part thereof to be sold in public auction.

(4) Where any confiscated property is sold, as aforesaid, the proceeds thereof, after deduction of expenses of any such auction or other incidental expenses relating thereto, shall, where the order of confiscation made under sub-section (2), is set aside or annulled by an order under Section 20 or 21 be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

19. Issue of show-cause notice before confiscation.—(1) No order confiscating any instrument, implement, machinery, device, tool, boat, vehicle or any other property shall be made under Section 18 except after giving notice in writing to the person from whom it is seized and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving a notice in writing to the registered owner thereof, if in the opinion of the Authorised Officer, it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any instrument, implement, machinery, device, tool, boat, vehicle or any other property shall be made if the owner of the instrument, implement, machinery, device, tool, boat, vehicle or any other property proves to the satisfaction of the Authorised Officer that it was used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the instrument, implement, machinery, device, tool, boat, vehicle, or any other property and that each of them has taken all reasonable and necessary precautions against such use.

20. Revision.—The Chief Executive Officer may before the expiry of thirty days from the date of the order of the Authorised Officer under Section 18, suo motu call for and examine the records of that order and may make such inquiry or cause such inquiry to be made and may pass orders as he deems fit.

21. Appeal.——(1) Any person aggrieved by an order passed under Section 18 or 20 or may within thirty days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area in which the property in respect to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the Authorised Officer, to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(2) An order of the Sessions Judge under this section shall be final and shall not be questioned in any Court of law.

22. Order of confiscation not to interfere with other punishments.—The order of any confiscation under Section 18 or 20 or 21 shall not prevent the infliction of any punishment to which the person prosecuted thereby is liable under this Act.

23. Property confiscated when to vest in the Government.—When an order for confiscation of any property has been passed under Section 18, 20 or 21 and such order has become final in respect of the whole or any portion of
such property, such property or portion thereof (or if it has been sold under sub-section (3) of Section 18 the sale proceeds thereof) as the case may be, shall vest in the Government free from all encumbrances:

Provided that no such order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

24. Power to remove encroachment.—(1) Notwithstanding anything contained in the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) any person who is found to be unauthorisedly occupying any lake land or part thereof may, without prejudice to any other action that may be taken against him under any other provisions of this Act, or any other law for the time being in force, be summarily evicted by the Designated Officer or any other officer authorised by the Authority in this behalf:

Provided that no person shall be evicted under this sub-section without giving a reasonable opportunity of being heard.

(2) Every order for eviction passed under sub-section (1), shall be in writing and shall be served on the person unauthorisedly occupying lake land by tendering or delivering a copy thereof to such person or by sending a copy thereof by registered post or if he refuses to receive it or evades service, by pasting it on a prominent part of the property in occupation by him or by publication in a newspaper having wide circulation in the area.

(3) Any crop including trees raised in the lake land and any buildings or other construction erected thereon by the unauthorised occupant shall also, if not removed by him within thirty days of the order of eviction passed in sub-section (1), be liable to forfeiture or to summary removal.

(4) Any property forfeited under sub-section (3) shall vest in the Authority and which may dispose of it, in such manner as deemed fit and the cost of removal of any crop, trees, building or other construction and the expenditure incurred for restoring the lake to its original condition shall be recoverable from the person evicted as if it were an arrears of land revenue or in any other manner as may be prescribed.

(5) Any person aggrieved by an order of the Designated Officer or other officer authorised by the Authority under sub-section (1), may, within thirty days from the date of the order, appeal against such order to District and Sessions Judge and in such manner as may be prescribed and the order passed under sub-section (1), shall, subject to the decision in such appeal be final.

(6) The Deputy Commissioner and the Superintendent of Police of the District shall render help and assistance as may be required by the Authority to remove the encroachment from any lake.

CHAPTER IV
Penalties and Procedures

25. Penalty for contravention of Section 14.—Whoever contravenes the provisions of Section 14 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with a fine of not less than ten thousand rupees but which may extend to rupees twenty thousand.
26. Penalty for causing obstruction to any officers.—Whoever.—

(1) obstructs any Designated Officer, Authorised Officer, Empowered Officer or any person acting under the orders or directions of the Authority or from exercising his powers, discharging his functions or performing his duties under this Act or the rules or regulations made thereunder; or

(2) damages any works or property of the Authority; or

(3) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the directions of the Authority or any Authorised Officer or Designated Officer,

shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.

27. Penalty for failure to report unlawful occupation of lake.—Being an officer or servant of the Authority or the Government or any local or other authority entrusted with the responsibility of reporting of unlawful occupation or use of lake or maintenance and protection of lake, fails to report or to take action to remove such unlawful occupation or to maintain or protect lake shall be punished with imprisonment for a term, which may extend one year and with a fine of rupees ten thousand.

28. Penalty for contravention of certain provisions of the Act.—Whoever contravenes any other provisions of this Act or any rules or regulations made thereunder or fails to comply with any order or direction given under this Act, for which no penalty has been specifically provided, shall be punishable with imprisonment, which may extend to one year and with fine which may extend to five thousand rupees.

29. Enhanced penalty after previous conviction under Section 25.—If any person, who has been convicted of any offence under Section 25 is again found guilty of an offence involving a contravention of the same provision, shall on the second and on every subsequent conviction be punishable with imprisonment for a term which shall not be less than five years and with a fine of rupees one lakh.

30. Abetment of offence.—Whoever abets any offence punishable by or under this Act or attempts to commit any such offence shall be punished with imprisonment of six months and a penalty provided by or under this Act for committing such offence.

31. Offences by Companies/residents association.—Where an offence under this Act has been committed by a company/residents association, every person who, at the time the offence was committed was in charge of, and was responsible to, the conduct of the business of the Company/residents association shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section, shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purposes of this section.—
(a) "Company" means any body corporate and includes a firm or other association of individuals;

(b) "Director" in relation to a firm means a partner in the firm, in relation to the association, the Secretary or the President of the Association as the case may be.

32. Offences by Government Department, etc. — Where an offence under this Act has been committed by any Department of the Government or any local or other authority, the Head of the Department of the Government, or as the case may be, the Chief Executive Officer (by whatever name called) who is in charge of such local or other authority shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section render such Head of the Department or as the case may be, the Chief Executive Officer liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

33. Arrest without warrant. — (1) Any Police Officer or Designated Officer or Empowered Officer may without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been committed in any offence under this Act punishable with imprisonment for one year, if such person refuses to give his name and residence address or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Any person arrested under this section shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate having jurisdiction in the case within a period of twenty-four hours of such arrest excluding the time necessary for journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

34. Power to release on bond a person arrested. — Any Police Officer or Designated Officer who has arrested any person under Section 33 may release such person on his executing a bond with proper surety to appear, if and when so required, before the Magistrate having jurisdiction in the case or before the officer in charge of the nearest Police Station.

35. Cognizance of offences. — The offences under this Act shall be cognizable.

CHAPTER V
Fund, Accounts and Audit of the Authority

36. Fund of the Authority. — (1) The Authority shall have its own fund and the amount which may from time to time, be paid to it by the Government and all other receipts (by way of gifts, grant, penalties, fees, charges or otherwise) shall be carried to the fund of the Authority and all the payments for the Authority made there from.

(2) The Authority may spend such sum as it deems fit for performing its duties and discharging its functions under this Act. Such sum shall be treated as expenditure payable out of the fund of the Authority.
37. Accounts and Audit.—(1) The Authority shall maintain proper accounts and other records and prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Authority shall be audited by an auditor appointed by the Authority.

(3) The said auditor shall have the right to demand production of books, accounts, connected vouchers and other documents and papers and to inspect any offices of the Authority.

(4) The Authority shall send a copy of the report of the auditor together with an audited copy to the Government within nine months from the end of each financial year.

(5) The Government shall, as soon as may be after the receipt of the audit report under sub-section (4) cause the same to be laid before both the Houses of the State Legislature.

38. Annual report.—The Authority shall during each financial year prepare in such form as may be prescribed the annual report giving full accounts of its activities under this Act during the previous financial year and copies thereof shall be sent to the Government within four months from the last date of the previous financial year and the Government shall cause such report to be laid before both the Houses of the State Legislature within a period of nine months from the last date of previous financial year.

39. Budget.—The Authority shall during each financial year prepare in such form and at such time as may be prescribed, a budget in respect of financial year next ensuing showing the estimated receipt and expenditure, and copy thereof shall be forwarded to the Government.

40. Borrowing power of Authority.—The Authority may, with the consent of the Government, or in accordance with the terms of any general or special authority given to it by the Government, borrow money from any source, by way of loans or issue of bonds, debentures or such other instruments as it may deem fit for the discharge of all or any of its function under this Act.

41. Mode of making contract.—The Chief Executive Officer shall execute contracts and agreements on behalf of the Authority, in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contracts or agreements on behalf of the Authority upto such amount as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the sanction of the Authority.

CHAPTER VI
Miscellaneous

42: Officers of Government, Local authorities, etc., to assist.—All officers of the Government, any local or other authority shall render such help and assistance and furnish such information to the Authority as it may require for the discharge of its functions, and shall make available to the Authority or any other officer authorised in this behalf for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.
43. **Bar of jurisdiction.**—Whenever any instrument, implement, machinery, device, tool, boat, vehicle or any other property is seized under Section 16, the Authorised Officer under Section 18 or the Chief Executive Officer under Section 20 or the Sessions Judge hearing appeal under Section 21 shall have powers to exercise in accordance with the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or in any other law for the time being in force and no other officer, Court, Tribunal or Authority shall have jurisdiction to make any order with regard to the custody, possession, delivery, disposal or distribution of such property.

44. **Officers to be public servants.**—The Chairperson, members, officers and other employees of the Authority and every other officer exercising any of the powers conferred by this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

45. **Protection of action taken in good faith.**—No suit, prosecution or any other legal proceedings shall lie against the Authority or the Chairperson or the member of the Authority or any officer of employee of the Authority or any person appointed or authorised by the Authority under this Act, in respect of anything done or omitted to be done in good faith under this Act or the rules or regulations made thereunder.

46. **Suits or prosecution in respect of acts done under colour of duty.**—(1) In any case of alleged offence by Designated Officer, Empowered Officer or any other officer or employee of the Authority or of a wrong alleged to have been done by such Designated Officer, Empowered Officer or any such other officer or employee by any act done under colour or in excess of such duty of authority under this Act, or wherein it shall appear to the Court that the offence, if committed or done was of the aforesaid character, the prosecution or suit shall not be entertained against them except with the previous sanction of the Government.

   (2) In the case of an intended suit on account of such wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer at least one month’s notice of the intended suit with sufficient description of the wrong complained of failing which such suit shall be dismissed.

   (3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service and shall state whether any, and if so what tender of amend has been made by the defendant. A copy of the said notice, shall be annexed to the plaint endorsed with a declaration by the plaintiff of the time and manner of service thereof.

47. **Delegation of powers.**—The Authority may by order in writing delegate to any officer or authority subordinate to it, any of powers conferred on it under this Act to be exercise by such officer or authority subject to such restrictions and conditions, if any, as may be specified in the said order.

48. **Effect of other laws.**—(1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

   (2) Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission, which also constitutes an offence under this Act, or from being
liable under such other law to any higher punishment or penalty other than that provided in this Act or the rules made thereunder:

Provided that no person shall be punished twice for the same offence.

49. Removal of difficulty.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order not in consistant with the provisions of this Act remove difficulties within a period of one year from the date of publishing the official notification in the Official Gazette.

50. Notice of suit against the Authority etc.—(1) No suit or other proceedings shall be commenced against the Authority, Chairperson or any member of the Authority for anything done or purporting to have been done in pursuance of this Act or the rules or regulation made thereunder without giving one month’s notice in writing of the intended suit or other proceedings and of the cause thereof or after six months from the accrual of the cause of such suit or other proceedings nor after tender of sufficient amends.

(2) A suit to obtain an urgent or immediate relief against the Authority, Chairperson or any member of the Authority in respect of any act done or purporting to be done by the Authority, Chairperson or such member in its or as the case may be, his official capacity may be instituted with the leave of the Court, without serving any notice as required by sub-section (1) but the Court shall not grant relief in the suit whether interim or otherwise except after giving to the Authority, Chairperson, member, as the case may be, a reasonable opportunity of showing cause in respect of relief prayed for in the suit.

51. Power to make rules.—(1) The Government may, by notification after previous publication make rules to carry out any or all the purposes of this Act.

(2) Every rule made under this Act shall be laid down as soon as may be before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session, in which it is so laid or the session immediately following both the Houses agree in making any modification in the rule or both the Houses agree that the rule shall not be made, the rule shall thereafter have effect in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

52. Power to make regulations.—The Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanctions of the Government by notification may make regulations to carry out the purposes of this Act insofar as it relates to its functions, powers and duties.
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