
BAGALKOT TOWN DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1993

CONTENTS

1. Title, commencement and application
2. Definitions
3. Category of Sites
4. Allotment of sites
5. Registration
6. Application
7. Principle of selection of application for allotment of sites
8. Value of Sites
9. Conditions of allotment and sale of site
10. Restrictions and conditions on sale sites
11. Voluntary Surrender
12. Disposal of Civic Amenity Sites
13. Disposal of Stray Sites

BAGALKOT TOWN DEVELOPMENT AUTHORITY (ALLOTMENT OF SITES) RULES, 1993

Whereas, the draft of the following rules was published as required by sub-section (1) of Section 69 of the Karnataka Improvement Boards Act, 1976. (Karnataka Act 11 of 1976) in Notification No. HUD 786 MIB 93, dated 16th October, 1993 in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, 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 11th November, 1993. And, whereas, the objections and suggestions received within the period specified above have been considered. Now, therefore, in exercise of the powers conferred by Section 69 of the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976), the Government of Karnataka hereby makes the following rules, namely:

1. Title, commencement and application :-

- (1) These rules may be called the Bagalkot Town Development Authority (Allotment of Sites) Rules, 1993.
- (2) They shall come into force from the date of their publication in

the Official Gazette.

(3) Notwithstanding anything contained in the Karnataka Improvement Board Rules, 1976, the provisions of these rules shall apply in respect of allotment on sites by the Bagalkot Town Development Authority.

2. Definitions :-

In these rules unless the context otherwise requires.

(a) "Allottee" means the persons to whom a site is allotted under these rules;

(b) "Authority" means the Bagalkot Town Development Authority;

(c) "Backward Tribes" means the Backward tribes notified in Order No. SWL 66 BCA 86, dated the thirteenth day of October, 1986 or in such other order as may be issued from time to time;

(d) "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 Authority;

(iii) A centre for educational, social or cultural activity 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 purpose;

(v) a Police Station, and Area Office or a Service Station of the Authority or the Karnataka Urban Water Supply and Drainage Board or the Karnataka Electricity Board; and

(vi) Such other amenity as the Government may, by notification specify;

(e) "Commercial Site" means any site formed in any extension or

lay out 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 or any site earmarked for dwelling purpose;

(f) "Corner Site" means a site at the junction of two roads having more than one side of the site facing the roads;

(g) "Displaced person" means and includes.

(i) a person residing in the submergible portion of Bagalkot Town and who will be displaced due to submergence;

(ii) a person residing in the non-submergible area or Bagalkot Town, whose immovable property in the submergible portion of Bagalkot Town is acquired;

(iii) a person in occupation as a tenant (for residence, business, trade, or other avocations) of immovable property situated in the submergible portion of Bagalkot Town for ¹[not less than

(h) "Family" in relation to a person means such person, the wife or husband, as the case may be, of such person and the children wholly dependent on him;

(i) "Form" means a form appended to these rules;

(j) "Income" means the annual income of a person or family;

(k) "Migrant" means a person who is actually not affected by submersion under Almatti, Reservoir within the municipal limits of Bagalkot City Municipality but migrated to the Bagalkot Town not less than ten years before the first preliminary notification issued under Section 4 of the Land Acquisition Act, 1894;

(1) "Physically handicapped person" means a person who is physically handicapped and duly certified as such by a Government Doctor;

(m) "Scheduled Castes" and "Scheduled Tribes" means the Scheduled Castes and 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;

2 (n) "Slum Dweller" x x x x x;

(o) "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 which has been formed on account of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

1. Substituted for the words "not less than ten years" by Notification No. RD 190 REH 97, dated 16-12-1997, w.e.f. 19-12-1997

2. Clause (n) omitted by Notification No. UDD194 MIB 95(P), dated 25-10-1996, w.e.f. 5-11-1996

3. Category of Sites :-

(1) The following categories of sites shall be made available by the authority in the New Bagalkot Township for allotment to the displaced persons, migrants and other persons who are entitled for allotment of sites under these rules, namely.

Category	Site in meters	Area in sq. mts.
A	8x9	72
B	9x12	108
C	12x18	216
D	15x24	360
E	18x27	496

(2) The total number of sites in each category shall be determined by the authority.

4. Allotment of sites :-

(1) One site measuring 72 sq. meters shall be

(2) In case the displaced family requires a site of dimensions higher than 72 sq. meters. it shall be entitled to have such site on payment of difference in cost over and above the area of 72 sq. meters at the rates specified in the tables in sub-rule (3) the cost of site shall be as specified in the table below.

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Type	Size	Rates to be paid by displaced families Rs.	Rates to be paid by families of Major sons of P-D. Fs.	Rates to be paid by migrants
(1)	(2)	(3)	(4)	(5)
A	72 sq. mts.	Rs. 75 per sq. mt. which shall be free of cost in the case of the eligible project displaced persons	75 per sq. mts.	100 per sq. mts.
B	108 sq. mts.	75 per sq. mts.	75 per sq. mts.	125 per sq. mts.
C.	216 sq. mts.	95 per sq. mts.	95 per sq. mts.	219 per sq. mts.
D.	360 sq. mts.	95 per sq. mts.	95 per sq. mts.	219 per sq. mts.
E.	486 sq. mts.	95 per sq. mts.	95 per sq. mts.	219 per sq. mts.

Explanation. "Displaced family" in relation to a person means such person, the wife or husband, as the case may be of such person and the children wholly dependent on him who, either as owner or tenant (Including Municipal tenant) was residing in the submergible portion of Bagalkot Town for ¹[not less than five years] preceding the date of issue of notification under Section 4 of the Land Acquisition Act, 1894:

²[Provided that not more than two children (whether Male or Female) of the head of a displaced family who had attained majority on the date of issue of notification under Section 4 of the Land Acquisition Act, 1894, shall be deemed and construed as separate family for the purpose of allotment of site under these rules and such separate family for the purpose of allotment of site shall be selected by the displaced family failing which the Bagalkot Town Development Authority shall select them. Such separate family of the displaced family shall not be entitled for allotment of site exceeding an area of 72 Square Metres or any site of portion of a site free of cost:]

³[Provided further that not more than two adult brothers of the displaced family or where such adult brother is not alive the widow of such

(1) the brothers of displaced family had attained the age of eighteen years and was residing in the same house of the displaced family;

(ii) he establishes with evidence to the effect that he had separate kitchen and separate ration card; and

(iii) if there are more than two brothers in the displaced family the beneficiaries among them shall be selected by the P.D.F., failing which the Bagalkot Town Development Authority shall select them.]

⁴[(3) To allot plots measuring 6M X 9M (72 Sq. Mtrs.)⁵ [x x x x x] of unmarried daughters of more than 35 years age of P.D. Fs at the cost prescribed in column 4 of the Table specified under sub-rule (2).]

(4)

(i) The allotment of sites would be on the basis of first priority for project displaced families, second priority for deemed separate families (as given in proviso to Explanation to sub-clause (3) above) and third priority to migrants and others;

(ii) Allotment of site numbers to eligible families as per the priority given above would be done by category wise separate draws of lots.

(5) All corner sites and commercial sites shall be disposed of by public auction and the provisions of the Karnataka Urban Development Authorities (Disposal of Corner and Commercial Sites) Rules, 1991 shall mutatis mutandis apply.

(6) Displaced persons or family shall not be liable to pay towards connection charges for the services such as water, power sewage if they have been enjoying these facilities in the old Bagalkot Town subject to the conditions that they shall construct houses in the new Bagalkot Township within two years from the date of allotment of site and that they shall bring water supply and sanitary connections upto their property edge facing the road.

1. Substituted for the words "not less than ten years" by Notification No. RD 190 REH 97, dated 15-12-1997, w.e.f.19-12-1997

2. Proviso substituted by Notification No. UDD194 MIB 95 (P), dated 25-10-1996, w.e.f. 5-11-1996
3. Second proviso inserted by Notification No. UDD 658 MIB 96, dated 24-9-1997, w.e.f. 24-9-1997
4. Sub-rule (3) inserted by Notification No. UDD 596 MIB 96, dated 12-12-1996, w.e.f. 13-12-1996
5. The words "and ex gratia amount" omitted by GSR 57, dated 24-4-1997, w.e.f. 2-5-1997

5. Registration :-

(1) Every disposed person or family or Migrant¹ [x x x x] desiring a site shall register his name in the office of the authority on payment of rupees ten.

(2) A migrant seeking registration shall pay registration fee as specified in the table.

TABLE	
Area of Sites	Registration Fee
	Rs.
(a) 360 sq. mts. and above	1,000
(b) Between 216 sq. mts 359 sqm.	500
(c) Below 216 sq. mts.	100

(3) Registration made shall be valid for subsequent allotment unless the applicant has withdrawn the registration. Seventy five per cent of registration fee shall be refunded to applicant if he withdraws his registration.

1. The brackets and words "(except slum dwellers)" omitted by Notification No. RD 190 REH 97, dated 15-12-1997, w.e.f. 19-12-1997

6. Application :-

(1) A person or family registered under Rule 5 shall apply in Form III to the Authority for allotment of site along with initial deposit of one eighth of the notified cost of the site. Application forms may be obtained from the office of the authority on payment of a sum of rupees fifty which amount shall not be refunded.

(2) Application shall be presented either 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 or incorrect, shall be rejected.

7. Principle of selection of application for allotment of sites

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Sites shall be allotted among the different categories of migrants as follows.

Explanation. 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 the categories shall be transferred to category (c) and if sufficient number of applications from persons belonging to categories (a), (b), (c), (d), (e), (f) and (g) are not received, then the remaining sites reserved for these categories shall be transferred to category (h).

8. Value of Sites :-

Value of a site notified while inviting applications may be altered by the authority with the previous sanction of the Government.

9. Conditions of allotment and sale of site :-

The allotment of a site under these rules shall be subject to the following conditions.

(a) The allottee (other than a displaced family or family residing in slum area desiring a site measuring not exceeding 72 sq. mtrs) 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 an 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.

(b) After payment under clause (a) is made, the authority shall call upon the allottee to execute a lease cum-sale agreement in Form IV for a period of ten years and after the execution of such agreement by the allottee and authority, the same shall be got registered by 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 shall be forfeited, the allotment of the site cancelled, and the amount paid by the allottee after deducting such expenditure as much have been incurred by the authority, be refunded to him;

(c) Every allottee shall construct a building on the site within a period of two years or extended period 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;

(d) 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 a period not exceeding forty-five days for the due performances of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the authority and the allottee;

(e) The allottee shall comply with the conditions of the agreement executed by him and the building and other bye-laws of the authority, or as the case may be, the local authority for the time being in force;

(f) If the building is not constructed within the period specified in clause (c) or the extended period the allotment shall after reasonable notice to the allottee be cancelled;

(g) 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;

(h) 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.

10. Restrictions and conditions on sale sites :-

(1) The conveyance of sites in favour of allottee (hereinafter referred to as 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 Municipalities Act, 1964 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 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 Housing Development Finance Corporation or a 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;

(b) in the case of a site on which a building has been constructed, the purchaser shall not alienate the site and 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.

(2) In the event of the purchaser committing breach of any of the conditions in sub-clauses (iii) of clause (a) and clause (b) of sub-section (1), 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 sub-clause (iii) of clause (a) and clause (b) of sub-section (1) shall be null and void ab initio.

Explanation. In this rule, reference to the authority shall be deemed to include the reference to the Chief Engineer authorised

by the authority by a general resolution to exercise any power vested in the authority.

(3) Notwithstanding anything contained in sub-rules (1) and (2) but without prejudice to the provisions of Rule 9 where the purchaser applies that for reasons beyond his control he was unable to reside in the town of Bagalkot by reasons of his insolvency or impecuniosity it is necessary for him to sell the site or site and building, if any, he might have put up thereon, the authority may, with the previous approval of the Government either.

(a) require him to surrender the site, (where there is no building) in its favour; or

(b) where a building is 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 allottee the allotted value of the site;

(ii) in case covered by class (b) the purchaser 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.

11. Voluntary Surrender :-

The allottee may at any time after allotment, surrender the site allotted to him by the authority. On such surrender the authority shall refund all amounts paid by the purchaser to the authority in respect of the said site.

12. Disposal of Civic Amenity Sites :-

The authority shall dispose of civic amenity sites in accordance with the Karnataka Urban Development Authority (Allotment of Civic Amenity Sites) Rules, 1991.

13. Disposal of Stray Sites :-

The authority shall dispose of stray sites with the prior approval of the Government and in accordance with the guidelines issued by the Government.