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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Revenue (P) Department

NOTIFICATION

G. O. (P) No. 611/2015/RD.

Dated, Thiruvananthapuram, 17th November, 2015.

S. R. O. No. 811/2015.—In exercise of the powers conferred by section 3A of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (28 of 2008), the Government of Kerala hereby make the following rules:—

1. *Short title, commencement and applicability.*—(1) These rules may be called the Kerala Conservation of Paddy Land and Wet Land (Regularisation of Unauthorised Reclamation) Rules, 2015.

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(2) These rules shall come into force at once.

(3) The rules shall apply to all unauthorised reclamation carried out or completed before 12th August, 2008 in violation of any law for the time being in force and shall be applicable throughout the State of Kerala.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (28 of 2008) as the case may be;

(b) “Paddy Land” means any land recorded in Village records as “Nilam” but is not included as paddy land or wet land in the Draft/ Data Bank prepared under the Act.

(c) “Unauthorised reclamation” means any act or a series of acts whereby a paddy land is converted irreversibly and in such a manner that it cannot be reverted back to the original condition by ordinary means, without obtaining permission under any law for the time being in force, before the 12th day of August, 2008.

(2) Words and expressions used and not defined in these rules, but defined in the Act shall have the same meaning assigned to them in the Act.

3. *Submission of application for regularisation of unauthorised reclamation of paddy land.*—(1) Application for regularisation of unauthorised reclamation shall be submitted to the Collector in **Form 4** appended to these rules, within 90 days of the date of notification of these rules:

Provided that an application may be admitted after the expiry of the period prescribed therefore, if the applicant satisfies the Collector that he had sufficient cause for not preferring the application within that period.

(2) The application shall be accompanied by the following documents, namely:—

(a) Documents to prove ownership of land;

(b) any dated evidence issued by the Commissioner of Land Revenue or District Collector or Revenue Divisional Officer or Tahsildar or Village Officer with respect to the unauthorised reclamation and/or any similar documentary evidence to this effect.

(c) photographs of the land unauthorisedly filled up, signed by the owner, to the effect that “this is the paddy land which has been filled up unauthorisedly/due to natural reclamation before the 12th day of August 2008;”

(d) Orders obtained earlier, if any, granting permission to utilise the land for any other purpose issued under any law in force before 12th day of August 2008.

4. *Application fee.*—Application fee of ₹ 500 shall be paid to the Collector along with the application for regularisation of unauthorised reclamation.

5. *Procedure for disposal of the application.*—(1) The Collector shall, verify the application and if found complete in all respects, inspect or cause to inspect the land, the details provided therein and the status of the land in the data bank, Village records and as existing now through the Village Officer(s) concerned. The status of land as on 12-8-2008 shall be verified with respect to the Draft/Data Bank. If the land is not included as “Paddy Land” or “wetland” in the data bank, the application shall be forwarded to the Village Officer(s) concerned within 7 days from the date of submission of application complete in all respect by the applicant.

(2) The Village Officer shall inspect the location, site and the buildings, if any, and make entries in **Form 5** regarding the status of the land in Village records. After detailed verifications and scrutiny, a detailed report in Form-5 shall be prepared, duly signed, in duplicate and sent to the Collector within 14 days stating,—

(a) Whether the unauthorised reclamation was carried out or completed prior to enforcement of the Kerala Conservation of Paddy Land and Wetland Act, 2008 or not;

(b) the extent of violation of the provision in statutes in existence prior to the enforcement of the Paddy Land and Wetland Act, 2008;

(c) the fee for regularisation at the rate of 25% of the notified fair value of the land per Are or 25% of the Fair value of similar adjacent land per Are, where fair value of the land has not been notified, to be remitted in case regularisation is allowed with detailed calculation note.

(d) specific grounds for regularisation with reasons:

Provided that, the calculation of fair value where fair value of the land has not been notified, for the purpose of Rule 5(2)(c), shall be applicable only for these Rules and will not be applicable for fixing fair value under the Kerala Stamp Act, 1959. Provided also that, if the land reclaimed is included in more than one Village, each Village Officer may take 14 days for completion of form-5 before forwarding form-5 to the next Village Officer and in such cases, the decision of the Collector shall be recorded in all such forms.

(3) If the Collector, on enquiry and appreciation of evidence, and on hearing the applicant, is satisfied that the unauthorised reclamation was done prior to the commencement of the Act, a notice shall be issued to the applicant in **Form 6** appended to these Rules directing the applicant to pay the regularisation fee in the treasury under revenue receipt.

The applicant shall remit the fee as directed within 15 days:

Provided that the notice shall not be deemed by the applicant as an assurance for regularisation of the unauthorised reclamation and the Collector shall take into account any evidence for arriving at decision on the application, even after remittance of the fees.

(4) On receipt of proof for remittance of the fees pursuant to the notice issued under Rule 5(3), the Collector may accord sanction for regularisation. Any order of the Collector according sanction for regularisation shall specify,—

(i) the name of applicant, survey No., re-survey No. of the land, if any, extent of the land (in Ares), current use of the land;

(ii) grounds under which the regularisation is sanctioned;

(iii) conditions, if any, under which sanction for regularisation is granted;

(iv) period within which the conditions if any stipulated for regularisation is to be complied with;

(v) the details of the regularisation fee remitted by the applicant.

(5) The Collector shall, publish the list of such orders issued in the office notice board every month and in the official website of the Collectorate which shall include number and date of the orders issued, together with the name of applicant, survey/re-survey number(s) and the name of Village(s), Taluk and local level monitoring committee(s) pertaining to the land and whether the sanction for regularisation is conditional. The details of applications rejected shall also be included in the list so published.

(6) The Collector shall also maintain a permanent register of all unauthorised reclamations regularised under these rules containing details such as name and address of the applicant, survey number(s), re-survey number, if any, the extent of land and name of village, details of buildings, if any, such as number of buildings, violation of statutes regularised,

number and date of the Order by which regularisation was granted, amount of regularisation fee remitted with chalan receipt particulars, conditions, if any, stipulated in the order and action taken and the result thereof.

(7) The Collector shall maintain a register of all treasury remittances towards regularisation fee.

(8) Under any circumstances, the regularisation fee once remitted, will not be reimbursed.

6. *Procedure in case the application for regularisation is rejected.*—(1) If the owner of any land reclaimed unauthorisedly fails to submit any application for regularisation duly filled in the prescribed form with relevant details within the stipulated time, the opportunity of the applicant in moving for regularisation shall be lost:

Provided that an application may be admitted after the expiry of the period prescribed therefore if the applicant satisfies the Collector that he had sufficient cause for not preferring the application within that period.

(2) If the Collector is not satisfied after enquiry and appreciation of evidence that the unauthorised reclamation was done prior to the commencement of the Act, the reclamation shall be deemed to be done when the Act was in force and he shall note the reason thereof in his detailed order and in such cases, only the provisions under the Act shall apply.

(3) In case the applicant does not remit the regularisation fee as specified in **Form 6** within the time specified, the opportunity of the applicant in moving for regularisation shall be lost.

(4) If the application for regularisation is rejected in toto, the Collector shall specify the reason for such rejection and in such cases the Collector shall have the power to take necessary action as per the provisions of the Act or law in force applicable to the case as deemed fit.

(9) In case the applicant does not fully comply with any of the condition(s) stipulated in the regularisation order within the time specified in the Order, the regularisation order shall cease to operate from the next day and the Collector or Government shall take any action as deemed fit.

7. *Appeal.*—Any person aggrieved by the decision of District Collector rejecting his application citing any of the reason under Rule 6 may within Thirty days from the date of receipt of such notice/order shall appeal to the CLR and the CLR may after giving the appellant an opportunity of being heard either conform alter or set aside the said order/notice.

8. *Revision by Government.*—(1) The Government may either suo motu or on application from any aggrieved party call for the records of any act or proceedings of the CLR in any case under this Act, and pass such orders thereon, as it may deem fit:

Provided that there shall be only one revision against any order issued by the CLR.

(2) A petition for revision under sub-rule (1) shall be presented within thirty days from the date of service of the order, allowing or rejecting the application.

(3) When a petition for revision has been presented under these rules, the Government may, if found necessary, stay operation of the order, pending consideration of the petition.

(4) The Government shall, after considering the revision petition, pass appropriate orders thereon and forward the same to the Collector concerned.

(5) In case the revision petition is rejected, the Collector shall intimate action as provided under rule 6.

(6) The Government may cancel or modify or revise any orders issued earlier under these rules at any time, if found necessary, if any reclamation regularised is of serious environmental concerns.

(7) The Government may, at any time cancel any order issued under these rules, if any wrong information was furnished by the applicant or the owner, after hearing the applicant once. Action as laid in rule 6 shall be taken by the Collector in such cases.

9. *Penalties.*—

1. Whoever obtains regularisation of reclaimed property by:—

- (a) furnishing false information; or
- (b) filing false statement; or
- (c) suppressing material facts and relevant evidence pertaining to the property; or
- (d) any other fraudulent means,

Shall, on conviction, be punishable with imprisonment for a term which shall not be less than 6 months but which may extend up to 2 years and with fine which shall not be less than 50,000 rupees which may extend up to 1 lakh rupees.

10. *Penalty for issuing false Regularisation Certificate.*—

(1) Any official who connives with any person intentionally, prepares any false report which may lead to the issuance of regularisation certificate to any person shall, on conviction, be punishable with imprisonment for a term which shall not be less than 6 months but which may extend up to 2 years and with fine which shall not be less than 50,000 rupees but which may extend up to 1 lakh rupees.

[See Rule 3 (1)]

APPLICATION FOR REGULARISATION OF UNAUTHORISED
RECLAMATION OF PADDY LAND (in duplicate)

To

The Collector,
.....

Sir

I have reclaimed an extent ofares of paddy land in my name in Survey No. in..... Village TalukDistrict before 12th August, 2008 without obtaining permission/sanction from competent authority.

I realise that the reclamation of the paddy land so carried out is in violation of the provision contained in the and that the said reclamation is an unauthorised one. The land is currently being used for residential/commercial/residential-cum-commercial/others/not put to any use.

I request that sanction may be accorded for the regularisation of the said reclamation.

The application fee of ₹.....only has been remitted vide.....

The following documents are enclosed (in duplicate):—(tick wherever applicable)

- (a) Documents to prove ownership of land;
 - (i)
 - (ii)
 - (iii)
 - (iv)

(b) any dated evidence issued by the Commissioner of Land Revenue or Collector or Revenue Divisional Officer or Tahasildar or Village Officer with respect to the unauthorised reclamation and/or any similar documentary evidence to this effect:

- (i)
- (ii)
- (iii)
- (iv)

(c) photographs of the land unauthorisedly filled up, signed by the owner, to the effect that ***"this is the paddy land which has been filled up unauthorisedly/due to natural reclamation before the 12th day of August, 2008"***;

(d) Orders obtained earlier, if any, granting permission to utilise the land for any other purpose issued under any law in force before 12th day of August, 2008.

- (i)
- (ii)
- (iii)
- (iv)

Signature of Applicant.....

Name of the Applicant

(In Block letters)

Full address:

Place:

Date:

DECLARATION BY THE APPLICANT

I, hereby declare that the unauthorised reclamation was carried out before the 12th day of August, 2008. I also declare that all the information furnished by me are true to the best of my knowledge and belief. I also agree unconditionally that the Collector/Government can take any action as may deem fit if any of the information furnished by me does not confirm to facts.

Signature and name and Address of the owner.

Place:

Date:

DETAILED REPORT

FORM 5

[See Rule 5 (1)]

[to be used by the Collector based on the report of the concerned Village Officer(s) in duplicate]

Part I

.....Village

.....Taluk

.....Corporation/Municipality/Grama Panchayat

1. Particulars of application

- (1) Application received on :
- (2) Name and address of applicant :
- (3) Verified on :
- (4) Returned to applicant for completion :
- (5) Completed application received on :
- (6) Status of land in draft/data bank :
- (7) Sent to Village Officer on :

Part II

INSPECTION AND VERIFICATION REPORT

(to be furnished by the Village Officer.)

Date of receipt of Form 5 by the Village Officer.....

2. Particulars of land:

- (1) Sy. Number :
- (2) Re Sy. Number (if any) :
- (3) Extent of paddy land reclaimed :
- (4) Thandapper No. :
- (5) Thandapper holder :
- (6) Nature of land in BTR :

3. Particulars of current usage of the reclaimed paddy land:
(based on site inspection)

- (1) Current use of land : Lying fallow/Residential/
Commercial/Commercial-cum-
Residential/Others (*attach site mahassar also*)
- (2) Whether the photograph submitted by the applicant is genuine : Yes/No
- (3) If others, the particulars thereof :

4. Violations with regard to statutes, if any :

<i>Name of Statute</i>	<i>Section/Rule/Clause violated</i>
------------------------	-------------------------------------

5. Whether the unauthorised reclamation :
was/were carried out before 12th
August, 2008 (with reference to draft/
data bank) (Yes/No)

6. (i) Whether the unauthorised reclamation :
was stopped at any stage on receipt
of complaint/direction from Revenue
authorities to stop the unauthorised
reclamation (Yes/No)

(ii) If yes, specify the number and date :
of the Notice/Order, the authority
who issued the Notice/Order and the
statute under which the Notice/Order
was issued.

7. Whether the reclamation can be :
regularised (Yes/No)

8. If recommended for regularisation, :
conditions if any under which
regularisation is recommended (Please
specify, if applicable)

(i)

(ii)

(iii)

....

....

....

9. If not recommended, reasons for the :
same

(i)

(ii)

(iii)

....

....

....

10. Fee to be remitted if regularised in :
₹..... (Rupees.....)
(Total reclaimed area in Ares × 25%
of the fair value) (enclose the calculation
sheet certified by the Village Officer
separately)

11. Date of return to the Collector:

*Signature of the Village Officer with
date and designation seal*

(Office seal)

DECISION

COLLECTOR

.....

NOTICE

FORM 6

[See Rule 5(2)]

To be issued to the applicant

Sub:—Regularisation of unauthorised reclamation of paddy land—
Request—Reg.

Ref:—(1) G. O. (Ms.) No. RD. dated/...../2015.

(2) Your application for regularisation dated.....

With reference to your application referred above, you are requested to pay a regularisation fee of ₹.....(in words) to the H/A and to submit the chellan to this office on or before If the fee is not remitted before....., your application is liable to be rejected without assigning any reason whatsoever.

It may be noted that remittance of the above fee shall not be deemed as an assurance for obtaining sanction for regularisation.

For COLLECTOR.

By order of the Governor,

DR. VISHWAS MEHTA,
Principal Secretary to Government.

Explanatory Note

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

Section 3A of the Kerala Conservation of Paddy Land and Wetland Act, 2008 (Act 28 of 2008) empowers the Collector to regularize unauthorised reclamation of paddy land carried out before 12th August, 2008. Accordingly, Government have framed these rules granting power to the Collector to regularise such unauthorised reclamation.

This notification is intended to achieve the above object.