

GOVERNMENT OF KARNATAKA

NO. UDD 91 MNJ 2020

Karnataka Government Secretariat,
Vikasa Soudha,
Bangalore, Dated : 21.07.2020

NOTIFICATION

In exercise of the powers conferred by section 69 read with section 38D of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Bangalore Development Authority (Allotment of unauthorised site with building) Rules, 2020.

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

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

- (i) "Act" means the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);
- (ii) "Form" means Form appended to these rules;
- (iii) "Section" means Section of the Act; and

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

3. Application under section 38D.- (1) Any person who is entitled for allotment of land, vested in or acquired by the Authority, under section 38D may make an application in the Form I to the Commissioner of the Authority online along with a fee of rupees five hundred within sixty days from the date of commencement of section 38D, along with supporting documents specified in section 38D or any of the following documents, namely:-

- (i) encumbrance certificate from the date of purchase from the original land owner to till date;
- (ii) photos of the site with building;
- (iii) tax paid receipt of the building for twelve years;

- (iv) certified copy of the khatha;
- (v) khatha extract;
- (vi) proof for water connection since twelve years;
- (vii) proof for electricity connection since twelve years;
- (viii) proof of presence of building for the past twelve years;

and

affidavit in Form-II (Notarized on a stamp paper of Rupees Two hundred;
and

(2) On receipt of application under sub-rule (1), the Commissioner shall cause the particulars of the application to be stored in digital form.

(3) The Commissioner shall thereafter get the application scrutinized by the officer authorized by him. Thereafter he shall cause spot inspection, examination of the documents and verification of circumstantial evidence, record his findings and send a report to the Authority within thirty days.

(4) The Authority shall after verifying the particulars submitted by the applicant and recommendations of the Commissioner, after holding such enquiry as it deemed necessary, shall determine the eligibility or otherwise of the applicant and the extent of site with building to which the applicant is entitled for allotment and either allot or reject the application. The Authority shall intimate the eligible applicant the amount required to be paid under section 38-D of the Act. The amount has to be paid within the period of sixty days from the date of intimation.

(5) On payment of the amount towards allotment by the applicant the Authority shall cause registration of the site to the eligible applicant. 4. Penalty for allotment of site.- The rate for re-allotment of site with building measuring more than 40X60 and up to 50X80 shall be fifty percent of the Guidance value and five percent of penalty on the Guidance value.

5. Penalty against jurisdictional officer failing to prevent unauthorized occupation or construction.- (1) Action shall be initiated on the jurisdictional officer for failure to inspect, as required under the Act or these rules to prevent unauthorized occupation or construction, either on complaint or otherwise.

(2) Notwithstanding anything contained in the disciplinary rules applicable, the competent authority shall issue a show cause notice to the concerned jurisdictional officer, specified in the Table below and seek explanation in writing, within fifteen days for his failure to prevent unauthorized occupation or construction in contravention of provisions of the Act and the Competent Authority after giving an opportunity of being heard pass appropriate order either to drop the proceedings or impose upon him the punishment to pay penalty specified below within six months.

Sl. No.	Jurisdictional officer	Competent Authority to impose punishment
1	Assistant Engineer Commissioner	Commissioner
2	Assistant Executive Engineer	
3	Executive Engineer	

(3) The competent authority shall impose penalty on each of the officers, if it is satisfied that the officers have failed to prevent unauthorized occupation or construction, in contravention of provisions of the Act and such penalty shall be levied as follows, namely:-

- (i) for the first time, a penalty of not less than rupees ten thousand but not more than twenty thousand rupees shall be imposed;
- (ii) for the second instance he/she shall be levied with penalty of not less than twenty five thousand rupees but not more than fifty thousand rupees; and
- (iii) for every subsequent instance the competent authority shall impose a penalty of rupees twenty thousand and report it to the State Government.

(4) The amount collected under these rules shall be remitted to a separate head of account of the Authority.

6. Appeal.- (1) Any officer aggrieved by the order of the Competent Authority may prefer an appeal to the State Government within thirty days from the date of communication of the order.

(2) The State Government shall after giving an opportunity of being heard to the aggrieved officer dispose the appeal within sixty days from the date of appeal.

(3) The orders of the State Government shall be final.

Applicant's
Recent pass
port size photo

FORM-I
(see sub-rule (1) of rule 3)
Online Application for allotment of unauthorized site with building

1	Name of the Applicant (only one member of family)	
2	Present Address of the applicant	
3	Aadhaar Number	
4	Mobile Number	
5	Name of the owner of the site with building , Site No. date of purchase	
6	Survey No., Village, Hobli, Taluk of the site with building	
7	Date of building construction	
8	Date of building plan approval	
9	Enclosures: (a) Certified copies of the sale deeds from the date of purchase from the original land owner to till date.	
	(b) Encumbrance certificate (from the date of purchase from the original land owner to till date)	
	(c) Photos of the site with building	
	(d) Tax paid receipt for twelve years.	
	(e) Certified copy of the Khatha.	
	(f) Khatha Extract.	
	(g) Copy of the work order of water connection.	
	(h) Copy of the work order of Electricity connection.	
	(i) Proof of address (Aadhaar / Election Voter ID / Ration Card / Gas Connection Pass Book / Passport / Bank Pass Book / Driving License etc..)	
	(j) Proof of presence of building for past twelve years.	
	(k) Affidavit	

Place : Bengaluru
Date :

Signature of the Applicant

FORM - II
(see sub-rule (1) of rule 3)
AFFIDAVIT: PERMISSION TO FILE A DOCUMENT BEFORE BANGALORE
DEVELOPMENT AUTHORITY (BDA)
AFFIDAVIT

I, S/o aged residing in house bearing No. do hereby solemnly affirm and state as follows;-

1. That, I am well-conversant with the facts and circumstances of the case and being so, I am fully competent to swear to this affidavit.
2. That, the Annexures are true and correct photocopy of the original documents filed before the BDA and are necessary for an effective and complete consideration of the case.
3. That, I am the original owner/unauthorized occupant of land for the reasons and in a settled possession of the said land. I have put up the building on the land bearing Sy No. Extending to North, South..... East, West..... with boundaries as follows;

East - Sy No./Site No.
West - Sy No./Site No.
North - Sy No./Site No.
South - Sy No./Site No.
4. That, I am in settled possession in the above land for more than twelve years with building.
5. That I agree to pay the rate of land determined by BDA for allotment.
6. That the land in my possession does not fall under the categories specified in the proviso to sub-section (1) of section 38D.
7. That no other member of my family has applied to seek benefit for allotment of any other land on any ground what so ever.

Verification

Verified aton this the day of, 20.....that the contents of the above affidavit are true and correct to the best of my knowledge, information and belief and nothing material has been concealed therefrom.

Sd./
Deponent

Solemnly affirmed and signed before me by the deponent, on this the..... day of
..... 20

Sd./
NOTARY

Note.- Affidavit to be attested by the appropriate authority prescribed under law.

By order and in the name of the
Governor of Karnataka,

(K.S.JAGADISHA REDDY)
Under Secretary to Government,
Urban Development Department.