

## **RURAL DEVELOPMENT & PANCHAYAT RAJ SECRETARIAT**

### **NOTIFICATION**

**No. RDP 115 ZPS 2011, Bangalore, dated: 4th June 2011.**

Whereas the draft of the following rules Karnataka Panchayat Raj (Removal of obstructions and encroachments) Rules 2011 was published in Notification No. RDP/115/ZPS/2011 dated 28th April 2011 in Part IV-A, No.450 dated: 28-04-2011 of the Karnataka Extraordinary Gazette, as required by Sec.72 read with sub-section (1) of Section 311 of the Karnataka Panchayath Raj Act, 1993 (Karnataka Act 14 of 1993) inviting objections and suggestions to the said draft from persons likely to be affected, within 15 days of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 28th April 2011.

And whereas, no objections or suggestions have been received by the State Government in respect of the said draft.

Now, therefore, in exercise of the powers conferred by Sec.72 read with sub-section (1) of Section 311 of the Karnataka Panchayath Raj Act, 1993 (Karnataka Act 14 of 1993), the Government of Karnataka hereby makes the following rules, namely:-

### **RULES**

**1. Title and commencement.-** (1) These rules may be called the Karnataka Panchayat Raj (Removal of obstructions and encroachments) Rules, 2011.

(2) They 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 Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993);

(b) "Competent Authority" means the Executive Officer of the Taluk Panchayat or the Officer authorized by the Government, to be the Competent Authority for the purpose of these rules;

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

(d) "Section" means a section of the Act.

**3. Application for removal of obstructions and encroachments.-** (1) Whenever it appears to any person that a person who is not duly authorized has caused obstructions and encroachments of Gram Panchayat / Poramboke land, public

street, place, waste land, ponds, tanks, play ground, parks, public utility lands, cremation grounds or grave yards or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place or in any open site not being private property and the person building or setting up of encroachment or has removed earth, sand other than sand used for domestic purposes as specified in sub-section (1) and (2) of section 72 of the Act, he shall make an application to the Panchayat Development Officer or the Village Accountant as the case may be specifying the details of obstructions and encroachments etc.,.

(2) On receipt of the application under sub-rule (1) the respective Panchayat Development Officer or the Village Accountant shall forward the application along with his report and necessary documents to the Competent Authority at the earliest and not later than fifteen days from the date of receipt.

(3) The Panchayat Development Officer or the Village Accountant shall if it appears to him that a person who is not duly authorized has caused obstructions and encroachments of Gram Panchayat / Poramboke land, public street, place, waste land, ponds, tanks, play ground, parks, public utility lands, cremation grounds or grave yards or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place or in any open site not being private property and the person building or setting up of encroachment or has removed earth, sand other than sand used for domestic purposes as specified in sub-section (1) and (2) of section 72 of the Act suo-moto send a report and necessary documents to the Competent Authority at the earliest and not later than fifteen days from the date of knowledge of such obstructions and encroachments.

**4. Holding an Enquiry.-** (1) On receipt of the report under sub-rule (2) or under sub-rule (3) of rule 3, the Competent Authority shall fix the date and time of hearing and issue a notice in Form-A to the person who has caused obstructions and encroachments and to the respective Panchayat Development Officer or the Village Accountant.

(2) On the date fixed for hearing the Competent Authority shall hear both the parties and summarily decide the issue of obstructions and encroachments.

(3) If the Competent Authority decides that there is obstructions and encroachments as specified in sub-section (1) or sub-section (2) of section 72 of the Act pass necessary orders and serve copy of the order on the person who has caused obstructions and encroachments.

(4) The person against whom an order of obstruction and encroachment has been served under sub-rule (3) shall remove such unauthorized obstruction or encroachment within the time specified in the order. If the person failed to comply the order within the time specified in the order the Competent Authority shall remove such unauthorized obstruction or encroachment and recover the expenses from the

person who has caused the obstruction or encroachment as if it were a tax imposed under section 199.

**5. Appeal.-** (1) The person aggrieved against the order passed by the Competent Authority may appeal to the Chief Executive Officer of the respective Zilla Panchayat within thirty days from the date of receipt of the order

(2) The Chief Executive Officer after giving the opportunity of being heard and after such enquiry as he deems fit pass orders which shall be final.

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

**Swarnalatha M Bhandare**  
Under Secretary to Government,  
Rural Development & Panchayat Raj Dept..

FORM- A  
[See Rule 4]

To

Shri. ....  
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**NOTICE**

Whereas you have encroached upon (here describe the property) the property of (here insert the name of the Village Panchayat) (here describe the extent) by (here describe the manner).

You are hereby required to attend before this authority either in person or by a duly authorized agent at O'clock at . . . . . on the day of 20 at which time and place an enquiry into the said encroachment will be made.

And you are hereby required to produce before this authority at the above named time and place any documents or evidence you may wish to be considered or heard.

If you fail to attend in person or by a duly authorized agent in pursuance of this notice the above mentioned encroachment and/or claim will be decided in your absence.

Dated this day of 20

**Competent Authority**