

* ASSIGNMENT OF LAND WITHIN MUNICIPAL AND CORPORATION AREAS RULES, 1995

In exercise of the powers conferred by Section 7 of the Kerala Government Land Assignment Act, 1960 (30 of 1960) the Government of Kerala hereby make the following rules for assignment of Government land in Municipal and Corporation areas, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Rules for Assignment of Land within Municipal and Corporation Areas, 1995;
 - (2) They extend to the Municipal and Corporation Areas of the State of Kerala;
 - (3) They shall come into force at once.
2. **Definitions.**— In these Rules unless the context otherwise requires,—
 - (a) "Alienation" includes sale, gift, bequest under a will, mortgage, hypothecation or lease;
 - (b) "Assigning Authority" means—
 - 1[(i) the District Collector having jurisdiction over the area when the land is assigned for house site, shop site or beneficial enjoyment to individuals or families in Municipal and Corporation areas;
 - (ii) x x x x]
 - (iii) Government in respect of assignment of lands to institutions.
 - (c) "Assignment" means transfer of land by way of registry and includes a lease or grant of licence for use of land.
 - (d) "Beneficial enjoyment" means the enjoyment of land for purpose like providing approach road to the assignees registered holding and protection of his water course, standing crops and buildings.
 - (e) "Institution" means Social, Cultural, Educational, Religious and Business Establishments, and includes Clubs, Theatres, Lodge, Hostels, Hospitals, Clinics, Libraries etc. which hold land within Municipal or Corporation limits in the State of Kerala under lease current or time expired granted under any rules or orders in force at the time of such grant.
 - (f) 1A["Land" means Government land within the Municipal and Corporation limits and includes Government land held under lease, ground rent or licence, current or time expired, granted under any rules or orders in force at the time of such lease, ground rent or licence.]
 - (g) "Improvements" means improvement on land effected by cultivation of perennial crops or by construction of buildings, structures or irrigation works.
3. **Purposes for which land is assigned.**— Land may be assigned for purposes of house sites, shop sites or other commercial or charitable purposes and for beneficial enjoyment of adjoining registered holdings.

* Published as S. R. O. No. 1341/95 in K. G. Ext. No. 1142 dt. 14/11/1995.

1. Clause (i) substituted and clause (ii) omitted by Notification No. G. O. (P) No. 335/98/RD dt. 22/06/1998, published in K. G. Ext. No. 984 dt. 22/06/1998 as S. R. O. No. 514/98. Prior to substitution it read as :
 - "(i) the District Collector having jurisdiction over the area when land is assigned for house site or shop site in Municipal areas;
 - (ii) The Board of Revenue when land is assigned for house site or shop sites in Corporation areas; and".
- 1A. Substituted by Notification G. O. (P) No. 53/2009/RD. dt. 27/01/2009, published as S. R. O. No. 117/2009 in K. G. Ext. No. 290 dt. 05/02/2009. Prior to the substitution it read as :

"Land" means Government land within the Municipal and Corporation limits and includes Government land held under lease, current or time expired, granted under any rules or orders in force at the time of such lease."

4. Maximum extent of land to be assigned and land value.— (1) ²[(a) The extent of land that may be assigned to a family for house site shall not ordinarily exceed 10 cents in Municipal areas and 5 cents in Corporation areas.

(b) ^{2A}[(i) The land value payable in respect of land not exceeding the limit prescribed in clause (a) shall be at concessional rates prescribed in the Kerala Land Assignment Rules, 1964, in respect of assignees whose annual family income from all sources does not exceed ₹ 1,00,000 (Rupees one lakh).]

(ii) Those who are in possession of land in excess of the limit prescribed in clause (a) shall pay full market value of the land at the time of assignment irrespective of their family income or caste.

(iii) In the case of assignment of land for purposes other than house sites, land value at market rate at the time of assignment shall be realised irrespective of income ^{2B}[x x x] of the assignee]:

^{2C}[Provided that no land value shall be realised from the assignees belonging to Scheduled Castes and Scheduled Tribes.]

Note.— (1) (a) In calculating land value payable by the assignee the value of improvements, if any, effected by him in the case of occupied land shall be excluded.

(b) The assignment of land for house site within the Corporation/Municipal areas shall be sanctioned only in such a way that fragments of less than one cent or unusable bits of small extent consequent on such assignment are avoided as far as possible.

³[x x x]

(2) (a) The maximum extent of land that may be assigned on registry, when such land is indispensably required for the beneficial enjoyment of adjoining registered holdings, shall not exceed 5 cents in the Municipal areas and 3 cents in the Corporation areas.

(b) Land value at market rate shall be payable for such assignment of land for beneficial enjoyment.

2. Substituted by Notification G. O. (P) No. 764/PI/ 97/RD dt. 09/10/1997, published as S. R. O. No. 799/97 in K. G. Ext. No. 1387 dt. 09/10/1997. Prior to the substitution it read as :

"(a) The extent of land that may be assigned to a family for house site shall not ordinarily exceed 5 cents in Municipal areas and 3 cents in Corporation areas.

(b) The assignee shall pay full value at market rate for the land:

Provided in the case of assignment of land for house site to applicant belonging to Scheduled Castes or Scheduled Tribes, who are occupying the land sought for assignment for more than five years as on the date of application, land value to be remitted shall be at concessional rate which shall be notified by Government from time to time, taking into account the annual family income of the applicant."

2A. Substituted by Notification G. O. (P) No. 29/2013/RD. dt. 30/01/2013, published as S. R. O. No. 65/2013 in K. G. Ext. No. 249 dt. 30/01/2013. Prior to the substitution it read as :

"(i) The land value payable in respect of land not exceeding the limit prescribed in clause (a) shall be at concessional rates prescribed in the Kerala Land Assignment Rules, 1964 in respect of assignees whose annual family income from all sources does not exceed Rs. 24,000. The land value payable by those having annual income exceeding Rs. 24,000 but below Rs. 50,000 shall be one fifth of the market value of the land at the time of assignment of the land.

Those having family income exceeding Rs. 50,000 per annum, shall pay market value of the land at the time of assignment." **For fulltext of notification, please refer 2013 KCL 596.**

2B. Word "or caste" omitted by Notification G. O. (P) No. 226/2009/RD. dt. 20/06/2009, published as S. R. O. No. 525/2009 in K. G. Ext. No. 1130 dt. 22/06/2009.

2C. Inserted by Notification G. O. (P) No. 226/2009/RD. dt. 20/06/2009, published as S. R. O. No. 525/2009 in K. G. Ext. No. 1130 dt. 22/06/2009.

3. Omitted by Notification G. O. (P) No. 764/PI/ 97/RD dt. 09/10/1997. Prior to the omission it read as: "In the case of land already under occupation by the assignee, the extent of land in his possession over and above 5 cents in the Municipal areas and 3 cents in the Corporation areas shall be assigned to him on realisation of 1 1/2 times the land value at market rate:

Provided that, in any case, the assignment for house site shall not exceed 10 cents in the Municipal areas and 5 cents in the Corporation areas."

Note.— (1) Assignment of land for beneficial enjoyment of adjoining registered holdings shall be sanctioned in such a way that fragments of less than one cent or unusable bits of small extent consequent to such assignment are avoided, as far as possible.

(2) For the purpose of these rules, land value at market rate shall be calculated by adopting the method for calculating land value at market rate in land acquisition proceedings.

5. Assignment of land held under lease.— (1) Land held under lease, either current or time expired, granted under any rules or order in force at the time of such grant and the extent of which does not exceed 5 cents in the Municipal areas and 3 cents in the Corporation areas shall be considered for assignment on registry to the holder on payment of land value at market rate.

(2) In the case of land held under an existing lease, lease rent, if any, outstanding against such land should be cleared before issue of lease or assignment on registry.

(3) In the case of land held under time expired leases, prohibitory assignment as provided under the Kerala Land Conservancy Act, 1957 (8 of 1958) shall be remitted before filing the application for assignment.

6. Procedure for assignment of land.— (1) Before granting Registry, Government, shall cause to be prepared lists of the land which should be reserved for Government or public purposes in each village and lists of the land which may be made available for assignment in each village.

(2) Land to be reserved for Government or public purposes as may be found necessary shall include, among others—

- (i) Poramboke as defined in the Kerala Land Conservancy Act, 1957, except those which may be assigned without detriment to Government or public interest;
- (ii) Land required for Government or public purposes, other than those covered by the definition of 'poramboke' in the Kerala Land Conservancy Act, 1957;
- (iii) Land required or likely to be required for any settlement scheme or any other scheme sponsored by the Government;
- (iv) Land likely to be required for the present or future for Government or public purposes;
- (v) Land on the sides of roads required for the widening of roads; land within port limits or within 15 linkş (3.017 metres) on either side of streams, or within two or three chains (40.234 or 60.351 metres) of reserve forests; or within one chain (20.117 metres) of important irrigation channels without embankments or within twenty links (4.02 metres) of less important irrigation channels with embankments; or within one hundred metres of the boundary of railway station or within two hundred yards (183 metres) of the boundary of aerodromes and landing grounds; or land near sea coast within hundred feet (30.480 metres) of the high water mark of the sea:

Provided that land near sea coast within 100 feet (30.480 metres) of the high water mark of the sea may, however, be temporarily assigned as house sites for fishermen and also for purposes of casuarina coconut plantations and erection of fish oil and fish guano factories beyond hundred yards (91.5 metres) from the high water mark.

- (vi) Land required for colonisation purposes;
- (vii) Land specially reserved for assignment to Scheduled Caste/Scheduled Tribe communities;
- (viii) Land containing or presumed to contain valuable minerals, quarries; and
- (ix) Land acquired for Government purposes but not required for such purposes.

(3) After setting apart the land required for future Government or public purposes as stated in sub-rule (2), 25 per cent of the land available for assignment in each village shall be reserved for assignment to members of the Scheduled Castes and Scheduled Tribes.

Provided that—

- (i) If, in any village, the land available for assignment under these rules are already occupied either under lease (current or time expired) or by way of encroachment

and the occupants thereof are entitled to assignment of land under these rules, only the balance area, if any, that may be available after such assignment, shall be reserved as aforesaid;

- (ii) for assignment of land for house sites in sea coast villages priority shall be given to landless fishermen in respect of land which are situated beyond the hundred feet but within four furlongs from the high water mark of the sea, if the land are not already in the occupation of other persons who are entitled to get the land assigned under these rules;

(4) Land held on leases with or without limit of time including leases under the Kuthakappattam Rules, shall also be taken into consideration for purposes of registry.

4[(5) The lists of lands to be reserved for Government or public purposes and the lists of lands to be set apart for assignment on registry, shall be prepared by the Tahsildar and submitted before the Land Assignment Committee, for consideration. The lists with the recommendations of the Committee, shall be forwarded to the District Collector for approval. The District Collector shall be the authority to approve the lists].

(6) Applications for assignment of land shall be made to the assigning authority in Form No. 1 appended to these Rules. Each such application shall bear court fee stamp of Rs. 2:

Provided that applicants belonging to Scheduled Castes or Scheduled Tribes and serving military personnel shall be exempted from affixing court fee stamp on their applications.

5[(7) Application for assignment of land, in the case of married people, shall be made jointly by husband and wife and patta shall be issued jointly in their names].

6[6A. (1) The Government shall cause to be constituted Municipal/Corporation Land Assignment Committees which shall consist of officials and non-officials for recommendation regarding the lands to be reserved for Government or public purpose and assignment or registry of lands available for assignment for purposes of house sites, shop sites or other commercial purposes and for beneficial enjoyment of adjoining registered holdings.

(2) The lands in Municipal areas shall be assigned on the recommendations of the Municipal Land Assignment Committee and those in Corporation areas shall be assigned on the recommendation of the Corporation Land Assignment Committee.

(3) The Municipal/Corporation Land Assignment Committees shall ordinarily have the following members:—

- (i) One representative each of all the political parties who have representatives in the Legislative Assembly. (In case the State Committee of a party desires to change its nominee in any Municipal or Corporation Land Assignment Committee the State Committee may intimate the fact to Government in writing and the change shall accordingly be given effect to by the Government).
- (ii) Members of Parliament/Members of the Legislative Assembly representing the Municipality/Corporation or any part of the Municipality/Corporation.
- (iii) Chairman of the Municipal Council and the Mayor of the Corporation and the Councillors of the wards in which the land is situated as the case may be.
- (iv) One member belonging to Scheduled Caste/Scheduled Tribe to be nominated by the Government.
- (v) Tahsildar of the concerned Taluk.

4. Substituted by Notification G. O. (P) No. 177/97/RD. dt. 19/03/1997, published as S. R. O. No. 189/97 in K. G. Ext. No. 330 dt. 19/03/1997.

5. Inserted by Notification G. O. (P) No. 764/PI/97/RD., published as S. R. O. No. 799/97 in K. G. Ext. No. 1387 dt. 09/10/1997.

6. Inserted by Notification G. O. (P) No. 177/97/RD. dt. 19/03/1997, published as S. R. O. No. 189/97 in K. G. Ext. No. 330 dt. 19/03/1997.