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KARNATAKA LAND DUE DILIGENCE



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As per Schedule VII, State List Entry 18 of Constitution of India Land is a State subject. In accordance with the said provision all states in India have some special legislation relating to land. In this newsletter we have specifically focused on the laws in force and documents required while conducting due diligence in the State of Karnataka.

IMPORTANT KARNATAKA STATE LAWS APPLICABLE:

1. Karnataka Land Reforms Act, 1961
2. Karnataka Land Revenue Act, 1964
3. Karnataka Land Revenue Rules, 1966

OTHER LAWS APPLICABLE:

1. Karnataka Schedule caste and Schedule Tribe (Prohibition of Transfer of Certain Lands) Act, 1978
2. Karnataka Registration Rules, 1965
3. Karnataka Stamp Act, 1957
4. Karnataka Land Grant Rules, 1969
5. Karnataka Land (Registration on Transfer) Act, 1991
6. Karnataka Tenancy Act, 1999
7. Karnataka Industrial Areas Development Act, 1966

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DOCUMENTS CHECKLIST FOR BUYING AGRICULTURAL LAND IN THE STATE OF KARNATAKA

1. TITLE DOCUMENTS

Antecedent documents of title (These could include sale deeds, partition deeds, wills, gift deeds etc.); If sale deed executed by minor, prior permission to sell from court / Subsequent ratification; from court / subsequent ratification; If sale deed executed by Power of Attorney holder, copy of such Power of Attorney; If property devolved under a Will, whether probate/letters of administration have been provided, if any; In case of intestate succession, succession certificate/survivorship certificate/ genealogical tree; If land acquired by/ from an instrumentality of the state, acquisition document/s, grant order/s etc; If property acquired from the State Industrial Areas Development Board, documents relating to allotment, lease cum sale agreement, possession certificate, sale deed, correspondences, receipts for having paid tax and maintenance charges, documents relating to construction on the property, statutory compliances etc.

The *Purpose* of these documents is to trace the origin of property as well as other relevant conveyance deeds. Tracing ownership should always begin with scrutiny of the earliest document recorded. Earlier title or conveyance documents are called mother or parent deed. An original document relating to a fixed asset like land, buildings etc., which in normal parlance is referred to as a Sale Deed or title deed is also called the mother/parent document. A document which used to be a mother document to any fixed asset sold as also its previous title documents are termed as link documents as they demonstrate the chain of transaction with regard to a particular fixed asset.

2. ENCUMBRANCE CERTIFICATE

Encumbrance is a charge or a liability created on a property. The encumbrance certificates disclose all the registered encumbrances on a particular property for a specified period. The *Purpose* of Encumbrance certificate obtained is to know if the property is encumbered to any other person or organization by pledge or hypothecation. It also gives us if there is any encumbrance mentioned on the property by government for any statutory dues. A NIL encumbrance certificate mentioning a period means that there are no recorded encumbrances on the property during that period.

3. RTC OR RECORD OF RIGHTS OR PHANI

The **Purpose** record of rights is to provide various information about a particular land, about survey number, sub-survey number, area of land, kharab land, nature of soil, owners, mortgages, charges, mutations, tenants, cultivators of the land and crops grown. In short the record of rights issued by the village accountant is collection of various revenue matters regarding a property. This can also be procured at the following website <https://landrecords.karnataka.gov.in/rtconline/> as form no. 16.RTC (Pahani) helps to find the title of land and it is very useful for many other purposes. RTC is always issued in hectares/acres for village lands, with the signatures of the Tahsildar / Deputy Tahsildar or Halogram mark.

4. MUTATION EXTRACT

Mutation extract obtains the extract from the mutation register or in heritage certificate with details of owners, mode of acquisition of the property and the orders obtaining that the khatha may be transferred to the name of the present owner. The **purpose** of Mutation is to know the change of title ownership from one person to another when the property is sold or transferred. By mutating a property, the new owner gets the title of the property recorded on his/her name in the land revenue department and the government is able to charge property tax from the rightful owner.

5. FAMILY TREE OR VAMSHAVRIKSHA

The **purpose** of Family tree certified by the Village Accountant/revenue inspector clearly indicates the genealogical tree in the form of flow of chart, the names and whether the persons mentioned herein are living or dead.

6. PATTABOOK

The **purpose** of patta book is to know the information in respect to the payment of land revenue and other Government dues and information regarding cultivation and areas of crops own in it.

7. TAX PAID RECEIPT

The **purpose** of this receipt is to know the total tax paid by a person on his property and the period for which the tax has been paid.

8. AKARBAND EXTRACT

This is issued by the survey department; the *purpose* is to know the total extent, boundaries and classification of the property in question.

9. HISSA TIPPANI BOOK EXTRACT

This is a survey record issued by the Assistant Director of Land Records. The *purpose* is to clearly see the sketch of the entire survey number, its total area, and extent of kharab land and net cultivable area along with its bifurcated portions and the names of owners of each sub-survey number.

10. TIPPANI

This is issued by the survey department; the *purpose* is to see sketch of the property comprised in a single survey number without any bifurcation into sub survey numbers. It discloses the measurements of the property.

11. PHODI EXTRACT OR PODI PRATHI EXTRACT

Issued by the survey department, the *purpose* is to see bifurcation made on a survey number into sub-survey numbers.

12. HUSBUST REGISTER EXTRACT

It is a sketch issued by the survey department. The *purpose* is to see the boundaries fixed on the land marked by boundary stones.

13. KHARAB UTARU EXTRACT

It is issued by the survey department. The *purpose* is to see the extent of kharab land in the property in question and the classification of the kharab land as 'A' kharab or 'B' kharab.

14. ATLAS

It is issued by the survey department. The *purpose* is to see the sketch of the property in question issued in respect of any survey number after its bifurcation from apparent survey number. It also shows the measurement of the property.

15. SAGUVALICHT OR GRANTCERTIFICATE

The Saguvali Chit is also called the certificate of grant. The *purpose* of this is to establish the title of the person named in the Saguvali Chit to the land granted. A sketch of the land granted will be annexed to the Saguvali Chit. The grant of the land is subject to the conditions detailed in the Saguvali Chit.

16. VILLAGE MAP

This is issued by the survey department; the *Purpose* is to indicate the map of the village in which the property in question is situated.

17. KARDA COPY

The *purpose* of this document is to show that the occupant or the eldest or principal of several joint occupants, whose name is entered in the Government records, as holding unalienated land, whether in person or by his co-occupant, tenant, agent, servant or other legal representatives.

18. RR BALABAGADA NAKALU

The Assistant Director of Land Records issues this survey record. The *purpose* is to show the name of the owner, the total extent of land, the extent of kharab land and the net extent of land in respect of sub-survey number after the parent survey number has been bifurcated.

19. FORM -7 &7A ENDORSEMENT ISSUED BY THE TAHSILDAR


This is an endorsement issued by the Tahsildar. The *purpose* of this is to state that no tenancy claims have been filed in Form No. 7 and 7A in respect of the property in question before the Land Tribunal constituted for this purpose.

20. SEDCTION 79A & B ENDORSEMENTS

The *purpose* of this endorsement is to certify that there are no cases against the person owning the agricultural land, and whether he is an agriculturist or not, conforming to the prescriptions of section 79A and B of the Karnataka Land Reforms Act 1961.

21. ENDORSEMENT UNDER PTCL ACT

This endorsement is issued stating that there are no pending proceedings initiated against the owners of the property under the provisions of Karnataka Schedule Castes and Schedule Tribes (Prevention of Transfer of Certain Lands) Act, 1978.

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22. ENDORSEMENT FROM THE SPECIAL LAND ACQUISITION OFFICER /BDA /KIADB /K.H.B /BBMP

It confirms that there are no acquisition proceedings in respect of the property in question.

23. CONVERSION ORDER

Conversion order issued by the Deputy Commissioner under section 95 of the Karnataka Land Revenue Act, 1964, the conversion order prescribes certain conditions and mentions whether the land has been converted for residential, commercial, industrial, public or semi-publicuses.

24. KATHA CERTIFICATE

Katha certificate is issued by the local authority and is an account of the property. It provides the details of the owner.

25. KHATA EXTRACT

Is an extract from the assessment register, it has details of the property like the name, size, use, and value and tax assessment.

26. FORM NO.9, FORM NO.10 AND FORM NO.11

Form No. 9, 10 and 11 are issued by the village panchayat. These forms are issued after the conversion of the property; Form No. 9 contains katha and assessment. Form No. 10 is the katha and Form No. 11 is entry evidencing the transfer of khatha.

27. BETTERMENT CHARGES

Receipt for having paid the development charges to the concerned authority.

28. LAYOUT PLAN

It is the plan approved by appropriate authority for construction of apartment or formation of layout. The plan will provide details of the floor and units constructed on each floors.

29. COMMENCEMENT CERTIFICATE




This is a certificate from the concerned authority all owing the builder for commencement of construction of the apartment.

30. OCCUPANCY CERTIFICATE




The occupancy certificate means that the building has been constructed according to the permissible plans and is ready to occupy.

FOR FURTHER DETAILS, PLEASE CONTACT

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