

LAND REFORMS DEPARTMENT

From

Tmt. Jayashree Raghunandan, I.A.S.,
Principal Secretary /
Commissioner of Land Reforms,
Chepauk,
Chennai-5

To

1. All District Collectors,
(except Chennai)
2. All Sub Collectors / Revenue
Divisional Officers (except Chennai)

Ref.No. B1/3643/ 2015 (L.Ref), Dated 9.9.2015

Sir,

Sub: Land Reforms – Land Reforms unit in all Collectorates (except Chennai) – Powers delegated to the Sub Collectors / Revenue Divisional Officers – Certain guidelines for assignment of surplus lands issued – Regarding.

Ref: G.O.Ms.No.34, Revenue Department, dated 14.1.2015.

I invite your kind attention to the G.O. cited.

Consequent on the disbandment of the offices of the Assistant Commissioner (Land Reforms) in the districts, a Land Reforms unit has been formed in all Collectorates (except Chennai). The Sub Collectors / Revenue Divisional Officers are functioning as Authorized Officer under Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended and "Assigning Authority" under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965. Since the subject is new to the District Administration, guidelines / instructions have to be issued to enable the District Administration to monitor and ensure progress in implementation of the Act.

Hence, in respect of the functioning of Sub Collectors / Revenue Divisional Officers as "Assigning Authority" under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965, the following guidelines / instructions are issued for enabling disposal of surplus land under the above rules as per Annexure I. It is also clarified that the Assigning Authority is to follow the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965 scrupulously.

The Sub Collectors / Revenue Divisional Officers are to follow the guidelines scrupulously while dealing with the files (MR IV files) under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965, for assignment of surplus lands, cancellation of assignment and reassignment of surplus lands. In this regard, two flow charts one for before assignment and another for after assignment are also sent herewith for easy understanding of assignment proceedings under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965.

Further, in order to facilitate the Sub Collector and Revenue Divisional Officers for immediate use a typed copy of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965 together with Forms prescribed is sent herewith (through e-mail). It may be downloaded for use. It is however essential that the "Assigning Authority" refer to the Land Reforms Act and Disposal of Surplus Land Rules in totality for better and correct application of Act and Rules when dealing with the cases.

I also request you to kindly acknowledge for receipt of this letter by return of post.

Yours faithfully,
Sd/-Jayashree Raghunandan
Principal Secretary /
Commissioner of Land Reforms

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Encl:

1. Guidelines – Annexure I
2. Typed copy of Rules and Forms


Superintendent
23/8/15

ANNEXURE I

GUIDELINES ON TAMIL NADU LAND REFORMS (DISPOSAL OF SURPLUS LAND) RULES, 1965 FOR ASSIGNMENT OF SURPLUS LAND AND RESERVATION OF SURPLUS LANDS FOR PUBLIC PURPOSE.

1) MRIV Register:

a) As per rule 3, the assigning authority shall maintain a Register for surplus lands in Form A. This Register is called 'MRIV Register' (i.e. Master Register IV). After declaring the lands as surplus vide notification under section 18 (1) or order under section 20 or order under section 20A of the Act, the assigning authority shall enter all particulars of the surplus lands in the register. i.e.,

- (i) Details of MR IV No.,
- (ii) Name of the landowner,
- (iii) Date of Notification under section 18(1) or order under section 20 or order under section 20-A,
- (iv) Name of Village,
- (v) Survey No.,
- (vi) Classification,
- (vii) Extent (in Acres),
- (viii) Date of issue of 'B' notice,
- (ix) Date of issue of 'D' notice,
- (x) Date of enquiry under rule 8(3),
- (xi) Date of assignment order under rule 8 (4), and Extent assigned
- (xii) Date of issue of notice 'E',
- (xiii) Date of execution of 'F' Deed,
- (xiv) Date of handing over possession to the assignees.

(For information, the Master Register I (MR I) is for making entry regarding the declaration of excess lands as surplus up to Notification under section 18 (1) and surplus declared under section 20 & 20A, the Master Register II (MR II) is for making entry of the details of fixing of ceiling on cultivating Tenants agricultural holdings and the Master Register III (MR III) is for making the

entry the details of payment of compensation payable to the landowner from whom the lands were declared as surplus).

2) Inviting application for assignment of surplus lands:

a) As per rule 4, the assigning authority shall invite applications for assignment of surplus land and publish a notice in this regard in Form B prescribed under the rule in the following manner:

- i. Affixure in the village chavadi (VAO Office)
- ii. By Beat of tom-tom
- iii. By affixure on the notice boards of offices of the District Revenue Officer, Revenue Divisional Officer, assigning authority and Tahsildar, Panchayat or Municipality concerned.

b) A certificate to the effect that the notice in Form B was published in the above conspicuous places should be given by the authorities concerned and those certificates should be kept in the file. The Form B is available in the typed copy of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 sent herewith.

c) After publication of Notice in Form B, applications from the applicants for the assignment of surplus land shall be in Form C prescribed under the rule as per rule 7, and shall be presented in the office of the Sub Collector / Revenue Divisional Officer (Assigning Authority) within 30 days from the date of publication of notice in Form B as per rule 4. The Form C is available in the typed copy of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 sent herewith. The Form C application shall be supplied by the Assigning Authority on payment of cash of Rs.2/-. The office seal should be put in Form C application and a Sl. No. should also be given in the Form C in order to avoid the outside applications. On receipt of application, office seal should be put in order to see the date of receipt of the application. The Assigning Authority may also put his initial with date. The amount so collected towards supply of C Form should be remitted in the Treasury.

3) Enquiry

After completion of 30 days from the date of publication of B notice (the actual date published in the village may be taken into account), the Assigning Authority shall prepare a list of all the applications received in Form-C and Assigning Authority shall publish a notice in Form D prescribed under the rule fixing a date for conducting enquiry. The Assigning Authority shall conduct or cause to be conducted by an officer of the Revenue Department not lower in rank than a Revenue Inspector an enquiry which includes field enquiry, of all the applicants under rule 8 (3). If the applicants had already submitted petitions or the applications is not in Form -C, they should be informed to submit the application in Form C within the time limit.

4) Eligibility for assignment:

The following persons are Eligible for assignment of surplus land as per rule 5.

- a) A person cultivating the land as on 15.2.70, the date of commencement of the Act and completely dispossessed of the land by virtue of declaration of surplus.
- b) A person whose extent of holding is reduced below 3 acres of dry land or one and half acres of wet land held by him partly cultivating tenant and partly as owner or wholly as cultivating tenant by virtue of declaration of surplus.
- c) A landless agricultural labour belonging to SC or ST.
- d) A member of Armed Forces
- e) Repatriate from Burma or Srilanka
- f) A landless agricultural labourer other than SC or ST
- g) A cultivating tenant holding land less than 3 acres of dry land or 1 ½ acres of wet land.
- h) A Co-operative forming society the members of which are landless agricultural labourers.

5) Passing of Assignment order

a) The Assigning Authority shall pass necessary order on the basis of enquiry under rule 8 (4). The assignment order shall be issued in the name of female of the family of the applicant if the applicant was male as per rule 8(4). In the assignment order, it should be noted the above said eligibility of the applicant i.e., category as specified under rule 5 and in respect of the applications rejected, the specific reasons for having rejected the application should also be mentioned in the assignment order. The assignment order should be served to all the applicants including the rejected applicants. The Notices and assignment order should be signed only by Assigning Authority as they are statutory notices and orders respectively. A copy of assignment order should be sent to the concerned Tahsildar and District Collector.

6) Maximum extent for assignment:

a) The maximum extent of land that may be assigned to any person shall not exceed 3 acres of dry land or 1.50 acres of wet land.

7) Payment of land value by the assignee

i) As per rule 6, the assignee is liable to pay value for the surplus land assigned. The value shall be twelve times the net annual income from the lands or annual value of the lands as determined under paragraph 3 of Part I of Schedule III of the Act. For details, the rule 6 may be seen.

ii) After passing orders, the assigning authority shall issue notice in Form E specifying the amount which the assignee has to pay as land value for the land assigned.

iii) Land value may be paid in one lump sum or in equal instalments not exceeding 20 instalments with interest on the instalment that has not been paid on the due date. Due date is 10th March of every year.

iv) The land value instalments should be collected by the Tahsildar on due date. The details regarding collection of land value should be entered in the Ledgers being maintained in the Office of the Assigning Authority and Taluk Office.

8) F Deed

After remittance of amount either in full or 1st instalment by the assignee, the assigning authority shall take action to get the Deed of assignment executed by the assignee in Form F and written by Zonal Deputy Tahsildar and Village Administrative Officer. A copy of F deed should be sent to the concerned Tahsildar.

9) Preparation of Sub Division records

a) After remittance of land value either first instalment or lump sum, the Assigning Authority shall direct the Tahsildar to prepare sub division records as per the Survey No., and extent in the order of assignment.

10) Carrying out changes to the village account

a) After approval, of the sub division records by the Tahsildar, as per the Survey No. and extent in the assignment order necessary changes should be carried out in the Village and Taluk accounts including the computer chitta by the Tahsildar and the possession should also be handed over to the assignee. In this regard, the Tahsildar should send a report to the Revenue Divisional Officer / Sub Collector along with Village accounts extracts.

b) The conditional assignment details should be reflected in the Village and Taluk accounts and also in Tamil Nilam.

11) Conditions of Assignment

As per rule 9, the assignment of land shall be subject to the following conditions:

- (i) The land assigned shall not be sold or otherwise alienated before the expiry of the period.
- (ii) If the land has been assigned subject to the payment of value of the land;
 - a) The first instalment shall be payable before the execution of the deed of assignment.
 - b) In the event of default of the payment of 2 consecutive instalments, the amount already paid shall be liable to be forfeited and the land shall be liable to be resumed.

- (iii) The land will vest absolutely in the assignee only after the value of the land is paid in full or after the expiry of 20 years from the date of assignment whichever is later.
- (iv) If at any time before the expiry of the period specified the land assigned is required for any public purpose, the assignment shall be modified or cancelled and the land shall be resumed by Government.
- (v) The assignee shall engage himself in the direct cultivation of the land.

The conditions are also available in the F deed prescribed under the rule.

12) Cancellation of assignment for violation of conditions

a) As per 9 (2) of the rule, where any violation of conditions of assignment as prescribed in the rule or in the deed of assignment in Form 'F' is noticed, the Assigning Authority shall cancel the assignment after giving opportunity to the assignee and necessary changes shall be made immediately based on the cancellation order i.e. the land should be brought back as 'surplus land'.

13) Reassignment of surplus land

In the cases of cancellation of assignment, the reassignment proceedings should be initiated by the 'Assigning Authority' for that land by following the above assignment procedures, i.e, from inviting application in Form B.

14) Reservation of surplus lands for public purpose

a) As per rule 13, the Government may, if it considers that any surplus land is required for public purpose, reserve or retain such land for such purpose. For this, the requisition body should send an application to Government in Revenue Department under copy marked to the Principal Secretary / Commissioner of Land Reforms, District Collector and Sub Collector / Revenue Divisional Officer.

b) A Register (Rule 13 Register) should be maintained in this regard.

15) Appeal

a) Any person aggrieved by the Assignment order and cancellation order of Assigning Authority, he may file an appeal before District Revenue Officer who is Appellate Authority and Land Tribunal under the Act and Rules, within 30 days from the date of such order, as per rule 10(1) and 10-A(1) respectively. Revision lies under rule 11 (3) (a) before the Land Commissioner within 60 days. (The Principal Secretary / Commissioner of Land Reforms is designated as Land Commissioner under the Act and Rules). The Appellate Authority and the Revisional Authority shall pass order after calling for connected MRIV records and making enquiry.

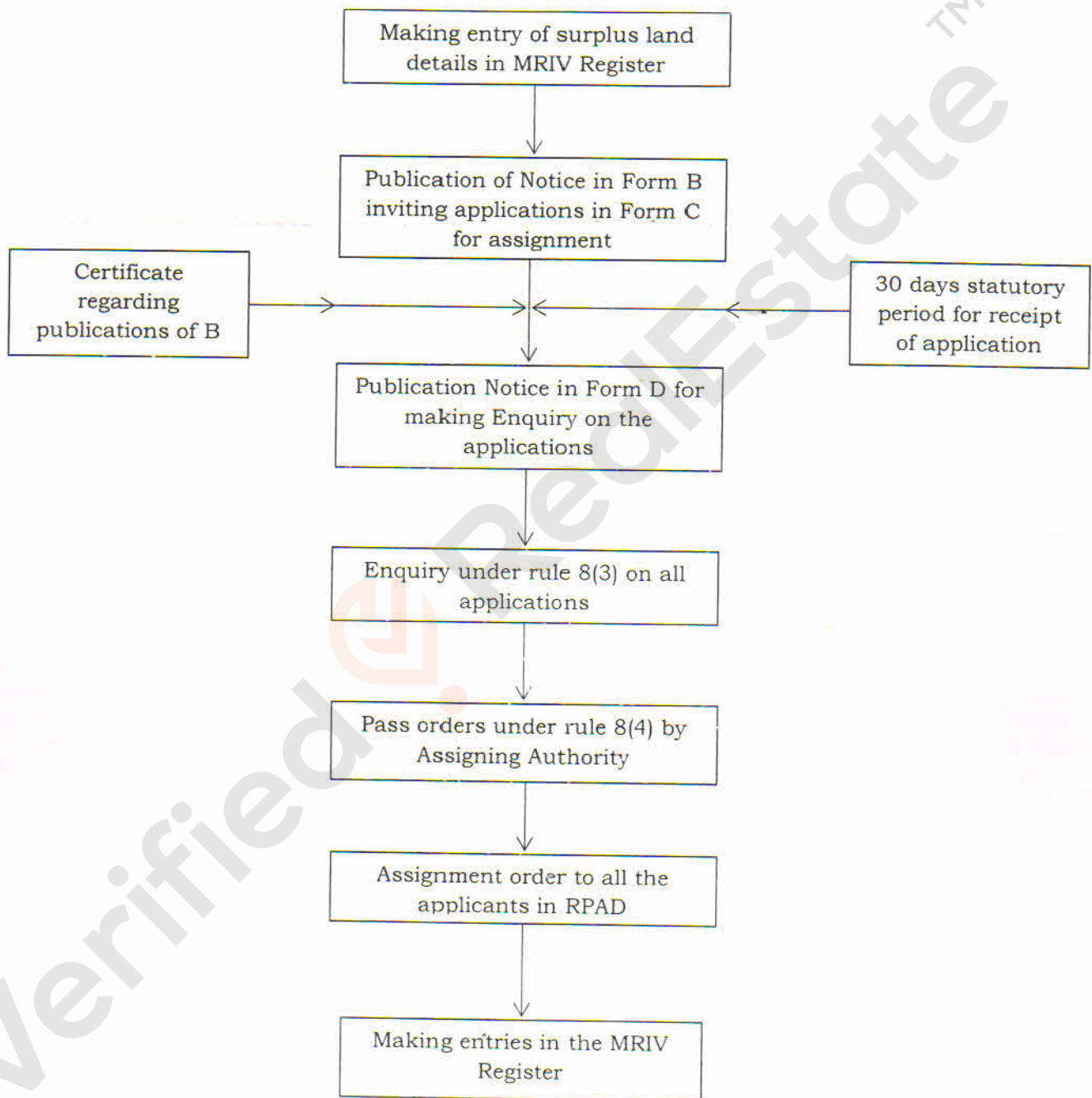
Sd/-Jayashree Raghunandan
Principal Secretary /
Commissioner of Land Reforms

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Superintendent
29/8/15

Flow Chart I

Procedure to be followed before assignment of surplus lands



Flow Chart II

Procedure to be followed after issue of assignment order

