LAND REFORMS DEPARTMENT

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

To
All District Collectors
All Sub Collectors/
Revenue Divisional Officers
(except Chennai)

Ref. No. F1/8312/ 2015 (L.Ref), Dated 30.11.2015

Sir / Madam,

Sub: Land Reforms – Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended – Agricultural lands – Lands held in excess of ceiling limit – Identification of cases and taking action under Land Reforms Act – Instructions – issued.

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

I invite kind attention to the G.O cited. The Government have disbanded the Offices of the Assistant Commissioner (Land Reforms) and based on the G.O. the Land Reforms subjects are being dealt with by the District Administration. Further, the Sub Collectors/Revenue Divisional Officers have been conferred the powers under Land Reforms Act by notification. Now they are acting as 'Authorized Officer' under Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended and 'Assigning Authority' under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965. The jurisdiction of the then Authorized Officer and Assistant Commissioners (Land Reforms) was more than three districts. Now, the jurisdiction of the Authorized Officer has reduced to division level.

Identification of excess land

Over the years action has been taken under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act & Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules for declaration of ceiling and assignment of surplus land. While there has been decrease of both declaration & assignment since 1961 due to reduction of large holdings, it is not that there are no cases of such holdings any more. Even now, persons, Firms,

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Company, Private Trust, Society have held/hold lands in excess of the ceiling limit and also transactions are made without any action under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended. It is generally known that certain individuals, land promoters (real estates), etc., have purchased lot of lands in various places (villages) in their names and their benami names. It is a known fact that the identification of new cases by the then Assistant Commissioners (Land Reforms) was not fruitful as Assistant Commissioners had jurisdiction of more than 3 districts and no direct connection with the Taluk & Village officials. Now, with the Sub Collector/Revenue Divisional Officers as the Authorized Officer under the Act, the jurisdiction has reduced from multiple districts to divisional level. Hence, it is very easy for them to identify the land owners who have lands in excess of the ceiling limit in their division. Further, the Village Administrative Officers, Surveyors and Village Assistant may be well aware of such purchase as they are playing major role on patta transfer of such lands. As the Revenue Divisional Officer/Sub Collector comes in the direct chain of command, report & response would be far better.

Declaration of surplus

In this connection, it is informed that in such cases, action under the Land Reforms Act should be taken to declare the excess lands as surplus after following the procedures laid down under the Act, by the Sub Collectors/Revenue Divisional Officers, who are the Authorized Officer under Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended. Regarding taking action for **declaration of lands as surplus,** by the Authorized Officer, detailed guidelines/instructions are issued as per *Annexure I* of this letter.

Monitoring by District Collector

Therefore, the District Collectors are requested to ensure that all the Sub Collectors/Revenue Divisional Officers are identifying the land owners, firms, society, etc who hold lands in excess of the ceiling limit and

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are taking action to resume the excess lands in favour of Government as surplus under the above Act. In this regard, the District Collectors are also requested to fix responsibility and monitor the Sub Collectors/Revenue Divisional Officers, Tahsildars, Zonal Deputy Tahsildars, Revenue Inspectors and Village Administrative Officers to identify the new cases for taking action to declare the excess lands as surplus by the Sub Collectors/Revenue Divisional Officers who are the Authorized Officer under the Act. In this regard, a separate meeting may be conducted by the District Collector and instruction issued.

Team formation

Further, a team headed by Sub Collectors/Revenue Divisional Officers, may be formed and the team should verify village accounts and taluk accounts and make discreet enquiry in every village/multiple villages, about bigger chunks of lands held by the land owners (totalling roughly 45-50 acres of dry land or 20-25 acres of wet lands), in order to calculate and to see whether their agricultural holdings are in excess of the ceiling limit of 15.000 standard acres, under Land Reforms Act, the table is given in the guidelines.

Assignment of surplus lands

Assigning Authority under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 is also the Sub Collector/Revenue Divisional Officer. Regarding the assignment of surplus lands, detailed instructions/guidelines have been issued elucidating the procedures to be followed by the Assigning Authority vide this office letter No. B1/3643/2015 (L.Ref), dated 9.9.2015.

Monthly Progress Review

Further, in this regard, monthly progress should be reviewed by the District Collectors in the DRA meeting with the Sub Collectors/Revenue Divisional Officers, and the same may be sent to this office in the monitoring format prescribed as per *Annexure II* of this letter on or before 10th of every

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month. This format may also be used by the District Collectors to get report from Sub Collectors/Revenue Divisional Officers by changing column No.1 as 'Name of Division'.

I also request you to kindly acknowledge receipt of the letter by next post.

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

1. Copy to the Secretary to Government, Revenue Department, Chennai-9.
2. Copy to Stock File of B, C, D, E, F, G Sections in headquarter.
3. Copy to G & D section for taking follow up action.

/ forwarded by order /

10.2.15
Superintendent

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ANNEXURE I

Guidelines / Instructions for implementation of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 as amended by Act 17/70.

All action taken should be as per Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act and Rules applicable and should be referred to. In order to implement the Land Reforms Act properly, the guidelines are issued to assist to take action on the lands held on or before 15.2.1970, the date of commencement of the Tamil Nadu Land Reforms Act, 1961 as amended by Act 17/70 and on the lands purchased after 2.10.1970, the date of notification of the amended Act, 17/70.

I. Procedures for Declaration of lands as surplus from the land owner who held lands* in excess of ceiling limit *as on 15.2.1970

The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 as amended Act, 17/70 came into force with effect from 15.2.1970 and it was notified on 2.10.1970. This amended Act 17/70 is still in force. As per section 7 of this Act, a family (consisting of 5 members), a person, company, private trust, society, etc is entitled to hold only 15.000 standard acres as on 15.2.1970, and the excess lands are to be declared as surplus through publication of notification in the Tamil Nadu Government Gazette by Government after following the procedure as laid down in the Act & Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules 1962, by the Authorized Officer. Therefore, in respect of lands held by the land owners as on 15.2.1970 the action to be taken by the Authorized Officers is as below:-

a) *Order under section 9 (2)(b)* - i) After gathering the data of agricultural land holdings and calculating all these lands which are fit for cultivation i.e. arable lands, the Authorized Officer should give reasonable opportunity to the Land Owner of making his representation of adducing

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evidence if any and an order u/s 9(2) (b) of the Act is to be passed by the Authorized Officer on the holdings of the land owner, determining the total lands held by the land owner, lands entitled to be held within ceiling limit, and the lands liable to be declared as surplus. This order should be served on the land owner and got acknowledged, the notice to the land owner under this section should be in Form 4 of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules 1962,

ii) Against this order an appeal lies before the Land Tribunal (District Revenue Officer).

b) *Draft statement section 10 (1)* - i) After passing of order under section 9(2)(b), and after making such enquiry as he deems fit, the Authorized Officer should prepare a draft statement in respect of each person holding or deemed to have held lands in excess of the ceiling limit, the Village wise, Survey No. wise total extent, extent allowed within ceiling limit, land to be declared surplus, lands exempted under section 73 (vi), 73 (vii), 73 (viii), lands exempted for stridhana, particulars of tenant, particulars of lands proposed to be declared as surplus etc. This Draft Statement u/s 10(1) is to be prepared in format prescribed under the rules and published in the Tamil Nadu Government Gazette by the Authorized Officer. A copy of the draft statement

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should be served on the land owner, other interested persons along with a notice stating that any objection to the draft statement shall be preferred within thirty days from the service of the notice.

c) *Order under section 10(5)* - i) Objection, if any, can be filed by the land owner or interested person on the draft statement under section 10(1). The Authorized Officer shall duly consider such objection received, within the time and, he should after giving the objector a reasonable opportunity of being heard and of adducing evidence, if any, pass an order under section 10(5). He shall also make field inspection if necessary. This order should be served on the land owner and got acknowledged. .

ii) Against this order appeal lies before the Land Tribunal (District Revenue Officer).

d) *Final statement under section 12* - i) If no objection is filed against 10(1) Draft Statement or order u/s 10(5), the Authorized Officer shall prepare final statement under section 12 of the Act directly. Under this section, the lands held by the land owner finally will be published in the prescribed format in the Tamil Nadu Government Gazette by the Authorized Officer specifying therein the lands (S.No. wise and Village wise) to be retained by the land owner within the ceiling limit and the land declared to be surplus (Survey No. wise

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and Village wise) and cause a copy of the final statement published in the Tamil Nadu Government Gazette to be served on the land owner and got acknowledged.

ii) Against the order revision lies before the Land Commissioner (Principal Secretary/ Commissioner of Land Reforms). The Principal Secretary/Commissioner of Land Reforms is designated as Land Commissioner under the Act.

e) *Notification under section 18(1)* -

i) After publication of final statement under section 12 of the Act, a notification under section 18(1) of the Act showing the details of the excess lands as surplus and stating that the surplus land is required for public purpose will be published in the Tamil Nadu Government Gazette by Government in Revenue Department.

ii) This notification is sent to Government through the Director of Land Reforms.

iii) After the publication of notification, the Authorized Officer shall cause it to be published/served as per provisions of the Act u/s 18(2).

iv) Against this notification, revision lies before the Land Commissioner (Principal Secretary /Commissioner of Land Reforms).

f) Transfer of lands in between 15.2.1970 & 2.10.1970. -

i) Any partition, voluntarily transfer of land on account of love and affection to any minor son, unmarried daughter, minor grandson or unmarried granddaughter in the male

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line, transfer of any land to educational institutions, hospital in between 15.2.1970 (the date of commencement of the Act) and 2.10.1970, (the notified date) shall be valid.

ii) Therefore, after 2.10.1970, the lands if any purchased in excess of the ceiling limit, would attach u/s 20 of the Act and such excess land would be declared as surplus by the Authorized Officer by passing an order, after giving reasonable opportunity to the land owner and seller of making their representation of addressing evidences if any.

The above procedures are to be followed to determine the holdings of the land owner who held lands in excess of the ceiling limit as on 15.2.1970 the date of commencement of the amended Act 17/70.

II. Procedure for declaration of excess lands as surplus from the holdings of the land owners who held lands after 2.10.1970 under section 20 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended Act

Section 20 of the Act lays down that if as a result any transfer of land either by sale, gift (other than gift made in contemplated of death), exchange, surrender, agreement, settlement or otherwise effected on or after the notified date, i.e. 2.10.1970 the extent of land held by the transferee exceeds the ceiling area, then the right, title or interest accrued in his favour by virtue of such transfer in the land in excess of the ceiling area shall, as a penalty for contravention of the provisions of section 7, be deemed to have been transferred to Government with effect from the date of such transfer, on a declaration made by the Authorized Officer within whose jurisdiction such excess land or the major part thereof is situated. The Authorized

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Officer shall record in writing the reasons for such declaration. Provided that no such declaration shall be made unless the transferor and the transferee have been given a reasonable opportunity of being heard and addressing evidence, if any.

Hence, in the case of the lands held by a land owner, i.e. person, family, private Trust, company, society, firm etc in excess of the ceiling limit of 15.000 standard acres, after the notified date, i.e. 2.10.1970, the excess lands should be declared as surplus by passing a speaking order under section 20 of the Act by the Authorized Officer after giving opportunity to both seller and purchaser.

If a company held lands in excess of the ceiling limit and applied to Government under section 37-A of the Act to hold lands for industrial or commercial activities, that company should be dealt with under section 37-A of the Act, If the Company held lands in excess of the ceiling limit but, it had not applied to Government u/s 37-A of the Act, then the action may be taken under section 20 of the Act.

III. Procedure for declaration of lands as surplus under section 20A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended Act 37/72 from the holdings of the Public Trust who purchased lands after 1.3.1972

Section 20A provides that any acquisition of any land made in contravention of the provisions of sub section (2) of section 2, of sub clause (ii) of clause (c) of sub section (1), sub clause (ii) of clause (d), of such sub section (1), clause (b) of sub- section (3-B); and sub section (3-C) of section 5, shall be null and void and any land which is so acquired shall, as a penalty for such contravention, be deemed to have been transferred to the Government with effect from the date of such acquisition on a declaration made by the Authorized Officer within whose jurisdiction such land or the major part thereof is situated. The Authorized Officer shall record in writing the reasons for such declaration. In respect of Public Trust, no retainable extent or ceiling limit was allowed under the Act, and hence any piece of

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land purchased by the Public Trust would attract under section 20A of the Act.

Further if the Public Trust applied to Government under section 37-B of the Act to hold lands for educational/hospital purpose, that Trust should be dealt with under section 37-B of the Act. And if not applied, u/s 20A automatically invoke.

Hence, in respect of the lands purchased by the Public Trust after 1.3.1972, the lands so purchased to be declared as surplus under section 20-A of the Act by passing a speaking order by Authorized Officer after giving opportunity to both seller and purchaser – Trust, if the Trust has not applied to Government under section 37-B of the Act.

IV. A table for conversion of standard acres

For Dry Land

Assessment Per acre	Ordinary acre	Standard acre	Conversion format standard acre
Below Rs.1.25	4	1	Extent x ¼
Rs.1.25 – 2.00	3	1	Extent x 1/3
Rs.2 above	2.5	1	Extent x 2/5

For Wet Land

Assessment Per acre	Ordinary acre	Standard acre	Conversion format for standard acres
Below Rs.4	2	1	Extent x ½
Rs.4-6	1.75	1	Extent x 4/7
Rs.6-8	1.60	1	Extent x 5/8
Rs.8-10	1.20	1	Extent x 5/6
Rs.10-15	1	1	Same extent of ordinary acre
Above Rs.15	0.80	1	Extent x 5/4

Note: Assessment as per A Register, Extent means – ordinary acre

V. *Identification of new cases*

In case, a land owner held land in other division within the district or other districts, the land holdings details should be gathered and

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action should be taken by the Authorized Officer in whose division the land owner held more lands. In respect of other districts, the data may be gathered through the District Collector.

ii) The excess lands may be identified in the following manner:-

a) Verification of village and taluk records.
b) Verification of big transaction and mortgage made in the Sub Registrar office
c) Conducting enquiry with Village Administrative Officers and Village Assistants.
d) Discrete enquiry with the villagers and watchman who looked after the lands.
e) Discrete enquiry with Panchayat President or small farmers.
f) Enquiry in the Banks who give agricultural loans and other loan i.e. to run industry or educational institutions
g) Verification in the office of the Registrar of Companies/Registrar of Societies for incorporation of Company/ Registration of Society.
h) Verification in the office of the Sub-Registrar of Registration Department for land held by Public Trust/Company.
i) Collecting information from Education Departments and Industries Departments / Director of Technical Education.

After getting all documentary evidences, the total land holdings of the land owners should be converted into standard acre Survey No. wise and the excess of the ceiling limit of 15.000 standard acres, should be declared as surplus by passing an order under section 20 of the Act as stated above in II, after affording opportunities to the interested parties. Some Real Estate Companies, have purchased lands and converted them as layout in most of the district in the State. Such cases should also be identified on enquiry. Further in respect of lands held by the Public Trust, the lands purchased by the Trust should be declared as surplus under section 20A of the Act as stated above in III after affording opportunities. Such order should be caused to be served on the land owner and got acknowledged. The files should be maintained properly as they may require to be produced before the appellate forum or court in future. Further necessary entry should also be made in the MRI Register regarding the lands declared as surplus. If the Company and Public Trust already applied to

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Government, under section 37-A and 37-B of the Act, respectively, they should be dealt with under that section and no notice should be issued under section 20 and 20A of the Act.

Based on the order/notification, the lands are declared as surplus, and lands so declared as surplus are assigned by initiating assignment proceedings under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965. A copy of this guidelines/instructions may be kept in the stock file of the Collectorate, Revenue Divisional Officer / Sub Collector office and Taluk office.

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

Copy to:

1. The Secretary to Government, Revenue Department, Chennai-9.
2. The Personal Assistant to Principal Secretary/Commissioner of Land Reforms and Director of Land Reforms
3. Personal Clerk to Joint Director, Assistant Commissioner I & III in headquarters
4. B,C,D,E,F,G Section in headquarter for stock file
5. G and D Section for taking follow up action.

/ forwarded by order /

10.12.15
Superintendent

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ANNEXURE II

For the Month:

Statement showing the progress of identification of new cases for declaration of lands as surplus under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended.

Name of District	No. of cases identified upto last month		No. of cases identified during the month		Total		No. of cases for which notice issued		No. of cases for which enquiry completed		No. of cases for which order passed		No. of cases in court		Total cases for which action taken		Balance cases for which action to be taken		Re marks
	No.	Extent cove red	No.	Extent cove red	No.	Extent cove red	No.	Extent Cove red	No.	Extent cove red	No.	Extent cove red	No.	Extent Cove red	No.	Extent cove red	No.	Extent Cove red	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

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