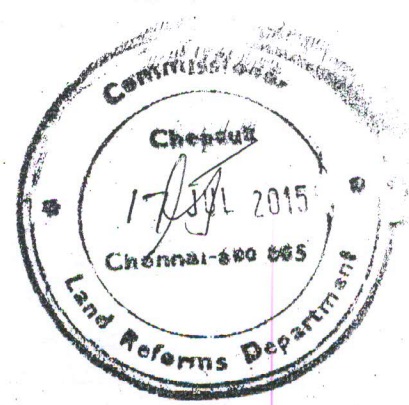




ABSTRACT



Land Reforms – Re-structuring of Land Reforms Department - Certain amendments to G.O. (Ms) No.34, Revenue Department, dated 14.01.2015 – Issued.

Revenue [LR.I(2)] Department

G.O.(Ms) No.255

Dated:10.07.2015

Read:

1. G.O. (Ms) No.34, Revenue [LR.I(2)] Department, dated 14.01.2015.
2. From the Principal Secretary / Commissioner of Land Reforms, Chennai-5, letter No.A1/0001/2012 (L.Ref.), dated 06.05.2015.

ORDER:

In the reference first read above, orders were issued by the Government for Re-structuring the Land Reforms department by forming a Land Reforms unit at each Collectorate except Chennai and to confer powers of 'Authorized Officer' and 'Assigning Authority' to the Revenue Divisional Officers in the State under Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 as amended and under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.

2. In the reference second read above, the Principal Secretary / Commissioner of Land Reforms has stated among other things that the orders issued in the reference first read above was challenged by one Thiru D.Ramalingam before the Hon'ble High Court in W.P.No.2240/2015 and that one of the main contentions raised by the petitioner in the above Writ Petition was that the quasi-judicial work of the Revenue Divisional Officer / Authorized Officer cannot be monitored by the District Collector or by the District Revenue Officer and that in clause 23 of G.O.Ms.No.34, Revenue, dated 14.1.2015, it has been stated that to direct the District Collectors and District Revenue Officers to monitor the work of Revenue Divisional Officers under the Tamil Nadu Land Reforms (Fixation of Ceiling Land) Act, 1961 as amended and rules framed thereunder. However, the Hon'ble High Court dismissed the above writ petition as devoid of merits on 3.3.2015. While dismissing the Writ Petition the Hon'ble Court held that,

Para 59. *In the case on hand, the District Collector and the District Revenue Officer are authorized to monitor the administrative work of Revenue Divisional Officer. Such being the case, the contention the petitioner that the District Collector and District Revenue Officers are going to monitor the quasi-judicial work of the Revenue Divisional Officer cannot stand.*

The Principal Secretary / Commissioner of Land Reforms has also stated that the above petitioner has filed Writ Appeal in W.A.No.519/2015 before the Hon'ble Division Bench of Madras High Court and that in the Writ Appeal also the petitioner has contended that there cannot be an authority to monitor, administer or to regulate, control the Authorized Officer who is functioning as 'quasi judicial authority' as per the ratio laid down by Hon'ble Supreme Court of India.

The Principal Secretary / Commissioner of Land Reforms has further stated that the District Collectors, District Revenue Officers, Additional Personal Assistants (Land) to Collector are to monitor the work of Revenue Divisional Officer only on administrative basis and are not going to monitor the judicial work of Revenue Divisional Officers.

3. In order to have clarity and to avoid further litigation on this issue, the Principal Secretary / Commissioner of Land Reforms has requested the Government to issue the following amendment to para 8(v) and 8 (xxiii) of the Government Order issued in G.O. (Ms) No.34, Revenue [LR.I(2)] Department, dated 14.01.2015.

Sl. No.	EXISTING CLAUSE	PROPOSED CLAUSE
(i)	8(v). To create the post of Additional Personal Assistant (Land) to the Collector in the cadre of Deputy Collector in the remaining 10 districts, viz., Ariyalur, Karur, Namakkal, Pudukottai, Ramanathapuram, Sivagangai, Thanjavur, Theni, Tiruppur, Virudhunagar, where the post of Additional Personal Assistant (Land) to the Collector is not in existence, to monitor and administer the work of Land Reforms, Bhoodan and Agricultural Income Tax as mentioned in Annexure – I, and other land related subjects, as ordinarily dealt with by the Additional Personal Assistant (Land) in other districts with effect from 1 st February 2015, from the excess posts identifies;	8(v). To create the post of Additional Personal Assistant (Land) to the Collector in the cadre of Deputy Collector in the remaining 10 districts, viz., Ariyalur, Karur, Namakkal, Pudukottai, Ramanathapuram, Sivagangai, Thanjavur, Theni, Tiruppur, Virudhunagar, where the post of Additional Personal Assistant (Land) to the Collector is not in existence, to monitor and administer the work of Land Reforms, Bhoodan and Agricultural Income Tax on administrative matters as mentioned in Annexure – I, and other land related subjects, as ordinarily dealt with by the Additional Personal Assistant (Land) in other districts with effect from 1 st February 2015, from the excess posts identified;

Sl. No.	EXISTING CLAUSE	PROPOSED CLAUSE
(ii)	8(xxiii). To direct the District Collectors and District Revenue Officers to monitor the work of Revenue Divisional Officers under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended and the rules framed there under;	8(xxiii). To direct the District Collectors and District Revenue Officers to monitor the work of Revenue Divisional Officers under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended and the rules framed there under on administrative matters.

4. The Principal Secretary / Commissioner of Land Reforms has also requested the Government to authorize the Principal Secretary / Commissioner of Land Reforms to issue necessary modifications to the Government order, if any modifications are required to sort out issues that may arise while implementing the orders of Government, and modification to para 10 as below:-

EXISTING CLAUSE	PROPOSED CLAUSE
10. The Government authorize the Principal Secretary and Commissioner of Land Reforms, to issue further necessary Executive Instructions in regard to maintaining continuity and implementation of the re-structuring of the Land Reforms Department. The details of posts disbanded, attached and surrendered as approved by the Government are given in annexures V-1 to V-9.	10. The Government authorize the Principal Secretary and Commissioner of Land Reforms, to issue further necessary Executive Instructions in regard to maintaining continuity and implementation of the re-structuring of the Land Reforms Department. Any instructions issued or to be issued by the Principal Secretary / Commissioner of Land Reforms in modification of the matters relating to implementation of the re-structuring of Land Reforms except in connection with posts sanctioned and Urban Land Ceiling/Urban Land Tax is permitted. The details of posts disbanded, attached and surrendered as approved by the Government are given in Annexures V-1 to V-9.

5. The Government after careful examination accept the recommendation of Principal Secretary / Commissioner of Land Reforms and authorize the Principal Secretary / Commissioner of Land Reforms to issue necessary modifications to the Government order, if any modifications are required to sort out issues that may arise while implementing the orders of Government and also issue the amendment to G.O.(Ms) No.34, Revenue [LR.I(2)] Department, dated 14.01.2015 as follows:-

Sl. No.	EXISTING CLAUSE	AMENDMENT
(i)	8(v). To create the post of Additional Personal Assistant (Land) to the Collector in the cadre of Deputy Collector in the remaining 10 districts, viz., Ariyalur, Karur, Namakkal, Pudukottai, Ramanathapuram, Sivagangai, Thanjavur, Theni, Tiruppur, Virudhunagar, where the post of Additional Personal Assistant (Land) to the Collector is not in existence, to monitor and administer the work of Land Reforms, Bhoodan and Agricultural Income Tax as mentioned in Annexure – I, and other land related subjects, as ordinarily dealt with by the Additional Personal Assistant (Land) in other districts with effect from 1 st February 2015, from the excess posts identifies;	8(v). To create the post of Additional Personal Assistant (Land) to the Collector in the cadre of Deputy Collector in the remaining 10 districts, viz., Ariyalur, Karur, Namakkal, Pudukottai, Ramanathapuram, Sivagangai, Thanjavur, Theni, Tiruppur, Virudhunagar, where the post of Additional Personal Assistant (Land) to the Collector is not in existence, to monitor and administer the work of Land Reforms, Bhoodan and Agricultural Income Tax on administrative matters as mentioned in Annexure – I, and other land related subjects, as ordinarily dealt with by the Additional Personal Assistant (Land) in other districts with effect from 1 st February 2015, from the excess posts identified;
(ii)	8(xxiii). To direct the District Collectors and District Revenue Officers to monitor the work of Revenue Divisional Officers under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended and the rules framed there under;	8(xxiii). To direct the District Collectors and District Revenue Officers to monitor the work of Revenue Divisional Officers under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, as amended and the rules framed there under on administrative matters.
(iii)	10. The Government authorize the Principal Secretary and Commissioner of Land Reforms, to issue further necessary Executive Instructions in regard to maintaining continuity and implementation of the re-structuring of the Land Reforms Department. The details of posts disbanded, attached and surrendered as approved by the Government are given in annexures V-1 to V-9.	10. The Government authorize the Principal Secretary and Commissioner of Land Reforms, to issue further necessary Executive Instructions in regard to maintaining continuity and implementation of the re-structuring of the Land Reforms Department. Any instructions issued or to be issued by the Principal Secretary / Commissioner of Land Reforms in modification of the matters relating to implementation of the re-structuring of Land Reforms except in connection with posts sanctioned and Urban Land Ceiling/Urban Land Tax is permitted. The details of posts disbanded, attached and surrendered as approved by the Government are given in Annexures V-1 to V-9.

6. The Principal Secretary / Commissioner of Land Reforms is also requested to communicate a copy of the instructions / modifications to be issued by the Principal Secretary / Commissioner of Land Reforms to Government.

(By Order of the Governor)

R.VENKATESAN
Secretary to Government

To

The Additional Chief Secretary and Commissioner of Revenue Administration, Chepauk, Chennai-5.

The Additional Chief Secretary and Commissioner of Land Administration, Chepauk, Chennai-5.

✓ The Principal Secretary and Commissioner of Land Reforms, Chepauk, Chennai-5.

The Director of Survey and Settlement, Chepauk, Chennai-5.

The Commissioner of Urban Land Tax and Urban Land Ceiling, Chepauk, Chennai-5.

All District Collectors (except Chennai)

Assistant Commissioner (Villupuram, Tiruchirapalli, Mayiladuthurai, Madurai, Erode and Tirunelveli)

All Special Deputy Collectors concerned (Revenue Courts)

Copy to:

The Additional Chief Secretary /Secretary-I to Hon'ble Chief Minister, Secretariat, Chennai-9.

The Special Personal Assistant to the Hon'ble Minister for Revenue, Secretariat, Chennai-9.

The Senior Private Secretary to Secretary to Government, Revenue Department, Chennai-9.

The Finance (Rev/BG-I/BG-II/CMPC) Department, Chennai-9.

All Departments of Secretariat, Chennai-9.

Sf/Sc.

/Forwarded by Order/

சென்னை
10/07/2015
Section Officer
10/7/2015