

012988



ABSTRACT

Land Reforms - Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) - Issue of Mortgage of lands (fully or Partly) - Applied for grant of permission under section 37-B of the said Act by Public Trusts - Orders Issued.

Revenue and Disaster Management Department,
Land Reforms Wing, [LR.3(2)] Section

G.O.(Ms)No.768

Dated: 15.12.2020

சார்வரி வருடம்: கார்த்திகை:30,
திருவள்ளூர் ஆண்டு 2051

Read:

1. From the Additional Chief Secretary/Commissioner of Land Reforms, Letter No.C1/5771/2011 (L.Ref.), dated 21.08.2019.
2. Government Letter No.45058/LR.3(2)/2019-1, Revenue and Disaster Management Department, dated 06.12.2020.
3. From the Advocate General of Tamil Nadu, High Court of Madras, Chennai-104, OPN. No.17/AGVN/2020, dated 20.01.2020.
4. From the Additional Chief Secretary/Commissioner of Land Reforms letter Ref. No.E3/8896/2019 (L.Ref.), dated 31.01.2020.

ORDER:

In the letter first read above, the Additional Chief Secretary/ Commissioner of Land Reforms has requested to take a policy decision on the issue of mortgage of lands held by Trust, Educational Institutions / Hospitals, who applied for grant of permission under section 37-B of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, (Tamil Nadu Act 58 of 1961).

2. The Government have decided to obtain legal opinion of the Advocate General of Tamil Nadu exclusively for mortgage cases, coming under section 37-B of the said Act.

3. In the letter second read above, the Additional Chief Secretary/ Commissioner of Land Reforms has been requested to obtain and send separate opinion of the Advocate General, In order to examine the cases of mortgage of lands, under section 37-B of the said Act, along with the specific recommendation, to process the case further.

//P.T.O.//

4. In the letter fourth read above, the Additional Chief Secretary/Commissioner of Land Reforms has sent the report, along with the opinion of the Advocate General of Tamil Nadu.

5. The Advocate General of Tamil Nadu in his opinion has stated, among other things, that,

"Government cannot reject, or recommend an application under section 37-B be rejected on the sole ground that during the pendency of the application, lands have been mortgaged for the legitimate business activity."

6. The Government have carefully examined the case with the relevant provisions of the said Act and the Rules made there under, and based on the opinion of the learned Advocate General and in consultation with the advisory department. Accordingly, the Government direct that permission shall be granted to the Public Trust under section 37-B of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 (Tamil Nadu Act 58 of 1961) to hold the lands, even though the lands are mortgaged during the pendency of application, for the development of the Educational Institution or Hospital run by that Trust after obtaining an undertaking from the Trust, Educational Institutions / Hospitals and 'No Objection Certificate' from the concerned Bank, without compromising the spirit of the said Act.

7. The Additional Chief Secretary/Commissioner of Land Reforms is requested to send proposal in accordance with the above order to the Government for grant of permission under Section 37-B of the said Act.

(BY ORDER OF THE GOVERNOR)

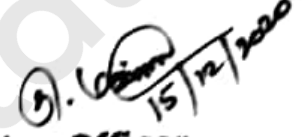
**ATULYA MISRA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.**

To
The Additional Chief Secretary/Commissioner of Land Reforms,
Chepauk, Chennai-5.
All District Collectors.

Copy to
The Health & Family Welfare Department, Secretariat, Chennai-9.
The Higher Education Department, Secretariat, Chennai-9.
The School Education Department, Secretariat, Chennai-9.
The Law Department, Secretariat, Chennai-9.
The Finance Department, Secretariat, Chennai-9.
The Secretary II to Hon'ble Chief Minister, Secretariat, Chennai-9.

The Special Personal Assistant to the Hon'ble Minister for Revenue &
Disaster Management & I.T., Secretariat, Chennai-9.
The Principal Private Secretary to the Additional Chief Secretary to Government,
Revenue & Disaster Management Department, Chennai-9.
The Revenue & Disaster Management (LR(I/II)) Department, Chennai-9.
Stock file/Spare copy.

//FORWARDED BY ORDER//


Section Officer