LAND REFORMS

Declaration of Surplus

Procedures to be followed
if person held lands
as on
6.4.1960 / 15.2.1970

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How to arrive surplus from one's holdings

i. Section 8 - Land owner to file return in Form II containing particulars of land holdings.

ii. Section 9(2)(a) – If landowner failed to file return, AO to gather information from field staff.

iii. Section 9(2)(b) - AO to furnish information obtained to landowner and after due opportunity, to pass order under section 9(2)(b).

iv. Before passing order to declare surplus, the AO to take into account the following exemption, exclusions, etc.

(a model work out is shown for better clarify)

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		in Std acres	
A	Total holdings as per revenue accounts / as per regd. instruments etc.		200.000
B	Less: (i) Exclusion u/s 3(22)	4.000	
	(ii) Exemption u/s 73(vi) –Plantation as on 15.2.70	20.000	
	(iii) Exemption u/s (vii) – Topes, Orchards as on 1.7.59	20.000	
	(iv) Exemption u/s 73(viii) – Fuel trees as on 15.2.70	5.000	
	(v) Extent permitted by Land Board u/s 31 (maximum 20% of total extent of plantation)	4.000	
	Total deductions		53.000
C	Less: Ceiling area (if it is dry assessed Rs.1.25 and below per acre)		60.000
D	Surplus		87.000

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Stages in the declaration

- ✓ Order u/s 9(2)(b)
- ✓ Draft statement u/s 10(1)
- ✓ Order u/s 10(5)
- ✓ Final statement u/s 12
- ✓ Govt. issue order notifying the surplus
- ✓ Notification u/s 18(1)

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Stages in the declaration

Order u/s 9(2)(b) –

- ✓ Preliminary order
- ✓ Showing only the quantum of surplus.

Appeal lies before the Land Tribunal – the DRO u/s 78

Appeal time – 30 days

[If no appeal or appeal rejected, to take forward to published Draft statement u/s 10(1), otherwise to act as per order of Land Tribunal.]

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Stages in the declaration

Draft Statement u/s 10(1)

- ✓ shall be in Form 6 [Rule 12(1)]
- ✓ shall be published in [Rule – 12(2)]
  - ➢ Tamil Nadu Government Gazette
  - ➢ Published copy to be affixed in the notice board of AO, Taluk office, BDO's office, RDO's office and Village Chavadi.

Appeal lies before the Authorised Officer u/s 10(5)

Appeal time – 30 days

[If no objection or objection rejected, to take forward to published final statement u/s 12, or otherwise to pass order u/s 10(5).]

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Stages in the declaration

Order u/s 10(5)

- ✓ AO to determine surplus after considering objections filed by landowner u/s 10(5)

Appeal lies before the Land Tribunal – DRO u/s 78

Appeal time – 30 days

[If no appeal or appeal rejected, to take forward to final statement u/s 12, otherwise to act as per orders of Land Tribunal.]

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Stages in the declaration

Final Statement u/s 12

- ✓ shall be published in Form 9 [Rule 17(1)]
- ✓ shall be published in the manner specified in Rule 12(2) –

  (i.e as like in draft statement)

Revision lies before the Land Commissioner –u/s 82

Appeal time – 60 days

[If no revision petition or revision petition is rejected, to take forward to published notification u/s 18(1), otherwise to act as per orders of Land Commissioner.]

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Section 13 -

Exclusion of certain land from calculation of ceiling area [Section 13(1)]

- ✓ AO to exclude
  - ❖ the land in respect of which any question of title is pending before court, Land Tribunal, etc.,
  - ❖ the land in respect of which any request for grant of permission u/s 31 is pending before Land Board.

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Section 14 -

Amendment to final statement in certain lands

- ✓ After the final disposal of suit relating to question of title of any land / after the Land Board decided on the request for grant of permission u/s 31 excluded u/s 13(1), the AO to –
  - ❖ amend the final statement already published u/s 12
  - ❖ where no such final statement, published, to prepare a final statement u/s 12.

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Stages in the declaration

Section 15

AO can rectify –

bonafide or clerical or arithmatical mistakes crept in the final statement by passing an order u/s 15.

AO cannot invoke Section 15 for passing of order on merits

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Stages in the declaration

Notification u/s 18(1)

- ✓ shall be published in Form 12 [Rule 20] Government to approve and publish the notification through Commissioner of Land Reforms.
- ✓ shall be published in every village or town in which the land is situated

Revision lies before the Land Commissioner –u/s 82

Appeal time – 60 days

[If no revision or revision rejected, to take action to assign the lands or otherwise to act as per Land Commissioner's order.]

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