

LAND REFORMS

Certain Transactions to be declared void

Any transfer of land by the landowner either by sale, gift, exchange, surrender, settlement or in any other manner effected between the following dates are to be declared as void transactions.

- i. From 15.2.70 to 2.10.70 - **Void u/s 22**
- ii. From 2.10.70 to till the date of 18(1) - **Void u/s 23**

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Section 22:

Transaction effected after 15.2.1970 but before 2.10.1970 is a void transactions.

Section 22 was amended by Act 11/96, based on Supreme Court ruling in the case of *Authorised Officer, Thanjavur vs S.Naganatha Ayyar (1980) 1 MLJ 34 (SC)* and

as per amendment

"whether the transfer or partition is bona fide or not, shall be construed as defeating the provisions of this Act and has to be declared void".

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How to deal if landowner transferred lands between 15.2.70 and 2.10.70 (Section 22)

i) *If the transferred extent is within the ceiling area -*

to include the extent transferred within the ceiling area, as if no such transfer or partition had taken place.

[section 10 (4-A)]

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How to deal if landowner transferred lands between 15.2.70 and 2.10.70 (Section 22)

i) *Where the extent transferred u/s 22 is in excess of the ceiling area –*

to include it in the following order of preference.

1. *tfd to a person who was landless immediately before such transfer & not related to the landowner or other members of family*
2. *land tfd to a cultivating tenant who was cultivating the land immediately before such tfr.*
3. *land trfd to a person who was not related to the landowner or other members of the family.*
4. *Land trfd to others. **[Section 10(4-B)]***

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Section 23:

Transaction made on or after 2.10.1970 and before publication of 18(1) is a void transaction.

- a) any transfer, whether by sale or by gift, exchange, surrender, settlement or otherwise; or
- b) any sub-division whether by partition or otherwise, effected on or after the notified date and before the publication of a notification under sub-section(1) of section 18 shall be and shall be deemed to have been void.

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How to deal if landowner transferred lands between 2.10.70 and date of notification u/s 18(1)

(Section 23)

- i) If the extent of transfer is within ceiling limit, to include the extent transferred within the ceiling area. **[Section 23(1)(a)]**

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How to deal if landowner transferred lands between 2.10.70 and date of notification

(Section 23)

- i) *If the extent of transfer is more than the ceiling limit -*

land transferred should be kept within the ceiling area starting from the earliest transfer, i.e. 15.2.70 and proceeding in the chronological order of the transfer and

the land which could not be accommodated within the ceiling limit have to be declared surplus.

[Section 23(2)]