

HAND BOOK ON LAND ADMINISTRATION

— MAY 2023 —

COMMISSIONERATE OF LAND ADMINISTRATION

AND

ANNA ADMINISTRATIVE STAFF COLLEGE

CHENNAI

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LAND TRANSFER AND LAND ALIENATION

1. PREAMBLE:

All Government lands are under the control and administered by Revenue Department. As per the provisions made in Revenue Standing Orders 23, 23A and 24, Government lands are Transferred / Alienated to various Central and State Government Departments / Government undertakings / Boards / Local Bodies, etc. Under these RSOs, lands are transferred only for public purpose. Revenue Department being the custodian of all Government lands, though transfers land(s) to the intending department, reserves the right to resume the land when noticed that they are unutilized, conditions are violated etc., and allot them for any other public purpose.

General Principles involved in Land Transfer/Land Alienation:

i) Transfer to Central Government Departments (RSO 23)

State Government lands are transferred to the Central Government on collection of cost of land, building if any etc., under the provision of RSO 23. All proposals relating to the transfer of land to Central Government shall be sent to the Government in all cases. The amount payable for the land will be its market value on the date of transfer. Market value has been defined as the price which the land would fetch in the open market as per RSO 23(iv).

If the State Government lands are required by Railways, NHAI (in the name of Ministry of Road Transport and Highways), etc., it shall be dealt with under RSO 23 on collection of the land value (Market value or Guideline value whichever is higher) and Sub-division fees etc.

ii) Transfer to State Government Departments: (RSO 23A)

Transfer of lands from one department to another department of State Government such as Health, Education, Homes, Highways, are dealt with under the provisions of RSO 23A on free of cost. In cases such as Univesities, Tamil Nadu Civil Supplies Corporation, Sports Development Authority of Tamil Nadu etc., land is transfered to the administrative department free of cost, for use by the Agency on non-commercial basis.

iii) Alienation to Central and State Government Agencies: (RSO 24)

The Government lands are alienated on request to State Government Undertakings, Boards, etc., as SIPCOT, SIDCO, TIDCO, TANGEDCO, TNPHC, TNHB, TNUHDB(TNSCB), TWAD, CMWSSB, TNCSC, CMRL, CMDA, ELCOT, Local bodies, etc., Central Government_Department and Undertakings such as NLC, ISRO, BSNL, BHEL, CPCL, IOC, etc., as per the provisions made in RSO 24 on the request made by them for public purpose as well as for the implementation schemes and projects

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iv) Powers for grant of enter upon permission is delegated to the District Collectors to State Government undertakings for all Unobjectionable poramboke lands without considering the monetary limits, after getting undertaking from the concerned State Public Sector undertakings with reference to payment of land cost as per RSO.

v) Powers for grant of enter upon permission is delegated to the District Collectors for Objectionable poramboke lands to State Government Undertakings without considering the monetary limits subject to the condition that necessary NOC has to be obtained from the concerned department and alienation orders to be issued by the competent Authority after getting undertaking from the concerned state public sector undertakings with reference to payment of land cost as per RSO and;

vi) In respect of transfer / alienation of land to Central Government Departments / Undertakings, the existing procedure may continue.

Condition to issue Enter upon permission in urban and Peripheral Areas:

The District Collectors are directed that "not to issue any orders for grant of Enter upon permission of Government poramboke lands without prior approval of Commissioner of Land Administration to any Requisitioning Department / Government Undertakings under any circumstances in the following territorial limits" as per the Commissioner of Land Administration, Chennai, Letter No.1413381/2021, dated.13.05.2022**(Annexure-5)** considering the need of prudent utilization of Government land sources in urban and peripheral areas

Locality	***Areas Where enter upon permission is temporally prohibited***
Entire Chennai District / Greater Chennai Corporation	All Revenue Villages falling under the Chennai Revenue District
Tiruvallur Kancheepuram and Chengalpattu Districts	Revenue Villages falling under the 32 Km radius the belt areas of Chennai city.
Municipal Corporations	Revenue Villages falling under the Municipal Corporation limit and 16 Km radius from the Municipal corporation
All District Headquarters other than Municipal Corporation	Revenue villages falling under the 8 km radius from District Head quarters

Procedure for lands classified as Meikkal / Mandaiveli

- In G.O. (Ms) No. 186, Animal Husbandry and Veterinary Department, dated. 11.12.2001**(Annexure-6)** whenever the lands classified as Meikkal or Mandaiveli Poramboke are required for other Government Purposes, an equal extent of land should be identified within the districts for the purpose of grazing of cattles. In order to develop the alternative land for the grazing purpose the development charges of Rs.6,000/- per acre or Rs. 15,000/- per hectare should be remitted by

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the requisitioning agency. The development charges should be remitted into the account of concerned local body, where the alternative land is identified. Consent resolution of the local body permitting the cattle to graze in the alternate land has to be obtained. The alternate land has to be jointly inspected by the District Revenue Officer and the Joint Director, Animal Husbandry and the Director, Animal Husbandry and Veterinary Services has to be addressed for issuing NOC in favour of land transfer / alienation.

Present Status of Meikkal / Mandaiveli Lands:

- The Hon'ble High Court, Madras in its order in W.P.No.19286/2021 dated 02.02.2022, have ordered not to convert Meikkal and Mandaiveli poramboke lands for regularization purpose; further, in cases of conversion for other purposes also, though equivalent alternate land is identified and earmarked, the Government may order for such proposals only after prior approval of the court by filing separate application for each case of conversion.

- In pursuance of said orders, Government file affidavits and get approval of Hon'ble High Court on case by case basis under following conditions:

i) Due conversion of alternate lands selected, mutation to be carried out in village accounts and handed over to Animal Husbandry Department.

ii) Rs.15,000/- per hectare as development charges to be paid to concerned local body for maintenance.

iii) Then Meikkal lands be converted with due alternation made in the village accounts and handed over to the requisition Department.

iv) Such lands to be monitored by Animal Husbandry Department so as to be kept free from encroachment and put to use for meikkal purposes.

Permission to use of certain category of Poramboke lands:-

- In compliance with the directions of the Hon'ble High Court the transfer / alienation of Waterbody / Watercourse lands is not allowed.

- However, in respect of Water body / Water course lands required for road / rail etc., instead of land transfer / alienation, the concept of **"permission to use"** has been implemented as an alternative and the requisitioning departments are permitted to use the water body / water course for the formation of road, rail line etc. without interfering the flow and character of the water body / water course. Further, after obtaining the consent at the district level, the Chief Engineer, PWD has to be addressed for issuing NOC for the usage of the water body / water course.

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Conditions Imposed for Land Tranfer / Land Alienation:

- The Requisitioning body should abide by all the conditions imposed by the Government.
- For land vested with other Department, consent of the district level official has to be obtained and the Head of the land-owning department has to be addressed for issuing NOC in favour of the land transfer / alienation proposal.
- Panchayat resolution should be obtained.
- The Land should be used only for the purpose for which is transferred/alienated.
- The Requisition body should return the land or part thereof to the Revenue Department, if it is no longer required.
- The Government may resume the land wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose.

Mandatory follow-up action after Land Transfer/Alienation.

- Land cost determined in the Government order should be remitted within 90 days.
- In case of delay in remittance by the land transferee, appropriate interest may be levied with compound interest upto the period of payment.
- On remittance of land cost, the possession shall be handed over with land delivery certificate to the transferee.
- On completion of the above formalities, necessary mutation may be carried out in the relevant revenue records.
- Revenue officials should inspect the lands periodically during their camps and ensure that the conditions of transfer/alienation are not violated.
- If violation of conditions is found, necessary action should be taken for resumption after following due procedures.

Further Information

- In order to speed up the process and to avoid delay in getting the technical remarks / NOC from the land holding department, the Government have constituted State Level Committee, headed by Principal Secretary to Government, Revenue and Disaster Management Department. The SLC convenes its meeting periodically and consent / remarks of the concerned head of department are being obtained, after detailed discussion. Based on the minutes of the meeting, the file is being circulated for final orders of lands transfer / land alienation.

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- In cases where the land is entered in the Prohibitory Order Book, Commissioner of Land Administration and Government are empowered to delete the entries from the Prohibitory Order Book. In G.O.(4D) No.01, Revenue and Disaster Management Department, dated 6.5.2022 have issued orders to enhance the monetary limit from Rs.5,00,000/- to Rs.2,00,00,000/- to the Commissioner of Land Administration for deleting entries from the POB for allotment of lands to State Government Departments under RSO 23A for public purposes.

- In order to optimize the utilisation of scarce Government lands in Chennai City, other Municipal Corporations, and District Headquarters and to ensure better land utilisation, a building committee formed with the Secretaries of Finance, PWD, Housing and Urban Development, Revenue and Disaster Management Departments for approving the sanction of new buildings/ redeveloping existing buildings or premises, taking and into account the overall requirement of building space, availability of land and planning rules. Revenue Department shall identify land parcels in Chennai Suburban areas and other major cities for development as office complex ensuring that full FSI is utilised and the land use is optimised.

- Whenever Government lands are required for the construction of Public Distribution System Shop / Direct Procurement Centre, it was alienated to Tamil Nadu Civil Supplies Corporation, on collection of land cost under the provision of RSO 24. Now, in G.O.Ms.No.26, Revenue and Disaster Management Department dated 7.1.2022, the Government have issued orders for transfer of Government land in favour of Cooperation, Food and Consumer Protection Department, on free of cost under the provision of RSO 23-A for the construction of Godowns, PDS Shops / Direct Procurement Centers through Tamil Nadu Civil Supplies Corporation.

CLAP: (Computerization of Land Administration Procedures)

- Web Based Portal has been developed to process the Transfer of land, Alienation of land and Lease proposals through online mode from VAO level to Government to ensure paperless work and speedy disposal.

- Accordingly, the proposal for land transfer and land alienation is being carried out by online work flow system through an integrated web portal namely CLAP (Computerisation of Land Administration Procedures). The CLAP app was live from 16.2. 2021. In this system, the work flow is from VAO to District Collectors in districts and then from superintendents to CLA/Government.

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LAND TRANSFER AND LAND ALIENATION

3. FLOW CHART

Requisition Department / Applicant
(Annexed with full details of land /documents)

↓

District Collector

↓

Tahsildar
(For field visit, detailed enquiry)

↓

Tahsildar

Revenue Divisional Officer
(With inspection report and enquiry records)

↓

District Revenue Officer

(With inspection report and enquiry records)

↓

District Collector

↓

Commissioner of Land Administration
Government

↓

Final orders

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LAND TRANSFER AND LAND ALIENATION

4. CHECKLIST

Name of the District: **Taluk:** **Village:**

Sl. No.	Details			
1.	Name of the requisitioning body			
2.	Purpose of Land Alienation			
3.	Survey No.			
4.	Total Extent / Proposed Extent			
5	Classification of land proposed			
6.	Application, undertaking to abide by the conditions to be imposed by the Government under RSO 24(6) and consent to pay the land cost.			
7.	Extract of "A" - Register		Yes	No
8.	Extract of Adangal		Yes	No
9.	Copy of FMB		Yes	No
10.	Copy of Combined Sketch		Yes	No
11.	Sub - Division records if sub division involved		Yes	No
12.	Copy of A1 Notice calling for objections on the proposed alienation.		Yes	No
13.	Village Administrative Officer Statement		Yes	No
14.	Public Statement about the proposals		Yes	No
15.	Resolution of the Local Authorities, if required. (Local body vested land)		Yes	No
16.	Consent of the land holding Department at District level along with Joint Inspection Notes.		Yes	No
17.	Water Course Poramboke	Vested with PWD	Letter addressed to C.E., WRD seeking technical opinion	Yes
				No
		Vested with Local Bodies	Technical Opinion of concerned Engineer from Local body.	Yes
				No
18.	Mandaveli & Meikkal Poramboke	(i)Joint inspection report of the DRO & J.D.(AH) for as certaining the suitability of alternate land for grazing purpose		Yes
				No
		(ii) Copy of remittance Chalan towards Development charges.		Yes
				No
		(iii) Consent resolution of the local body permitting the cattle to graze on the alternate land.		Yes
				No
		(iv) Copy of report addressed to D.A.H. & V.S. seeking No Objection Certificate		Yes
				No

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19.	Highways Poramboke	Copy of report addressed to C.E., Highways Department. seeking NOC		Yes No
20.	Temple Poramboke	Copy of report addressed to Commissioner of HR & CE, seeking NOC		Yes No
21.	Valuation report based on sales statistics, if required (As per RFCTLAAR Act)		Yes	No
22.	Guideline value of Government land. (As per G.O.Ms.No.117, Revenue & Disaster Management Department, Dated: 18.03.2022)		Yes	No
23.	Site Inspection Notes			
	Tahsildar		Yes	No
	Revenue Divisional Officer		Yes	No
	District Revenue Officer		Yes	No
	Collector (Mandatory - In respect of Water Course Poramboke and sensitive issues)		Yes	No
24.	Report in the prescribed questionnaire and narrative report (Form - I to VII)		Yes	No
25.	Copy of Prior entry orders if any given		Yes	No
26.	Tree value and Building value if any recommended		Yes	No
27.	Administrative sanction G.O. if any		Yes	No
28.	Withdrawal notification issued under provision of respective Act (Panchayat Act / Municipality Act) and publication in the District Gazette in respect of land vested with local body, wherein the District Collector is Competent Authority (Such as Kalam, Santhai, Meikkal, Mayanam & Thoppu etc.,		Yes	No
29.	Draft Withdrawal Notification as approved by the District Collector, under the provisions of respective Act to get approval of Government, for publication in Gazette (All public Road & Waterbody / Watercourse)		Yes	No
30	Extract of P.O.B. entries / Proceeding, if required.		Yes	No

District Collector /
District Revenue Officer

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5. MODEL PROPOSAL

Revenue and Disaster Management Department

From Thiru/Tmt…… District Collector, ----------	To The Commissioner of Land Administration Ezhilagam Chepauk Chennai 600 005 (With Enclosure)

Letter No.----------, Dated: . .2022

Sir,

Sub: Land Transfer / Alienation ---------- District ---------- Taluk - ---------- Village - S.No. --------- Extent of ---------- hectares of Government land – classified as----------Poramboke – proposal for transfer/ alienation in favour of ---------- - for the purpose of ---------- - proposal ------recommended - Reg.

Ref: 1. From ---------, ------- Department Letter No. - dated: ----------
2. From the Tahsildar, --------- Letter No. -------- dated: ---------
3. From the Revenue Divisional Officer, ---------- Letter No. ----------, dated: -------
4. Inspection report of the District Revenue Officer, ------ dated -------

I invite kind attention to the references cited.

2. In the reference 1st cited, ---------- has applied for transfer / alienation of Government land measuring an extent of ----------out of ---------- hectare in S.No.---------- classified as ---------- in ----------Village, ---------- Taluk, ----------District in favour of ---------- for the purpose of ---------- on free of cost /

collection of land cost with usual terms and conditions as per RSO 23A / 23 / 24.

3. Upon this the Tahsildar --------- and Revenue Divisional Officer, ---------- have conducted field inspection and have formulated necessary proposal for transfer/alienation of Government land to an extent of ------ hectare classified as ---------- in S. No. -------- of ---------- Village ---------- Taluk ---------- District in favour of --------- for the purpose of ---------- on collection of land cost/ on free of cost under the provisions of RSO 23A / 23 / 24 with usual terms and conditions

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4. The details of the land proposed for transfer / alienation and relevant details are submitted as below: -

Sl. No	Survey No	Classification	Total Extent (In hectare)	Proposed Extent (In hectare)
1.				
2.				
		TOTAL		

a) The requisition body has given application as per RSO 23A/23/24 and an under taking to abide to the conditions that would be imposed by the Government and also given consent to pay the land cost.

b) Copies of A Register, Adangal, FMB, Combined sketch of the proposed land are enclosed.

c) "A-1" Notice was published in the Village on ---------- and no objection were received from Public.

d) Statement of VAO, ---------- Village and the local Public were obtained in favour of the proposal.

e) Filled in questionnaire form Part I to VII with the recommendation of ---------- has been enclosed

f) Copy of resolution passed by the Local body in enclosed (if required)

g) Copy of Withdrawal Notification published in the District Gazette exempting the subject land from the preview of the local body, as per the provisions made under the section ----- of ---------- Act (If the powers vested with District Collector)

h) Draft Withdrawal Notification to exempt the subject land from the preview of local body as per the provision made under section --- of ---------- Act. (If the powers vested with the Government)

i) Specific remarks of the land holding Department (at District level) is enclosed.

j) Copy of the letter addressed to Commissioner / Animal Husbandry and Veterinary Services / Rural Development and Panchayat Raj / Chief Engineer, Water Resources Organisation, Town Panchayat / Commissioner of Municipal Administration is enclosed.

k) Extracts of GLV is enclosed.

l) Sales statistics is enclosed.

m) The District Revenue Officer, ---------- has inspected the proposed land on -------

n) The District Collector, ---------- has given prior permission in favour of ----------on ---------, to enter upon the proposed lands.

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5. DETAILS OF SUB DIVISION:

The Deputy Inspector of Survey has proposed the subdivision as tabulated below: -

Sl. No.	Before Sub-division			After Sub-division		
	S. No	Classification	Total Extent (in hectare)	New Subdivision S.No.	Proposed Extent (in hectare)	Classification
1.						

6. INSPECTION REPORT OF THE DISTRICT REVENUE OFFICER:

The proposed land was inspected by the District Revenue Officer, ---------- on ---------- and stated that no monuments, Temple, well, Valuable Trees, Burial Ground, Vaikkal, Kulam, Kuttai are located in the subject land. Further, he has stated that there is no High / Low Tension electrical line is passing through the proposed lands. (In case of lands under control of any other department, then should a joint inspection report of the District Revenue Officer with the concerned District level officers of the two (giving / receving) deparments.)

7. LAND VALUE:

As per the Guidelines issued in G.O.Ms.No.117 Revenue and Disaster Management Department Dated:18.03.2022, the GLV for the Government land has been determined with reference to GLV of the patta land surrounding the Government land and adopted the highest value, which is arrived at Rs. ----acre/ Hectare. Regarding the fixation of land value of the proposed land, sale statistics have been gathered from---------- Sub –Register Offices for a period of one year from ---------- and wherein ---------- sales have taken place. Among these sales, the procedure prescribed under RFCTLARR has been adopted and average sale value is arrived at ----------. Based on these sales, value for 1 acre / hectare of land is arrived at Rs. ----------/-. As per the market value determined, the tentative land value of the proposed land is worked out as follows:

Value of 1 acre / hectare of land = Rs. ----------

Value of ---------- hectare of land = Rs. ----------

8. Based on the reports received from the Tahsildar, --------, Revenue Divisional Officer, ----------and the District Revenue Officer, -----, the Government land measuring an extent of ----------hectare out of --------- -- Hectare in S.No.---------- classified as ----------etc, of ---------- ----- Village, ---------- Taluk, ----------District is recommended for transfer / alienation / grant of permission to use in favour of ---------- for the purpose of ---------- on free of cost / collection of land cost, tree value and other applicable charges with usual terms and conditions as per RSO 23A/23/24.

9. Copies of the relevant records corresponding to the land transfer / alienation proposal are enclosed herewith for reference.

Yours faithfully,

District Collector

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6. COMMON MISTAKES:

- Omission of getting consent of the requisition body to remit the land cost.
- In TOPO Sketch the sales statistics details generally omitted by marking serial number of the sale data by red colour.
- In sale data details, the reason for rejection details not mentioned properly.
- Omission of withdrawal notification published in district gazette under Panchayat Act for the cases powers vested with District Collector.
- Omission of getting NOC from the land holding department
- Omission of joint inspection report of District Revenue Officer & District level Officer.
- Omission of identification of equal extent of land in the District for Meikkal and Mandaiveli lands vested with Animal Husbandry Department.
- Now G.O.Ms.No.117 Revenue and Disaster Management Department Dated:18.03.2022 has been issued for the fixation of GLV for the Government land. But proposals received by adopting adjacent land guideline value alone.
- Draft Withdrawal Notification are being sent for the lands classified as Mayanam, Thoppu, Mekikal, Mandaiveli and Kalam Poramboke lands. In such cases, the District Collector is competent to publish the withdrawal notification in the District Government Gazette, as per the relevant provision of the Act.
- Withdrawal Notification published by the District Collector for the lands classified as Vaikkal, Kulam, River, Pathai, Vandipathai, Salai and Road Poramboke lands. In such cases, the Government is competent authority to issue orders for publication of Notification in the Government Gazette, withdrawing the land from the control of local body.
- Adopting GLV for fixation of land value for the cases, where the market value or GLV whichever is higher has to be taken into consideration (e.g., SIPCOT, SIDCO, TIDCO, Central Government Departments etc.,).
- In respect of lands required for railway projects either by Southern Railway or RVNL, it should be processed for land transfer under RSO 23 in favour of Southern Railway. But proposals are being formulated for land alienation in favour of Southern Railway / RVNL.
- Whenever, water body / watercourse land, are required for infrastructure development such as Railway, NHAI, Highways etc., it should be processed under permission to use basis.

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7. FREQUENTLY ASKED QUESTIONS

Sl.No	Questions	Clarifications
1.	Who is the competent authority to approve withdrawal notification in respect of Kallankuthu?	Collector can approve withdrawal notification U/s 2(1) of Panchayat Act, 1994 in respect of Kallankuthu.
2.	Whether it is mandatory to issue withdrawal notification in respect of lands vested with Panchayats or not?	All lands vested with Panchayats are to be withdrawn by proper Gazette notification by the Government u/s 125(2) and by the Collector u/s of 134(3) of Panchayat Act, 1994.
3.	Whether the District Collector can overrule the objection if any raised regarding withdrawal of lands vested with Panchayat?	The District Collector can overrule the objection if any raised.

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8. OTHER INFORMATION – GOVERNMENT ORDERS AND COURT ORDERS

ANNEXURE - 1

சுருக்கம்

நிலமாற்றம் - அரசுப் புறம்போக்கு நிலங்கள் அரசுத் துறைகளுக்கு நிலங்கள் தேவைப்படும்போது நில மாற்றம் செய்ய மாவட்ட ஆட்சித்தலைவர்களுக்கு அதிகாரம் வழங்கப்படுகிறது.

வருவாய் (நி.மு.4.1) துறை

அரசாணை(நிலை) எண்.503 **நாள் 21.9.99**

மீண்டும் படிக்கவும்.

அரசு ஆணை (நிலை) எண் 1349 வருவாய்த்துறை நாள் 3.8.83.

*****

ஆணை:

வருவாய் நிலை ஆணை எண்.23எ ன் கீழ் விதிக்கப்பட்டுள்ள விதிமுறைகளின்படி மாநில அரசு நிலங்கள் அரசுத் துறைகளுக்கு நிலமாற்றம் செய்யப்படுகின்றன. ரூபாய் ஒரு இலட்சம் (நில வரம்பு இல்லை) (No ceiling on the extent of Land) வரை மதிப்புள்ள நிலங்களை நிலமாற்றம் செய்வதற்கு மாவட்ட ஆட்சித்தலைவருக்கு அதிகாரம் வழங்கப்பட்டுள்ளது. மேலும் தடையாணைக்குட்பட்ட நிலங்கள் மற்றும் ஒன்றுக்கு மேற்பட்ட துறைகள் ஒரு குறிப்பிட்ட நிலத்தைக்கோரி வரும் நேர்வுகள் ஆகியவற்றைத் தவிர்த்து மற்ற நேர்வுகளில் நிலமாற்ற ஆணையை எதிர்நோக்கி கேட்புத்துறைக்கு முன்நுழைவு செய்ய அனுமதி வழங்க மாவட்ட ஆட்சித்தலைவருக்கு அதிகாரம் வழங்கப்பட்டுள்ளது. மேலும் துறைகளுக்குள் நிலமாற்றம் செய்யும்பொழுது இரு துறைகளும் ஒத்துப்போகும் நேர்வுகளில் கேட்புத்துறை விண்ணப்பித்த ஒரு வார காலத்திற்குள் முன்நுழைவு அனுமதி வழங்கவும் மாவட்ட ஆட்சித்தலைவர்களுக்கு அதிகாரம் வழங்கப்பட்டுள்ளது. மயானம், மேய்க்கால் / மந்தைவெளி, நீர்நிலை மற்றும் நீர் வழிப்புறம்போக்கு போன்ற தடையாணைக்குட்பட்ட நிலங்களைப் பொறுத்தவரை நிலமாற்றம் அரசால் பரிசீலிக்கப்பட்டு ஆணை வெளியிடப்படுகிறது.

1. தற்போது 6.4.99 அன்று மாண்புமிகு வருவாய்த்துறை அமைச்சர் அவர்கள் வருவாய்த்துறை மானியக்கோரிக்கைகளின்போது வெளியிடப்பட்ட அறிவிப்பினைத் தொடர்ந்து கீழ்வருமாறு ஆணை வெளியிடப்படுகிறது, சுகாதாரம் மற்றும் கல்வித்துறைகளுக்கு நிலம் தேவைப்படும்போது நிர்நிலைப்புறம்போக்கு போன்ற தடையாணைக்குட்பட்ட நிலங்கள் நீங்கலாக ஏனைய இதர நிலங்களைக் கேட்புத்துறைகளுக்கு நிலமதிப்பு வரம்பின்றி (No Celing of Land) வழங்கவும் மற்றும் காவல்துறையின் காவல் நிலையம், காவலர் குடியிருப்பு, காவலர் பயிற்சி முகாம் மற்றும் மைதாளம், போக்குவரத்து துறையின் வட்டார போக்குவரத்து அலுவலகம் போன்ற மற்ற அரசுத் துறையின் தேவைகளுக்கும்

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தேவையான குறைந்த பட்ச நிலப்பரப்பினை மாவட்ட ஆட்சியாளர் அளவில் பொதுப்பணித்துறை மற்றும் சம்பந்தப்பட்ட துறையைக் கலந்தாலோசித்து நிலமதிப்பு வரம்பின்றி வழங்கவும் மாவட்ட ஆட்சித்தலைவர்களுக்கு அதிகாரம் வழங்கி அரசு.ஆணை பிறப்பிக்கிறது..

இதன் மூலம் அரசாணை (நிலை) எண்.1349, வருவாய்த்துறை, நாள் 3.8.1983ல் வெளியிடப்பட்ட ஆணை இரத்து செய்யப்படுகிறது.

(ஆளுநரின் ஆணைப்படி)

ஓம்/----
அரசு செயலர்

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ANNEXURE - 2

ABSTRACT

Land – Improvement of procedures regarding Land Alienation and transfer proposals – Orders issued.

REVENUE DEPARTMENT, LAND DISPOSAL WING, LD5(2) SECTION

G.O.(M.s) No. 136 **Dated 25.04.2017**

ஹேவிளம்பி வருடம், சித்திரை 12

திருவள்ளுவர்ஆண்டு2048

Read:

From the Principal Secretary/Commissioner of Land Administration D.O. letter No. B1/20981/2013, dated 12.12.2013.

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ORDER:

The District Collector, Perambalur and Kanniyakumari Districts have offered some suggestions to make systematic improvements in procedure regarding land alienation and transfer proposals with reference to rule provisions and considering the prevailing scenario.

2. In the letter read above, the Principal Secretary and Commissioner of Land Administration, Chennai has offered her remarks on the suggestions made by the District Collectors of Kanniyakumari and Perambalur Districts, on the systematic improvements that can be made in the functioning of Revenue Department as follows:-

1.	**Suggestions of the District Collectors** The requisitioning bodies earlier were clear-cut Government Departments/ Undertakings/Outsiders. Due to new agencies like SDAT, DRDA there is confusion and delay in alienation. This needs some simple guidance only-E.g., Land Transfer could be done in the name of Collector (Development) rather than complicating with the Chairman, DRDA or Chairman, Mathi.
	Remarks of Principal Secretary/Commissioner of Land Administration When the land is proposed to be alienated to fully State Government owned agencies and Societies that are noncommercial in nature, we may suggest that the land could be transferred to the Government Department under which those societies/Agencies function, for instance, Rural Development Department for DRDA, or Sports Department for SOAT As such, the problems of land alienation will be avoided. The Department may then place it at the disposal of the society/agency involved. We are already following this policy for colleges affiliated to various Universities, where the land is being transferred to the Higher Education Department which is making it available to the University for setting up the college.

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2. **Suggestions of the District Collectors**

Requirement of market Value Statistics for land alienation There are agencies such as TWAD, Local bodies for Solid Waste Management, State Universities which are anyway given the land on free of cost. For such requisitioning bodies, the land could be alienated based on the Guide Line Value rather than time consuming market value process.

Remarks of Principal Secretary/Commissioner of Land Administration

As suggested by the Collector, wherever there are instances of alienation of land to State Government agencies/bodies such as TWAD., local bodies for the formation of Solid Waste Management Scheme etc., which are proposed to be given on free of cost, we can alienate based on the Guide Line Value instead of asking for the Market Value thus avoiding the time-consuming process of collecting the sales statistics. It is further suggested that adoption of Guide Line Value may be made applicable even to fully owned State Government bodies where collection of land cost involved, if the land is to be used directly by the agency and not going to be used in a commercial transition. For instance, land transferred to TANGEDCO could be transferred on Guide Line Value: The precedent in this case is Chennai Metro Rail Limited, where all the land has been alienated based on the Guide Line value only. In all other cases, the present practice may continue to be followed

3. **Suggestions of the District Collectors**

The Monetary Powers for land alienation may be increased (last done in 2012, based on a proposal in 2008, seeking to increase from 1999) and reviewed along with every revision of Guide Line Value done by the Registration Department. Even the 2012 values are quite low- only a doubling of the 1999 limits Collector: Rs.4 Lakhs and Commissioner of Land Administration Rs.5 lakhs. Commissioner of Land Administration's power are too low, and every file reaches Government, thus burdening the system. Commissioner of Land Administration powers can be Rs.20 lakhs at least considering 1999 powers of 2.5 lakhs.

Remarks of Principal Secretary/Commissioner of Land Administration

The pre revised rates were fixed in G.O (MS) No.907, Revenue dated 21.06.1999, i.e., more than 14 years ago. If we compound the 12% interest rate used for the land value calculation over the last 14 years, (1.12) it is seen that the land value should be escalated by a factor of 4 8, i.e., roughly 5 times. Normally it is observed that actual escalation in land values is higher than this.

Hence, the monetary powers may be approved as Suggested below i.e., with a fivefold increase from the pre-revised rates.

Sl. No.	Designation	Pre- revised limit (1999)	Revised limit (2012)	Proposed limit
1	Tahsildar	10,000	30,000	50,000
2	Revenue Divisional Officer	20,000	50,000	1,00,000
3	District Revenue Officer	50,000	1,00,000	2,50,000
4	Collector	2,00,000	4,00,000	10,00,000
5	Principal Secretary and Commissioner of Land Administration	2,50,000	5,00,000	15,00,000
6	Government	above 2,50,000	above 5,00,000	above 15,00,000

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4.	The powers for the Commissioner of Land Administration should be worked out to Rs.12.5 lakhs based on this formula. However, Government may consider to raise this to Rs. 15 lakhs so that the purpose of delegation is served. **Suggestions of the District Collectors** The Collectors of Kanyakumari and Preambular have stated that the payment of Stone cost /tree cost etc., by receiving Department is to be reconsidered. Several cases are held up as the requisitioning Department has not paid the stone cost, which is not provided in their budget. There is no supply of survey stones anyway and it is only an avoidable book adjustment. **Remarks of Principal Secretary/Commissioner of Land Administration** The subject relates to Survey and Settlement Department and the views of the Additional Chief Secretary/Commissioner of Survey and Settlement may be asked to offer his view directly to Government. The Collectors have made a valid point that since payment of stone and tree cost is insisted in all cases, Including where alienation / transfer is made free of cost, the absence of budgetary provision for the requisitioning Department and the shortage of survey stones sometimes holds up the alienation process Government may consider whether we can exempt these payments where alienation is made free of cost, as this may not lead to significant loss of revenue to Government, Ie the cost of trees and stones may not be much, when compared to the value of the land which is already being transferred of alienated on free of cost. As regards cases of alienation, on payment of cost, alternate procedure for placing survey stones when the Survey Department has short supply, may be worked out in consultation with the Survey Department.

3) The Government, after careful examination, have decided to the recommendation of the Principal Secretary/Commissioner of Administration and accordingly order to issue the following guidelines amine the procedure to be adopted in the proposal for land alienation and land transfer.

i) Lands required by fully owned State Government agencies/ Societies like DRDA, Constituent University Colleges, SDAT etc., for noncommercial purpose, may be transferred to the respective departments under which these Agencies / Societies are functioning.

ii) To adopt the Guide Line Value for fixation of land value in cases where land is alienated to fully owned State Government agencies/ Societies/Corporation/Boards such as TWAD Board, CMWSSB, TANGEDCO as well as Local Bodies for solid Waste Management or Sewerage Treatment Plants or Drinking Water Projects. The Guide Line Value will also be adopted in the case of fully owned State Government agencies/ Societies/Boards/Corporation such as TANGEDCO where land cost is collected, provided that the land is not further used in a commercial transaction and or transferred to another Private parties.

iii) The monetary limit in respect of land alienation cases may be raised as below: -

Sl. No	Designation	Pre- Revised limit (1999)	Revised limit	Proposed limit
1.	Tahsildar	10,000/-	30,000/-	50,000/-
2.	Revenue Divisional Officer	20,000/-	50,000/-	1,00,000/-
3.	District Revenue Officer	50,000/-	1,00,000/-	2,50,000/-
4.	Collector	2,00,000/-	4,00,000/-	10,00,000/-
5.	Principal Secretary and Commissioner of Land Administration	2,50,000/-	5,00,000/-	15,00,000/-
6.	Government	above 2,50,000/-	above 5,00,000/-	above 15,00,000/-

iv) To exempt the collection of stone cost where alienation is made free of cost.

4. This order issues with the concurrence of Finance Department, vide its U.O No.1/RC/ ACS(F)/P/17, dated 24.3.2017.

(BY ORDER OF THE GOVERNOR)

CHANDRA MOHAN.B
SECRETARY TO GOVERNMENT.

To
The Principal Secretary and Commissioner of Land Administration
Chepauk, Chennai-5.
All the District Collectors.

Copy to:
All Departments of Secretariat, Chennai-9.
The Finance Department, Chennai-9.
The Special Personal Assistant to Hon'ble Chief Minister Office, Chennai-9.
The Special Personal Assistant to Hon'ble Minister
(Fisheries, Finance & P&AR), Chennai-9.
The Special Personal Assistant to Hon'ble Minister (Revenue), Chennai-9.
The Private Secretary to Secretary to Government, Revenue Department,
Chennai-9
Revenue (LD 1, LD.2, LD.3, LD.4, LD 5, LD.6, LD.7) Department, Chennai-9.

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ANNEXURE - 3

ABSTRACT

Land-Delegation of powers to District Collectors Instructions-Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
[LAND DISPOSAL WING, LD-5(1)1] SECTION

G.O. (Ms) No.241 **Dated: 16.05.2020**
சார்வரி வருடம், வைகாசி 03
திருவள்ளுவர்ஆண்டு2051

Read:

1. GO (Ms) No 503, [LD4-(1)] Department, dated 21.09.1999.
2. GO (Ms). No.136, Revenue [LD5-(2)] Department, dated 25.04.2017
3. G.O.(Ms) No 344, dated 19.09.2018 Revenue [LD5-(1)] Department.
4. From the Principal Secretary / Commissioner of Land Administration letter No. V1/6165/2020, dated 23.3.2020.

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ORDER:

In the Government order first read above, the Government have issued orders in respect of unobjectionable poramboke, for limited extent of the land can be transferred by the District Collector himself without any ceiling on land value.

2. In the Government order second read above, Government have inter-alia fixed the monetary limit.

Sl.No.	Designation	Pre- Revised limit (1999)	Revised limit	Proposed limit
1.	Tahsildar	10,000/-	30,000/-	50,000/-
2.	Revenue Divisional Officer	20,000/-	50,000/-	1,00,000/-
3.	District Revenue Officer	50,000/-	1,00,000/-	2,50,000/-
4.	Collector	2,00,000/-	4,00,000/-	10,00,000/-
5.	Principal Secretary and Commissioner of Land Administration	2,50,000/-	5,00,000/-	15,00,000/-
6.	Government	above 2,50,000/-	above 5,00,000/-	above 15,00,000/-

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3.In the Government order third read above, the Government have issued orders, permitting the District Collector to grant enter upon permission to the TANGEDCO for all the unobjectionable poramboke lands and in respect of objectionable lands, NOC has to be obtained from the land-owning department.

4. In the letter Fourth read above, the Principal Secretary / the Commissioner of Land Administration has reported that in order to avoid delay in allotment of land in transfer/alienation proposals to State Government departments/agencies, empowerment to the District Collectors may be considered on the following lines:

(a) <u>LAND TRANSFER:</u>

i) The Requisitioning Body must obtain orders from the Government directly for transfer of land mentioning the purpose, the extent and also the classification The District Collector should coordinate with the Requisitioning Body in preparation of copy of Revenue records. The Government in concerned Administrative Department shall examine the requisition, their proposal and shall issue orders. According to the existing procedure, the land transfer proposals are being routed through Commissioner Land Administration and the orders of the Government are obtained. Hereafter, the District Collector can issue enter upon permission orders by himself on transfer of land immediately after receiving the Government Order from the Government in concerned Administrative Department of the Requisitioning Body subject to the condition that the land cost (as per GLV) fixed is completely collected from the Requisitioning Body.

ii) In the Government order first read above, the Government have issued orders in respect of unobjectionable poramboke, for limited extent of the land can be transferred by the District Collector himself without any ceiling on land value. However, according to the methodology now proposed, the District Collector shall order enter upon permission for land transfer without any celling of value for both unobjectionable and objectionable poramboke. But, in case of objectionable poramboke, the consent / NOC should be obtained from the land-owning Department. In case, the land-owning Department is objecting for the transfer of land in favour of requisitioning body, then the case may be transmitted to the Commissioner Land Administration for taking a decision. The Commissioner Land Administration shall convene a meeting along with the head of requisitioning body and the head of Departments objecting to grant NOC. After hearing the Commissioner Land Administration shall decide the issue and pass the order. Based on the orders of Commissioner Land Administration, the Collector should act immediately and issue necessary orders.

(b) LAND ALIENATION:

i) The Requisitioning Body must obtain orders from the Government directly for alienation of land mentioning the purpose, the extent and also the classification. The District Collector should coordinate with the Requisitioning Body for preparation of copy of Revenue records. The Government concerned Administration Department shall examine the requisition, the proposal

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and shall issue orders. According to the existing procedure, the land alienation proposals are being routed through Commissioner Land Administration and the orders of the Government are obtained. Hereafter the District Collector can issue enter upon permission orders by himself or alienation of land immediately after receiving the G.O. from the Government in concerned Administrative Department of the Requisitioning Body subject to the condition that the land cost (as per GLV) fixed is completely collected from the Requisitioning Body.

ii) As like Government order third read above, the methodology now followed in the case of TANGEDCO shall be adopted and the District Collector shall be permitted to order enter upon permission, land alienation, without any ceiling of land value for both unobjectionable and objectionable poramboke, immediately after the GO is received. But, in case of objectionable poramboke, the consent/ NOC/undertaking should be obtained from the land-owning Department. In case, the present land-owning Department is objecting for the alienation of land in favour of requisitioning body, then the case may be transmitted to the Commissioner Land Administration for taking a decision. The Commissioner Land Administration shall convene a meeting along with the head of requisitioning body and the head of Departments objecting to grant NOC. After hearing, the Commissioner Land Administration shall decide the issue and pass the order. Based on the orders of Commissioner Land Administration, the Collector should immediately act and Issue orders. In the Government order Second read above it is ordered to adopt the Guideline Value for fixation of land value in cases where land is alienated to fully owned State Government agencies/Societies/Corporation/ Boards such as Tamil Nadu Water Supply and Drainage Board (TWAD Board), Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB), TANGEDCO as well as Local Bodies for solid Waste Management or Sewerage Treatment Plants or Drinking Water Projects. The Guide Line Value will also be adopted in the case of fully owned State Government agencies/ Societies/Boards/Corporation such as TANGEDCO where land cost is collected, provided that the land is not further used in a commercial transaction and or transferred to another Private parties.

Same procedure should be followed for the agencies/companies/Boards where State Government have at least 50% equity such as Chennai Metro Rail".

iii) The Principal Secretary/ Commissioner of Land Administration has suggested that the Guide Line Value alone as on the date of Government Order issued for alienation shall be adopted without following the existing exercise of gathering the sale statistics for fixing market value. This methodology shall definitely alleviate the difficulty and consume the time factor and also suggested that in all above cases, single market value shall be collected.

iv) In respect of transfer alienation of Central Government / Central Government Undertakings, the Requisitioning Body shall obtain necessary Government Order directly from the concerned Administrative Department of Government of Tamil Nadu and then on receipt of the GO, the proposals shall be onward recommended to the Government for necessary orders by the District Collector through the Commissionerate of Land Administration. The District

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Collector should also coordinate the Requisitioning Body in preparation of copy of Revenue Records. The proposals have to be sent to the Government in Revenue Department only. The Government in Revenue Department shall issue orders on enter upon permission and transfer/ alienation of lands

5. The case was examined by the Government in detail in light of the rules prevailing in force. After careful examination the Government have decided to accept the proposal of the Principal Secretary/Commissioner of Land Administration and duly considering the G.O's earlier issued and in order to avoid delay In allotment of land in transfer/alienation proposals to State Government departments /agencies, hereby order as follows: -

i. Powers for grant of enter upon permission is delegated to the District Collectors for all **unobjectionable** poramboke to the State Government departments without considering the monetary limits:

ii. Powers for grant of enter upon permission is delegated to the District Collectors for all **objectionable** poramboke to the State Government departments without considering the monetary limits, subject to condition that necessary NOC has to be obtained from the concerned department and transfer orders to be issued by the competent authority;

iii. Powers for grant of enter upon permission to the District Collectors, in respect of **TANGEDCO** has already been given to them vide GO (Ms) No.344, Revenue Department dated 19.9.2018 and it may continue;

iv. Powers for grant of enter upon permission is delegated to the District Collectors to State Government undertakings for all **unobjectionable poramboke lands** without considering the monetary limits, after getting undertaking from the concerned State Public Sector Undertakings with reference to payment of land cost as per RSO;

v. Powers for grant of enter upon permission is delegated to the District Collectors for **objectionable poramboke** lands to State Government Undertakings without considering the monetary limits subject to the condition that necessary NOC has to be obtained from the concerned department and alienation orders to be issued by the competent Authority, after getting undertaking from the concerned State Public Sector Undertakings with reference to payment of land cost as per RSO and,

vi. In respect of transfer / alienation of land to Central Government Departments/ Undertakings, the existing procedure may continue.

6. The Principal Secretary / Commissioner of Land Administration and the District Collectors are requested to take necessary action and to follow the Instructions while Issuing

Enter Upon Permission in Government poramboke lands for the State Government departments/ Agencies in future.

(BY ORDER OF THE GOVERNOR)

ATULYA MISRA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

To

The Principal Secretary/Commissioner of Land Administration,
Chepauk, Chennai-5.
All District Collectors.

Copy to:

All Departments of Secretariat, Chennai- 9.
The Finance (Revenue & Disaster Management) Department,
Secretariat, Chennai-9.
The Hon'ble Chief Minister's Office, Secretariat, Chennai-9.
The Special Personal Assistant to Hon'ble Deputy Chief Minister,
Secretariat, Chennai-9.
The Special Personal Assistant to Hon'ble Minister
(Revenue & Disaster Management and I.T.), Secretariat, Chennal-9.
The Private Secretary to Principal Secretary to Government,
(Revenue and Disaster Management, Department), Secretariat, Chennai-9.
Revenue & Disaster Management Department (OP-II)
Department, Secretariat, Chennai-9.
Revenue & Disaster Management [LD-1, LD-2, LD-3, LD-4, LD-5, LD-6, LD-7]
Department, Chennai -9.
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ANNEXURE – 4

ABSTRACT

Land – fixation of guideline value of Government lands –Uniform procedure – Orders – Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT
LAND DISPOSAL WING, (LD, 4(1)) SECTION

GO. (Ms) No.117 **Dated 18.03.2022**
பிலவ வருடம், பங்குனி, 4
திருவள்ளுவராண்டு 2053

Read:

1) G.O.(Ms) No 633, Revenue Department, Dated 31/10 2007.
2) From the Commissioner of Land Administration D.O. Letter No. V1/1413381/ 2021, dated 19.11.2021

*****

ORDER:

In the Government Order first read above, orders were sued by the Government for adopting Guideline Register Value in cases where land transfer is made to State Government Departments under RSO 23(A) instead of arriving at the land cost based on the recent sales statistics

2. The Commissioner of Land Administration has reported as follows: -

The Guideline Value and Market Value of Government lands are required for various purposes such as transfer, alienation. lease assignment etc. The market value of private lands is also sought by requisitioning agencies such as various State/Central Public Sector Undertakings. Central Government Departments etc which intend to purchase such private lands directly. At present there are no specific guidelines/instructions regarding determining the Guideline Market Value of Government lands. The existing common practice is to select a similar type of private and within 1.6 km radius of the Government land as data land and adopt its guideline value as the Guideline Value of the Government land also. Further sales statistics of similar lands within the 1.6 km radius are collected for the preceding 3 years and a suitable data land selected whose sale value is fixed as the market value of the said Government land. This practice appears to have derived from Para 23 (IV) and Para 24(3) of Revenue Standing Order, which refer to similar lands being of the same quality of soil/ground rent and also from procedure under the erstwhile Land Acquisition Act, 1894.

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Among other issues, the Commissioner of Land Administration has suggested the following procedure for fixing the Guideline Value: -

With the increased land usage away from agriculture as well as the increased value of land as compared to the assessment (ground rent or land revenue), it may be seen that guideline value of the Government land need not be linked to the type of oil but rather to the potential land use of the Government land.

It will be appropriate to fix the guideline value of a piece of Government land by (i) taking the guideline values of all private lands surrounding (immediately adjacent) to the Government land and (ii) fixing the guideline value as the highest of those private lands guideline values This will ensure uniformity in practice, remove subjectivity and discretion in selecting a data land.

If the District Collector is of the opinion that the surrounding guideline values are too low for any reason, she/he should take action to revise such guideline values as per the procedure prescribed by the Registration Department.

3. In this connection the Government in the Commercial Taxes and Registration Department in consultation with IG. Registration has stated as follows: -

a) The procedure regarding fixing of guideline value for survey number for which value is mentioned as “O” in Guideline register maintained by Registration Department

Procedure for fixing guideline values for survey number for which value is mentioned as “O have been given in 23.11.2011 Central Valuation Committee meeting minutes communicated vide IGR Letter No.29310-LI-2009, dated 01.12.2011 If a sub division is not having rate, then the concerned Registering officer can fix the rate by taking highest value among other sub divisions of the same survey number if full survey number or street is not having rate then the concerned District Registrar has to visit the site and fit the survey number or street in a suitable category and has to get approval of the Deputy Inspector General of Registration.

b) For a layout, the District Registrar is fixing the rate by considering highest house site guideline value in the surroundings higher value registrations and enquiry value. But the rate so fixed should not go below the highest of surrounding values An appeal against the order of the District Registrar lies with Deputy Inspector General of Registration

c) The proposed fixation by Revenue Department is carefully analysed if the field is similar to agricultural land, then only highest of the agricultural rate in the surroundings has to be taken if the land is similar to house site, then highest of house site value may be taken. If house site value is not available in the first layer second layer may be considered.

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d) But fixing rate in the above method may also bring anomaly in rate to the land, where the land is in the second layer from a road, then in surroundings the field abutting road will come. The rate so fixed for this field will be more and taking and fixing the rate to the field which is not abutting road may not be correct. So, where the field is not situated like in the above scenario, the highest rate may be fixed.

4. The proposal of Commissioner of Land Administration envisages the highest value among the adjoining lands as guideline value The Commercial Tax (Registration) department has pointed out the differences based on type of lands like house site agricultural purposes and the anomaly in case of fields abutting the roads. These cases will result in selectivity in determining the Guideline Value besides the possibility of value lower than the highest of adjoining lands becoming the guideline value in some cases These issues were considered and it was decided that to safeguard the interest of Government, the proposal to select the highest value among the adjoining lands will be suitable.

5. in the above circumstances, the Government hereby order that the Guideline Value of any Government land will be determined by the following method: -

i) Identifying all parcels of lands surrounding (immediately adjacent) to the Government land;

ii) Taking the guideline value of all private lands which surround the Government Land;

iii) Fixing the highest value among these selected guideline values as the guideline value for the Government Land.

6. The Commissioner of Land Administration / District Collectors are requested to adopt the process of fixing guideline value as indicated in paragraph 5 above in all cases requiring fixation of guideline value of Poramboke Lands.

(BY ORDER OF THE GOVERNOR)

Kumar Jayant,
Principal Secretary to Government.

To
The Commissioner of Land Administration, Chepauk, Chennai-5.

Copy to:
All District Collectors.
The Special Personal Assistant to Hon'ble Minister for Revenue and Disaster Management,
Secretariat, Chennai-9.
The Revenue and Disaster Management (OP 2) Department,
Secretariat Chennai – 9.
The Senior Principal Private Secretary to the Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-9
Sf/Sc

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ANNEXURE – 5

LAND ADMINISTRATION DEPARTMENT

From	To
Thiru. S. Nagarajan, IAS., Commissioner of Land Administration, Ezhilagam, Chepauk, Chennai 600 005.	All District Collectors

Letter No. V1/1413381/2021, dated: 13.05.2022

Sir/Madam,

Sub: Land Transfer / Alienation – Scarcity of Government lands in Urban and peripheral areas Grant of enter-upon permission to State Government Departments/Public Sector Undertakings - Certain instructions issued Reg

Ref: 1. G.O.Ms.No.241, Revenue and Disaster Management (LD 5) Department, dated 16.05.2020.

*****

Attention is invited to the reference cited.

In G.O.Ms.No.241, Revenue and Disaster Management (LD 5) Department, dated 16.05 2020, the District Collectors are empowered to grant enter-upon permission for all unobjectionable and objectionable porambokes to State Government Departments and Public Sector Undertakings without considering monetary limits, subject to certain conditions.

Based on the above Government Orders, prior entry permission orders are being issued by the District Collectors from time to time in favour of the State Government Departments / Public Sector Undertakings etc. Now, the matter has been considered afresh and it is found that, the availability of Government lands is scarce in Chennai District and all other Districts having Corporation areas in the State and it is difficult to identify suitable lands for public purposes and important schemes/projects needed for the Government Departments.

Considering the need of the prudent utilization of Government land sources in the Urban and the peripheral areas, the District Collectors are hereby directed not to issue any orders for grant of enter-upon permission of Government poramboke lands without prior approval of Commissioner of Land Administration to any Requisitioning Department Government undertakings under any circumstances in the following territorial limits.

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Locality	Areas where enter-upon permission is temporarily prohibited
Entire Chennai District/ Greater Chennai Corporation	All Revenue villages falling under the Chennai Revenue District
Tiruvallur, Kancheepuram and Chengalpattu Districts	Revenue villages falling under the 32 Km radius in the belt areas of Chennai city
Municipal Corporations	Revenue villages falling under the Municipal Corporation limit and 16 Km radius from the Municipal Corporations
All District Headquarters other than Municipal Corporations	Revenue villages falling under the 8 Km radius from the District Headquarters.

The above instructions should be adhered scrupulously.

S. Nagarajan
Commissioner of Land Administration

Copy to:

1. The Principal Secretary to Government,
   Revenue and Disaster Management Department,
   Secretariat, Chennai-05.
2. Spare -1

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ANNEXURE - 6

சுருக்கம்

கால்நடை பராமரிப்பு - மேய்ச்சல் புறம்போக்கு நிலங்களை வேறெந்த உபயோகத்திற்காக மாற்றம் செய்யக் கூடாது என்பதற்கான ஆணை வெளியிடப்படுகிறது.

கால்நடை பராமரிப்பு மற்றும் மீன்வளத் (காப 2) துறை

அரசு ஆணை (நிலை) எண்.186 **நாள்.11.12.2001**

படிக்கப்பட்டது

1. கால்நடை பராமரிப்புத்துறை இயக்குநரின், 27.9.2001 நாளிட்ட கடிதம் எண்.7699/டிடி1/2001.

*****

ஆணை:

1. கால்நடைகளைச் சரிவர வளர்ப்பதற்கு, கால்நடைத் தீவனம் போதிய அளவில் கிடைக்க வேண்டியது மிகவும் இன்றியமையாதது. தொன்றுதொட்டு இருந்து மேய்ச்சல் நிலங்கள் கட்டுமானப் பணிகளுக்காகவும், ஏனைய பணிகளுக்காகவும் வரையறையின்றி பயன்படுத்தப்படுகின்றன. இவ்வாறு மேய்ச்சல் நிலப்பகுதி தவறாகப் பயன்படுத்தப்பட்டு குறைந்து வருகின்ற நிலையை மாற்றிட, புறம்போக்கு மேய்ச்சல் நிலத்தை வேறெந்த வகை நிலமாகவும் மாற்றக்கூடாது, அவ்வாறு மாற்றவேண்டுமென்ற கட்டாயம் ஏற்படும்போது, மாற்றப்படும் நிலத்திற்குச் சமமான பரப்புள்ள வேறு மேய்ச்சல் நிலமாகப் பயன்படுத்த அளிக்கப்பட வேண்டும் என்ற நிபந்தனை விதிக்கப்படும் என்று 2001-2002-ம் ஆண்டின் நிதிநிலை அறிக்கையில் அறிவிக்கப்பட்டுள்ளது.

2. கால்நடை பராமரிப்புத் துறை இயக்குநரின் முதலில் படிக்கப்பட்ட கருத்துரு, அரசு தீவிர பரிசீலனை செய்து கீழ்வருமாறு ஆணையிடுகிறது:

அ) ஏற்கெனவே உள்ள மேய்ச்சல் நிலங்களை வேறு பணிகளுக்காக மற்ற துறைகளுக்கு மாற்றம் செய்யக்கூடாது.

ஆ) அப்படி வேறு துறைகளுக்கு மேய்ச்சல் நிலங்களை மாற்றப்பட வேண்டிய அவசியம் ஏற்படின் சம்பந்தப்பட்ட மாவட்ட ஆட்சித்தலைவர்கள் கருத்துரு அனுப்புவதற்கு முன்பு மாவட்ட ஆட்சித் தலைவர்களால் அதே மாவட்டத்தில் சமமான பரப்புள்ள மாற்று நிலத்தை மேய்ச்சல் நிலமாகப் பயன்படுத்திக் கொள்ள தெரிவு செய்யப்பட வேண்டும்.

இ) மாற்று நிலத்திலுள்ள புதர்களை நீக்கி சமன் மற்றும் உழவு செய்து தொழு உரம் அடித்து புல் விதைகளைத் தெளித்து மேய்ச்சல் நிலமாக்க உருவாக்க செலவினம் ஒரு ஏக்கருக்கு ரூ.6,000/- (ரூபாய் ஆறாயிரம் மட்டும்) அல்லது ஒரு ஹெக்டேருக்கு ரூ.15,000/- (ரூபாய் பதினைந்தாயிரம் மட்டும்)-ஐ மேய்ச்சல் நிலம் தேவைப்படும் துறைகள் அல்லது பொது நிறுவனங்கள் ஏற்றுக்கொள்ள வேண்டும்.

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ஈ) அச்செலவினத் தொகையை உள்ளாட்சி அமைப்புகளின் கணக்கில் வைத்து மேய்ச்சல் நில மேம்பாட்டு பணிக்காக செலவிடப்பட வேண்டும். இதற்காக தேவைப்படும் அனைத்து ஆலோசனைகளும் சம்பந்தப்பட்ட அரசுத் துறைகள் அளிக்க வேண்டும்.

உ) அவ்வாறு மேய்ச்சல் நிலமாக மாற்றப்படும் நிலத்தில் அப்பகுதியைச் சார்ந்த கால்நடைகள் இலவசமாக மேய்வதற்கு சம்பந்தப்பட்ட உள்ளாட்சி அமைப்புகள் அனுமதி அளிக்க வேண்டும்.

3. மேலே பத்தி 2 (இ)ன் மூலம் பெறப்படும் நிதியை பயன்படுத்தி உள்ளாட்சி அமைப்புகள் மேய்ச்சல் நிலமாக மேம்படுத்துவதற்கான வழிமுறைகளை வகுத்து தேவையான நடவடிக்கை மேற்கொள்ள அரசு அறிவுறுத்துகிறது.

(ஆளுநரின் ஆணைப்படி)

து. இராசேந்திரன்,
அரசுச் செயலாளர்.

பெறுநர்

கால்நடை பராமரிப்புத்துறை இயக்குநர், சென்னை - 6.
கால்நடை மருத்துவப் பணி இயக்குநர், சென்னை - 6.
அனைத்து அரசு துறை செயலாளர்கள், சென்னை - 9.
அனைத்து மாவட்ட ஆட்சி தலைவர்கள்.

நகல்

மாண்புமிகு முதலமைச்சரின் செயலாளர், சென்னை - 9.
மாண்புமிகு மீன்வளத்துறை அமைச்சரின் சிறப்பு நேர்முக உதவியாளர், சென்னை-9.
இயக்குநர், செய்தி மற்றும் மக்கள் தொடர்புதுறை, சென்னை - 9.

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ASSIGNMENT

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ASSIGNMENT

1. PREAMBLE:

All the Government lands are administered by the Revenue Department. In order to improve the economic conditions of the landless poor, lands fit for cultivation was assigned. And to provide housing facility to the houseless, Government lands are being assigned as house sites. The land(s) may be assigned for private purpose, such as cultivation, for house site and for industrial purpose free of land value or on payment of land value, subject to the conditions imposed in the assignment order. The land would be available with the assignee, so long as the conditions of assignment are satisfied.

Categories of Assignment:

LAND ASSIGNMENT (RSO 15)

HOUSESITE ASSIGNEMENT (RSO 21)

2. Land Assignment (RSO 15)

This standing order applies to land at disposal of Government other than

i) Building sites (house sites -RSO 21)

ii) Valuable relinquished land on which there are arrears of revenue

iii) Lands sold for arrears of revenue and bought in by Government

iv) Land acquired by Government for public purpose but no longer required

- Lands may be disposed under this RSO only for private purposes whether the grant is free or is made on payment of full or concessional land value. Assignments for industrial, commercial or co-operative purposes will be done only on collection of full market value from the assignee.
- Lands for cultivation may be assigned free of cost or on collection of land value. Only landless and poor persons who are likely to engage themselves in **direct cultivation** shall be eligible for assignment of land free of land value subject to the conditions of assignment, imposed in 'D' form patta. Co-operative societies consisting of entirely landless and poor persons who are likely to engage themselves in **direct cultivation**, shall also be eligible for assignment of land free of land value.
- Assignment should be issued only in the name of woman member of the family and joint assignment in the names of more than one person should not be made in any circumstances.

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- The request for assignment should be considered after careful inspection and ensuring that the lands near the town sites or residential colonies and that are not likely to be converted into house sites in the near future, and then only orders of assignment should be issued.

Landless: Person who owns a total extent of less than 3 acres of Dry or 1.5 acre of wet. In Kanniyakumari district, 1.0 acre of Dry or 0.50 acres of Wet.

Poor is one whose family income does not exceed Rs. 16,000 /- in rural areas and Rs.24,000/- in urban areas.

Extent of land that can be assigned:

Maximum extent of non-valuable land that may be assigned to a landless and poor person shall be that which together with all the land, if any, owned by him makes up a total extent equivalent to 1.21.5 hectares of dry land, assuming 40.5 acres of wet land to be equivalent to 80.10 acres of dry land.

Conditions for assignment:

- The land should be brought under cultivation within a period of 3 years (RSO15.12(3))
- The land should not be sold within a period of ten years. Even after this period, it could be sold only with the permission of the Divisional Officer.

  Note: The Revenue Divisional Officer, may permit the sale only if the purchaser is eligible for assignment free of land value as per the norms prescribed (G.O.Ms.No.2485 Revenue DT.9.11.1978) RSO 15.12(3)(I)

- The assignee should plant ten trees per acre, rear and maintain them.
- There is no objection to raise a loan from the Cooperative and National Banking institutions for agricultural purposes.
- Land should not be leased out, direct cultivation should be carried out by the assignee or the legal heirs.
- In case of assignment made to SC/ST under RSO 15(40) & (41), special D Form Patta is issued. Lands sold to persons other than the SC/ST even after 10 years will be resumed.

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Assigning Authority (Monetary limit)

(G.O.Ms.No.248, Revenue Department, dated 28.7.2009) **(Annexure-1).**

Tahsildars	All non-valuable lands where Value do not exceed Rs.30,000/-
Revenue Divisional Officers	Lands the value of which do not exceed Rs.50,000/-
District Revenue Officers	Lands the value of which do not exceed Rs.1,00,000/-
Collectors	Lands the value of which do not exceed Rs.4,00,000/-
Commissioner of Land Administration	Lands the value of which do not exceed Rs.5,00,000/-
Government	Land value above Rs 5,00,000/-

Proposals for assignment on collection of land value should be sent to the Government.

Procedure: The application for assignment should be in the form prescribed. On receipt, the Tahsildar shall enter in the register serially and forward to the Revenue Inspector concerned for enquiry and report. The Revenue Inspector shall cause a notice published in the village in Form A1 by the Village Administrative Officer giving a reasonable time to file objections, if any. In the meantime, the value of the land has to be arrived with reference to sales statistics. For this purpose, the sales statistics of lands in the vicinity are to be collected for the year and the value fixed on the basis of the sale of similar lands after personal inspection. Further sub division records are to be prepared, if a part of a field is to be assigned. They should be pre scrutinised. After due inspection and enquiry proposals with 'A' Memo duly filed in should be sent to the Tahsildar. The Tahsildar shall also inspect the land and enquire into eligibility value etc. He shall pass orders, if he is competent as per rules. If there are two or more persons requesting assignment of the same land the instruction in RSO 15, 15-10 and 15-11 should be followed besides considering the priority ordered in the Government from time to time.

The Divisional Officer shall also inspect the land and he may either pass orders, if the value is within the monetary powers fixed for him. Or send the paper to the District Revenue Officer / Collector with his recommendation (RSO 15.4 to 15.9). The District Revenue Officer / Collector shall pass orders, if he is competent as per rules. Otherwise, he shall send the proposals to the Commissioner of Land Administration/Government (RSO 15.4 TO 15.9)

Lands that cannot be assigned:

- All objectionable lands including water courses
- Land in the vicinity of reserved forest
- Land containing topes or valuable trees
- Lands in the vicinity of aerodrome
- Lands reserved under section 26 of Forest Act
- Land within port limits
- Land near sea coast

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- Land in the vicinity of Railway Stations (within 805 metres)
- Land containing minerals, quarries, etc
- Padugais, tank bed lands
- Grazing ground porambokes
- Hill area

Authority competent to cancel assignment: [RSO 15(18)]

- Prior to 14.5.1973 - the Commissioner of Land Administration / Government alone is competent to take action on any violation of conditions noticed without any time limit.
- After 14.5.1973 - the Revenue Divisional Officer will be competent to cancel the assignment of Tahsildar within 3 years of original grant. The Collector/DRO are competent to cancel or modify the order of assignment made by the Tahsildar and RDO without any time limit. (as per G.O.Ms. No. 2555, Revenue Department, dated 14.5.1973)

Appeal and Revision: [RSO 15(15), RSO 15(18)]

Original Authority	Appeal (Time limit: 30 days)	Revision (Time limit: 60 days)
Tahsildar	RDO	DRO
RDO	DRO	CLA
DRO	CLA	Govt

iii) Housesite Assignment:

The policy of the Government is to provide one of the basic needs, that is shelter for upliftment of the economically weaker section to ensure the decent standard of living in the society. In order to achieve this goal, the Revenue Department assigns house sites in poramboke lands while Adidravidar and Tribal Welfare and Backward Classes and Most Backward classes Department acquire patta lands to provide house sites to the poor as ordered by the Government from time to time.

As such all eligible houseless poor persons are being granted free house-site. House site pattas are being granted in the following categories: -

1. Regular Scheme
2. Regularisation Scheme (one-time scheme)
3. Special Scheme of Regularization (ongoing scheme)

Only Gramanatham lands are eligible for assignment. House site may be assigned for houseless, free of land value to family with annual income less than Rs 30,000/- in rural and Rs 50,000 /- in urban areas and on payment of land value if the annual income of the family exceeds above limit. Conditions in assignment order will apply to the assignees.

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Extent of house site that can be assigned:

Rural	–	3 cents
Municipal Town	–	1.5 cents
Corporation	–	1 cent

Assigning Authority:

- The Tahsildar is competent to assign a site in Natham, depending upon the value of the site to be assigned.
- Based on the monetary limits, the powers have been delegated to Tahsildar, Revenue Divisional Officer, District Revenue Officer, Collector, Commissioner of Land Administration and Government.
- However, in the case of lands acquired by the Adi dravidar and Tribal Welfare and Backward Classes and Most Backward Classes Welfare Departments, the concerned Special Tahsildar will be the authority to assign the land.
- The Revenue Divisional Officers / District Collectors are empowered under RSO 21(6) to change the classification of various types of unobjectionable Government poramboke lands, to Natham so as to provide house sites if the present Natham land is not sufficient to cope with the development and not available to all.
- As a measure of women empowerment, all assignments are made only in the name of the wife of the head of family or women members of the families.

Conditions for assignment:

- House shall be built and completed within a period of one year from the date of assignment.
- The assignee shall plant two trees in the house site, rear and maintain them.
- Only one house should be built upon the site.
- Cannot alienate the land without the written permission of RDO even after 10 years.

House site restricted area:

- District Head Quarters and Towns with population > 2 lakhs - Upto 8 kms
- Towns with a population exceeding one lakh and Upto two lakhs - Upto 5 kms
- Towns with population exceeding 50,000 nor exceeding one lakh - Upto 3 kms
- Other towns with a population of less than 5000 - Upto 1.5 kms
- The area of restriction will be from the Municipal limits, Chennai City and its Belt area upto 32Kms., in all directions so that assignment would be banned on all directions of the Town evenly.

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- Lands within port limits, 200 m of the high-water mark of sea, within 500 m of railway station

Order of preference:

Government have issued revised priority list to get assignment in G.O.(MS) No.541, Revenue and Disaster Management Department, dated 11.11.2022 **(Annexure-2)** as follows: -

1. Families of deceased and disabled persons in Armed Forces and Para Military Forces.
2. Released Bonded Labours
3. Landless poor Scheduled Caste and Scheduled Tribes community members.
4. Disabled persons.
5. Destitute Women and Widows
6. Ex-Servicemen. (Ex-Armed Forces and Ex-Para Military Forces)
7. Other eligible persons. (Basic Eligibility Criterion)

Regularisation of Residential Encroahment Scheme for Housesite (One Time Scheme):

Considering the necessity to provide housing facility to eligible person, which is one of the basic needs and also in view of the large number of house site encroachments to be regularized, Government have implemented one-time special scheme during 2001 onwards. In this scheme, the residential encroachment made in Government poramboke lands (lands which are not required by Government) by way of construction of houses and in occupation for more than 10 years in G.O.(MS)No.168, Revenue (LD.1(2) Department, dated 27.3.2000 and G.O.(MS) No.854, Revenue (LD1(2) Department, dated 30.12.2006 on production of proper evidence. The beneficiary's income ceiling limit, Monetary powers of officials and deletion from prohibitory order book wherever necessary, relaxing ban order for assignment in and around urban areas were revised for the special scheme. Subsequently, the eligibility criteria from 10 year were reduced to 5 years in G.O.(MS)No.34, Revenue (LDI (2) Department, dated 23.1.2008.

The period for the regularization was periodically extended and last up to 30.9.2013 in G.O.(MS)No. 142, Revenue (LD1(2) Department, dated 23.5.2013.

4. SPECIAL SCHEME OF HOUSE SITE

a) Regularisation and Resettlement Scheme:

Government have implemented a Special Scheme for house site as per G.O.(MS) No.465, Revenue and Disaster Management Department, dated 27.11.2018 and G.O.(MS) No.496, Revenue and Disaster Management Department, dated 24.12.2018 for regularizing the

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residential encroachments in unobjectionable poramboke lands by granting House-site Pattas and also to evict and relocate the residential encroachments in objectionable Government land by identifying alternate Government land or to acquire private lands by way of private negotiation to re-locate the encroachers and to issue free house-site pattas, so as to make them eligible housing facility through Rural Development Department and Tamil Nadu Slum Clearance Board.

In this scheme, revised and comprehensive instructions were issued in G.O.Ms. No.318, Revenue and Disaster management Department, dated 30.8.2019 **(Annexure-3).** The following special provisions were ordered in this scheme:

- The family income ceiling eligible to get free assignment patta was raised to Rs.3.00 lakhs for this scheme.
- Regularization of encroachment over 5 years in unobjectionable poramboke lands as per RSO 21
- Regularization of encroachment in unobjectionable poramboke lands such as Thoppu, Kalam vested with local body based on the resolution of local body.
- Regularization of encroachment in temple lands by way of acquisition of land and as per guidelines issued in GO Ms No 200 Tourism, Culture and Religious Endownments, dated 02.11.2018. District Collector to send proposal through HR&CE to Government.
- Regularization of encroachment in objectionable lands belonging to Animal husbandry dept shall be done by the Government after NOC from Animal Husbandry Department
- Relocate the residential encroachments in objectionable poramboke lands (Water Course) by identifying alternate suitable unobjectionable Government land or to acquire private lands by way of private negotiation to re-locate the encroachers and to issue free House-Site Pattas, so as to make them eligible Housing facility through Rural Development Department.
- In case of urban areas, steps to be taken to construct tenements through TNUHDB
- Monetary limits for land value

Tahsildar	upto 1 lakh
Revenue Divisional Officer	1 lakh to 2.5 lakhs
Collector	2.5 to 5 lakhs
Commissioner of Land Administration	above 5 lakhs

- Powers delegated to competent officials to exempt the lands in the prohibitive order book wherever necessary.

The special scheme was ordered to be implemented for a period of one year i.e., upto 31.8.2020. Since the special scheme could not be implemented completely due to various

administrative grounds, or to identify the alternate poramboke lands or to purchase a private patta land to resettle the encroachers in the objectionable poramboke lands and to alleviate the grievances of the poor persons, the special scheme was extended upto 31.8.2021 and 31.8.2022. Now the Government in their G.O.(Ms.) No.462, Revenue and Disaster Management Department, date 11.9.2022 **(Annexure-4)** have once again issued orders for further extension of Special scheme for a period of one year from 31.8.2022 to 30.8.2023 and is being implemented successfully in the State. This special regularization scheme now implemented is unique in nature to that of its predecessor scheme, where in the special schemes, the encroacher who is found eligible in G.L.R should get his/her patta generated in Tamil Nilam portal and issued to the beneficiary to enable them to accommodate early.

The above rules and guidelines are applicable to Rural, Town Panchayat and Municipal areas.

Further, Government have issued orders to allow the beneficiary to mortgage the free house site to the Primary Lending Institutions to access the housing loan to construct individual house under housing schemes by exempting one of the conditions for free house site patta in G.O.(MS)No.413, Revenue and Disaster Management Department, dated 22.06.2021.

b) Reservation of Land for Assignment to Scheduled Caste and Scheduled Tribe Category:

Provisions were made for setting apart lands exclusively for assignment to people belonging to Schedule and Schedule Tribes as per Revenue Standing Orer-15(40) and (41). Accordingly, lands were set apart for people belonging to the Scheduled Castes/Tribes, depending upon the availability of lands in the villages. Assignment of these lands are made subject to the conditions that the lands shall not be alienated to any person in any manner, before the expiry of ten years from the date of grant, and even thereafter except to other members of the Schedule Castes/Tribes. The conditions are noted in the form of grant FORM-D.

Such grants are shown in the 'A' Register as "Reserved Lands". Entries are also be made in the conditional assignment register. The Village Administrative Officers should report to higher officials, if they find any transactions or enjoyment of these lands by any person belonging to other communities. Other Revenue officials should also check the status of such lands during their inspections. The Tahsildar or Revenue Divisional Officer is competent to resume the lands when such lands are enjoyed by people belonging to communities other than Scheduled Castes/ Tribes.

The Hon'ble High Court of Madras in W.A.No. 1446 to 1448 of 2008, order dated 5.4.2010, have clearly upheld the validity of the reservation and the power to resume such lands in cases of transfer of lands to other communities. At the same time, once the assignee has alienated the land by violating the terms of assignment conditions, he or his legal heirs cannot seek

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reassignment. But it is duty of the Government to resume such land in favour of Government, and it is open to the Government, after resumption on how to deal with land in future. This stand was upheld in the Hon'ble High Court of Madras in the judgement W.P.No.11654 of 2011 order dated 17.03.2021**.(Annexure-5)**

In respect of house site patta to eligible members of Scheduled caste and Scheduled Tribe communities, pattas are being granted under RSO 21 along with other communities in unobjectionable poramboke lands available at the disposal of Government and also by regularisation of residential encroachment with certain conditions. In addition, free house site pattas have been given to eligible members of SC/ST by the field officers of the Adi-Dravidar and Tribal Welfare Department by utilizing the lands acquired under the provisions of the 'Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978' with certain conditions. The annual income limit for the free house site scheme is raised to Rs.72,000/- in G.O.(Ms) No.5, Adi-Dravidar and Tribal Welfare Department, dated 20.01.2017.

Initially the assigned land shall not be alienated to any person for ten/twenty/thirty years under the provision of RSO 21. To ensure uniformity, condition period will be adopted as 10 years in all cases.

In addition, patta lands can also be purchased through private negotiation in Adi-Dravidar and Tribal Welfare Department and also in Backward, Most Backward and Minorities Welfare Department for giving house site to the eligible needy persons.

In the present scenario, Government have issued orders and guidelines in G.O.(Ms) No.34, Revenue and Disaster Management Department, dated 13.01.2021 **(Annexure-6)** for making/ changing entries in Taluk/Village records and also 'TamilNilam' online chittas and to issue 'e-patta'.

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ASSIGNMENT

5. FLOW CHART

(i) Flow pattern of petition / Representation for enquiry

Petitioners Representation (Received in any formats)



Tahsildar



Zonal Deputy Tahsildar



Revenue Inspector

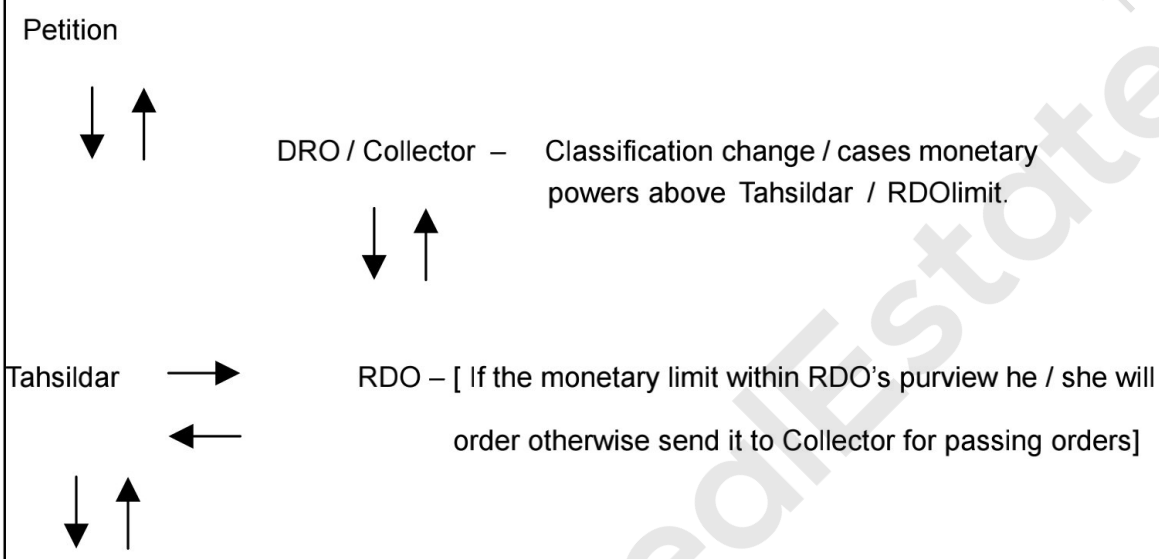


VAO

- If the land value falls within the monetary powers of Tahsildar and the land is unobjectionable in nature in any sense, Tahsildar himself / herself will pass orders.

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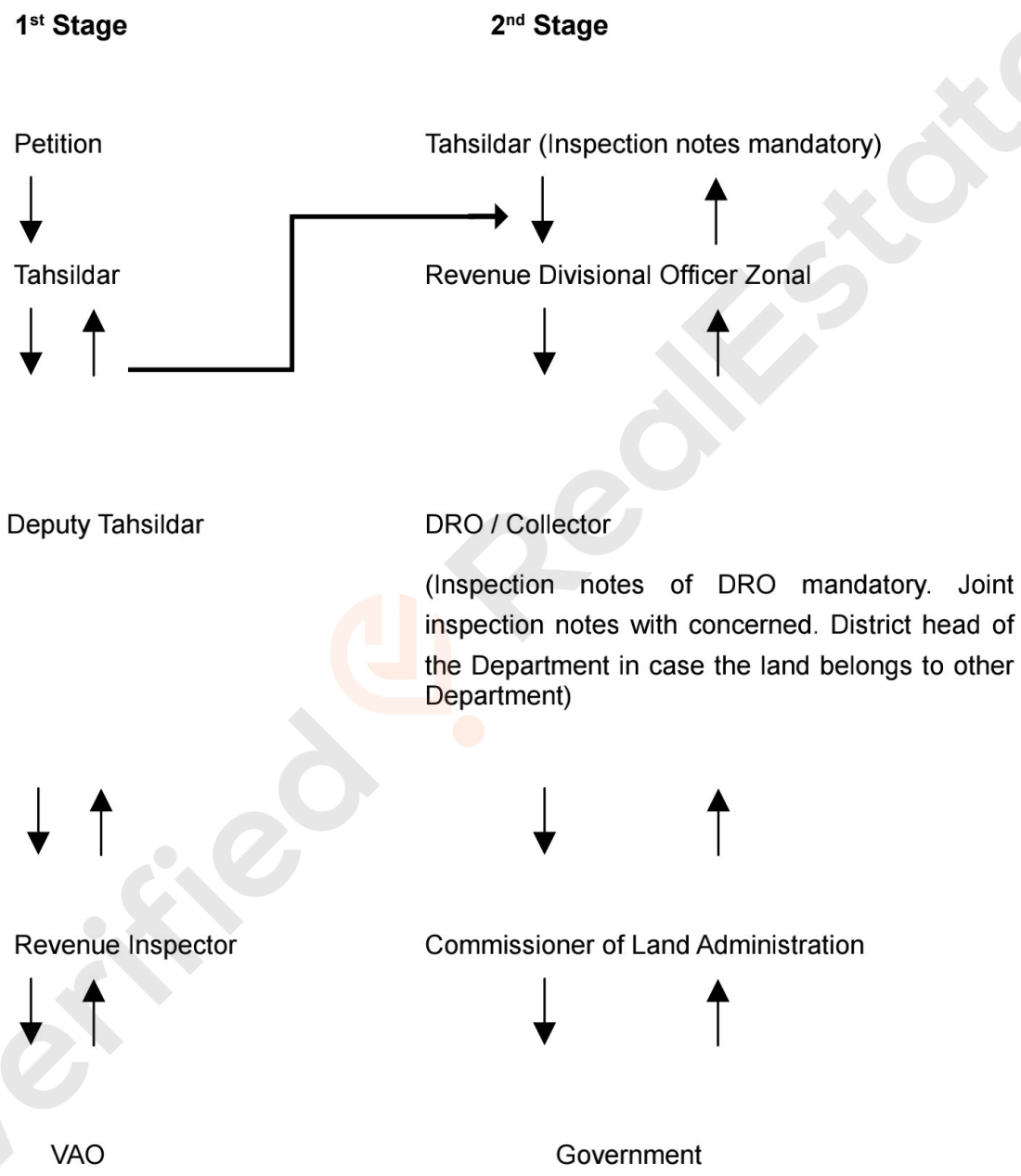
(ii) Flow pattern of petition / representation in case of the lands that need classification change and for the cases that is above monetary powers of Tahsildar.



- If the lands (unobjectionable) need classification change, before granting assignment it should be sent to Collector for passing orders.
- If the land value falls above the monetary limits of Tahsildar, then the respective officers based on monetary powers will pass orders of assignment (in unobjectionable lands)

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(iii) Flow patter of the petition seeking assignment which the land value is above Collectors monetary limit or the land being objectionable poramboke



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ASSIGNMENT

6. CHECK LIST

Name of the Village: **Taluk:** **District:**

Sl. No.	Details		
1.	Survey No. and Extent of land proposed		
2.	Total Extent		
3.	Classification of land proposed		
4.	Purpose of House site / Land Assignment		
5.	Name of the Applicant		
6.	Application and undertaking to abide by the conditions to be imposed by the Government under RSO 15 and RSO 21		
7.	Consent to remit the land cost, if to be collected or free of cost		
8.	Extract of "A" - Register	Yes	No
9.	Extract of Adangal	Yes	No
10.	Extract of FMB	Yes	No
11.	Extract of Combined Sketch color washed	Yes	No
12.	Sub - Division records, if sub division involved	Yes	No
13.	Copy of A1 Notice calling for objections on the Proposals	Yes	No
14.	Village Administrative Officer Statement	Yes	No
15.	Public Statement about the proposals	Yes	No
16.	Resolution of the Local Authorities	Yes	No
17	Withdrawal notification, if any to be published at District Level or to be recommended to Government for publication	Yes	No

18.	Consent of the Head of the Department holding the lands	Yes		No
19.	Conditions for Water Course Poramboke	Vested with PWD	Technical Opinion from C.E., PWD, (WRO)	Yes
				No
		Vested with Local Bodies	Technical Opinion from concerned Union Engineer	Yes
				No

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20.	Conditions for Mandaveli & Meikkal Poramboke	(i) Joint inspection report of the DRO & J.D.(AH) for ascertaining the suitability of alternate land for grazing purpose	Yes
			No
		(ii) Copy of remittance Chalan towards Development charges.	Yes
			No
		(iii) Consent resolution of the local body permitting the cattle for grazing on the alternate land	Yes
			No
		(iv) Copy of report addressed to D.A.H.& V.S. seeking No Objection Certificate	Yes
			No
21.	Conditions for Highways Poramboke	No Objection Certificate from C.E., Highways Department.	Yes
			No
22.	Conditions for Temple Poramboke	No Objection Certificate from Commissioner of HR & CE	Yes
			No
23.	Guideline value with extract	Yes	No
24.	Tree value and Building value, if any, recommended	Yes	No

25.	Inspection Reports of	Tahsildar	Yes	No
		Revenue Divisional Officer	Yes	No
		District Revenue Officer	Yes	No
		Collector (Mandatory - In respect of Water Course Poramboke and sensitive issues)	Yes	No

** Special Note: If the assignment land covered more than one Village,the details as noted at Sl.Nos.8,9,10,11,12,13,14,15,16 & 20 to be obtained from the respective villages separately.

Signature of the District Collector / District Revenue Officer

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ASSIGNMENT

7(a) MODEL PROPOSAL - LAND ASSIGNMENT

Revenue and Disaster Management Department

From	To
Thiru / Tmt…...	The Commissioner of Land Administration
District Collector,	Ezhilagam Chepauk
----------	Chennai 600 005 (With Enclosures)

Letter No. ----------, Dated : . .2023

Sir,

Sub: Land Assignment - _____ District -_____
Taluk - _____ Village - _____
S.No. _____ – Extent of _____ hectares of Government land – classified as_____Poramboke – proposal for Assignment of _____ in favour of _____ - proposal recommended - Reg.

Ref: 1. Representation of Thiru. _____ Dated: _____
2. From the Tahsildar, _____ Letter No. _____ Dated: _____
3. From the Revenue Divisional Officer, _____ Letter No. _____ , dated: _____
4. Inspection report of the District Revenue Officer, _____ dated _____

***

I invite kind attention to the references cited.

In the reference 1st cited, _____ has sought for assignment of Government land measuring an extent of _____ out of _____ hectare in S.No. _____ classified as _____ in _____

_____ Village, _____ Taluk, _____ District, for the purpose of _____ on free of cost / collection of land cost with usual terms and conditions as per RSO 15 or 21.

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2. Upon this, the Tahsildar _____ and Revenue Divisional Officer, _____ have conducted field inspection and after satisfying with the eligibility criteria of the petitioner have formulated necessary proposal for assignment of Government land to an extent of hectare classified as_____ in S.No._____ of_____ Village_____ Taluk _____ District in favour of _____ for the purpose of _____ on collection of land cost/ on free of cost under the provisions of RSO 15/21 with usual terms and conditions.

3. The details of the land proposed for assignment and relevant details are submitted as below: -

Sl.No.	Survey No	Classification	Total Extent (In acres)	Proposed Extent (In acres)
1.				
2.				
Total				

a) The Petitioner has given application and an under taking to abide to the conditions that would be imposed by the Government and also given consent to pay the land cost if any levied.

b) Copies of A Register, Adangal, FMB, Combined sketch of the proposed land are enclosed.

c) "A-1" Notice seeking objections if any on the said assignments was published in the Village on _____and no objection from any quarter received so far.

d) Statement of VAO, _____ Village and the local Public were obtained infavour of the proposal.

e) Filled in check list with specific recommendation of _____has been enclosed.

f) Copy of resolution passed in favour of the assignment by the Local body in Resolution No. _____ Dated: _____ is enclosed.

g) Copy of Withdrawal Notification published in the District Gazette exempting the subject land from the purview of the local body, as per the provisions made under the

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section _____ of _____ Act (If the powers vested with District Collector)

h) Draft Withdrawal Notification (Both in English and Tamil) to exempt the subject land from the purview of local body as per the provision made under section _____of _____ Act. (If the powers vested with the Government) sent here with for due publication in Government Gazette.

i) Specific remarks/N.O.C of the land holding Department (at District level) is enclosed.

j) Copy of the letter addressed to Commissioner / Animal Husbandry and Veterinary Services / Rural Development and Panchayat Raj / Chief Engineer, Water Resources Department, Town Panchayat / Commissioner of Municipal Administration is enclosed.

k) Extracts of GLV is enclosed

l) The District Revenue Officer, _____ has inspected the proposed land on _____ along with the _____ and recommended the proposal and

m) It is reported that the annual family income of the petitioner here in is Rs. _____/- per annum, He/ She is a landless poor and does not hold any house or house plots on his/her own and he/ she or his/ her family members not a Govt. servant.

4. DETAILS OF SUBDIVISION:

The Deputy Inspector of Survey has proposed the subdivision as tabled below:-

Sl. No	Before Sub-division			After Sub-division		
	S.No	Classification	Total Extent (in acre)	New Subdivision S.No.	Proposed Extent (in acre)	Classification
1.						

5. INSPECTION REPORT OF THE DISTRICT REVENUE OFFICER:

The proposed land was inspected by the District Revenue Officer, _____ along with _____ on _____ and stated that no Historical / Archeological monuments, Temple, Well, Valuable Trees, Burial Ground, Vaikkal , Kulam , Kuttai etc. are located in the subject land. Further, he has stated that there is no High / Low Tension electrical line passing through the proposed lands and the said lands not a DC condition land.

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6. LAND VALUE:

As per the Guidelines issued in G.O.Ms.No.117 Revenue and Disaster Management Department Dated:18.03.2022, the GLV for the Government land has been determined with reference to GLV of the patta land surrounding the Government land and adopted the highest value, which is arrived at Rs. _____ acre/ Hectare.

Regarding the fixation of land value of the proposed land, sale statistics have been gathered from _____ Sub –Register Offices for a period of one year from _____ and wherein _____ sales have taken place. Among these sales, the procedure prescribed under RFCTLARR has been adopted and average sale value is arrived at _____. Based on these sales, value for 1 acre / hectare of land is arrived at Rs. _____ /-.

As per the market value determined, the tentative land value of the proposed land is worked out as follows: -

Value of 1 acre / hectare of land = Rs. _____

Value of _____ hectare of land = Rs. _____

7. Based on the reports received from the Tahsildar, _____ , Revenue Divisional Officer, _____ and the District Revenue Officer, _____, and after satisfied with the eligibility criteria of the beneficiary here in and the land value arrives at Rs. _____/- which is above the monetary limit of the collector, it is thereby recommended for assignment in favour of _____ for the Government land measuring an extent of _____out of_____Hectare in S.No. _____ classified as _____ of _____, _____ Village, _____ Taluk, _____ District for the purpose of _____ on free of cost / collection of land cost, tree value and other applicable charges with usual terms and conditions as per RSO 15 / 21.

8.Copies of the relevant records corresponding to the assignment of land / house site in favour of the petitioner along with the draft withdrawal notification to be published in Govt. Gazette enclosed herewith for reference and request for early orders in this concern.

Yours faithfully

District Collector

Enclosures: - As Said above (In Duplicate)

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ASSIGNMENT

7(b) MODEL PROPOSAL - HOUSESITE ASSIGNMENT

அனுப்புநர்
மாவட்ட ஆட்சித்தலைவர்,
மாவட்ட ஆட்சித்தலைவர் அலுவலகம்,

பெறுநர்
நில நிர்வாக ஆணையர்,
எழிலகம்,
சேப்பாக்கம், சென்னை 600 005.

ந.க.எண், , நாள்: . 2023.

ஐயா,

பொருள்: வகைபாடு மாற்றம் - இலவச வீட்டுமனைப்பட்டா மாவட்டம் - வட்டம் - கிராமம் - புல எண். ஹெக். .....'' சமூகத்தினைச் சேர்ந்த நபர்களுக்கு வீட்டுமனைப்பட்டா வழங்கிட ஏதுவாக ஹெக் நிலத்தினை நத்தமாக பாகுபாடு மாற்றம் செய்து தரக் கோருதல் ஊராட்சிக்கட்டுப்பாட்டிலிருந்து விலக்களித்திடவும் அரசிதழில் அறிவிப்பு வெளியிடவும் கோருதல் தொடர்பாக,

பார்வை:

*****

_____ மாவட்டம், _____ வட்டம், _____ கிராமத்தில் புல எண்.

_____ (வகைபாடு) _____ ஹெக் நிலத்தில் _____ ஹெக் பரப்பில் _____ சமூகத்தினைச் சேர்ந்த _____ - நபர்களுக்கு வீட்டுமனைப்பட்டா வழங்கிட ஏதுவாக, மேற்படி _____ ஹெக் நிலத்தினை நத்தமாக பாகுபாடு மாற்றம் செய்து தர பார்வை காணும் கடிதங்களில் _____ வருவாய் கோட்டாட்சியர் மற்றும் _____ வட்டாட்சியர் பரிந்துரை செய்துள்ளனர். முன்மொழிவில் தெரிவிக்கப்பட்டுள்ள விவரங்கள் பின்வருமாறு. _____ மாவட்டம் _____ வட்டம், _____ கிராமத்தில் புல எண். _____ வகைபாடு _____ ஹெக் நிலத்தில் ஹெக் பரப்பில் சமூகத்தினைச் சேர்ந்த நபர்களுக்கு _____ வீட்டுமனைப்பட்டா வழங்கிட ஏதுவாக, கிராமத்தில் _____ அன்று அ1 விளம்பரம் செய்யப்பட்டதில் ஆட்சேபணை ஏதும் வரப்பெறவில்லை.

தெரிவு செய்யப்பட்டுள்ள _____ நபர்களும் பிரஸ்தாபப் புலத்தில் கட்டி குடியிருக்கின்றனர் / குடியிருக்கவில்லை. இவர்களில் சிலர் _____ அரசு புறம்போக்கில் தற்காலிக குடில் / ஓலை அமைத்து குடியிருந்து வருகின்றனர்.இதில், நபர்களுக்கு ஆதார் அட்டை, தேர்தல் அடையாள அட்டை, மற்றும் குடும்ப அட்டை உள்ளது.

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நிமைதிப்பு நிர்ணயம்

அரசு வழிகாட்டிப்பதிவேட்டின்படி, _____ வட்டம், _____கிராமம் புல எண். _____ ன் அரசு வழிகாட்டி மதிப்பு _____ எக்கர் ஒன்றுக்கு ரூ. என்பதை பிரஸ்தாபப் புலத்தின் நில மதிப்பாக்க் கொள்ளலாம். சிறப்பு செயலாக்கத்திட்டத்தின் கீழ் _____ இனத்தவர்களின் வாழ்வாதாரம் மேம்படுத்தப்பட வேண்டும் என்ற நிலையினைக் கருத்தில் கொண்டு _____ என பதிவு செய்யப்பட்டுள்ள புல எண். _____ல் _____ ஹெக்டர் நிலத்தில் _____ ஹெக்டர் நிலத்தினை _____ என உட்பிரிவு செய்து அதனைக் -நத்தமாக பாகுபாடு மாற்றம் செய்யலாம்

உத்தேச உட்பிரிவு விவரம்

உட்பிரிவுக்கு முன்			**உட்பிரிவுக்குப் பின்**		
புல எண்.	பரப்பு (ஹெக். ஏர்ஸ்)	பாகுபாடு	உத்தேச புல எண்.	பரப்பு (ஹெக். ஏர்ஸ்)	பாகுபாடு

நத்தமாக பாகுபாடுமாற்றம் செய்திடக் கோரப்படும உத்தேச உட்பிரிவு புல எண் .17/3ன் நான்கெல்லை விவரங்கள்

வடக்கு புல எண்.

தெற்கு புல எண்.

கிழக்கு புல எண்.

மேற்கு புல எண்.

மேற்கண்டவாறு _____ வருவாய் கோட்டாட்சியர் மற்றும் வட்டாட்சியர் பரிந்துரை செய்துள்ளனர். _____ ஊராட்சியால், தீர்மான எண். _____ நாள்: _____ ன்படி, பிரஸ்தாபப் புலத்தில் _____ இன மக்கள் நபர்களுக்கு _____ வீட்டுமனைப்படட் வழங்குவதற்கு இசைவு தெரிவித்து தீர்மானம் நிறைவேற்றப்பட்டுள்ளது.

நில மதிப்பு ஏக்கர் ஒன்றுக்கு ரூ. _____ /-என்பதன் அடிப்படையில், பாகுபாடு மாற்றம் செய்திடக் கோரும் _____ ஹெக் பரப்பின் நில மதிப்பு ரூ _____/- (ரூ) ஆகும்.

பிரஸ்தாபப் புலத்தினை _____ அன்று ஆய்வு செய்த மாவட்ட வருவாய் அலுவலர் பார்வை _____ -ல் காணும் தனது தல ஆய்வுக்குறிப்பில்,நத்தமாகப் பாகுபாடு

மாற்றம் செய்திடக் கோரப்படும் புல எண்.. _____ ஆனது _____ என _____கிராமக்கணக்கில் பதிவாகியுள்ளபோதும், உட்பிரிவு செய்யப்படவுள்ள மேற்படி ஹெக். ஏர்ஸ் நிலமானது, எந்த ஒரு தடையாணைக்கும் உட்பட்ட நில வகைபாடு இல்லை என்றும் இது,

பிற்காலத்தில் அரசின் பிற தேவைக்கு தேவைப்படாது என்றும், _____ சிறப்பு செயலாக்கத்திட்டத்தின் கீழ் இனத்தவர்களின் வாழ்வாதாரம் மேம்படுத்தப்பட வேண்டும் என்ற நிலையினைக் கருத்தில் கொண்டு _____ என பதிவு செய்யப்பட்டுள்ள புல எண். _____ மொத்தப்பரப்பு ஹெக். ஏர்ஸ் நிலத்தில் ஹெக்.ஏர்ஸ் பரப்பினை மட்டும் உட்பிரிவு செய்து, அதில் _____ நபர்களுக்கு வீட்டுமனைப்பட்டா வழங்கிட ஏதுவாக நத்தமாக பாகுபாடு மாற்றம் செய்யலாம் என்றும், மேற்படி நிலம் **("அரசு புறம்போக்கு _____")** என்பதால் நிலத்தினை நத்தமாக பாகுபாடு மாற்றம் செய்வதற்கு ஊராட்சி கட்டுப்பாட்டிலிருந்து விலக்களிப்பதற்கு அரசிதழில் பிரகரம் செய்யும் பொருட்டு அரசிற்கு ஒப்புதலுக்கு அனுப்பலாம் என்றும் தெரிவித்துள்ளார்.

எனவே, _____ வட்டம், _____ கிராமம், _____ புல எண். _____ எனப் பதிவு செய்யப்பட்டுள்ள நிலத்தின் மொத்தப்பரப்பு.. _____ ஹெக்ஏர்ஸில் ஹெக்.ஏர்ஸ் ஹெக்ஏர்ஸ் பரப்பினை புல எண். ஆக உட்பிரிவு செய்து, அதனை நத்தமாக பாகுபாடு மாற்றம் செய்து விளிம்பு நிலை மக்களுக்கு வீட்டுமனைப்பட்டா வழங்கிட எதுவாக, மேற்படி _____ ஹெக்.ஏர்ஸ் பரப்பினை மட்டும், ஊராட்சியின் கட்டுப்பாட்டிலிருந்து விலக்களித்திடவும், விலக்களிப்பு அறிவிப்பினை தமிழக அரசின் அரசிதழில் வெளியிடவும் பணிவுடன் கேட்டுக்கொள்கிறேன்.

இத்துடன் வரைவு விலக்களிப்பு அறிவிப்பு(தமிழ் மற்றும் ஆங்கிலம்), மாவட்ட வருவாய் அலுவலரின் புலத்தணிக்கைக் குறிப்பு, வருவாய் கோட்டாட்சியர் மற்றும் வட்டாட்சியரின் பரிந்துரைகள், உட்பிரிவு ஆவணங்கள், கிராமக்கணக்கு நகல்கள், அ1 நோட்டீஸ், ஊராட்சித்தீர்மானம் ஆகியவற்றின் நகல்களை இரண்டு பிரதிகளில் இணைத்தனுப்பியுள்ளேன் என்பதையும் பணிவுடன் தெரிவித்துக் கொள்கிறேன்.

மாவட்ட ஆட்சித்தலைவர்,

இணைப்பு:

1. நிலவகைபாடுமாற்றம் கேட்புவிண்ணப்பம்
2 வழிகாட்டிமதிப்பு
3. கூட்டுவரைபடம்
4. புலத்தணிக்கைகுறிப்பு
5. கிராமக்கணக்குகளின்நகல்
6. படிவஅறிக்கைகள்

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8. COMMON MISTAKES

8(a) நில ஒப்படை –

முன்மொழிவுகளில் காணப்படும் பொதுவான தவறுகள்

1) நில ஒப்படை வழாங்க உத்தேசித்துள்ள புலத்தின் வகைப்பாட்டை பொருத்து அந்நிலம் எத்துறையின் கீழ் வருகிறதோ அத்துறையின் தடையின்மைச் சான்று அனுப்பப்படல் வேண்டும். பெறப்படும் முன்மொழிவுகள் அவ்வாறு இருப்பதில்லை.

2) அ1 விளம்பரம் அறிவிப்பு செய்யப்பட்ட பின்னர் நில ஒப்படை வழாங்க பொது மக்களால் ஆட்சேபனை வரப்பெற்றும் மாவட்ட ஆட்சியரால் முன்மொழிவுகள் ஆட்சேபனைகளை புறந்தள்ளும் காரணங்களின்றி பரிந்துரை செய்யப்பட்டு வருகிறது. மாவட்ட ஆட்சியரின் குறிப்பான காரணங்கள் தெரிவிக்கப்படல் வேண்டும்.

3) உள்ளாட்சி அமைப்பின் கட்டுப்பாட்டில் உள்ள நிலங்களை ஒப்படையோ, நிலபரிமாற்றமோ செய்யும் நேர்வில் சம்மந்தப்பட்ட உள்ளாட்சி அமைப்பின் கட்டுப்பாட்டிலிருந்து விலக்களிப்பு செய்யப்பட்டதற்கான அரசிதழில் பிரசுரிக்கப்பட்ட விலக்கல் அறிக்கை அனுப்பப்படல் வேண்டும். அவை பெரும்பாலும் அனுப்பப்படுவதில்லை.

4) உத்தேச புலம் வண்டிப்பாதை வகைப்பாட்டைச் சார்ந்தது எனில், நில ஒப்படை வழாங்குவதால் எதிர்காலத்தில் சாலை விரிவாக்கத்திற்கு அந்நிலம் தேவைப்படுமா என்பதற்கான விவரம் மாவட்ட ஆட்சியரது அறிக்கையில் குறிப்பிடல் வேண்டும். அவ்வாறான குறிப்பு அனுப்பப்படுவதில்லை.

5) உள்ளாட்சியின் கட்டுப்பாட்டில் உள்ள நிலங்களுக்கு மேற்கண்ட விலக்களிப்பு அறிக்கையின்றி நில ஒப்படை வழாங்க உள்ளாட்சிமன்றத்தில் தீர்மானம் நிறைவேற்றப்பட்டு தீர்மான நகல் அனுப்பப்படல் வேண்டும். அவ்வாறு அனுப்பப்படுவதில்லை.

6) தமிழ்நாடு பஞ்சாயத்து சட்டம் 1995-ன் பிரிவு 134(1)-ன் கீழ் கூறப்பட்டுள்ள மேய்க்கால், மந்தை, களம், சுடுகாடு, இடுகாடு, கால்நடைகூடம், வண்டிகூடம் மற்றும் தோப்பு ஆகிய உள்ளாட்சியின் கட்டுப்பாட்டில் உள்ள நிலங்களை ஒப்படையோ, பரிமாற்றமோ செய்யும் நேர்வில், நிதி அதிகார வரம்பின்றி எல்லா இனங்களிலும் சம்மந்தப்பட்ட உள்ளாட்சியின் இசைவு தீர்மானம் பெற்று விலக்களிப்பு அறிக்கை அரசளவில் அரசிதழில் பிரசுரிக்கப்பட வேண்டும். தற்போதைய சூழலில் இந்நடைமுறை செய்யப்படுவதில்லை.

7) ஆட்சேபனைக்குரிய அரசு நிலங்களை ஒப்படையோ அல்லது வகைப்பாடு மாற்றம் செய்யும் நேர்வில் அது உரிய முன்மொழிவின் அடிப்படையில் அரசுக்கு அனுப்பப்பட்டு, அரசளவிலேயே ஆணைகள் வழாங்கப்பட வேண்டும். மாவட்ட அளவில் ஆணைகள் வழாங்கக் கூடாது.

8) அனாதீனம் என்ற வகைப்பாடு அரசு நிலமாக இருப்பின் அவ்வாறான நிலங்களை ஒப்படை வழாங்கும் நேர்வில், (நிதி உச்சவரம்பினை கருத்தில் கொள்ளாது) நில அளவை மற்றும் நிலவரித்திட்ட இயக்குநரின் இசைவினை பெற்ற பின்னரே ஒப்படை வழாங்கப்பட வேண்டும்.

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8(b) நில வகைப்பாடு மாற்றம் –
முன்மொழிவுகளில் காணப்படும் பொதுவான தவறுகள்

1) நில வகைபாடு மாற்றம் கோரும் முன்மொழிவுகளில் நிலவரி மேம்பாட்டு திட்டத்திற்கு முன்புள்ள வருவாய் ஆவணங்களுடன் ஒப்பிட்டு அதன் தன்மையின் அடிப்படையிலேயே பொதுவாக வகைப்பாடு மாற்றம் செய்யப்பட வேண்டும். ஆனால், கிராம நிர்வாக அலுவலர் மற்றும் கீழ்நிலை அலுவலரின் பரிந்துரையின் அடிப்படையிலேயே மாவட்ட ஆட்சியரால் வகைப்பாடு மாற்ற ஆணைகள் வழங்கப்படுகின்றன. இது தவிர்க்கப்பட வேண்டும்.

2) ஆட்சேபனைக்குரிய அரசு நிலங்களை ஒப்படையோ அல்லது வகைப்பாடு மாற்றம் செய்யும் நேர்வில் அது உரிய முன்மொழிவின் அடிப்படையில் அரசுக்கு அனுப்பப்பட்டு, அரசளவிலேயே ஆணைகள் வழங்கப்பட வேண்டும். மாவட்ட அளவில் ஆணைகள் வழங்கக் கூடாது.

3) அனாதீனம் என்ற வகைப்பாடு அரசு நிலமாக இருப்பின் அவ்வாறான நிலங்களை ஒப்படை வழங்கும் நேர்வில், (நிதி உச்சவரம்பினை கருத்தில் கொள்ளாது) நில அளவை மற்றும் நிலவரித்திட்ட இயக்குநரின் இசைவினை பெற்ற பின்னரே ஒப்படை வழங்கப்பட வேண்டும்.

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9. FREQUENTLY ASKED QUESTIONS.

அடிக்கடி கேட்கப்படும் கேள்விகள்:-

1. **பணியில் உள்ள மற்றும் முன்னாள் இராணுவத்தினர் ஒப்படை பெற தகுதியானவரா?**

   முன்னாள் இராணுவ வீரர், அவர்களின் வாரிசுகள், பணியில் உள்ள இராணுவ வீரர்கள் மற்றும் சுதந்திர போராட்ட தியாகிகள் ஆகியோர்களுக்கு மற்ற நிலமற்ற, வீடற்ற ஏழை விவசாயிகள் போலவே பாவித்து தகுதியின் அடிப்படையில் ஒப்படை வழங்கப்பட வேண்டும். ஒப்படையை அவர்கள் தங்களின் உரிமையாக கோர முடியாது.

2. **அரசு ஊழியர்கள் ஒப்படை பெற தகுதியுடையவரா?**

   அரசு ஊழியர்கள் ஒப்படை பெற சில நெறிமுறைகள் மற்றும் வரைமுறைகளுக்குட்பட்டு தகுதி உடையவர்கள் ஆகிறார்கள்.

3. **அரசு ஊழியர்கள் வரன்முறைப்படுத்தும் திட்டத்தில் பயன் பெறலாமா?**

   அவர்கள் வரன்முறைபடுத்தும் திட்டத்தின் கீழ் பயனாளிகளாக கருதப்படக்கூடாது'

4. **ஒரு ஒப்படையின் போது கணக்கிடப்படும் வருமானம் என்பதன் பொருள் என்ன ?**

   ஒப்படையின் போது வருமான வரம்பை கணக்கிடும் நேர்வில் அக்குடும்பத்தின் வருமானவே (அனைத்து குடும்ப உறுப்பினரின் வருமானம்) கணக்கில் கொள்ளப்பட வேண்டும். ஒரு தனிநபரின் வருமானம் மட்டும் கணக்கில் கொள்ளப்படக் கூடாது.

5. **நிலமற்ற ஏழை விவசாயிகள் என்றால் என்ன?**

   3 ஏக்கர் புன்செய் அல்லது 1.5 ஏக்கர் நன்செய்க்குள் மொத்தமாக 3 ஏக்கருக்கு மிகாமல் நிலங்கள் கொண்ட மக்கள் நிலமற்ற ஏழை விவசாயிகளாக கருதப்பட வேண்டும்.

6. **மதம் மாறிய தாழ்த்தப்பட்டவர்கள், தாழ்த்தப்பட்டவருக்கான ஒப்படை சலுகையினை பெற தகுதியுடையவரா?**

   முதல் முறை மதம் மாறிய நபர் தாழ்த்தப்பட்டவருக்கான ஒப்படை சலுகை பெற தகுதியுடையவரே அவரின் வாரிசுகள் மற்றும் அடுத்த தலைமுறையினர் தகுதியற்றவர்கள் ஆவர்.

7. **ஒப்படையின்போதோ அல்லது நிலபரிமாற்றத்தின் போதோ நில மதிப்பு எதன் அடிப்படையில் நிர்ணயிக்கப்பட வேண்டும்?**

   தற்போதைய சூழலில் இவ்விரு இனங்களிலும் அரசின் அதிகபட்ச வழிகாட்டு மதிப்பிலான மதிப்பையே நிலமதிப்பாக எடுத்துக்கொள்ளப்படுகிறது.

8. **ஒப்படை நிபந்தனை மீறலின் அடிப்படையில் ஒப்படையை ரத்து செய்யும் அதிகாரம் பெற்ற அலுவலர் யார்?**

   ஒரு ஒப்படையின் நிபந்தனை எவ்வாறாயினும் மீறப்பட்டால் அதனை ரத்து செய்யும் அதிகாரம் ஒப்படை வழங்கிய அதிகாரியின் தர வரிசையில் உள்ள உயர் அதிகாரிக்கே உள்ளது. எவ்வாறாயினும் ஒப்படையை நிபந்தனை நிபந்தனை மீறல் அடிப்படையில் ரத்து செய்யும் முழு அதிகாரம் மாவட்ட ஆட்சியருக்கு உள்ளது.

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9. ஒப்படை வழங்கப்பட்ட முறை மற்றும் தகுதியற்றவர்களுக்கு ஒப்படை வழங்கப்பட்டிருந்தால் அதனை நீக்கம் செய்யும் அதிகாரம் யாருக்கு உள்ளது?

a. 14.5.1973-க்கு முன் மேற்கண்டவாறு தவறுதலாக வழங்கப்பட்ட ஒப்படை எனில் உரிய முன்மொழிவுகள் அடிப்படையிலோ அல்லது சுய அதிகாரத்தின் அடிப்படையிலோ அதனை ரத்து செய்யும் அதிகாரம் கால வரையின்றி நில நிர்வாக ஆணையருக்கம், அரசுக்கும் மட்டுமே உள்ளது.

b. 14.5.1973-க்கு பின் மேற்கண்டவாறு தவறுதலாக வழங்கப்பட்ட ஒப்படையெனில் ஒப்படையோ அல்லது மேல்முறையீட்டின் ஆணையின் மீது மூன்று வருடங்களுக்குள் நீக்கம் செய்யும் அதிகாரம் வருவாய் கோட்டாட்சியருக்கு உண்டு. மாவட்ட வருவாய் அலுவலர் / மாவட்ட ஆட்சியருக்கு கால வரையறை இல்லை. (அரசுஆணை எண். 2555, வருவாய்த் துறை, நாள் 14.5.1973).

c. 14.5.1973-க்கு பின் மேற்கண்ட விதத்தில் ஒரு ஒப்படை அல்லது மேல்முறையீட்டு ஆணை வழங்கப்பட்டு மூன்று ஆண்டுகள் கழிந்தபின், அதன் மீது காலவரையின்றி நீக்கம் செய்யும் அதிகாரம் நில நிர்வாக ஆணையர் அல்லது அரசிற்கே உள்ளது.

10. இரண்டாம் மேல்முறையீட்டு மனு அனுமதிக்கப்படுமா?

இரண்டாம் மேல்முறையீட்டு மனுக்கு அனுமதி இல்லை.

11. ஒரு ஒப்படை ஆணை மீதோ அல்லது ரத்து ஆணையின் மீதோ மேல்முறையீடு மற்றும் சீராய்வு யாரிடம் சமர்ப்பிக்க வேண்டும். அவ்வாறு சமர்ப்பிக்க கடைபிடிக்க வேண்டிய காலவரை மற்றும் நடைமுறை விதிகள் என்ன?

ஒப்படை வழங்கிய அலுவலர்	மேல்முறையீட்டு அலுவலர்	சீராய்வு அலுவலர்
வட்டாட்சியர் எனில்	வருவாய் கோட்டாட்சியர்	மாவட்ட வருவாய் அலுவலர்
வருவாய் கோட்டாட்சியர் எனில்	மாவட்ட வருவாய் அலுவலர்	நில நிர்வாக ஆணையர்
மாவட்ட வருவாய் அலுவலர் எனில்	நில நிர்வாக ஆணையர்	அரசு வருவாய் மற்றும் பேரிடர் மேலாண்மை துறை

மேல்முறையீட்டு மன்றும் சீராய்வு மனுவினை சமர்பிக்கும் போது முறையே ரூ.2/- மற்றும் ரூ.5/-க்கான நீதிமன்ற கட்டண வில்லையினை எதிர்க்கப்படும் அசல் ஆணையில் ஒட்டி தங்களது தரப்பு வாதத்தினை சமர்ப்பித்தல் வேண்டும்.

மேல்முறையீடு மனு அசல் ஆணை பெறப்பட்ட 30 நாட்களுக்குள்ளும், சீராய்வு மனு அசல் ஆணை பெறப்பட்ட 60 நாட்களுக்குள்ளும் சமர்ப்பிக்கப்பட வேண்டும்.

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10. OTHER INFORMATION – GOVERNMENT ORDERS AND CIRCULARS

ANNEXURE - 1

ABSTRACT

Land Assignment – Monetary Powers delegated to District Revenue official for Assignment – Enhanced powers – Orders Issued – Reg.

REVENUE (LD-I (2) DEPARTMENT

G.O.(Ms) No.248 **Dated 28-7-2009.**

Read:

1. G.O.(Ms) No.60, Revenue Department, Dated 6-2-1999.
2. From the Principal Secretary and Commissioner of Land Administration, Letter No. F1/4614/09, Dated 19-3-2009.

*****

ORDER:

In the G.O. first read above, orders were issued enhancing the powers delegated to various District Revenue Officials in the matter of assignment / lease of Government lands. In the above order, the monetary limits of District Revenue Officials for Assignment of cultivable land and assignment of house sites are as follows:

ASSIGNMENT:

Tahsildar	upto Rs. 10,000/-
Revenue Divisional Officer	upto Rs. 20,000/-
District Revenue Officer	upto Rs. 50,000/-
Collector	upto Rs. 2,00,000/-
Special Commissioner and Commissioner of Land Administration	upto Rs. 2,50,000/-
Government	above Rs. 2,50,000/-

Lease:

Tahsildar	NIL
Revenue Divisional Officer	upto Rs. 20,000/-
Collector /District Revenue Officer	upto Rs. 50,000/-
Special Commissioner and Commissioner of Land Administration	upto Rs. 2,00,000/-
Government	above Rs. 2,00,000/-

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2. Due to enormous rise in the land value during the past 10 years, the Principal Secretary and Commissioner of Land Administration was requested to send proposal to revise the existing monetary powers of District Revenue Officials for the assignment of the land.

3. In the letter second read above, the Principal Secretary and Commissioner of Land Administration has stated that the orders issued by the Government in the year 1999 has not been revised for the last 10 years and that due to steep increase in the land value, the monetary powers of various officers in the matter of assignment / lease needs to be revised and has therefore requested that the monetary powers delegated to the various Revenue Officials in grant of assignment may be revised as follows:-

ASSIGNMENT: -

Designation of Officer	**Pre - revised**	**Revised**
Tahsildar	upto Rs. 10,000/	upto Rs. 30,000/-
Revenue Divisional Officer	upto Rs. 20,000/-	upto Rs. 50,000/-
District Revenue Officer	upto Rs. 50,000/-	upto Rs. 1,00,000/-
Collector	upto Rs. 2,00,000/-	upto Rs. 4,00,000/-
Special Commissioner and Commissioner of Land Administration	upto Rs. 2,50,000/-	upto Rs. 5,00,000/-
Government	above Rs.2,50,000/-	above Rs.5,00,000/-

4. The Government after careful examination accept the proposals of the Principal Secretary and Commissioner of Land Administration and revise the monetary powers delegated to various Revenue Officials in grant of assignment of Government lands as follows: -

Designation of Officer	**Revised Monetary Limits**
Tahsildar	upto Rs. 30,000/-
Revenue Divisional Officer	upto Rs. 50,000/-
District Revenue Officer	upto Rs. 1,00,000/-
Collector	upto Rs. 4,00,000/-
Special Commissioner and Commissioner of Land Administration	upto Rs. 5,00,000/-
Government	above Rs.5,00,000/-

5.The Commissioner of Land Administration is requested to issue necessary instructions to the District Revenue Officials in this regard.

(BY ORDER OF THE GOVERNOR)

N.S. PALANIAPPAN
PRINCIPAL SECRETARY GOVERNMENT.

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To
The Commissioner of Land Administration, Chepauk, Chennai-5.
All District Collectors.

Copy to:
All Departments, Secretariat, Chennai-9.
Senior P.A. to Hon'ble Minister, (Revenue and Housing), Chennai-9.
Senior P.A. to Hon'ble Minister, (Finance), Chennai-9.
Personal Assistant to Principal Secretary, (Revenue), Chennai-9.
Deputy Secretary to Government, Revenue (LD-II) Department, Chennai-9.
Revenue (LD-III) Department, Chennai-9.
Revenue (LD-II) Department, Chennai-9. (w.r.t. Lease)
SF/SC.

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ANNEXURE - 2

சுருக்கம்

மாற்றுத்திறனாளிகள் நலத்துறை மானியக் கோரிக்கை - மாண்புமிகு முதலமைச்சரின் அறிவிப்பு - அறிவிப்பு எண்.16 - வறுமைக் கோட்டிற்கு கீழ் உள்ள மாற்றுத்திறனாளிகளுக்கு முன்னுரிமை அடிப்படையில் வருவாய் மற்றும் பேரிடர் மேலாண்மைத் துறையின் மூலம் வீட்டுமனைப் பட்டா வழங்குதல் - ஆணை வெளியிடப்படுகிறது.

வருவாய் (ம) பேரிடர் மேலாண்மைத் துறை,
நில முடிவு அலகு. [நி.மு.1(2)] துறை

அரசாணை (நிலை) எண். 541

நாள்: 11.11.2022.
சுபகிருது வருடம், ஐப்பசி 25,
திருவள்ளுவர் ஆண்டு 2053,
படிக்கவும்:

1. அரசாணை (நிலை) எண்.931, வருவாய்த் துறை, நாள் 20.05.1983.
2. அரசாணை (நிலை) எண்.891, வருவாய்த் துறை, நாள் 12.06.1989.
3. அரசாணை (நிலை) எண்.275, வருவாய்த் துறை, நாள் 2.4.1994,
4. அரசாணை (நிலை) எண்.867. வருவாய்த் துறை. நாள் 2.9.1996.
5. மாண்புமிகு முதலமைச்சர் அவர்களின் அறிவிப்பு எண்.16, நாள் 21:04.2022
6. நில நிர்வாக ஆணையரின் கடித எண். எப்3 / 1861784/2021.நாள் 09.06.2022.

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ஆணை

மேலே ஐந்தாவதாக படிக்கப்பட்ட அறிவிப்பு எண் 16-இல் மாண்புமிகு முதலமைச்சர் அவர்கள் ‘‘அரசு மாற்றுத் திறனாளிகளின் வாழ்வாதாரத்தை மேம்படுத்தவும், அவர்களின் சமூக பாதுகாப்பிற்கும். தேவையான பல மறுவாழ்வு திட்டங்களை. பல்வேறு துறைகளுடன் இணைந்து வழங்கி வருகிறது. வறுமை கோட்டிற்கு கீழ் உள்ள மாற்றுத் திறனாளிகளுக்கு முன்னுரிமை அடிப்படையில் வீடுகள் அமைத்து தருவதற்கு ஏதுவாக,வருவாய் மற்றும் பேரிடர் மேலாண்மைத் துறை மூலம் வீட்டுமனைப் பட்டா வழங்கப்படும்’’ எனத் தெரிவித்துள்ளார்.

2. மேலே முதலாவதாக படிக்கப்பட்ட அரசாணையில், நில ஒப்படை வழங்குவது குறித்து வெளியிடப்பட்ட முன்னுரிமைப் பட்டியலானது 11.10.1981 முதல் நான்கு ஆண்டுகள் வரை நடைமுறையில் இருக்கும் என ஆணையிடப்பட்டது.

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3. மேலே இரண்டாவதாக படிக்கப்பட்ட அரசாணையில், மேற்படி 1983-இல் வெளியிடப்பட்ட முன்னுரிமைப் பட்டியல் வரிசையில் முன்னாள் இந்திய திபெத்திய எல்லைக் காவலர்கள் மற்றும் அவர்தம் விதவைகள், ஆகியோர்களை முன்னுரிமைப் பட்டியலில் சேர்ந்து ஆணையிடப்பட்டது.

4. மேலே மூன்றாவதாக படிக்கப்பட்ட அரசாணையில் மேற்படி 1983-இல் வெளியிடப்பட்ட நில ஒப்படை வழங்குவது குறித்த முன்னுரிமைப் பட்டியலில் பர்மா மற்றும் இலங்கையிலிருந்து தாயகம் திரும்பிய அகதிகள் தங்க கட்டுப்பாட்டு சட்டத்தால் பாதிக்கப்பட்ட பொற்கொல்லர்கள் மற்றும் கள் இறக்கும் தொழிலில் ஈடுப்பட்டோர் ஆகியோர்களை முன்னுரிமைப் பட்டியலிருந்து நீக்கம் செய்தும், எல்லைக் காவற்படை மற்றும் கடற்காவற்படை (Coast guard) ஆகியோர்களை சேர்த்தும் கீழ்க்கண்டவாறு திருத்திய முன்னுரிமைப் பட்டியல் வெளியிடப்பட்டது.

I. எல்லைப் பாதுகாப்புப் படை டெரிடோரியல் ஆர்மி மற்றும் இந்தோ திபெத் எல்லைப் பாதுகாப்புப் படை உட்பட்டு முப்படை பணியில் இருந்தபோது போரில் உயிரிழந்தவர்கள் மற்றும் செயலிழந்தவர்களின் குடும்பத்தினர்.

II. தாழ்த்தப்பட்ட வகுப்பு மற்றும் பழங்குடியினர் இனத்தைச் சேர்ந்த நிலமற்ற ஏழைகள்.

III. 1976-ஆம். ஆண்டு கொத்தடிமை (ஒழிப்பு) சட்டத்தின்படி விடுவிக்கப்பட்ட கொத்தடிமைத் தொழிலாளர்கள் (வருமான வரையறையில்).

IV. முன்னாள் முப்படை வீரர்கள் (முன்னாள் எல்லை பாதுகாப்புப்படைமற்றும் முன்னாள் அசாம் துப்பாக்கிப் படையில் பணிபுரிந்தவர்கள்.கடலோரப் பாதுகாப்பு படையினர் (Coast Guard) போன்றவர்கள் உட்பட)

V. முப்படை மற்றும் எல்லைப் பாதுகாப்புப் படையில் பணிபுரியும் வீரர்கள்.

VI. பிற நிலமற்ற ஏழைகள்.

5. மேலே நான்காவதாக படிக்கப்பட்ட அரசாணையில் மேற்படி நடைமுறையில் உள்ள முன்னுரிமைப் பட்டியலில் ஆதரவற்ற பெண்கள் மற்றும் கைம்பென்களை இம்முன்னுரிமைப் பட்டியலில் சேர்த்துக் கொள்ளலாம் என கொள்கையளவில் அரசால் முடிவு செய்து ஆணை வெளியிடப்பட்டது.

6.மேலே ஆறாவதாக படிக்கப்பட்ட கடிதத்தில், நில நிருவாக ஆணையர் தனது அறிக்கையில், அரசு புறம்போக்கு நிலங்களை ஒதுக்கீடு செய்வது தொடர்பான திருத்தப்பட்ட முன்னுரிமைப் பட்டியலானது அரசாணை (நிலை) எண்.867, வருவாய்த் துறை, நாள் 02.09.1996-இல் வெளியிடப்பட்டது என்றும், மேற்படி அரசாணையில் ஆதரவற்ற பெண்கள் மற்றும் கைம்பெண்களை இம்முன்னுரிமைப் பட்டியலில் சேர்த்துக் கொள்ளலாம் என கொள்கையளவில் அரசால் முடிவு செய்து கீழ்க்கண்டவாறு ஆணையிடப்பட்டுள்ளது எனத் தெரிவித்துள்ளார்.

i. எல்லை பாதுகாப்புப் படை டெரிடோரியல் ஆர்மி மற்றும் இந்திய திபெத் எல்லைப் பாதுகாப்புப் படை உட்பட்டு முப்படை பணியில் இருந்தபோது போரில் உயிரிழந்தவர்கள் மற்றும் இழந்தவர்களின் குடும்பத்தினர்.

ii. தாழ்த்தப்பட்ட வகுப்பு மற்றும் பழங்குடியினர் இனத்தைச் சேர்ந்த நிலமற்ற ஏழைகள்.

iii. 1976-ஆம் ஆண்டு கொத்தடிமை (ஒழிப்பு) சட்டத்தின்படி விடுவிடுக்கப்பட்ட கொத்தடிமைத் தொழிலாளர்கள் (வருமான வரையறையில்).

iv. முன்னாள் முப்படை வீரர்கள் (முன்னாள் எல்லைப் பாதுகாப்புப்படை மற்றும் முன்னாள் அசாம் துப்பாக்கி படையில் பணிபுரிந்தவர்கள், கடலோரப் பாதுகாப்புப் படையினர் (coast guard) போன்றவர்கள் உட்பட).

v. முப்படை மற்றும் எல்லைப் பாதுகாப்பு படையில் பணிபுரியும் வீரர்கள்.

vi. பிற நிலமற்ற ஏழைகள்.

vii. ஆதரவற்ற பெண்கள் மற்றும் கைம் பெண்கள்.

7. மாண்புமிகு முதலமைச்சர் அவர்களின் அறிவிப்பினை செயல்படுத்தும் பொருட்டு. வறுமைக் கோட்டிற்கு கீழ் உள்ள மாற்றுத்திறனாளிகளுக்கு முன்னுரிமை அடிப்படையில் வீடுகள் அமைத்து தருவதற்கு ஏதுவாக, வருவாய் மற்றும் பேரிடர் மேலாண்மைத் துறையின் மூலம் வீட்டு மனைப் பட்டா வழங்கும் பொருட்டு, நடைமுறையில் உள்ள விதிகளுக்குட்பட்டு நில ஒப்படை செய்ய எதுவாக, ஏற்கனவே நடைமுறையிலுள்ள அரசாணை (நிலை) எண்.867, வருவாய்த் துறை, நாள் 2.9.1996-இல் வெளியிடப்பட்ட முன்னுரிமைப் பட்டியலில் மாற்றுத் திறனாளிகளை சேர்த்து, மேற்படி அரசாணையில் மாற்றம் மேற்கொள்ளலாம். மேலும் இந்நேரவில், வீட்டுமனைப் பட்டா பெற உள்ள பயனாளிகளுக்கு அடிப்படைத் தகுதிகளாக (Basic Eligibility Criterion) நிலமற்றவர்கள் மற்றும் வறுமைக்கோட்டிற்கு கீழேயுள்ளவர்களை நிர்ணயிக்கலாம். அவ்வாறு மேற்படி அடிப்படைத் தகுதிகளை பூர்த்தி செய்யும் பயனாளிகளுக்கு, முன்னுரிமை வழங்கும் பொருட்டு. மேற்படி அரசாணையில் வெளியிடப்பட்ட முன்னுரிமை வரிசைப் பட்டியலில் சில மாற்றங்கள் செய்தும் மாற்றுத் திறனாளிகளை நான்காமிடத்தில் சேர்த்தும் முன்னுரிமை வரிசைப்பட்டியலை கீழ்க்கண்டவாறு மாற்றி அமைத்து அரசு ஆணையிடுகிறது.

முன்னுரிமை வரிசைப் பட்டியல்:-
(Priority criterion)

I. முப்படைகள் (Armed Forces) மற்றும் துணை இராணுவப் படைகளில் (Para Military Forces). பணியில் இருந்தபோது போரில் உயிரிழந்தவர்கள் மற்றும் செயலிழந்தவர்களின் குடும்பத்தினர்.

II. 1976-ஆம் ஆண்டு கொத்தடிமை (ஒழிப்பு சட்டத்தின்படி விடுவிக்கப்பட்ட கொத்தடிமைத் தொழிலாளர்கள் (வருமான வரையறையில்)

III. தாழ்த்தப்பட்ட வகுப்பு மற்றும் பழங்குடியினர் இனத்தைச் சேர்ந்த நிலமற்ற ஏழைகள்.

IV. மாற்றுத்திறனாளிகள்.

V. ஆதரவற்ற பெண்கள் மற்றும் கைம்பெண்கள்.

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VI. முன்னாள் இராணுவப் படைகள் (Ex-Armed Forces) மற்றும் துணை இராணுவப் படைகளில் (Ex-Para Military Forces) பணிபுரிந்தவர்கள்உட்பட.

VII. இதர அடிப்படைத் தகுதிகளை பெற்றுள்ள பயனாளிகள்.

8. மேலே பத்தி 7-இல் உள்ள ஆணைக்கேற்ப தொடர் நடவடிக்கை மேற்கொள்ளுமாறு நில நிருவாக ஆணையர் மற்றும் அனைத்து மாவட்ட ஆட்சியர்கள் அறிவுறுத்தப்படுகிறார்கள்.

// ஆளுநரின் ஆணைப்படி //

குமார் ஜயந்த்,
அரசு முதன்மைச் செயலாளர்.

பெறுநர்:
நில நிருவாக ஆணையர், சேப்பாக்கம், சென்னை-5.
நில அளவை மற்றும் நிலவரித்திட்ட இயக்குநர், சென்னை-5.
அனைத்து மாவட்ட ஆட்சித் தலைவர்கள்.

நகல்:
மாற்றுத் திறனாளிகள் நலத்துறை, தலைமைச் செயலகம், சென்னை-9.
மாண்புமிகு அமைச்சர் (வருவாய் (ம) பே.மே)
அவர்களின் நேர்முக உதவியாளர். சென்னை-9.
முதன்மைச் செயலாளரின் முதுநிலை முதன்மை தனிச் செயலாளர்.
வருவாய் மற்றும் பேரிடர் மேலாண்மைத் துறை, தலைமைச் செயலகம்,
சென்னை-9.
இருப்பு கோப்பு / உதிரி.

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ANNEXURE - 3

சுருக்கம்

நிலம் - ஆட்சேபகரமற்ற புறம்போக்கு நிலங்களில் நீண்ட காலமாக குடியிருப்பு ஆக்ரமணங்களை வரன்முறைப்படுத்தி வீட்டுமனைப் பட்டா வழங்கவும் - ஆட்சேபகரமான அரசு புறப்போக்கு புலங்களில் குடியிருப்புகளாக உள்ள ஆக்ரமணங்களை அகற்றி மாற்று இடம் கண்டறிந்து தகுதியான பயனாளிகளுக்கு வீட்டுமனை பட்டா வழங்கவும் - வெளியிடப்பட்ட ஆணை - முன்னேற்றம் ஆய்வு - திருத்த ஆணை ஆணை வெளியிடப்படுகிறது.

வருவாய் மற்றும் பேரிடர் மேலாண்மைத் துறை,
நில முடிவு அலகு, நிமு-1(2) பிரிவு

அரசாணை (நிலை)எண்: 318

நாள் 30.08.2019
விகாரி வருடம், ஆவணி 13
திருவள்ளுவர் ஆண்டு 2050

படிக்க:

1) அரசாணை (நிலை) எண்.465, வருவாய் (ம) பேரிடர் மேலாண்மைத்துறை , நாள் 27.11.2018.

2) அரசாணை (நிலை) எண்.496, வருவாய் (ம) பேரிடர் மேலாண்மைத்துறை. நாள் 24.12.2018.

மீண்டும் படிக்க:

3) கூடுதல் தலைமைச் செயலாளர்/நில நிருவாக ஆணையர் அவர்களின் கடித எண். எப்3/11339/ 2018 மற்றும் கடித எண். எப்3/2794/2018 நாள் 3.7.2019.

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ஆணை:

2018-19 ஆம் ஆண்டிற்கான நிதிநிலை அறிக்கையில் மாண்புமிகு துணை முதலமைச்சர் அவர்களால் நீர்நிலைகள் போன்ற ஆட்சேபகரமான புறப்போக்கு நிலங்களில் வசிக்கும் ஏழை மக்களுக்கு நிரந்தர வீடு வழங்க வேண்டும் என்பதற்காகவும், இத்தகைய நிலங்களை ஆக் கிரமிப்பிலிருந்து உரிய மீட்டெடுத்து செயல்பாட்டுக்கு உட்படுத்துவதற்காகவும் சம்மந்தப்பட்ட கிராமங்களில் வருவாய்த்துறையின் மூலமாக தனியார் நிலங்களை கையகப்படுத்தி, ஏழை குடும்பங்களுக்கு வீட்டுமனைப்பட்டாவை இலவசமாக வழங்கும் ஒரு சிறப்பு திட்டத்தைச் சில நெறிமுறைகளுக்கு உட்பட்டு செயல்படுத்த மேலே ஒன்றில் படிக்கப்பட் அரசாணையில் வெளியிடப்பட்டது.

2. அதேபோல், ஆட்சேபணையற்ற அரசு புறம்போக்கு நிலங்களில் 5 ஆண்டுகளுக்கும் மேலான குடியிருப்பு ஆக்ரமணங்களைச் சில நெறிமுறைகளுக் உட்பட்டு, வரன்முறைப்படுத்தி, தகுதியான பயனாளிகளுக்கு வீட்டுமனை பட்டாவை இலவசமாக வழங்கும் ஒரு சிறப்பு வரன்முறைப்படுத்தும் திட்டத்தைச் செயல்படுத்தவும் மேலே இரண்டில் படிக்கப்பட்ட அரசாணையில் வெளியிடப்பட்டது.

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3. இச்சிறப்புத் திட்டங்கள் ஆறு மாத காலத்திற்கு செயல்பாட்டில் இருக்கும் என உத்தரவிடப்பட்ட நிலையில், இந்திய பொது தேர்தல் அறிவிக்கப்பட்டதால், 10.03.2019 முதல் 27.05.2019 வரை தேர்தல் விதிமுறைகள் அமுல்படுத்தப்பட்டதாலும், வருவாய் அலுவலர்கள் தேர்தல் பணிகளை கவனித்து வந்ததாலும், இத்திட்டங்களைச் செயல்படுத்த மேலும் கால அவகாசம் வேண்டும் என்றும், எனவே, இந்த கால அவகாசத்தை மேலும் ஆறு மாத காலத்திற்கு நீட்டிக்க வேண்டும் என்றும் மேலே மூன்றவதாகப் படிக்கப்பட்ட கடிதத்தில் கூடுதல் தலைமைச் செயலாளர்/நில நிருவாக ஆணையர் கேட்டுக்கொண்டுள்ளார்.

4. இந்நிலையில் இத்திட்டத்தில் ஏற்பட்டுள்ள முன்னேற்றம் குறித்து ஆய்வு செய்யப்பட்டதில், ஆட்சேபனையற்றதாக கண்டறியப்பட்ட சுமார் 1,26,066 இனங்களில் இதுவரை 19,501 இளங்களில் மட்டுமே வரன்முறைப்படுத்தப்பட்டு பட்டா வழங்கப்பட்டுள்ளது என்றும், ஆட்சேபணைக்குரிய புறம்போக்கு நிலங்களில் மாற்று இடம் கண்டறிந்து வீட்டுமனைப்பட்டா வழங்கி, ஆக்ரமணங்களை அகற்றி, ஆட்சேபகரமான புறம்போக்கு நிலங்களை மீட்டெடுத்து அதன் தன்மை மாறாமல் பயன்படுத்தும் பணியில் போதிய முன்னேற்றம் ஏற்படவில்லை என்பதையும் கருத்தில் கொண்டு, இத்திட்டங்களை சீரமைத்து மேலும் கால அவகாசம் வழங்கி செயல்பாட்டை தீவிரப்படுத்த அரசு முடிவு செய்துள்ளது. அதன்படி, கீழ்கண்ட நெறிமுறைகளுக்கு உட்பட்டு இத்திட்டங்களை செயல்படுத்த அரசு ஆணையிடுகிறது.

i. கிராமப்புறங்களிலும், நகர்புறங்களிலும் உள்ள அரசு மற்றும் உள்ளாட்சி அமைப்புகளுக்கு சொந்தமான அனைத்து புறம்போக்கு நிலங்களிலும் உள்ள குடியிருப்பு ஆக்ரமணங்கள் மாவட்ட நிர்வாகம் அரசு நிலப்பதிவேட்டில் பதிவு செய்த விபரங்களின் அடிப்படையில் ஆக்ரமண விபரங்களைத் தொகுத்து கணினியில் பதிவு செய்ய வேண்டும். ஏற்கெனவே, இக்கணக்கெடுப்பு முடிக்கப்பட்டிருப்பின் கணினி பதிவின் மூலம் புள்ளி விபரங்கள் தொகுக்கப்பட்டு அதன் அடிப்படையில் நடவடிக்கை எடுக்கவேண்டும். இதுவரை இக்கணக்கெடுப்பு முடிக்கப்படாமல் இருந்தால், 31.08.2019 க்குள் ஆக்ரமண விபரங்களைத் தொகுத்து கணினியில் பதிவு செய்ய வேண்டும்.

ii. சென்னை மாநகர், காஞ்சிபுரம் மற்றும் திருவள்ளூர் மாவட்டங்களில் சென்னை மாநகர் சூழ் பகுதிகளிலும், இதர மாநகராட்சிப் பகுதிகளிலும் ஆட்சேபனைக்குரிய மற்றும் ஆட்சேபனையற்ற அரசு புறம்போக்கு நிலங்களில் உள்ள குடியிருப்பு ஆக்ரமணங்கள் பற்றிய விபரங்களை மாவட்ட நிர்வாகம் அரசு நிலப்பதிவேடு மற்றும் புலத்தணிக்கை ஆகியவற்றின் மூலமாக விபரங்களைச் சேகரித்து கணினியில் பதிவு செய்து கொள்கை முடிவு எடுக்கும் பொருட்டு, நில நிர்வாக ஆணையர் மூலமாக அரசுக்கு அனுப்பவேண்டும். இப்பகுதிகளில், தடையாணை பதிவு செய்யப்பட்டுள்ள இளங்களில் அதை தளர்வு செய்வது குறித்து அரசே முடிவு செய்யும்.

iii. ஆட்சேபணையற்ற அரசு புறம்போக்கு நிலங்களிலுள்ள குடியிருப்பு ஆக்ரமணங்களைக் கணக்கெடுப்பின் அடிப்படையில் தகுதியான நபர்களுக்கு வருவாய் நிலை ஆணை எண்.21-இன் கீழ் மாவட்ட நிர்வாகம் மூலம் நடவடிக்கை மேற்கொண்டு வரன்முறை செய்ய நடவடிக்கை எடுக்கப்பட வேண்டும்.

iv. உள்ளாட்சி அமைப்புகளுக்கு ஒப்புவிக்கப்பட்ட நிலங்களில் ஆட்சேபனையற்ற நிலங்களான தோப்பு, களம் போன்ற இனங்களில் உள்ள குடியிருப்பு ஆக்ரமணங்களை சம்மந்தப்பட்ட

உள்ளாட்சி அமைப்புகளின் தீர்மானத்தைப் பெற்று அதன் அடிப்படையில் வரன்முறை செய்யலாம்.

v. கோயில் நிலங்களில் உள்ள குடியிருப்பு ஆக்ரமணங்கள் அதில் குடியிருக்கும் ஏழை குடும்பங்களின் நலன்கருதி விதி முறைகளுக்கு உட்பட்டு, தகுதியான நபர்களுக்கு வீட்டுமனைப்பட்டா வழங்கி வரன்முறைப்படுத்த அந்த நிலங்களை உரிய வகையில் கையகப்படுத்தி, நிலமதிப்பு நிர்ணயம் செய்வதற்கு அரசாணை (நிலை) எண் 200, சுற்றுலா, பண்பாடு மற்றும் அறநிலையங்கள்துறை, நாள் 02.11.2018-இல் உள்ள வழிகாட்டுதல்களின் அடிப்படையில் மேற்கொள்ளவேண்டும். இதற்கான முன்மொழிவுகள் மாவட்ட வாரியாக, நில உரிமை பெற்றுள்ள கோயில் வாரியாக தொகுக்கப்பட்டு, இந்து சமய அறநிலையத்துறை ஆணையர் வாயிலாக அரசுக்கு அனுப்பி, அரசின் ஆணைப்பெற்று அதன் அடிப்படையில் வரன்முறைப்படுத்தப்பட வேண்டும்.

vi. அதேபோல் மேய்க்கால், மந்தைவெளி போன்றவையும் ஆட்சேபனைக்குரிய ஆக்ரமிப்புகளாக இருந்தபோதிலும், ஏழைகளுக்கு வீட்டுமனைப்பட்டா வழங்கும் பொது நலனை கருத்தில் கொண்டும், நீண்ட கால ஆக்ரமணங்கள் என்பதை கருத்தில் கொண்டும் கால்நடைத்துறையின் அனுமதி பெற்று, மாவட்ட நிர்வாகம் உரிய விதிமுறைகளுக்குட்பட்டு, முன்மொழிவுகளை அரசுக்கு அனுப்பி, அதன் அடிப்படையில் பிறப்பிக்கப்படும் அரசு ஆணையின்படி, வகைமாற்றம் செய்யப்பட்டு, குடியிருப்பு ஆக்ரமணங்கள் வரன்முறைப்படுத்தப்படவேண்டும்.

vii. நீர்நிலைகள், கால்வாய்கள், சாலைகள் போன்ற ஆட்சேபகரமான ஆக்ரமணங்களை அப்புறப்படுத்தி அதன் தன்மை மாறாமல் பாதுகாக்கும் பொருட்டு, அத்தகைய குடியிருப்பு ஆக்ரமணம் செய்துள்ள ஏழை குடும்பங்களுக்கு மாற்று இடம் தேர்வு செய்யப்பட்டு, தகுதியான பயனாளிகளுக்கு இலவச வீட்டுமனைப்பட்டா வழங்கப்பட வேண்டும். அத்தகைய தகுதியான பயனாளிகளுக்கு மாற்று புலமாக தகுதியுள்ள ஆட்சேபனையற்ற புறம்போக்கு நிலம் அதே கிராமத்தில் இல்லாத நிலையில், தனியார் பட்டா நிலங்களை வருவாய்த்துறை மூலம் கையகப்படுத்தியோ அல்லது பேச்சுவார்த்தை மூலம் விலைக்கு நிலத்தை பெற்றோ மறுகுடியமர்வு செய்யும் வகையில் வீட்டுமனைப்பட்டா வழங்கப்பட வேண்டும். நிலமதிப்பு அதிகமுள்ள நகர் சார்ந்த பகுதிகளில் தனிப்பட்டாவுக்கு மாற்றாக தமிழ்நாடு குடிசைப்பகுதி மாற்று வாரியம் மூலம் அடுக்குமாடி வீடுகள் கட்டித் தர வழிவகை செய்யப்பட வேண்டும்.

viii. ஆட்சேபனையற்ற அரசு புறம்போக்குகளில் குடியிருப்பு ஆக்ரமணங்களை வரன்முறைப்படுத்தும்போதும், ஆட்சேபனையுள்ள புறம்போக்கு நிலங்களில் உள்ள குடியிருப்பு ஆக்ரமணங்களுக்கு மாற்று இடம் வழங்கும்போதும் நகர்புறத்திலும், கிராமப்புறத்திலும் ஆண்டு குடும்ப வருமானம் மூன்று இலட்சம் ரூபாய் வரை உள்ள பயனாளிகளுக்கு வீட்டுமனைப்பட்டா இலவசமாக வழங்கப்பட வேண்டும். ஆண்டு வருமானம் மூன்று இலட்சம் ரூபாய்க்கு மேல் உள்ள பயனாளிகளுக்கு நடைமுறையில்

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உள்ள விதிமுறைகளின்படி நிலமதிப்பு வழிகாட்டி பதிவேட்டின் படியான மதிப்பின் படி வசூல் செய்து கொண்டு, அதன்அடிப்படையில் வீட்டுமனைப்பட்டா வழங்கப்பட வேண்டும். இந்த வரன்முறை திட்டங்களில் பேரூராட்சி, நகராட்சி போன்ற நகர்புற பகுதிகளில் ஆக்ரமண விஸ்தீர்ணம் 25 சென்ட்டுக்கு மிகாமல் இருந்து போதுமான இடம் இருந்தால் குடும்பத்திற்கு தலா 2 சென்ட்டுக்கு மிகாமலும், கிராமப்புறங்களில் 3 சென்ட்டுக்கு மிகாமலும் வீட்டுமனைப்பட்டா வழங்கலாம். நகர்ப்புற பகுதிகளில் நிலமதிப்பை கருத்தில் கொண்டு ஆக்ரமண விஸ்தீரணம் 25 சென்ட்டுக்கு கூடுதலாக இருந்தால் அடுக்குமாடி குடியிருப்புகள் கட்ட ஏதுவாக அந்த நிலம் தமிழ்நாடு குடிசைப்பகுதி மாற்று வாரியத்திற்கு மாற்றம் செய்து அடுக்குமாடி வீடுகள் கட்டித்தர நடவடிக்கை எடுக்கப்பட வேண்டும்.

ix. இந்த சிறப்பு வரன்முறைப்படுத்தும் திட்டங்களின் கீழ் நிலமதிப்பு அடிப்படையில் இலவச வீட்டுமனைப்பட்டா வழங்குவதற்கு நிதி அதிகார வரம்பு கீழ்க்கண்டவாறு நிர்ணயிக்கப்படுகிறது.

1.	வட்டாட்சியர்	1.0 இலட்சம் வரை
2.	வருவாய் கோட்டாட்சியர்	1.0 - 2.5 இலட்சம் வரை
3.	மாவட்ட ஆட்சியர்	2.5 - 5.0 இலட்சம் வரை
4.	நில நிர்வாக ஆணையர்	5.0 இலட்சத்திற்கு மேல்

x. ஆட்சேபனையற்ற அரசு புறம்போக்கு நிலங்களிலுள்ள குடியிருப்பு ஆக்ரமணங்களை வருவாய் கோட்ட அலுவலர் தலைமையில் வட்டாட்சியர் மற்றும் வட்ட தலைமை நில அளவர் ஆகியோரைக் கொண்ட குழுவால் சரிபார்க்கப்பட்டு வரன்முறைப்படுத்தப்பட்டு பட்டா வழங்கப்பட வேண்டும்.

xi. மாவட்ட ஆட்சியர், மாவட்ட வருவாய் அலுவலர் மற்றும் சம்மந்தப்பட்ட கோட்டாட்சியர் ஆகியோரை உறுப்பினர்களாகக் கொண்ட மாவட்ட அளவிலான குழு, நில நிர்வாக ஆணையர் மற்றும் அரசு அனுமதி தேவையில்லாத இனங்களில் குடியிருப்பு ஆக்ரமணங்களை வரன்முறை செய்யலாம்.

xii. மாவட்ட அளவிலான குழுவினால் ஆக்ரமணங்கள் வரன்முறை செய்ய இயலாத நேர்வுகளில் சம்மந்தப்பட்ட புலத்தை மாவட்ட வருவாய் அலுவலர் சம்மந்தப்பட்ட துறை அலுவலருடன் கூட்டுத்தணிக்கை செய்து, அதனடிப்படையில், முன்மொழிவினை வருவாய்த்துறை முதன்மைச் செயலாளர், நில நிர்வாக ஆணையர், நில அளவை மற்றும் நிலவரித்திட்ட இயக்குநர் ஆகியோரை உறுப்பினர்களாகக் கொண்ட மாநில குழுவிற்கு அனுப்பி, உரிய விலக்களிப்பு ஆணை பெற்றபின் தகுதியுள்ள பயனாளிகளுக்கு வீட்டுமனைப்பட்டா வழங்கவேண்டும்.

xiii. தடையாணை புத்தகத்தில் பதியப்பட்டுள்ள நிலங்களில் உள்ள ஆக்ரமணங்களை வருவாய் கோட்ட அலுவலர்/மாவட்ட வருவாய் அலுவலரால் பதியப்பட்டிருப்பின் அதனை மாவட்ட ஆட்சியரால் விலக்களிக்கப்பட்டு தகுதியுள்ள நபர்களுக்கு வீட்டுமனைப்பட்டா வழங்கலாம்.

மாவட்ட ஆட்சியரால் தடையாணைப் புத்தகத்தில் பதியப்பட்டிருப்பின் மாவட்ட ஆட்சியர் தலைமையில் உள்ள குழுவால் விலக்களிக்கப்பட வேண்டும். நில நிர்வாக ஆணையராலோ அல்லது அரசளவிலோ பதிவு செய்யப்பட்டிருப்பின் உரிய முன்மொழியிலன் பெற்று மாநில குழுவால் விலக்களிக்கப்பட வேண்டும்.

5. இச்சிறப்பு வரன்முறைத் திட்டங்கள் ஓராண்டு காலத்திற்குள் செயல்படுத்தப்பட வேண்டும். மேலும், இந்த விலக்களிப்பு அதிகாரங்கள் இத்திட்டத்தை நடைமுறைப்படுத்தப்படும் காலத்திற்கு பட்டுமே பொருந்தும்.

6. இந்த அரசாணைப்படி தக்க நடவடிக்கை எடுக்கும்படியும் கணினியில் பதியப்பட்ட புள்ளிவிபரங்களின் அடிப்படையில் மாவட்ட ஆட்சித் தலைவர் மாதாந்திர ஆய்வு மேற்கொள்ள வேண்டும். மாவட்ட ஆட்சித்தலைவர் மாதாந்திர ஆய்வு அறிக்கையை நில நிருவாக ஆணையருக்கு 5-ம் தேதிக்குள் அனுப்ப வேண்டும். இத்திட்டம் சிறப்பாக செயல்முறைப்படுத்தப்படுகிறதா என்பதை கூடுதல் தலைமைச் செயலாளர்/நில நிருவாக ஆணையர் அவர்கள் மாதம் ஒரு முறை ஆய்வு செய்ய வேண்டும்.

(ஆளுநரின் ஆணைப்படி)

அதுல்ய மிஸ்ரா,
அரசு கூடுதல் தலைமைச் செயலாளர்.

பெறுநர்:
கூடுதல் தலைமைச் செயலாளர்/நிலநிருவாக ஆணையர், சேப்பாக்கம், சென்னை-05.
அனைத்து மாவட்ட ஆட்சித் தலைவர்கள்/மாவட்ட வருவாய் அலுவலர்கள்,
தலைமைச் செயலகத்தின் அனைத்து துறைகள், சென்னை-9.

நகல்:
மாண்புமிகு முதலமைச்சர் அலுவலகம், சென்னை-9.
மாண்புமிகு துணை முதலமைச்சர் அலுவலகம், சென்னை-9.
ஊரக வளர்ச்சி (ம) பஞ்சாயத்துராஜ், சென்னை-9.
நிதித்துறை, தலைமைச்செயலகம், சென்னை-9.
மாண்புமிகு அமைச்சர் (வருவாய் (ம) பே.மே. (ம) தகவல் தொழில்நுட்பம்)
அவர்களின்நேர்முக உதவியாளர், சென்னை-9.
வருவாய்(ம) பே.மே.த்துறை கூடுதல் தலைமைச் செயலரின் தனிச்செயலர், சென்னை-9
இகோ/உதிரி.

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ANNEXURE - 4

ABSTRACT

Land - Special Scheme - Regularization of residential encroachment in unobjectionable Poramboke land - Relocate the encroachers in objectionable land- orders issued - Orders expired on 30.08.2022 - Extend the scheme for one year from 31.08.2022 - Orders issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
LAND DISPOSAL WING, LD-1(2) SECTION

G.O.(Ms) No.462 **Dated: 23.09.2022**
சுபகிருது வருடம், புரட்டாசி 6,
திருவள்ளுவர் ஆண்டு 2053

Read:

1. G.O.Ms.No.318, Revenue and Disaster Management Department, dated 30.08.2019.
2. G.O.(Ms) No.480, Revenue and Disaster Management Department dated 11.09.2020.
3. G.O.(Ms)No.567, Revenue & Disaster Management [LD1(2)] Department, dated 17.09. 2021.
4. From the Commission of Land Administration, Letter No. F3/11339/2018, dated 26.08.2022.

*****

ORDER:

In the Government Order first read above, the Government have issued comprehensive orders for the implementation of the Special Scheme for Regularization of residential encroachments in unobjectionable poramboke lands by granting House-site pattas and also to evict the residential encroachments made in objectionable poramboke lands and to relocate them by identifying alternate Government land or purchasing private lands.

2. In the letter fourth cited, the Commissioner of Land Administration has stated that 1,76,359 residential encroachments in unobjectionable poramboke lands have been identified and entered in GLR and action taken to regularize the encroachments and to grant House-site pattas, through Online Tamil Nilam Portal and so far 66922 (as on 3.8.2022) pattas were issued in unobjectionable poramboke under this scheme and considerable number of encroachment in unobjectionable poramboke is yet to be regularized and pattas to be issued. Similarly, 1,77,923

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residential encroachments have been identified in objectionable poramboke land and action is being taken to identify the alternate poramboke land or to purchase a private patta land to resettle the encroachers. In G.O.(Ms) No.480, Revenue and Disaster Management Department, dated 11.09.2020 the Special Scheme was ordered to implemented for a period of one year which ended on 30.08.2021. Hence, vide G.O.(Ms) No.567, Revenue and Disaster Management Department, dated 17.09.2021 once again an extension of one year period for implementing the above scheme and sanction has been accorded for another one year which ends on 30.08.2022.

3. Considering the above facts and to alleviate the grievances of the poor persons, the Commissioner of Land Administration has requested the Government to issue orders extension of above scheme for a further period of one year from 31.8.2022 so as enable to grant Free House Site patta to all eligible poor beneficiaries in the state.

4. The Government after careful examination have decided to accept the proposal of the Commissioner of Land Administration for further extension of the Special Scheme in the G.O.(Ms)No.480, Revenue and D.M. [LD-1(2)] Department, dated 11.09.2020. The Scheme was extended till 30.08.2022 vide G.O.(Ms) No.567, Revenue & Disaster Management [LD-1(2)] Department, dated 17.09.2021. The Government hereby extends the operation of the special Scheme mentioned in the above Government Orders for a further period of one year beyond 31.08.2022.

(BY ORDER OF THE GOVERNOR)

Kumar Jayant,
Principal Secretary to Government

To
Commissioner of Land Administration,
Chepauk, Chennai-600 005.
All District Collectors/ District Revenue Officers.
All Departments of Secretariat, Chennai -09.

Copy to:
The Hon'ble Minister Office, Chennai-600 009.
The Personal Assistant to Hon'ble Minister (Revenue & Disaster Management), Chennai - 600009.
The Personal Assistant to Chief Secretary to Government, Chennai-600 009.
The Senior Private Principal Secretary to Principal Secretary to Revenue & Disaster Management Department, Chennai 600 009.
G.O.(Ms) No.318, Revenue and Disaster Management Department, Land Disposal Wing, LD-1(2) Section, Dated 30.08.2019.
Stock file/Spare Copy.

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ANNEXURE - 5

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.03.2021
CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR
W.P. No. 11654 of 2011
and W.M.P. Nos.1 and 2 of 2011

Siru Vivasayigal Podhunala Sangam,
Rep. by its President C.Ravichandran,
No.12, Podhavakkam Village,
Pallavada Post,
Gummidipondi Taluk,
Thiruvallur District. .. Petitioner

Vs.

1.The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai - 5.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Revenue Divisional Officer,
Ponneri Taluk, Thiruvallur District.

4.K.Madhavan
5.Sariga
6.K.M.Hari
7.K.Mukundan
8.Narayanan
9.Vikraman .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus after calling for all the records, pertaining to the passing of the order dated 24.02.2011 in proceedings No.F3/31202/2008 on the file of the first respondent and quash the portion of the order in paragraph 15, modifying the order of the Revenue Divisional Officer dated 21.08.2009 in so far as it relates to the assignment of land and consequently to restore the order passed by the Revenue Divisional Officer dated 21.08.2009 and to reassign the land to the eligible members of the petitioner sangam.

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For Petitioners : Mr. C.Balasundar
For Respondent 1-3 : Mrs. A.Madhumathi
Special Government Pleader
4-9 : Mr. V.Manohar

ORDER

This writ petition is filed by a Society registered under the Societies Registration Act. It is the case of the petitioner society that the petitioner Sangam was formed to protect the interest of Landless Poor Vivasayigal belonged to Scheduled Cast community. The petitioner filed the present writ petition to quash the proceedings of the first respondent confirming the order of Revenue Divisional Officer regarding resumption of lands for violation of conditions of assignment.

2. It is stated that the members of the petitioner association were given assignment and that the private respondents namely respondents 4 to 9 have purchased the lands assigned to the persons belong to Scheduled Caste Community. Since the terms and conditions of the assignments were violated and sale deeds were executed at the instance of the private respondents, the petitioner stated that they have sent a representation to the District Collector for cancelling patta in favour of purchasers and to restore patta in the name of legal heirs of beneficiaries. It is stated that the District Collector failed to initiate action. The petitioner earlier filed a writ petition in W.P. No.29137 of 2008 and this Court directed the District Collector to consider the representation of the petitioner dated 10.11.2008 and pass orders on the same, in accordance with law.

3. In the representation, the petitioner wanted resumption of lands from private respondents who had obtained sale deeds from the depressed class people in respect of lands assigned to them earlier. In the representation it is stated that after resumption of lands, the lands should be assigned to the legal heirs of the original beneficiaries or the persons to whom -the assignments were given. It appears that by the order of Revenue Officials, the assignment order that was passed originally was directed to be cancelled and the Revenue Divisional Officer was directed to initiate consequential proceedings for resumption of land. Thereafter the private respondents filed a writ petition in W.P. No.21369 of 2009 and pursuant to the directions of this Court dated 21.10.2009, the first respondent passed the impugned order. The first respondent confirmed the order of RDO regarding resumption of lands. However, with request to fresh assignment, the first respondent directed the District Collector to assign the lands afresh to landless poor belonging to SC Community following the procedure as per RSO (15).

4. The grievance of the petitioner is that by the order passed by the Revenue Divisional Officer, Ponneri, dated 21.08.2009, there was a direction to restore the land to the original assignee and that by the impugned order it was modified with a direction to take up action for assigning lands to the eligible landless poors belonged to Scheduled Caste Community.

5. First of all the writ petition itself is not maintainable by an Association. The petitioner has not disclosed the details of the members of petitioner association who got assignment earlier. The petitioner has not produced any assignment order that was issued in favour of any of the members of the petitioner-s association. When proceedings were initiated for cancellation of assignment, each assignee will have an independent cause of action and the cause of action is personal to himself. A Society registered under Societies Registration Act cannot challenge the order as against the individual members. The writ petition is therefore liable to be dismissed on the ground of misjoinder of cause of action and for want of locus standi. Secondly, the proceedings were initiated for cancellation of assignment for violation of terms and conditions of assignment. When the assignees got assignment subject to the terms and conditions, they cannot seek reassignment even after admitting that the assignees have alienated the properties contrary to the terms of the assignment. Such persons who have violated terms and conditions of assignment cannot once again seek reassignment. In such circumstances, once the land is resumed by the Government from the alienees, it is open to the Government to decide as to how the land should be dealt with in future. In this case, the first respondent is only directed to take action to assign the lands to eligible landless poor persons belonging to the Scheduled Caste Community by following the procedure laid down in RSO 15 (41).

6. The direction, having regard to the admitted facts, is appropriate and this Court finds no reason to interfere with the order of first respondent even on merits. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed

Index:Yes/No
Speaking order / Non speaking order

S.S.SUNDAR. J.,

To

1. The Principal Secretary and
   Commissioner of Land Administration,
   Chepauk, Chennai - 5.
2. The District Collector,
   Thiruvallur District,
   Thiruvallur.
3. The Revenue Divisional Officer,
   Ponneri Taluk, Thiruvallur District.

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ANNEXURE - 6

ABSTRACT

House Site Patta Revenue and Disaster Management Department Provision of Free House patta to Scheduled Caste/Scheduled Tribe Beneficiaries-Conditional Assignment for House cite patta-Clarification and Guidelines for changing in Taluk / village records and Tamil Nilam online chitta- Orders-Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
LAND DISPOSAL WING. [LD3(1)] SECTION

G.O. (Ms) No.34 **Dated: 13.01.2021**
சார்வரி வருடம், மார்கழி-29
திருவள்ளுவராண்டு 2051

Read:

1. Govt. Letter (Ms) No.65/LA2(2)/2018, Ach dravidar and Tribal Welfare Department, Dated 04.12.2018.
2. From the Commissioner of Land Administration letter No.F3/803480/2020, Dated 01.12.2020
3. From the Commissioner of Adi Dravidar Welfare letter Na.Ka.No.B1/28676/2020, Dated 04.12.2020

*****

ORDER:

Free house site pattas have been given to eligible members of the Schedule Caste and Scheduled Tribe communities by the field officers of the Adi-Dravidar and Tribal Welfare Department and the Revenue and Disaster Management Department over the years, utilizing the lands acquired under the provisions of the Tamil Nādu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Act 31/1978), as well as the unobjectionable poramboke lands available at the disposal of the District Administration for assignment. In such case conditions have been imposed that:

“the assigned land shall not be alienated to any person for ten / twenty / years under the provision of RSO 21”

2. It has been brought to the notice of the Government that, due to various reasons, the house site pattas issued to Scheduled Caste/Scheduled Tribe assignees have not been recorded in the village land records such as Natham Adangal, Natham Chitta& FMB. Further,

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the changes have also not been made in Tamil Nilam for generation of online patta. This leads to difficulty in identification of the assigned site and some of assignees have constructed houses in some other site, other than the allotted one. It is also reported that the beneficiaries could not avail bank loans and could not transfer land between the family members even after the conditional period is over. Since the details of the house site patta is not recorded in the village land records, the beneficiary and the legal heirs could not get benefit under housings schemes viz, the Chief Minister's Solar Powered Green House Scheme (CMSPGH) and Prime Minister's Awas Yojana (PMAY) etc.

3. In the Government letter first read above, orders have been issued, relaxing condition No.9 of the Free House site assignment, to mortgage the house site with the village Co-operative Banks, the Nationalized Banks and the District Central Co-operative Banks to get bank loan for construction of the house. The house site assigned to the Adi Dravidar beneficiaries is normally classified as 'Government poramboke; Ryot Wet/Dry land, and entered as 'Adidravidar Natham, Adi Dravidar Department', 'Ryot, Manai' etc in the remark's column of the A registers. Since the details of the conditional assignment house site patta have not been changed in the land records, the title of the beneficiary could not be established. Hence, the assignees have requested to carry out the changes in the village land records and to issue clear computer chitta to avail bank loans and to get benefit under housing schemes. In some cases, the beneficiaries have sold out the land to people belonging to SC/ST or other communities. The Commissioner of Land Administration and the Commissioner of Adi Dravidar Welfare have reported that various scenarios emerge in the field which require appropriate directions to rectify the problems at field level as indicated below.

4. The Government after careful examination and considering the proposal and recommendation of the Commissioner of Land Administration and the Commissioner of Adi Dravidar Welfare, issues the following instructions: -

i) The files of house site assignment issued by the Adi Dravidar Welfare Department are maintained in the office of the Special Tahsildar (Adi Dravidar Welfare) and/or District Adi Dravidar Welfare Officer, a certified copy of the FMB (Field Measurement Book) Sketch, sub-division records, D-Namunas, and the list of beneficiaries must be communicated to the concerned Taluk Office by the DADWO to ensure that the changes are carried out in the village accounts, Taluk accounts, and Tamil Nilam, so that it is reflected in the Online Chitta also.

ii) The land assigned for house site by the Adi Dravidar Welfare Department or Revenue Department shall be uniformly classified as 'Adi dravidar Natham' in village records and tamilnilam database. All the OSR lands shall be remarked as 'Road', 'Street', 'lane', 'Parks' etc., as such found in the site. The FMB shall be updated as per state on ground. This exercise has to be completed in the TAMIL NILAM software also.

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iii) It is seen that different time periods of 10/20/30 years have been imposed in different Districts under different circumstances. To ensure uniformity and as a measure of benefit to the assignees, the uniform conditional period for house site pattas to SC/ST assignees will be adopted as 10 years only in all cases. Accordingly, the condition of 20 year or 30 years stand corrected.

iv) Consequently, in the online Tamil Nilam as well as in Taluk and Village accounts, the following changes have to be carried out.

a) If the conditional assignment period, i.e., treating all the conditional period of 10/20/30 years uniformly as 10 years, is over, a clear patta, classified as 'Ryot, Manai, without condition shall be issued to the beneficiaries or his legal heir and the entries have to be effected in the Taluk / village records and Tamil Nilam online chitta.

b) If the conditional assignment period is not over, a patta classified as 'Ryot, Manai, with the condition that sale or alienation cannot be done for the remaining condition period shall be issued (conditional patta) and the entries to be effected in the Taluk / Village records and Tamil Nilam online chitta. The online chitta shall contain clear remarks that "this house site land can be mortgaged for bank loans".

c) In future, all HSD pattas given to SC/ST beneficiaries either through the AD Welfare Department or by the Revenue Department shall be conditional for a period of 10 years only and also marked clearly that "this house site land can be mortgaged for bank loans".

d) After the conditional assignment period of 10 years is over, the beneficiary can sell the land to another SC/ST person only and not to anybody else.

(i) A special drive must be undertaken by the District Collectors to survey the assigned lands and enumerate the families living there. The following scenarios which are likely to emerge based on the enumeration must be dealt with as follows:

(a) **The original beneficiary/ heir / family member of the such beneficiary has constructed the house and living in the house site assigned.**

Due changes must be made in the Tamil Nilam / Taluk / Village accounts and patta shall be issued in the name of the beneficiary / heir / family member who is living in the house, and due changes shall be carried out in Tamil Nilam. The entries have to be effected in the village records and TAMIL NILAM online chitta by the concerned Taluk tahsildar. A summary enquiry shall be conducted by the Taluk Tahsildar to decide on the occupants / legal heir(s) in whose favour separately or jointly the patta has to be issued, in case the original assignee has passed away. The conditions of time period the patta shall be as given in para 4(iii) above.

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b) Site is vacant as the original beneficiary has not constructed the house even after one year of assignment.

If the original beneficiary has not yet constructed the house as per the conditions to have constructed the house within a period of one year, there shall be a further extended period now available from the date of issue of this order for three more years to construct the house. Collectors shall take all efforts to sanction a free house under any Government scheme like PMAY, CMSPGH etc within the specified period of three years. The patta shall not be cancelled now for non-construction of house.

c) The assigned land site is occupied by a family belonging to the SC / ST community based on any registered or unregistered document of sale by the original assignee.

The RDO of the Revenue Division / Deputy Collector nominated by the Collector shall hold a summary enquiry to confirm the possession and order to grant a patta based on the possession and documents. Time conditions as in 4 (iii) above will be imposed and the changes to be made in Taluk / Village Accounts and Tamil Nilam. In other words, the present occupancy is regularised as he/she belongs to Adi Dravidar community.

d) Families are residing in land site which is not originally assigned to anyone but kept vacant but falls within the assigned Adi-dravidar Natham site: -

The RDO of the Revenue Division / Deputy Collector nominated by the Collector shall hold a summary enquiry to ascertain the possession, and regularize the occupancy by granting patta, if such occupier belongs to Adi Dravidar.

e) The acquired land has not been assigned to any one:

The Special Tahsildar (Adi Dravidar Welfare) shall identify the eligible beneficiaries and to assign house site patta to eligible families. The entries have to be effected in the village records and Tamil Nilam online chitta by the concerned taluk tahsildar.

f) The original assignee beneficiary could not be traced and the land is vacant.

If the beneficiary is not traceable, the Special Tahsildar (Adi Dravidar Welfare) shall conduct an enquiry and the DADWO shall cancel the patta and assign such house site pattas to the eligible families.

g) Multiple beneficiaries have paper patta for the same piece of land and the land is vacant.

This scenario has arisen since the earlier pattas have been cancelled due to non-construction of house and new beneficiary allotted the land. In such cases, the latest beneficiary should be treated as per 'a' above. The earlier beneficiaries for whom the pattas have been cancelled as far as practicable must be accommodated with suitable other free HSD either

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under Adi Dravidar Welfare lands or general lands available at the disposal of the Taluk Tahsildar for assigning as HSD.

5. The above exercise of making necessary entries online / issuing computer patta through TAMIL NILAM with necessary names shall be completed in a period of one month from the date of issue of this order. Necessary provisions in TAMIL NILAM shall be ensured by the Director of Survey and Settlement through the NIC.

6. This order issues with the concurrence by Adi Dravidar & Tribal Welfare Department vide its U.O.No.1/ACS/AD&TW Dept., dated 07.01.2021.

(BY ORDER OF THE GOVERNOR)

ATULYA MISRA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

To:
The Principal Secretary/ Commissioner of Land Administration,
Ezhilagam, Chennai-05.
The Director of Survey and Settlement, Chepauk, Chennai-05.
The Commissioner, Adi Dravidar Welfare, Chennai-05.
All District Collectors/District Revenue Officers.
All District Adi Dravidar and Tribal Welfare Officers.

Copy to:
Hon'ble Chief Ministers Office, Chennai-09.
The Special Personal Assistant to Minister (Revenue and Disaster Management), Chennai-09.
The Special Personal Assistant to Minister (School Education and Youth Welfare and Sports Development), Chennai-09.
The Special Personal Assistant to Minister (Adi Dravidar and Tribal Welfare), Chennai-09.
The Private Secretary to the Additional Chief Secretary to Government, Revenue and Disaster Management Department, Chennai-09.
The Private Secretary to the Additional Chief Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai-09.
Stock File/Spare Copy.

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EXCHANGE OF LAND

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EXCHANGE OF LAND

1. PREAMBLE:

Exchange of Government land, that is grant of a land at the disposal of the Government for the exchange of the land owned privately can be made under the provisions mentioned in RSO 26A.

In this process, two steps to be followed:

i. Acceptance of relinquishment of encumbrance free patta land owned by the land owner

ii. Grant of land at the disposal of Government subject to certain conditions.

Considering the need for preserving the Government land pool which is shrinking over the years, instead of land transfer or land alienation, if exchange is done with the private applicant (wherever applicable), the Government land pool remains intact, preserving the same for future public use.

Exchange may be made under following circumstances (RSO 26A (1):-

The grant of land at the disposal of the Government for land owned privately may be made in circumstances such as the following: -

(i) Where a river, waterway, cart-track, etc., has changed its course through a private holding, the owner if willing to relinquish the land covered by the actual course in exchange for the portion registered in the accounts as river, etc.

(ii) For straightening the course of a channel, pathway, etc., or where a channel, pathway, etc., splits up a holding into two and it can be diverted along the boundary of the holding without any inconvenience to the public;

(iii) Where it is desirable to prohibit any cultivation in the bed of an irrigation tank or river and the private owner is willing to relinquish the land situated in such bed in exchange for land at the disposal of the Government;

(iv) Where small extents of private land not exceeding 10 ares in each case are required for public purposes such as minor improvements in irrigation sources or construction of chavadies, cattle-pounds, wells or schools;

(v) Whereby an act of the Government, a private holding or any portion thereof has been rendered valueless or has been diminished in value and the private owner is willing to take land at the disposal of the Government in exchange for such holding or portion, as the case may be;

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(vi) Where a private owner is willing to provide land for the extension of village sites in exchange for land at the disposal of the Government;

(vii) Where a private owner is willing to relinquish small extents of land not exceeding 10 ares in each case for the consolidation of his holding.

Exchange of lands (not involving water course):-

In order to streamline the procedures involved in the exchange of land (not involving watercourse), Government have issued fresh guidelines for replacement of Revenue Standing order 26A for exchange of land (not involving water course) in G.O. (MS) No. 201, Revenue and Disaster Management Department, dated 10.05.2022.

The exchange of land may be given for agricultural and non-agricultural purposes. At the same time, exchange of land is not a matter of right and is to be undertaken to achieve public policy objectives, including consolidation of Government land, unlocking of private patta land for better use, etc.

2. PROCEDURES:

The Government have issued the following guidelines in G.O(MS) No.201, Revenue and Disaster Management Department, dated 10.05.2022 **(Annexure-1)** for replacement of Revenue Standing Order 26A in respect of exchange of land as follows: -

General Conditions:

(i) The exchange of land is permissible for consolidation of the holdings of the applicant, or for access to the patta land. The extent of land to be exchanged will be limited to 30% of the land holdings (block of land in relation to which the proposal for exchange has been made) in possession of the applicant with clear title.

(ii) There shall be no limit on the total extent or number of parcels of lands to be exchanged, subject to the above limit of 30%.

(iii) **Title**: The patta land offered must be with clear title and possession in favour of the applicant without any encumbrances, encroachments, litigation or dispute. The land given by the applicant as OSR land (open space reserve) or under any other public authority cannot be considered as patta land for exchange.

(iv) In case the exchange involves lands in sensitive zones like buffer zones, Hill Area Conservation Authority, Elephant/Tiger Corridors, Eco Sensitive Zones, the proposal will be routed through Forest Department.

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Land exchange for consolidation of patta lands:

(i) Where poramboke, partially or fully locked inside a block of patta lands of the applicant, are sought to be exchanged, the patta land must be given within the same block of lands.

(ii) The patta lands should be with access to the road of the highest category abutting the block of lands. Illustratively, if the block of lands has access to a Major District Road (MDR) and State Highway (SH), the exchanged patta land should have access to the State Highway.

(iii) The patta lands will be valued as per their guideline value. For Government lands the guideline value will be fixed as per the norms applicable to fixation of Guideline Value of Poramboke Lands. Government have issued guidelines for uniform procedure for the fixation of guideline value of Government lands in G.O.(MS) No.117, Revenue and Disaster Management Department, Land Disposal Wing, (LD.4(1) Section, dated 18.03.2022 (Refer Page No. 29). For cases where the guideline values are the same, the extent of lands to be exchanged will also be the same. In case the guideline value is different for offered patta land and concerned poramboke lands, the following methodology will be adopted.

a) When Guideline value of Government land is lower than patta land:

Irrespective of the difference in valuation, the patta land for exchange has to be equal to the Government land extent offered for exchange.

b) When Guideline value of Government land is higher than patta land:

In this case there can be two methods (either of which can be used based on individual circumstances)

i) Patta land is offered which is equal in extent to Government land and the price difference is given as money.

ii) More extent of Patta Land is taken for exchange so that land values of patta and poramboke are equalized.

(iv) The single guideline value for Government lands is adopted on the principle that consolidation of government and private lands both is achieved in a win-win formula.

(v) In case it is not possible to provide patta land within the same block, the alternate land must be given preferably within 1 km of the overall boundary of private land being consolidated, with frontage to the same or higher category of road. Illustratively, if the poramboke lands are in a block having access to a Major District

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Road, the exchanged patta land must have access to a Major District Road, State Highway or National Highway. It should be ensured that such exchanged lands are fit to be used by Government for any future use and there is no hindrance due to access issues or any other issue like being an unstable rocky outcome water inundation possibility or any other such contingencies.

(vi) In case there is no possibility of exchange within the block or within 1 KM from the block, and the patta land is more than 1 KM from the block of land then double guideline value for Government land and single guideline value of patta land will be used for exchange.

(vii) The double guideline value is adopted on the principle that the exchange is now equivalent to a relinquishment and an assignment of Government land, which is normally done at double the guideline or market value.

Monetary Power

The monetary limit in respect of exchange of land is ordered in G.O(MS) N0.179, Revenue (LD 3-1) Department, dated 8.1.99 **(Annexure-2)** as follows: -

	Monetary limit
District Collectors	Upto Rs. 50,000/-
Commissioner of Land Administration	Upto Rs. 1,00,000/-
Government	Above Rs.1,00,000/-

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EXCHANGE OF LAND

3. FLOW CHART

Requisition of the Institution/Company/Trust/individual
(With full details /documents encumbrance certificate of
Patta lands to be exchanged)

District Collector
(Received application and forwarded)

↓

Tahsildar

(For field visit, detailed enquiry and collection of records)

↓

Revenue Divisional Officer
(With inspection report and verify records)

↓

District Revenue Officer

(With inspection report and enquiry records)

↓

District Collector

↓

Commissioner of Land Administration

↓

Government (Final order)

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EXCHANGE OF LAND

4. CHECKLIST

ANNEXURE - I

CHECK LIST FOR REQUEST OF EXCHANGE OF GOVERNMENT LAND				
District/Taluk/Village/Survey. No.				
I	a) Name of the applicant / Company Name /Trust Name			
	b) Purpose:	[Re-routing/Pathway/ Consolidation]		
	c) Total land holdings of the applicant (consolidated) in the requested site.			
	d) Whether the exchange of Land is within 30% of total holdings of patta land.			
	e) Encroached/New request			
II	**Details of Land**			
(a)	Government land needed for ex-change:			
	1. Land Classification:			
	2. Extent/S.Nos.			
	3. Village/Firka/Taluk/District			
	4. GLV of the land			
(b)	Patta land to given as per the norms as exchange			
	1. Land Classification:			
	2. Extent/S.Nos.			
	3. Village/Firka/Taluk/District			
	4. GLV of the land			
III	**Approach Road: -**	**Village Road**	**State Highway**	**National Highway**
	Government land			
	Patta land			
IV	**Value of land**	**Government Land**	**Patta Land**	
	1. Total Extent involved			
	2. Value of land			

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	3.Double the land cost of Government land in case where alternate patta land is more than 1km		
	4.Differential land cost to be collected		
V	**Is the patta land to be exchanged**		
	1.Fit for further use by Government	Yes/No	
	2.Has access to the higher category of road than the Government land needed for exchange	Yes/No	
	3.Has possible water inundation	Yes/No	
VI	**Is the land exchange beneficial for the Government**	Yes/No	

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ANNEXURE - II

i.	Related Revenue Records Extracts	Government land	Patta land
		Whether submitted/ Enclosed (Yes/No)	Whether submitted/ Enclosed (Yes/No)
	(a) R.S. R		
	(b) S.L. R		
	(c) U.D. R 'A' Register		
	(d) Adangal Extract For 3 Faslis		
	(e) FMB Extracts		
	(f) Combined sketch with different colour wash showing access to roads		
	(g) Sub Division Records (if sub division involved)		
	(h) GLV Extract		
ii.	**ENQUIRY RECORDS**		
	(a) A1-Notice calling for objections if any on the proposals. (From all the villages involved)		
	(b) V.A.O Statement (From all the villages involved)		
	Public Statement (From all the villages Involved) Resolution of local Body (From all the local bodies involved)		
	(e) Inspection reports with date		
	i. Tahsildar		
	ii. Revenue Divisional Officer		
	iii. District Revenue Officer		
	iv. Collector		
	(f) Whether Consent of Land Holding Department obtained		
	(g) Whether the Government land to be exchanged lies in Sensitive Zones like buffer zones, Hill Area conservation authority, Elephant/Tiger corridors, Eco sensitive zones. (If yes, the proposal will be routed through Forest department.)		

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ANNEXURE - III

I.	RECORDS TO BE SUBMITTED BY APPLICANT / COMPANY / TRUST	WHETHER PRODUCED YES / NO
	(a) Applications and undertaking to abide by the conditions to be imposed if any and to pay the differentiate land cost (Single or Double in case of alternate patta land more than 1km)	
	(b) Necessary Encumbrance certificate	
	(c) Sale deed and chitta extract for patta land	
	(d)Total Land Holdings of the applicant in the said site. (Combined sketch)	

SPECIFIC REMARKS OF	
i. D.R. O	
ii. COLLECTOR	
REASON FOR RECOMMENDATION:	

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EXCHANGE OF LAND

5. MODEL PROPOSAL

Revenue and Disaster Management Department

From:	To:
Thiru/Tmt. ……	The Commissioner of Land Administration,
District Collector,	Ezhilagam, Chepauk, Chennai-05
……..District.	(With enclosures)

R.O.C No. / /2022, Dated : -- 2022

Sir,

Sub: Exchange of Land- Allotment of Government land classified as--------in-------- Taluk ----------Village/Town-S.No.---------- ---Extent in lieu of P a t t a Lands of---------in--------- Taluk---- Village/Town---------S.No---------Extent---- Recommendations Made-Regarding.

Ref:

1. Representation of the Thiru__Dated: (Seeking Exchange).
2. Commissioner of Land Administration Circular No: F3/11695/17, Dated:15-06-2020.
3. G.O(Ms.) No:570 Revenue Disaster Management Department LD3(1) Department Dated: 20-09-2021.
4. G.O(Ms.) No:201 Revenue Disaster Management Department LD3(1) Department Dated:10-05-2022.
5. From the Tahsildar___Letter No: / /2022, Dated: . .2022.
6. From the RDO/Sub Collector Letter. No://2022, Dated: . .2022.

******

Invite kind attention to the references cited.

2.In the reference 1st cited, Thiru.__has sought for exchange of his patta land situated in S.No_____to an extent of _____ in Village/Town,____Taluk District in lieu of the Government Land classified as____in S.No:_____ to an extent of _____ in Village/Town,____ Taluk_District for the purpose of consolidation of their own patta land/ formation of approach road.

The petitioner in addition to the above representation has submitted the following records and under taking in support of their request.

a) Under taking to pay the differential land cost if any fixed by the Government (single or double).

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b) Under taking to the effect that they will not claim any title over the exchanged patta land in future.

c) Chitta & Patta extract showing their total holdings in the said block.

d) Necessary Encumbrance certificates for the period from ……. to……

e) Sale deed for the patta lands meant for exchange.

3. Upon the above request, the Tahsildar-------and R.D.O/Sub-Collector---have conducted field inspection and formulated necessary proposals and submitted their report as follows.

Government Lands:

a) The Government lands sought for exchange is classified as------- in UDR 'A' Register and in adangal.

b) The Government land sought for exchange of patta lands is found amidst the patta land of the petitioner's land/needed for approach to the petitioner's patta lands and the extent of Government land sought for (i.e.,) ---------- acres/ha is less than 30% of their total holdings of their patta lands in that block(i.e.,) acres/ha.

c) The patta land proposed for exchange has approach from ------ Village, Road/State Highway/National Highway (strike out if not applicable)

d) Since the Government land is classified as----------, that is vested with---- Department, necessary N.O.C of said Department is obtained and sent (if it is Revenue land there is no need for N.O.C)

e) Resolution copy of the concerned village panchayat was obtained vide Resolution No.--------Date and submitted.

f) 'A1' notice calling for objection if any on the exchange proposal was published on---------- and no objection was received till date.

Patta lands:

a) The patta lands now proposed for exchange in the lieu of Government land falls within……. Meter radius of the government land.

b) The patta lands now proposed for exchange is in the name of the petitioner bearing patta No --.

c) Encumbrance Certificate for the proposed patta lands from --------to----- is submitted and sale deed No----------Dated------by which the petitioner purchased the said patta lands was produced and it seems there is clear flow of title as per encumbrance certificate and petitioner has purchased the lands from valid vendors.

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d) The patta lands were not D.C lands even prior to UDR. The recordings made in respect of patta lands before UDR are given below: -

		Classification Extent			
Register	S. No.	R	Wet/Dry	acres	Patta annexure
R. S. R					
S. L. R					
'A' Reg					
Computer 'A' Reg					

e) The patta land offered by the applicant is free from encroachment.

f) The patta land offered by the applicant doesn't comes under the open space reservation or any other requirement to the local body or any other public authority. N.O.C to that effect is obtained from the concerned local body/public authority and annexed here with.

Inspection notes on the Government and patta lands:

Tahsildar inspection notes: -

Tahsildar ------has inspected the said lands on ---------- along with Zonal Deputy Tahsildar, Revenue Inspector, V.A.O and surveyors and reported that there is no monument, burial ground, worshipping places and the valuable minerals resources found in the lands. No high tension or low-tension wires passes through the subject lands. No objections were received from any quarters and 'A1'notice was published soliciting objections but no objections were received. There is no water course in the exchange lands.

RDO/Sub-Collector Inspection notes:

The RDO/Sub-Collector------has inspected the above lands on……. and concurred with the views of the Tahsildar and recommended the proposals for exchange.

DRO Inspection notes:

The DRO has inspected both the Government and patta lands on……along with Tahsildar, V.A.O and other Revenue officials and confirmed the correctness of Tahsildar and RDO inspection notes. Further it is reported there are no standing valuable trees in both the lands and the four boundaries of both the Government and patta lands are given as below:-

LANDS	BY EAST	BY WEST	BY NORTH	BY SOUTH
Government land				
Patta land				

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6. Fixation of Land Cost: -

Tahsildar----------has reported that since the patta land meant for exchange falls within the block (or) within 1km radius of the Government land as per G.O.(Ms)No:201Revenue & Disaster Management Department LD3(1) Departmentï Dated:10-05-2022 single guideline value is to be fixed.

As per latest Guide Line Value, the value of the patta land is ---------- per acre as such total value of the patta land that is meant for exchange (----------Extent X----------acre) is arrived at Rs. ---------/-[only]. The Guide Line Value of the land adjacent to Government Poramboke land is----------per acre as such the total value of Government land meant for exchange is Rs. ----------/-[only/-] which is equal to the value of the patta land. Hence, the collection of differential land cost doesn't arise.

6. The report of the Tahsildar, RDO/Sub-Collector and Inspection reports of DRO along with the connected records and rules were carefully verified as a result it is seen that

a) The patta land meant for exchange falls within 1km radius of the Government land sought for exchange and as such as per G.O cited in reference 4, single land cost to be collected.

b) (i) As per the report of Tahsildar since both Government and patta lands value are same there is no need for collection of land cost

(ii)As the Guide Line Value of Government land is on the higher side and the applicant has concurred to pay the differential land cost the differential land cost of Rs. ----------/-[only/-] may be ordered to be collected from the applicant while issuing orders by Government.

c) The total extent of Government land (i.e.,) ---------- acres sought for exchange to consolidate their holdings/forming approach road in lieu of the patta lands of the applicant's form-------% of the total holding of applicant in that block which is within 30% of permissible limit.

d) (i) The Government land sought for exchange has no approach, whereas the patta land proposed for exchange is abutted by road.

(ii)The Government land sought for exchange has its approach by-----Road to a width of ---------- mts and the patta land meant for exchange has approach by------Road to a width of-------mts.

e) Since the Government land is classified as---------, consent of the land holding Department is obtained and sent.

f) The resolution of the local body concerned i.e., Resolution No……Dt……. is obtained and sent.

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g) Sub-division statements, combined sketch with different colour wash, F.M.B, Adangal, 'A' Register, V.A.O/Public statements, A1 notice, inspection report of DRO are enclosed.

h) The undertaking of applicant to abide by the conditions and to pay the differential cost if any apart from parting equal extent of patta land to the Government lands was obtained and sent.

In the above said situation, since all the guidelines are satisfied, the proposal for exchange of------acre Government poramboke land situated in S. No.---------of----------Village, ----------Taluk in lieu to the patta lands of Thiru-------, to an extent of -------acres situated in S.No--------of----------Village------Taluk ------- for consolidation/approach purpose in recommended (on collection of Rs. ------- towards differential land cost).

I herewith enclose all the necessary records in duplicate along with the check list and request early orders.

Yours faithfully,

Enclosures.

District Collector

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6. FREQUENTLY ASKED QUESTIONS

1. Is there any limitation procedure for Exchange of land?

The extent of land to be exchanged will be limited to 30% of the land holdings (block of land in relation to which the proposal for exchange has been made) in possession of the applicant with clear title. There shall be no limit on the total extent or number of parcels of lands to be exchanged, subject to the above limit of 30%.

2. Whether the exchange of land is a matter of right or not?

Exchange of land is not a matter of right and is to be undertaken to achieve public policy objectives, including consolidation of Government land, unlocking of private patta land for better use, etc.

3. How the value of Government land would be calculated?

The Government in G.O.Ms.No.117, Revenue and Disaster Management, dated 18.3.2022 has given guidelines to identify parcels of lands surrounding the Government land and taking the guideline value of all private lands which surround the Government land, thereafter fixing the highest value among the selected guideline values as the guideline value for the Government land.

4. What is the procedure when the guideline values of the Government land and Patta lands are same in one case and different in another case?

For cases where the guideline values are the same, the extent of lands to be exchanged will also be the same. If the value is different for both lands, the methodology framed in the G.O.No.201, Revenue Department dt.10.5.2022 (Annexure-1) to be adopted.

5. When double guideline value adopted for Government land?

In case there is no possibility of exchange within the block or within 1 KM from the block, and the patta land is more than 1 KM from the block of land then double guideline value for Government land and single guideline value of patta land will be used for exchange.

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7. OTHER INFORMATION - GOVERNMENT ORDERS

ANNEXURE - 1

ABSTRACT

Land - Exchange of Land - Approval of fresh guidelines as replacement for Revenue Standing Order 26(A) for Land Exchange (not involving water course) -Orders - Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT.
LAND DISPOSAL WING, LD3(1) SECTION

G.O.(MS)No.201 **Dated: 10.05.2022**
சுபகிருதுவருடம்,சித்திரை27,
திருவள்ளுவர் ஆண்டு 2053

Read: -

G.O.(Ms) No.570, Revenue and Disaster Management [LD3(1)] Department, dated 20.09.2021.

*****

ORDER:

In the Government Order read above, a Committee with the following Members was constituted to study and suggest recommendations for streamlining the procedures involved in the exchange of land to replace Revenue Standing Order 26 (A).

1. Thiru. N.Muruganandam, I.A.S.,
   Principal Secretary to Government,
   Industries Department.
2. Thiru. Kumar Jayant, I.A.S.,
   Principal Secretary to Government,
   Revenue & Disaster Management Department.
3. Thiru. D.Karthikeyan, I.A.S.,
   Principal Secretary to Government,
   Higher Education Department.
4. Tmt. Reeta Harish Thakkar, I.A.S.,
   Special Secretary,
   Finance Department.
5. Thiru. S.Nagarajan, I.A.S.,
   Commissioner of Land Administration.

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2. The Committee met on 28.10.2021 in the Chamber of Revenue Secretary, 2nd Floor, Revenue Department, Old building, Secretariat, Chennai - 600 009 and deliberated in detail.

3. The Committee deliberated over the need to simplify and streamline the existing procedures for exchange of land to be in line with the changing scenario, to create a Win-Win situation for Government as well as the applicant, typically for an industry or higher education institution, as well as other applicants.

4. The Committee recognized that Land Exchange is the preferred mode of disposal of due to the following factors: -

(i) Government Land pool has shrunk over the years and there is a need to preserve and consolidate the same for future public requirements. Instead of alienation or transfer, if exchange is done with the private applicant (wherever applicable), the total size of Government land pool remains Intact, preserving it for future use.

(ii) Where the private sector goes for purchase and consolidation of land of considerable extent for projects, there are bound to be small pieces of Government land within the same. These pieces can be unobjectionable such as unassessed / assessed wastes as well as objectionable poramboke such as small water bodies, varies, odals, pathways, kalams, meikkals etc. Unless a proper consolidation of the land is done incorporating these smaller parcels, implementation of the project becomes impossible. Exchange of such land, helps project implementation and at the same time, consolidates the different fragments of public land into one or two parcels. Exchange will take care of water flow arrangements also by properly providing for water ways, wherever required.

(iii) Since the exchanged land can be obtained adjacent to existing government lands, consolidation of the government lands can be done and protecting the same becomes easier in future. Such consolidated Government lands can be put to better use. The criterion has to be based on better access to the exchanged land which becomes a government poramboke.

5. After detailed deliberations, the committee has suggested to replace the of Revenue Standing Order 26A, concerned with the exchange of land with the following Rules.

RULES FOR REPLACEMENT OF EXISTING RSO 26A

The exchange of land may be given for agricultural and non-agricultural purposes. Exchange of land is not a matter of right and is to be undertaken to achieve public policy objectives, including consolidation of Government land, unlocking of private patta land for better use, etc.

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1) General conditions:

(i) The exchange of land is permissible for consolidation of the holdings of the applicant, or for access to the patta land. The extent of land to be exchanged will be limited to 30% of the landholdings (block of land in relation to which the proposal for exchange has been made) in possession of the applicant with clear title.

(ii) There shall be no limit on the total extent or number of parcels of lands to be exchanged, subject to the above limit of 30%.

(iii) **Title**: The patta land offered must be with clear title and possession in favour of the applicant without any encumbrances, encroachments, litigation or dispute. The land given by the applicant as open space reservation or under any other requirements to the local body or any other public authority cannot be considered as patta land for exchange.

(iv) In case the exchange involves lands in sensitive zones like buffer zones, Hill Area Conservation Authority, Elephant/Tiger Corridors, Eco Sensitive Zones, the proposal will be routed through Forest Department.

2) Land exchanged for consolidation of patta lands:

(i) Where poramboke, partially or fully locked inside a block of patta lands of the applicant, are sought to be exchanged, the patta land must be given within the same block of lands.

(ii) The patta lands should be with access to the road of the highest category abutting the block of lands. Illustratively, if the block of lands has access to a Major District Road (MDR) and State Highway (SH), the exchanged patta land should have access to the State Highway.

(iii) The patta lands will be valued as per their guideline value. For Government lands the guideline value will be fixed as per the applicable to fixation of Guideline Value of Poramboke Lands. For cases where the guideline values are the same, the extent of lands to be exchanged will also be the same. In case the guideline value is different for offered patta land and concerned poramboke lands, the following methodology will be adopted.

a) When Guideline value of Government land is lower than patta land. Irrespective of the difference in valuation, the patta land for exchange has to be equal to the Government land extent offered for exchange.

b) When Guideline value of Government land is higher than patta land. In this case there can be two methods (either of which can be used based on individual circumstances)

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i) Patta land is offered which is equal in extent to Government land and the price difference is given as money.

ii) More extent of Patta land is taken for exchange so that land values of patta and poramboke are equalized.

(iii) The single guideline value for Government lands is adopted on the principle that consolidation of government and private lands both is achieved in a win-win formula.

(iv) In case it is not possible to provide patta land within the same block, the alternate land must be given preferably within 1 km of the overall boundary of private land being consolidated, with frontage to the same or higher category of road. Illustratively, if the poramboke are in a block having access to a Major District Road, the exchanged patta land must have access to a Major District Road, State Highway or National Highway. If should be ensured that such exchanged lands are fit to be used by Government for any future use and there is no hindrance due to access issues or any other issue like being an unstable rocky outcome water inundation possibility or any other such contingencies.

(vi) In case there is no possibility of exchange within the block or within 1 KM from the block, and the patta land is more than 1 KM from the block of land then double guideline value for Government land and single guideline value of patta land will be used for exchange.

(vi) The double guideline value is adopted on the principle that the exchange is now equivalent to a relinquishment and an assignment of Government land, which is normally done at double the guideline or market value.

6. The Government have decided to accept the recommendations of the Committee to streamline the procedures involved in the exchange of land (not involving water course) and accordingly order the replacement of the existing Revenue Standing Order 26(A) concerned with the exchange of land (not involving water course) with the rules as detailed in para 5 above.

(BY ORDER OF THE GOVERNOR)

Kumar Jayant
Principal Secretary to Government

To
The Commissioner of Land Administration,
Chepauk, Chennai-600 005.
All District Collectors.
All District Revenue Officers.

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Copy to:
The Chief Minister's Office, Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Revenue and Disaster Management),
Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Water Resources),
Secretariat, Chennal-600 009.

The Special Personal Assistant to Minister (Industries),
Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Law),
Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Rural Development).
Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Animal Husbandry, Fisheries &
Fishermen Welfare), Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Forest), Secretariat, Chennai-600 009.

The Special Personal Assistant to Minister (Finance & Human Resources Management),
Secretariat, Chennai-600 009.

The Senior Principal Private Secretary to the Principal Secretary to Government,
Revenue and Disaster Management, Secretariat, Chennai-600 009.

All Departments of Secretariat, Chennai-600 009.
SF/SC.

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ANNEXURE - 2

சுருக்கம்

நிலம் தனியார் நிலங்களுக்குப் பதிலாக அரசு நிலங்கள் பரிவர்த்தனை - அதிகார வரம்பு அதிகரித்தல்- வருவாய் நிலை ஆணை பத்தி 26ஏ திருத்தம் வெளியிட ஆணை வெளியிடப்படுகிறது.

வருவாய் (நிமு.3-1) துறை

அரசு ஆணை (நிலை) எண்.179 **நாள். 8.4.99**

படிக்கவும்:

1. அரசாணை (நிலை) எண்.15 வருவாய் நாள்- 8.1.98.
2. அரசாணை (நிலை) எண்.773 வருவாய் நாள்- 15.9.98.

மீண்டும் படிக்கவும்:

3. சிறப்பு ஆணையர் மற்றும் நிலநிர்வாக ஆணையர், கடிதஎண். க்யூ 1/49609/97, நாள். 4.11.98.

*****

ஆணை:

தனியார் நிலங்களுக்குப் பதிலாக அரசு நிலங்களைப் பரிவர்த்தனை செய்யும் போது மாவட்ட ஆட்சியர், நில நிர்வாக ஆணையர் மற்றும் அரசுக்கு வழங்கப்பட்டுள்ள அதிகார வரம்பினை அரசு ஆணை நிலை எண்.773 வருவாய்த் துறை, நாள். 15.9.98-ல் வீட்டுமனை மற்றும் விவசாய நிலம் ஒப்படை செய்வதற்கு வழங்கப்பட்டுள்ள அதிகார ஒப்படைப்பு போல அதிகரித்து வெளியிடலாம் என்ற சிறப்பு ஆணையர் மற்றும் நிலநிர்வாக ஆணையரின் பரிந்துரையினை ஏற்று, அதன்படி நிலபரிவர்த்தனைக்குக் கீழ்க்கண்டவாறு அதிகார வரம்பினை உயர்த்தி அரசு ஆணையிடுகிறது.

	தற்போதுள்ள அதிகார வரம்பு	**மாற்றம் செய்யப்பட்டுள்ள அதிகார வரம்பு**
மாவட்ட ஆட்சியர்	ரூ.20,000/- வரை	ரூ. 50,000/- வரை
நில நிர்வாக ஆணையர்	ரூ.50,000./ வரை	ரூ.1,00,000/- வரை
அரசு	ரூ.50,000/- க்குமேல்	ரூ.1,00,000/-க்குமேல்

2. இவ்வாணையின் படி, வருவாய் நிலை ஆணை எண்.26ஏ-க்கு உரிய திருத்தம் வெளியிடுவதற்கும் அரசு ஒப்புதல் அளிக்கிறது.

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3. இவ்வாணை நிதித்துறையின் ஒப்புதலுடன் (அ.சா.குஎண். 49602/வருவாய் 1/99, நாள். 23.02.99) வெளியிடப்படுகிறது.

(ஆளுநரின் ஆணைப்படி)

அர.செல்லமுத்து

அரசு செயலர்

பெறுநர்:

1. சிறப்பு ஆணைர் மற்றும் நிலநிர்வாக ஆணையர், சென்னை-5,
2. அனைத்து மாவட்ட ஆட்சியர்கள்
3. அரசு நிதித்துறை, சென்னை-5,
4. வருவாய் (நிமு.1, 2, 4 மற்றும் 5 அநமு3) துறை, சென்னை-5,
5. இருப்பு கோப்பு / உதிரி

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LAND LEASE

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LAND LEASE

1. PREAMBLE:

Lease of Government land is one of the modes of the disposal of Government land in temporary nature with the ownership of such land is always vested with the Government.

The Government Poramboke lands / buildings / lands with buildings at the disposal of the Government are granted on lease basis temporarily for non-agricultural purpose in favor of individuals, private bodies, companies or associations and local bodies under the provision of Revenue Standing Order 24-A and subsequent Government orders issued from time to time subject to certain conditions for a minimum period of 3 years and maximum period of 30 years at a time.

Lease is a temporary grant covered under the Government Grants Act, 1894 and hence lease is not covered under the Transfer of Properties Act, 1882 for a specific purpose. The salient features of grant of lease are as follows:

Ownership: Government land continues to vest with the Government, and does not get transferred to the receiving entity. Hence, grant of lease, is more preferable to assignment or alienation from the point of view of revenue generation.

Temporary: The grant is of temporary nature ranging from a few weeks to 30 years.

Purpose: There are specific conditions to be complied with in terms of purpose. The leased lands can be summarily resumed, if there are violations of conditions.

License amount: Specific license amount (commonly called as lease rent) as determined by the Government is to be collected.

Resumption: Upon expiry of period / or on violation of conditions, the grant automatically ceases to operate, i.e., the lease expires and the leased land is to be resumed physically.

2. PROCEDURES AND REQUIREMENT:

Eligibility for lease:

The following organizations and entities are eligible to apply for lease of Government land;

- **Government of India organizations & Departments:** Corporations / Public Sector units / Boards / Societies / Trusts controlled by Government of India, Central Universities and other educational institutions under the Government of India.
- **State Government**: Public Sector units / Boards / Societies / Trusts controlled by the State Government; Universities under the State. It is to be noted that the appropriate mode for disposal of Government land to State Government departments is by way of land transfer, instead of lease.

- Local Bodies under relevant Municipal or Panchayat Act.
- Private Entities
- Companies registered under Companies Act
- Societies / Trusts / Boards / Cooperative Societies / individuals.
- Private universities under the Tamil Nadu Universities Laws (Amendment) Act, 2022; Deemed Universities not under the control of Central / State Government under the University Grants Commission, 1956;
- Any other entity approved by Government.

Purpose of lease

In general, Government lands are being granted under temporary lease for the purposes;

- Commercial lease
- Non-Commercial lease
- Concessional lease
- Nominal lease
- Revenue sharing lease
- Production basis lease

Duration of Lease:

There are two terms of lease in practice as of now:

(1) **Short term lease:** It is applicable for few weeks up to 3 years where purpose will cease after the specified time.

(2) **Long term lease:** Typically, long term lease is granted upto 30 years enabling the lessee to put up permanent structures with permission of lessor. In such lease cases lease rent should be refixed once in 3 years with reference to prevailing market value.

Rate of Lease Rent:

Rural Areas:

As per G.O.(Ms)No.460, Revenue (LD2) Department, dated 4.6.1998 **(Annexure-1)** the lease rate is fixed by certain percentage on land value as follows:

Purpose	Lease Rent	Local Cess	Local Cess Surcharge	Total
Commercial	2 %	2 %	10 %	14 %
Non-Commercial	1 %	1%	5 %	7 %

For the concessional and nominal cases, the lease rent will be fixed by the Government on a case-to-case basis based on the purpose and role of the entity for achieving overall public policy objectives.

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In the case of leases given on concessional /nominal rates, or leases which require renewal for a period of more than three years, orders of renewal will be issued only by the Government irrespective of the extent or monetary value of the land.

Urban Areas:

The LC and LCS are applicable only in rural (Panchayat) areas. In respect of Municipalities and Corporations, an Additional Surcharge of 13% & 23% are being levied respectively. Hence, to prevent the anomaly between the urban and rural areas, the Government in their Letter (MS) No.155, Revenue Department, dated 10.3.2005 **(Annexure-2),** have fixed the lease rent in urban area at 14% & 7% for Commercial and non-commercial purposes respectively.

Refixation of Lease Rent:

In respect of long-term lease, the District Collectors & Commissioner of Land Administration may revise the lease rent once in three years, based on the prevailing market value of the land. Though the lease is granted for a longer period, the re-fixation shall be done once in 3 years. (Government letter No.6469/LD2(2)/2002-3, Revenue Department dated:27.4.2002). Wherever the lease has not been renewed for administrative reasons, Government have provided for an arrangement vide G.O.Ms. No.324 Revenue LDII (1) Department, dated 10.9.2001 **(Annexure-3)** where the tentative lease rent should be fixed as follows:-

"When the lease has to be renewed on its period of expiry, the lessee shall pay the lease amount, which may be tentatively arrived at by adding the percentage of provisional increase in lease on the tentative valuation of land on an increase of 12% per annum to the lease year/reference year till its renewal/revision of rent that may be fixed."

Authority to Sanction Lease (Monetary Limit):

As per G.O. (Ms) N0.55, Revenue (LD2(1)) Department, dated 24.2.2017 **(Annexure-4)** the competent authority to sanction/renewal of lease (based on the land value) are as follows:

Sl. No	Designation	Monetary limit for sanction of new lease	Monetary limit for renewal of lease
1.	Tahsildar	Nil	---
2.	Revenue Divisional Officer	upto Rs.1,00,000/-	---
3.	District Revenue Officer	upto Rs.2,00,000/-	---
4.	District Collector	upto Rs.5,00,000/-	upto Rs.10,00,000/-
5.	Commissioner of Land Administration	upto Rs.10,00,000/-	upto Rs.25,00,000/-
6.	Government	above Rs.10,00,000/-	above Rs.25,00,000/-

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Determination of Land Value:

- In practice, there is no guideline value for Government lands. In order to follow uniform procedure for fixing guideline value for Government lands, the Government in G.O.Ms.No.117**,** Revenue and Disaster Management, Land Disposal wing, (LD.4(1)), dated 18.03.2022 (Refer Page No. 29) has given guidelines to determine under the following method:
- (i) Identify all parcels of lands surrounding (immediately adjacent) to the Government land,
- (ii) Taking the guideline value of all private lands which surround the Government land, and
- (iii) Fixing the highest value among the selected guideline values as the guideline value for the Government land.

Execution of Agreement Deed:

Lease deed shall be executed within a month's time based on the orders of appropriate authorities in the form prescribed in Appendix XXXA of RSO 24A together with special conditions as ordered in the lease.

Maintenance of Master Register:

A master Register must be maintained in Districts/ Taluks. The prescribed format is appended.

Cancellation and Resumption of Lease Land:

A comprehensive circular instruction regarding leasing of government lands particularly cancellation and resumption of lease land on violation of lease conditions and non-payment of lease rent was issued in CLA's Circular No. E1/4834/2017 dated 19.08.2020 **(Annexure-5)**. Accordingly, in respect of violation of lease conditions and non-payment of lease rent, the lease is liable for cancellation and District Collector is competent to issue order for cancellation of lease, resume the Government land and to recover the lease rent, without referring the proposal to CLA/Government for orders.

Constitution of Lease Committee:

In order to speed up the process and to take early decision on fresh lease / Renewal of lease cases, the Government have constituted a State Level Committee vide G.O.(MS) No.803, Revenue and Disaster Management Department, LD Wing (LD-2(1)) Section, dated 29.12.2020**(Annexure-6)** headed by Secretary to Government, Revenue and Disaster

Management Department and Secretary to Government, Finance Department and Commissioner of Land Administration being member and convenor of the committee. The lease proposals placed before the committee shall be examined and orders are issued on lease cases, where the unobjectionable lands are involved. In respect of objectionable lands, the recommendation of the committee shall be forwarded to Government for issuing final orders.

Proposed New Lease Policy:

In the Budget Speech for the financial year 2022-2023, the Hon'ble Minister for Finance and Human Resources Management has announced as follows:

> *"Government land should be used in a manner that engenders equitable social and economic development. In order to address the challenges faced in leasing Government lands and to put in place affair and transparent manner for leasing of Government lands, a comprehensive policy on land lease will be developed".*
>
> Accordingly, the new comprehensive lease policy replacing the RSO 24A by consolidating and updating all existing guidelines has been prepared and sent to Government for approval.

SALT LAND LEASE

In coastal areas, Government poramboke lands (Salt pan) are leased out for the purpose of production of salt under the provisions of RSO 24A and subsequent Government orders are issued from time to time. Such lands are leased out to individuals and companies for production of salt and its allied products.

To encourage the salt industry and taking into consideration of the welfare of the small salt producers in the state, the lease rent and royalty for salt lease have been fixed at the reasonable rates.

The rate of lease rent and royalty has been fixed in G.O.(MS) No.242, Revenue department, dated 14.5.99 **(Annexure-7)** and still being followed for the salt pan lands are as follows: -

Lease rent : Rs. 5/- per acre/per annum.

Royalty : Rs. 2/- per metric tonne of salt produced subject to minimum of Rs.100/- per acre/per annum.

(Besides, applicable LC/LCS shall be levied and collected)

This rate has been in force since 1999. Considering the ground reality of production and sale of salt, recommendation was made to the government to revise and enhance the uniform lease rent.

TRACK RENT

Permission is being granted with certain condition for the use of Government land for laying pipelines underneath the government land. Track rent is being levied for the purpose under the provision of Revenue Standing Orders 24A. As per G.O.Ms.1002, Revenue Department, dated 2.12.1993 **(Annexure-8)** the rate of track rent are as follows: -

S.No	Category	Rate	Minimum
1.	Village Panchayat	Rs.200/- per K.M. or 20 paise per metre.	Rs.25/-
2.	Town Panchayats and Municipalities – Grade – III.	Rs.300/- per K.M. or 30 paise per metre.	Rs.50/-
3.	Municipalities of Grade – II and above.	Rs.500/- per K.M. or 50 paise per metre.	Rs.100/-
4.	Madurai, Coimbatore, Tiruchirappalli, Salem, Erode and Tirunelveli.	Rs.2,000/- per K.M. or Rs.2/- per metre.	Rs.200/-
5.	Madras	Rs.3,000/- per K.M. or Rs.3/- per metre.	Rs.300/-

Levy of track rent charges for laying pipelines in the government land to carry the water for agriculture purpose was cancelled vide G.O.(Ms) No.202, Revenue LD5(2) Department, dated 24.4.2000 **(Annexure-9)**. However, prior permission should be obtained from the authorities concerned for laying of pipelines by the concerned Departments.

Similarly, the rate of track rent for the usage by private telecommunication network companies are fixed vide G.O.(Ms)No.172, Revenue (LD5(2) Department, dated 28.3.2000 **(Annexure-10)** are as follows:

S.No	Category	Rate
1.	Village Panchayat	Rs.4400/- per K.M.
2.	Town Panchayats and Municipalities	Rs.5500/- per K.M.
3.	Corporations (other than Chennai)	Rs.6300/- per K.M.
4.	Chennai Corporation	Rs. 9400/- per K.M.

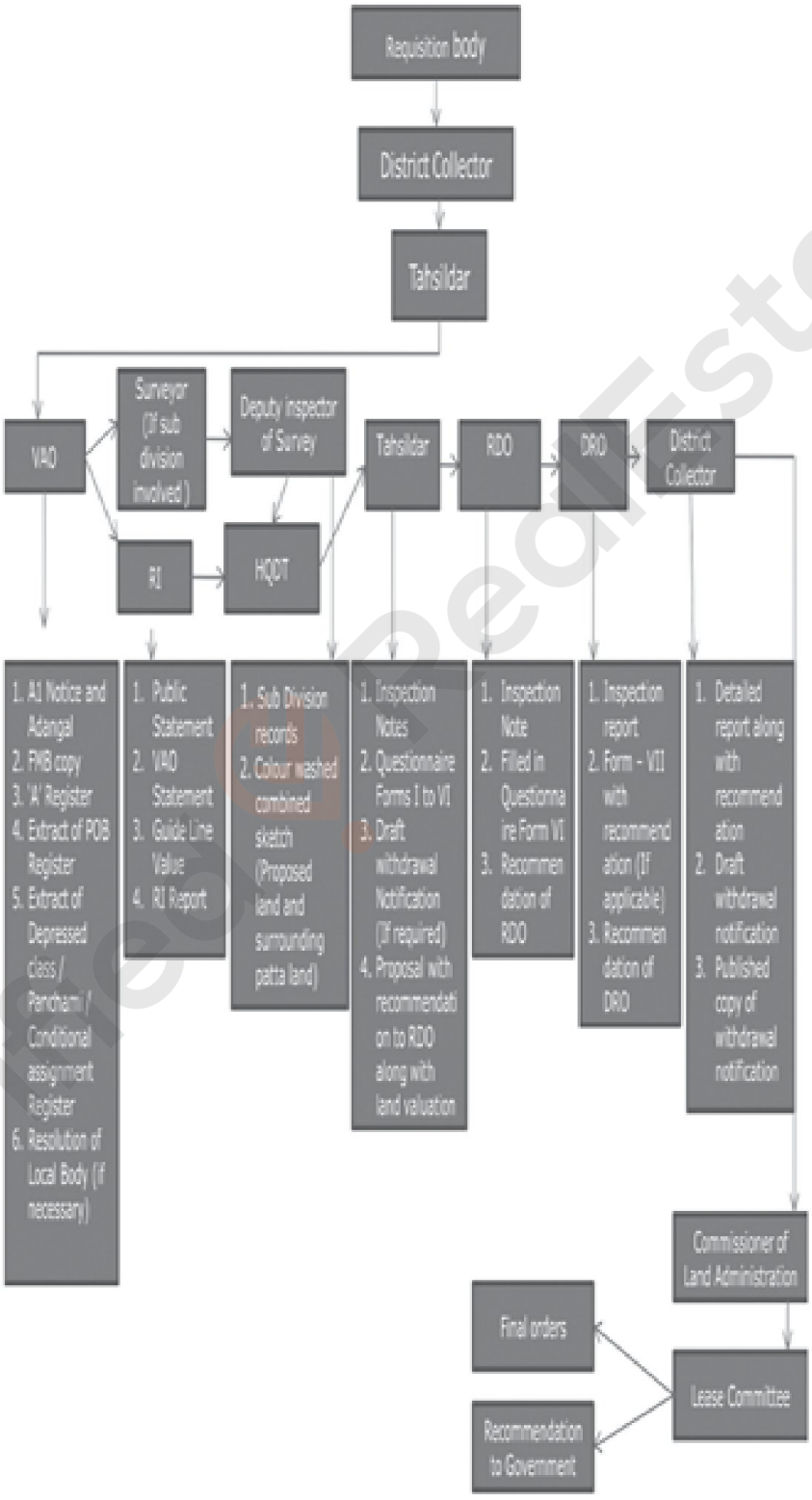
Recommendation Made to Government:

With regard to grant of permission for laying pipelines underneath the patta lands / Government lands to carry Water / OFC / Petroleum products and also to grant Right of Way for the purpose of erection of Tower base and also transmission of electricity through HT/LT lines, a detailed study has been made and the revised draft guidelines / uniform procedure has been sent to Government for consideration and orders awaited from Government.

Verified e Records

LAND LEASE

3. FLOW CHART



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LAND LEASE

4. CHECK LIST FOR LAND LEASE PROPOSAL

Name of the Village: **Taluk:** **District:**

Sl. No.	Details			
1.	Name and address of the requisitioning body / Lessee			
2.	Application and undertaking to abide by the conditions to be imposed by the Government under RSO 24A			
3.	Survey No. and Extent of land proposed (out of total extent)			
4.	Classification of land proposed			
5.	Status of the land whether the applicant already in possession of the land? (If so details)			
6.	Purpose of Land Lease			
Enclosures				
7.	Extract of "A" - Register		Yes	No
8.	Extract of Adangal for 3 faslis		Yes	No
9.	Extract of FMB		Yes	No
10.	Combined Sketch		Yes	No
11.	Sub - Division records, if sub division involved		Yes	No
12.	A1 Notice calling for objections of the Public		Yes	No
13.	Village Administrative Officer Statement		Yes	No
14.	Public Statement about the proposals		Yes	No
15.	Resolution of the Local body		Yes	No
Procedure for land vested with other Departments				
16.	Consent of the land holding / vested Department at District Level		Yes	No
17.	Mandaveli & Meikkal Poramboke	1. Joint inspection report of the DRO and J.D.(AH) for ascertaining the suitability of alternate land for grazing purpose	Yes	No
		2. Copy of remittance Challan towards development charges.	Yes	No
		3. Consent resolution of the local body permitting the cattle for grazing on the alternate land	Yes	No
		4. Copy of report addressed to D.A.H. & V.S.	Yes	No

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18.	Highways Poramboke	1. No Objection Certificate from S.E., Highways Department.	Yes	No
		2. Copy of the report addressed to C.E. for seeking NOC	Yes	No
19.	Temple Poramboke	1. No Objection Certificate from E.O / AC	Yes	No
		2. Copy of report addressed to Commissioner of HR& CE	Yes	No
20.	Water Course / Water body	1. Technical report for C.E., WRD of concerned Region / Engineer from DRDA of the land vested with Local body	Yes	No
		2. Copy of report addressed to Engineer in Chief, PWD for seeking NOC / Copy of report addressed to DRD for seeking NOC	Yes	No
21.	Cart Track / Road Mayanam / Santhai / Thoppu	1. No Objection Certificate from Local body	Yes	No
		2. Copy of report addressed to DRD for seeking NOC	Yes	No
22.	Guideline value with extract		Yes	No
23.	Valuation report based on Guideline value		Yes	No
24.	Site Inspection Notes			
	Tahsildar		Yes	No
	Revenue Divisional Officer		Yes	No
	District Revenue Officer		Yes	No
	Collector (In respect of sensitive issues)		Yes	No
25.	Report in the prescribed questionnaire and narrative report (Form - I to VII)		Yes	No
26.	Copy of Prior entry orders, if any given		Yes	No
27.	Tree value and Building value, if any recommended		Yes	No
28.	Administrative sanction G.O. if any		Yes	No
29.	Withdrawal notification issued by Collector under provision of Tamil Nadu Panchayat Act 1994 and publication in the District Gazette in respect of land vested with local body.		Yes	No

**Special Note: If the lease land covered more than one Village, the details as noted at Sl.Nos.7,8,9,11,12,13 &14 to be obtained from the respective villages separately.

Signature of the District Revenue Officer

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LAND LEASE

5. MASTER REGISTER

Sl.No.	Particulars	Details
1	Name of the Lessee	
2	District and Taluk	
3	Village	
4	Survey No.	
5	Classification	
6	Total extent of land	
7	Leased out extent	
8	Purpose of Lease	
9	Nature of Lease (Commercial / Non-Commercial/ Concessional/ Special category / Revenue Sharing Lease / Production Lease)	
10	Date of Original sanction of lease (Copy to be attached)	
11	Period of Lease sanctioned	
12	Leased amount fixed in original sanction	
13	Whether the lease amount as fixed in original lease order is collected (If not collected? Reason)	
14	Whether the lease rent, refixed once in 3 years within lease period (If not refixed, reason)	
15	Details of refixation and collection of lease rent (Block year wise)	Year / Demand / Collection / Balance

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RENEWAL		
16	Renewal period	
17	Sanctioned Authority	
18	Whether the lease rent revised for the renewal period.	
19	Details of refixation and collection of lease rent (Block year wise)	Year / Demand / Collection / Balance
20	If the lease rent not revised for the renewal period	
21	Details of tentative lease rent fixed and collected.	Year / Demand / Collection / Balance
** If more than one renewal Row 16 to 21 to be refilled.		
CANCELLATION / RESUMED LEASE CASES		
22	Cancellation / Resumption Authority (District Collector / CLA / Government)	
23	Reason for Cancellation / Resumption of lease land (Copy of order to be attached)	
24	Arrear of lease rent if any at the time of cancellation	
25	Subsequent collection of arrear lease rent	Year / Demand / Collection / Balance
26	Reason for non-collection of arrear lease amount	

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DETAILS OF COURT CASE		
25	W.P / W.A No.	
26	Prayer of the petitioner	
27	Date of grant of stay / interim orders, if any	
28	Whether the Counter Affidavit filed if yes, date of filing with USR No. (if no, reason)	
29	Last Hearing date	
30	Status of the case	
DETAILS OF AUDIT PARA		
31	Audit para-No., if any	
31	Gist of Audit para	
32	Whether the rectification report furnished If yes, details If no, reason	

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LAND LEASE

6. MODEL PROPOSAL

Revenue and Disaster Management Department

From	To
Thiru/Tmt….. District Collector, ----------	The Commissioner of Land Administration, Ezhilagam, Chepauk, Chennai -600 005 (With Enclosure)

Letter No.----------, Dated: ----------

Sir,

Sub: Land Lease ---------- District ---------- Taluk - ------- Village S.No. ---------- Extent of ---------- hectares of Government land – classified as----------Poramboke – proposal for Lease of Government land in favour of ---------- - for the purpose of ---------- - for a period of ---------- years - proposal recommended - Reg.

Ref:

- Application dated: ------- received from----------
- From the Tahsildar, --------- Letter No. -------- dated: ---------
- From the Revenue Divisional Officer, ---------- Letter No. ----------, dated: -------
- Inspection report of the District Revenue Officer, ------ dated -------

---

I invite kind attention to the references cited.

2. In the reference 1st cited, ---------- has applied for Lease of Government land measuring an extent of ----------out of ---------- hectare in S.No.---------- classified as ---------- in ----------Village, ---------- Taluk, ----------District in favour of ---------- for the period of ---------- years for the purpose of ---------- as per the terms and conditions in RSO 24(A).

3. Upon this, the Tahsildar --------- and Revenue Divisional Officer, ---------- have conducted field inspection and have formulated necessary proposal for Lease of Government land to an extent of ------ hectare classified as ---------- in S.No. -------- of ---------- Village ---------- Taluk ---------- District in favour of --------- for a period of -------- years for the purpose of ---------- under the provisions of RSO. 24(A) with usual terms and conditions.

4. The details of the Government land proposed for Lease and relevant details are submitted as below: -

Sl.No.	Survey No	Classification	Total Extent (In hectare)	Proposed Extent (In hectare)
1.				
2.				
Total				

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- ----------has given application for lease as per RSO.24(A) and an under taking to abide to the conditions that would be imposed by the Government and also given consent to pay the lease rent.
- Copies of A Register, Adangal, FMB, Combined sketch of the proposed land and data land are enclosed.
- "A-1" Notice calling for objections was published in the Village on ---------- and no objection were received from Public.
- Statement of VAO, ---------- Village and the local Public were obtained in favour of the proposal.
- Filled in questionnaire form Part I to VII with recommendation of DRO / Collector have enclosed.
- ---------- Village Panchayat / Town Panchayat / Municipality / Corporation has passed resolution on --------- vide resolution No.---dated: --------- in favour of lease and copy of resolution is enclosed
- Extracts of GLV is enclosed.

5. Details of Sub-Division:

The Deputy Inspector of Survey has proposed the subdivision as tabulated below: -

Sl. No	Before Sub-division			After Sub-division		
	S. No	Classification	Total Extent (in hectare)	New Subdivision S.No.	Proposed Extent (in hectare)	Classification
1.						

Sub division records are enclosed.

6. Inspection Report of the District Revenue Officer:

The proposed land was inspected by the District Revenue Officer, ---------- on ---------- and stated that no monuments, Temple, well, Valuable Trees, Burial Ground, Vaikkal, Kulam, Kuttai are located in the subject land. Further, he has stated that there is no High / Low Tension electrical line is passing through the proposed lands.

(Other important ground reality if any, like landmark detail, objectionable structure etc.,)

7. Land Value:

As per the Guidelines issued in G.O.Ms.No.117 Revenue and Disaster Management Department Dated:18.03.2022, the GLV for the Government land has been determined with reference to GLV of the patta land surrounding the Government land are as follows:

S.No.	Surrounding S.Nos	GLV
1		
2		
3		

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Among the above GLV, the highest value which is noted as ---------- has been adopted as GLV of the Government land. Accordingly, the tentative value of the proposed Government land is worked out as follows:

Value of 1 acre / hectare of land = Rs. ----------

Value of ---------- acre / hectare of land = Rs. ----------

8. Recommendation of DRO:

The DRO has recommended to fix the lease rent at the rate of 14% or 7% ***(as the case may be)***, as the subject land proposed to utilized for Commercial / Non-Commercial nature

As per G.O (M.s) No.55, Revenue LD2(1), Department dated: 24.02.2017.---------- is the competent authority to sanction the lease.

9. Calculation of lease amount:

As per GO (MS) No.460 Revenue Department date: 04.06.98 and Government letter No.155, Revenue Department dated: 10.3.2005, the lease rent is fixed as detailed below:

Value of the land ----------

14% / 7% of the land cost ----------

Annual lease rent ----------

As above the lease amount has been recommended as Rs. ----------per annum and proposed lease amount for 3 years is Rs. ----------.

10. Based on the reports received from the Tahsildar, --------, Revenue Divisional Officer, ----------and the District Revenue Officer, ----------, the Government land measuring an extent of ----------hectare out of ---------- Hectare in S.No.---------- classified as ----------etc., of ---------- Village, ---------- Taluk, ----------District is recommended for Lease / grant of permission to use in favour of ---------- for the period of --------- years from the date of issue of sanction for the purpose of ---------- by fixing appropriate lease rent along with applicable charges with usual terms and conditions as per RSO.24(A).

(*if the land is already under the enjoyment of the applicant, it should be recommended from the date of occupation)*

10. Copies of the relevant records corresponding to the land Lease proposal are enclosed herewith for reference.

Encl: As above

Yours faithfully,

District Collector

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7. FREQUENTLY ASKED QUESTIONS

1) What are the governing rules and procedures for the grant of lease?

The Poramboke lands / buildings / lands with buildings at the disposal of the Government are granted on lease basis temporarily for non-agricultural purpose in favour of individuals, private bodies under the provision of R.S.O.24-A, subject to certain conditions.

2) How many years lease can be granted?

- As per R.S.O. 24-A: 3 to 20 years
- Minimum Period of Lease: 3 Years (G.O. dated 27.04.2002)
- Maximum Period of Lease: 30 Years (G.O.(MS) No.803, Revenue and Disaster Management Department, dated:29.12.2020)

3) What are the types of Leases?

1.General leases:

(i) Commercial lease
(ii) Non commercial lease
(iii) Concessional
(iv) Special category
(v) Revenue Sharing Lease
(vi) Production Lease

2.Track rents

4) How to fix lease rent for commercial lease and Non-commercial Lease rent?

As per G.O.Ms.No.460, Revenue LD 2(1) Department, dated 04.06.1998,

- for Non-commercial purpose - Lease rent is fixed at 7% of land value per annum and
- for commercial purpose - 14% of land value per annum (inclusive of Local Cess and Local Cess Surcharge levied by the local bodies under Tamil Nadu Panchayats Act, 1994).
- In respect of Corporation and Municipal areas inclusive of additional surcharge of 23% and 13% respectively.

5) How to fix lease rent on its expiry of lease period?

As per G.O.Ms.No.324, Revenue LDII (1) Department, dated 10.9.2001:

When the lease has to be renewed upon expiry, the lessee shall pay tentative amount which is calculated by giving 12% notional increase per annum, lease rent lastly fixed till its renewal.

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6) How to revise the lease rent for long term lease?

In respect of long-term lease, as per Government letter No.6469/LD2(2)/2002-3, Revenue Departmentdated:27.4.2002, the District Collectors may revise the lease rent once in three years, based on the prevailing market value of the land.

7) Who is the Authority for Sanction of lease?

Originally, monetary powers were delegated at every level from RDO to Government. The monetary level is lastly fixed in the G.O.(Ms) N0.55, Revenue (LD2(1) Department, dated 24.2.2017

8) Who is the Authority for Resumption of lease?

In case of violation of condition and non-payment of lease rent the District Collectors are competent to cancel the lease and also to resume the lease land vide CLA Circular No. E1/4834/2017, dated 19.8.2020.

9) When concessional lease given?

Concessional lease is granted to an entity for achieving over all public policy objectives depending upon the purpose of lease. The request of lease must be purely non-commercial in nature.

10) Is lease given for water course poramboke?

Stringent instructions have been issued on various occasions by the Hon'ble Supreme Court of India and High Court of Madras, to protect the water bodies and directed not to utilize the water course poramboke lands / water body poramboke lands for other purposes. Hence, it is preferable to grant permission to use for infrastructural development activities like Road, Railways, Culverts, Small Bridges etc., without affecting the natural course of water body.

11) Name of the department that NOC must be obtained based on classification of land

1	Meikkal / Mandhaiveli	Animal Husbandry Department
2	Karadu and Kallanguthu	Mines and Minerals Department
3	Land vested with Local body (Vandipathai, Mayanam, etc.)	Rural Development and Panchayat Raj Department / Director of Town Panchayat / Commissioner of Municipal Administration
4	Water Body / Water course	C.E., Water Resources Department, (concerned Region) / Engineer-in-Chief, Water Resources Department
5	Highways Department	Director General of Highways Department

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12) Whether Track Rent has to be levied for agricultural purpose or not?

Levy of track rent was cancelled for the purpose of agricultural activities as per GO(MS) No.202, Revenue Department dated: 24.04.2000.

13) Whether Track Rent has to be levied for State Government Departments or not?

The track rent payable for laying pipe lines in Government lands, need not be insisted upon from State Government departments, Central Government departments and local bodies such as Tamil Nadu Water Supply and Drainage board, Electricity Board, etc. The Government, however, direct that prior permission should be obtained from the authorities concerned, for laying of pipe lines by the concerned departments / Organizations as per G.O. Ms.No.462 Revenue department dated: 28.02.1978.

14) What is the procedure for appeal and revision regarding lease?

The provisions as regards appeals and revision contained in paragraphs 15-18 of standing order 15 will apply for lease.

15) What is the period of notice for revocation of lease?

The grant may be revoked by the Collector acting on behalf of the Governor of TamilNadu after giving a month notice in writing and by the Government or the Commissioner of Land Administration without notice in an emergency.

16) Whether the grantee shall be entitled to any compensation in respect of any structures on land in case of revocation or termination?

The grantee shall not be entitled to any compensation in respect of any structures on the land or of any other improvements effected by the grantee to the land or for the loss caused by the interruption of his occupation.

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8. COMMON MISTAKES

1. Lease proposal not renewed in time. In practice lease is not being renewed in time despite many instructions, in the districts. It leads to accumulation of arrears of lease rent. While taking steps to collect the arrear amount, lessee's approaches High court against the orders and managed to obtain stay order. It creates hurdles to administration too.
2. In most of the proposal the NOC has not obtained from the land holding / vested department at District Level.
3. NOC from Tamil Nadu Pollution Control Board for "*laying oil pipelines*" through Government land
4. Undertaking to abide by the conditions and consent to pay the lease rent as fixed by the Government at time to time.
5. Field inspection report of DRO/RDO/Tahsildar.
6. Statement of Income, Expenditure and Balance statements has to be obtained from the lessee for Nominal / Concessional lease in case of School, Hospital etc.

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9. OTHER INFORMATION - GOVERNMENT ORDERS AND CIRCULARS

ANNEXURE - 1

சுருக்கம்

நிலம் குத்தகை அரசு நிலங்கள் குத்தகைக்கு அளித்தல் குத்தகைத் தொகை தலவரி மற்றும் தலமேல் வரி நிர்ணயம் செய்தல் - ஆணை வெளியிடப்படுகிறது.

வருவாய் (நிமு.2)துறை

அரசு ஆணை (நிலை) எண்.460 **நாள். 4.6.98.**

படிக்கவும்:

1. ஊரக வளர்ச்சித் துறை இயக்குநரின் கடித எண்.83677/94/ஜி3/ நாள். 14.6.97.
2. சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையரின் கடித எண். ட்டி1/846/89, நாள். 9.7.92 மற்றும் 29.3.94.

*****

ஆணை:

புறம்போக்கு நிலங்கள் தனியாருக்கு குத்தகைக்கு விடப்படும்போது, வணிகம் அல்லாத நோக்கத்திற்காக குத்தகைக்கு விடப்படும் புறம்போக்கு நிலங்களுக்கு நடப்பு நில மதிப்பில் 7 சதவீதமும், வணிக நோக்கத்திற்காக குத்தகைக்கு விடப்படும் நிலங்களுக்கு நடப்பு நிலமதிப்பில் 14 சதவீதமும் குத்தகைக்கு கட்டணமாக நிர்ணயம் செய்யப்படுகிறது.

2. தற்போது தமிழ்நாடு ஊராட்சிகள் சட்டம், 1994-ன்படி குத்தகைகு கட்டணங்கள் மீது 100% தலவரியும், 500% தலமேல்வரியும் வதிக்கப்படுகிறது. இதன்படி வணிக நோக்கத்திற்காக குத்தகைகு விடப்படும் புறம்போக்கு நிலங்களுக்கு, குத்தகைதார ர், நிலமதிப்பில், 98 சதவீத த் தொகையை (குத்தகைக் கட்டணம் 14% + தலவரி 14% + தலமேல் வரி 70% = 98%) ஒரு வருடத்திற்கு செலுத்த வேண்டியுள்ளது. வணிகம் அல்லாத நோக்கத்திற்காக வழாங்கப்படும் புறம்போக்கு நிலங்களுக்கு நடப்பு நிலமதிப்பில் 49 சதவீதத் தொகையை (குத்தகை கட்டணம் 7% + தலவரி 7% + தலமேல்வரி 35% = 49%) வருடத்திற்கு செலுத்த வேண்டியுள்ளது. இதனால் குத்தகைதாரரிடமிருந்து தலவரி, தலமேல்வரியை மட்டுமின்றி, குத்தகைக் கட்டணத்தையும் வசூலிக்க இயலவில்லை.

3. புறம்போக்கு நிலங்களை குத்தகைக்கு விடும்போது தலவரி மற்றும் தலமேல்வரி வசூலிக்கக் கூடாது எனவும், இதற்கேற்ப தமிழ்நாடு ஊராட்சி சட்டத்தை திருத்துமாறும் அல்லது குத்தகைக் தொகையினை 1% அல்லது 2% ஆக குறைக்குமாறும், நில நிர்வாக ஆணையர் அரசைக் கேட்டுக்

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கொண்டுள்ளார். எனினும், தலவரி மற்றும் தலமேல்வரி ஆகியவற்றை நீக்கவோ, குத்தகைத் தொகையினை குறைக்கவோ செய்தால், ஊராட்சி அமைப்புகளுக்கு அதனால் கணிசமான நிதி இழப்பு ஏற்படும் என ஊரக வளர்ச் சித் துறை இயக்குநர் தெரிவித்துள்ளார்.

4. புறம்போக்கு நிலங்களை குத்தகைக்கு அளிக்கும்போது வசூலிக்கப்பட வேண்டிய தொகை குறித்து அரசு நன்கு ஆய்வு செய்து, ஆண்டுக்குத்தகை, தலவரி மற்றும் தலமேல்வரி ஆகியவற்றினை கீழ்க்கண்டவாறு நிர்ணயிக்க வேண்டும் என அரசு ஆணையிடுகிறது.

பயன்பாடு	குத்தகைக் கட்டணம்	தலவரி	தலமேல்வரி	மொத்தம்
வணிக நோக்கம்	2%	2%	10%	14%
வணிகமற்ற நோக்கம்	1%	1%	5%	7%

//ஆளுநரின் ஆணைப்படி//

ஆர்.செல்லமுத்து
அரசுச் செயலாளர்

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ANNEXURE – 2

Revenue Department
Secretariat.
Chennai 600 009

Letter (Ms) No.155. Dated: 10.3.2005

From
Thiru. N.SUNDARADEVAN, I.A.S..
Secretary to Government.

To
The Special Commissioner and Commissioner of Land Administration, Chennai -5

Sir,

Sub: Land Lease - Government lands Grant of lease of Government lands Fixation of lease rent, Local Cess and Local Cess Surcharge and Municipal Tax- etc., - Government Order issued Clarification sought for - Instructions - Issued.

Ref. 1. G.O.(Ms) No 460, Revenue Department, dated: 4.6.1998
2. From the District Collector Chennai DO Letter No J8/ 20119/2004, Dated: 18.11.2004

*****

I am directed to enclose a copy of the D.O. Letter second cited and to state that in the Government Order first cited, orders were issued revising the lease rent to be levied in cases of grant of lease as indicated below.

	Lease Rent per annum	**Local Cess**	**Local Cess Surcharge**	**Tota**
Commercial	2 % of land cost	2 % of land cost	10 % of land cost	14 % of land cost
Non-Commercial	1 % of land cost	1 % of land cost	5 % of land cost	7 % of land cost

The above rate of lease rent has come into force with effect from 4.6.1998

2. In this connection I am to point out that the Local Cess and Local Cess Surcharge are leviable only in Panchayat and Panchayat Union areas. In respect of areas coming under Municipalities and Corporations Local Cess and Local Cess Surcharge not leviable.

But additional surcharge at 13% on lease rent in Municipalities and 23% on lease rent in Corporation areas is leviable in addition to lease rent. In the Government Order first cited it was not specifically mentioned that revised lease rents are applicable only to the lands leased out in Village Panchayats. Hence, you have sent proposals to the Government to charge 1% for non-commercial purposes, as lease rent besides 23% of lease rent as additional surcharge in Chennai Corporation area and 13% of lease rent as additional surcharge in Municipal areas. The Accountant General has also pointed out that the Government Order first cited is not applicable to Municipalities and Corporation areas.

3. I am, therefore, directed to state that there is some practical difficulty in implementing the Government Order first cited and in order to get over the difficulties, it has been decided to amend the Government Order first cited and it is under examination.

4. In the above circumstances, am to request you to issue instructions to all District Collectors that pending issue of amendment to G.O Ms.No.460, Revenue Department, dated 4.6.98, 7% of the land cost inclusive of additional surcharge and 14% of land cost including additional surcharge may be collected as lease rent for non-commercial purposes and commercial purposes respectively in respect of leases in the Municipal areas and Corporation limits.

5. I am to request you to acknowledge the receipt of this letter at an early date.

Yours faithfully,

for Secretary to Government.

Copy to:
All Collectors.
The Finance (Revenue) Department, Chennai -9
S.F./S.C.

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ANNEXURE – 3

ABSTRACT

Lease - Grant of Government Lands on lease – Execution of lease deed - Inclusion of a new condition for payment of lease rent till the renewal of lease-Orders issued.

REVENUE (L.D.II(1) DEPARTMENT

G.O.Ms.No. 324 **Dated: 10.9.2001**

Read:

1. G.O.Ms.No.460, Revenue, (LD. II (1) Department, dated 4.6.98.

Read also:

2. The Special Commissioner and Commissioner of Land Administration, Lr. No. E1/29240/99, dated 29.7.99.
3. From the Special Government Pleader, Letter dated 31.5.2000.

*****

ORDER:

Government lands are normally allotted to individuals, private bodies, corporations, local bodies, recognized clubs etc., on lease basis for specified period for non-agricultural purpose under RSO 24-A. Government in their order read above, have prescribed the lease rent local cess and local cess surcharge on land value for adoption for leasing of Government poramboke lands.

2. During the departmental audit and accounts committee meeting held on 17.6.99, by Secretary to Government, Revenue Department with the Deputy Accountant General along with departmental officers, the Deputy Accountant General pointed out that as far as leasing of Government lands is concerned, leases are granted for 20 years subject to the condition that the lease rent should be revised once in three years. She has pointed out that when the proposals are sent to Government for renewal of lease, it takes normally two or three years to grant further extension of lease. Till the lease is renewed, the lessee is enjoying the land without paying lease rent. Thereby Government dues are locked up without interest. Hence, she has suggested that a condition should be stipulated in the lease deed that till the renewal of lease, the lessee should pay the old lease amount and the difference shall be paid after the renewal of lease so that the arrears of lease rent could be avoided.

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3. The Special Commissioner and Commissioner of Land Administration has accepted the suggestion for inclusion of the above condition in the existing lease deed. She has also suggested that orders may be issued making it mandatory for the District Administration to initiate action three months prior to the date due for revision of lease rent, in cases fit for renewal of lease.

4. The Special Government Pleader, High Court, Chennai who was consulted in the matter for Incorporating necessary condition in the Lease deed agreement, has opined that

> "the idea of making the lessee pay the old lease amount till its revision is welcome, legal and valid and it is advisable and desirable to incorporate such provision,
>
> regarding the payment of difference, he has stated instead of the difference between the old rent and the revised rent being paid after the issue of orders of revision of the lease amount, the Lessee should pay in addition to the old lease amount, an increase of about 20% of the existing lease amount as a tentative rental value payable on renewal subject to the actual revision of rent that may be fixed."

5. The Government have examined the proposal again in detail along with the above opinion of the Special Government Pleader, High Court, Chennai. Normally, while arriving at the valuation of Government lands for any given year, an increase of valuation of 12% per annum to the base year/reference year valuation is added as a sort of indexing. By giving, this indexation, a tentative valuation of the land on lease could be worked out as at the end-of the period and the percentage provisional increase in lease rent on expiry of the current period can be worked out even before signing the lease deed with the lessee. It has been considered that the above provisional increase in the lease rent on expiry of the lease period will be more realistic.

6. The Government have accordingly decided to Incorporate a new condition in the lease deed as indicated below: -

"When the lease has to be renewed on its period of expiry, the lessee shall pay the lease amount, which may be tentatively arrived at by adding the percentage provisional increase in lease on the tentative valuation of land on an increase of 12% per annum to the lease year/ reference year till its renewal/ revision of rent that may be fixed."

7. The Special Commissioner and Commissioner of Land Adminis- tration / Collectors are requested to take necessary action for incorporating the above new condition in the lease deed and implement the orders.

8. The Special Commissioner and Commissioner of Land Administration is requested to send a report on the action taken to implement the orders to Government.

9. The Special Commissioner and Commissioner of Land Administration is also requested to send necessary proposal for suitably amending condition in the Annexure-XXX-A to RSO 24-A.

(BY ORDER OF THE GOVERNOR)

DEBENDRANATH SARANGI
SECRETARY TO GOVERNMENT.

To
The Special Commissioner and Commissioner of Land Administration, Chennai-5.
The Principal Commissioner and Commissioner of Revenue Administration, Chennai-5.
All Collectors
The Director of Rural Development, Panagal Buildings, Saidapet,Chennai-15.
The Director of Municipal Administration, Chennai-5

Copy to:
The RD/MA & WS/PWD/Finance Departments, Chennai-9
The Accountant General (audit-II), 44, Greams Road, Chennai-6
The Revenue (LD.I/OP.III) Departments, Chennai-9
P.A. to Deputy Secretary (LD), Chennai-9
SF/SC 50 copies.

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ANNEXURE - 4

ABSTRACT

Land – Lease - Delegation of Monetary Powers to the various Revenue Officials- Regarding renewal of lease-Orders issued.

REVENUE [LD2(1)1 DEPARTMENT

G.O.(Ms) No.55 **Dated: 24.2.2017**

துர்முகி வருடம், மாசி 12,
திருவள்ளுவர் ஆண்டு 2048

Read:

1. G.O.(Ms)No.60, Revenue Department, dated 6.2.1999.
2. G.O.(Ms)No.527, Revenue Department, dated 28.11.2014.
3. From the Additional Chief Secretary and Commissioner of Land Administration, Letter No. E1/8225/2013, dated 4.12.2014.

*****

ORDER:

In the G.O. first read above, orders were issued for the delegation of monetary powers to the various Revenue Officials with regard to Lease and Assignment of Government lands as follows: -

Assignment of cultivable land / house sites:-

Sl.No	Designation	Monetary Limit
1.	Tahsildar	upto Rs.10,000/- (Rupees Ten thousand only)
2.	Revenue Divisional Officer	upto Rs.20,000/- (Rupees Twenty thousand only)
3.	District Revenue Officer	upto Rs.50,000/- (Rupees Fifty thousand only)
4.	Collector	upto Rs.2,00,000/- (Rupees Two lakhs only)

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5.	Special Commissioner and Commissioner of Land Administration	upto Rs.2,50,000/- (Rupees Two lakhs and fifty thousand only)
6.	Government	above Rs.2,50,000/- (Above Rupees Two lakhs and fifty thousand only)

LEASE:

Sl.No	Designation	Monetary Limit
1.	Tahsildar	Nil.
2.	Revenue Divisional Officer	upto Rs.20,000/- (Rupees Twenty thousand only)
3.	Collector/District Revenue Officer	upto Rs.50,000/- (Rupees Fifty thousand only)
4.	Special Commissioner and Commissioner of Land Administration	upto Rs.2,00,000/- (Rupees Two lakhs only)
5.	Government	above Rs.2,00,000/- (above Rupees Two lakhs)

2. In the G.O. second read above, orders were issued for enhancing the Monetary Powers delegated to various Revenue Officials in respect of grant of lease of Government lands as follows:

Sl.No	Designation of officer	Enhanced monetary limit
1.	Tahsildar	Nil
2.	Revenue Divisional Officer	upto Rs.50,000/- (Rupees Fifty thousand only)
3.	District Revenue Officer	upto Rs.1,00,000/- (Rupees One lakhs only
4.	District Collector	upto Rs.4,00,000/- (Rupees Four lakhs only)
5.	Commissioner of Land Administration	upto Rs.5,00,000/- (Rupees Five lakhs only)
6.	Government	above Rs.5,00,000/- (above Rupees Five lakhs)

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3. In the letter third read above, the Additional Chief Secretary / Commissioner of Land Administration has reported as follows: -

i) It is to be noted that the delegation of monetary power was fixed against the land cost and not the lease rent. There are 1025 lease cases pending in the State and more than 80% of lease cases are to be decided at Government level applying the current delegation of monetary power as a result many of the cases could not be processed and renewal in time thereby ending in loss of Revenue to Government. Meanwhile the lessee is enjoying the Government land without paying the lease rent to the Government for many years.

ii) In 1999, the revision on delegation of monetary power was done for assignment and lease cases. Subsequently, in the years 2009 and 2012 the monetary power was raised only for Land Assignment, Land Transfer and Land Alienation cases in G.O.(Ms) No.248, Revenue Department, dated 28.7.2009 and in G.O. (MS) No. 242, Revenue Department, dated 4.7.2012 respectively by the Government.

iii) The reasons for revision of delegation of monetary power to revenue officials are felt for the following reasons: -

(a) The Guide Line Values has been revised by the Registration Department in 2012 from its last revision done in the year 2007. The average Guide Line Value for agriculture land and street land has been increased by the 270.58% and 170.26% respectively from 2007 to 2012. As a result, even for meager extent of lease cases have to be sent to the Government for sanction and renewal.

(b) In cases of urgency, in regard to Assignment, Transfer and Alienation cases there are possibilities to divide the land so as to fit within the District Collector monetary limit in order to speed up the process, whereas such practical clubbing not possible in lease cases.

(c) In many cases, proposal for renewal of leases of 40 Sq. ft to 100 Sq. ft of land in urban areas has to be sent to Government because the land value is higher than Rs.2,00,000/-. For example, the minimum Guide Line Value in Urban areas like Chennai, Coimbatore, Madurai, Trichy are Rs, 12,000/- per sq. ft., Rs.6,500/- per sq. ft, Rs.10,000/- per sq. ft., and Rs.5,500/- per sq. ft., and if we apply these Guide Line Value, even lease for 4.16 sq.ft.,7.6 sq. ft., 5 sq. ft., 9 sq. ft. extent of land cannot be renewed by the District Collectors of Chennai, Coimbatore, Madurai, Tiruchirappalli respectively.

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(d) Further we have also randomly taken the Guide Line Value of certain survey numbers as prevailed on 2007 and in 2012 both in rural and urban district. Instantly, the guide line value of S.F.No.201/12 in Kovilur Village; Orathanadu Taluk of Thanjavur District, which was Rs.48,500/- per Acre in 2003 and increased to 1,11,500/- per Acre In 2007 increased further to Rs.1,60,000/- in 2012, showing an overall increase in the Guide Line Value shows from 2003 to 2012 is 3.25 times. Similarly, the Guide Line Value of Survey No.201/1 in Ganapathypalayam Village, Kangeyam Taluk of Coimbatore District, which was Rs.10,500/- per Acre in 2003 increased to Rs.40,305/- per Acre in 2006 and to 4,00,000/- per Acre in 2012, showing an increase of 38 times over this period.

(e) In this regard, reports were called from the 26 District Collectors of Ariyalur, Coimbatore, Cuddalore, Dharmapuri, Dindigul, Erode, Kancheepuram, Kanniyakumari, Karur, Krishnagiri, Madurai, Nagapattinam, Namakkal, Perambalur, Ramanathapuram, Sivaganga, The Nilgiris, Theni, Thiruvannamalai, Thiruvallur, Thoothukudi, Tiruchirapalli, Tirunelveli, Vellore, Villupuram and Virudhunagar, so as to assess the fact of how many of the lease in their districts fall within a land value of Rs.4 Lakhs, 10 Lakhs and above.

(f) As reported by the District Collectors, out of 531 lease cases (excluding Chennai District) handled in the above Districts, the breakup of the monetary value of cases above Rs.4 Lakhs land value is as given below: -

Rs.4 Lakhs to Rs.5 Lakhs	:	34
Rs.5 Lakhs to Rs.10 Lakhs	:	92
More than Rs.10 Lakhs	:	215

As such, about one third of the current leases could be renewed at the district level, 17% (92/531) at Commissioner of Land Administration level, leaving more than 50 % of leases to be renewed at Government only, if the current delegation is retained.

iv) As regards Chennai, almost all the leases will have to come to Government only in view of the higher land value as already pointed out. A separate solution for renewing the leases in Chennai is being worked out in consultation with the District Collector, Chennai.

v) Therefore, considering the circumstances as described supra, while retaining the monetary limits already proposed in respect of new lease cases as shown below, it is suggested that: -

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TABLE-I

TO RETAIN AND REVISE THE MONETARY LIMITS IN RESPECT OF SANCTION OF NEW LEASE CASSES

Sl.No	Designation	Monetary limit
1.	Tahsildar	Nil
2.	Revenue Divisional Officer	upto Rs.1,00,000/- (Rupees One lakhs only
3.	District Revenue Officer	upto Rs.2,00,000/- (Rupees Two lakhs only
4.	District Collector	upto Rs.5,00,000/- (Rupees Five lakhs only)
5.	Special Commissioner and Commissioner of Land Administration	upto Rs.10,00,000/- (Rupees Ten lakhs only)
6.	Government	above Rs.10,00,000/- (Above Rupees Ten lakhs)

The Government may consider revising the monetary power for renewal of lease to various Revenue authorities as follows:-

TABLE-II

Sl.No	Designation	Monetary Limit Land Value
1.	Revenue Divisional Officer	upto Rs.2,00,000/- (Rupees Two lakhs only)
2.	District Revenue Officer	upto Rs.5,00,000/- (Rupees Five lakhs only
3.	Collector	upto Rs.10,00,000/- (Rupees Ten lakhs only)
4.	Commissioner of Land Administration	upto Rs.25,00,000/- (Rupees Twenty five lakhs only)
5.	Government	above Rs.25,00,000/- (Above Rupees Twenty five lakhs)

(a) Lease renewal upto a period of 3 years may be done by the District Collectors and Commissioner of Land Administration within their monetary limit.

(b) In the case of leases given on concessional /nominal rates, or leases which require renewal for a period of more than three years, orders of renewal will be issued only by the Government irrespective of the extent or monetary value of the land.

(c) As a special case, since many lease cases have not been renewed for a long period, such cases may be renewed by the respective authorities in 3 years spells upto current date, based on the revised monetary power.

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4. The Government, after careful examination, have decided to delegate the Monetary Powers to various Revenue Officials in respect of renewal of lease as follows: -

Sl.No	Designation	Monetary limit
1.	District Collector	upto Rs.10,00,000/- (Rupees Ten lakhs only)
2.	Commissioner of Land Administration	upto Rs.25,00,000/- (Rupees Twenty five lakhs only)
3.	Government	above Rs.25,00,000/- (Above Rupees Twenty five lakhs)

OTHERS: -

(a) Lease renewal upto a period of 3 years at a time may be done by the District Collectors and Commissioner of Land Administration within their monetary limit.

(b) In the case of leases given on concessional /nominal rates, or leases which require renewal for a period of more than three years, orders of renewal will be issued only by the Government irrespective of the extent or monetary value of the land.

(c) As a special case, since many lease cases have not been renewed for a long period, such cases may be renewed by the respective authorities in 3 years spell upto current date, based on the revised monetary powers.

5. The Principal Secretary and Commissioner of Land Administration (FAC) and the District Collectors are requested to adhere to the above Monetary Limits.

(BY ORDER OF THE GOVERNOR)

Dr. Chandra Mohan. B,
Secretary to Government.

To

The Principal Secretary and Commissioner of Land Administration (FAC),
Chepauk, Chennal-5.
All District Collectors.
All District Revenue Officers.
All Revenue Divisional Officers.

Copy to:

The Finance Department, Chennai-9.
The Senior Personal Assistant to Hon'ble Minister for Revenue, Chennai-9.
The Hon'ble Chief Minister's Office, Chennai-9.
The Private Secretary to Secretary to Government,
Revenue Department, Chennai-9.
The Revenue [LD-6] Department, Chennai-9.
SF/SC.

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ANNEXURE - 5

IMMEDIATE/FOR PERSONAL ATTENTION

E1/4834/2017

O/o. Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 009.
Dated 19.08.2020

CIRCULAR

Sub: Land - Leasing of Government lands under the Provisions of RSO 24-A Renewal of lease, Re-fixation of lease rent, Violation of lease conditions and non-payment of lease rent- Cancellation of lease and to resume the land - Comprehensive Circular Instructions - Issued - Regarding.

Ref: 1. The ACS /CLA letter No. E1/15291/2016, dated 19.07.2017
2. The ACS / CLA's Circular No. E2/18787/2017, dated 23.01.2019
3. The CLA's Circular No. E1/15291/2016, dated 15.06.2020

*****

In the references cited, instructions / guidelines were issued to streamline the lease cases, and to tone up the District Administration in the performance of renewal of lease, re-fixation of lease rent, collection of lease rent and to take action for cancellation of lease, where the violation of lease conditions, non-payment of lease rent and filing of Counter Affidavits and follow up the Court Cases to vacate the interim stay if any.

It is brought to notice that, in cases, where the violations of conditions are established or where the lease period has expired or there is non-payment of lease rent, timely action has not been taken to cancel the lease and Government lands are still under the enjoyment of individual persons / organizations.

It is also noticed that the District Administration is in the habit of sending formal proposal for cancellation of lease to CLA / Government, irrespective of the authority who have passed original order or monetary limit as routine manner. There is no follow up from the DROS to get early orders for cancellation of lease. The District Administration is also failed to resume the land, where the lease period expired.

In order to streamline the procedures and to speed up the process in land lease cases. the following Guidelines are issued:

I. Fresh Lease:-

(i) The District Collectors are directed to issue instructions to all the Tahsildars

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to identify the non-agricultural (excluding residential) encroachments in unobjectionable Poramboke lands.

(ii) Examine the feasibility of leasing of such lands as per the prevailing rule provision after obtaining application from the encroacher and take a decision immediately.

(iii) The proposal for fresh lease should be sent in full shape as per the Guidelines and check list, to avoid unnecessary delay in securing the additional particulars

II. Renewal of Lease: -

(i) Proposal for renewal of lease should be formulated 3 months prior to the expiry of lease period.

(ii) The proposal should be examined as per the monitory power delegated in G.O.Ms. No.55, Revenue and Disaster Management Department, dated 24.02.2017 and submitted to competent authority for issuing appropriate orders.

(iii) Pending renewal of lease, the lessee may be directed to pay the tentative lease rent, which is likely to be fixed to avoid accumulation of arrear of lease rent.

III. Re-fixation of Lease Rent

(i) In respect of long-term lease cases, re-fixation of lease rent should be done once in 3 years based on the prevailing market value. However, instances have been brought to notice that the re-fixation of lease rent are not being done within the time limit. The District Collectors should ensure that orders for fixation of lease rent is issued well in advance. If there is any undue delay noticed, disciplinary action should be initiated against the officials responsible for such delay.

(ii) Whenever there is delay in payment of lease rent, an interest at 15% per annum should be collected, till the date of payment of lease rent.

(iii) If there is delay in finalizing the lease renewal at any level, lease rent should be collected on the basis of earlier lease value, as per the instructions issued in Government letter (Ms). No.430/2000 Revenue Department, dated 31.10.2001.

IV. Cancellation of Lease: -

As per the provisions made in RSO 24-A and lease agreement, if any violation of condition of lease is noticed, the lease is liable for cancellation and the land can be resumed back to Government. But in practice, the above procedure has not been implemented in sprit. The District Administration is in the habit of sending formal proposals for cancellation of lease and not following it up properly for obtaining early orders. The District Collectors are directed to instruct the Tahsildar to issue notice to the lessee, where the violation of conditions of lease is noticed and non-payment of lease rent within permissible time period and issue order for cancellation of

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lease by taking in to consideration of the reply received from lessee and resume the land back to Government, without seeking any orders from Government. Though the Government had issued the order for granting the lease, the District Collectors are competent to cancel the lease and no fresh Government order is required for resuming the land when there are violation of lease conditions.

With regard to termination of lease and collection of lease rent, necessary provisions have been made under the conditions in Appendix XXX-A as follows: -

Condition No.19: -

The Government may revoke the grants wholly or in part, in the sums specified in condition (5) above or any part thereof shall remain unpaid for 15 days after they have become payable, whether formally demanded or not or if the grantee shall have broken any of the conditions of the grant herein contained and assume control or otherwise dispose of all, or any part of the land and any buildings, fences and structures thereon and the grantee shall not be entitled to any compensation therefore.

Condition No.20: -

If the amount specified in condition (5) or (6) above or any part thereof is in arrear, it shall also be competent for the Government to recover the same from the grantee as an arrear of land revenue.

Condition No.21: -

The grant hereby given may be revoked by the Collector acting on behalf of the Governor of Tamil Nadu after giving a months' notice in writing and by the Government or the Commissioner of Land Administration without notice in an emergency (the Government or the Commissioner of Land Administration being the sole judge of the emergency).

Condition No.23: -

In the event of termination of the grant under condition (19) or (21) the Government shall be at liberty to levy proportionate rental up to the date of such termination.

Condition No.26: -

If the grantee shall fail to pay the Government any sums payable under the grant of the respective dates on which they are made payable, he shall pay interest at 12 per cent per annum on such amounts from the dates on which they were so payable until the date of payment or recovery.

It is evident from the above provisions that, in respect of violation of lease conditions and non-payment of lease rent, the lease is liable for cancellation and District Collector is competent to issue order for cancellation of lease, resume back the Government land and to recover

the lease rent, without referring the proposal to CLA/ Government for issuing orders. In order to adopt a uniform procedure in the state, the District Collectors are hereby directed to take appropriate action as per the provisions made in RSO 24-A and issue orders of cancellation of lease, resume back the land and to collect the lease rent, in accordance with law, by adopting due procedure.

The District Collectors are also directed to list out the lease cases and conduct an exercise to find out the lease cases, where the violation of conditions and non-payment of lease rent are noticed and arrange to take final decision within 3 months without fail. The District Collectors are also directed to furnish the list of cases to be taken up for cancellation of lease and also furnish the progress to this office every fortnight.

The District Collectors are directed to adhere to the above instructions scrupulously. The earlier circular instructions issued in this regard is superseded by these fresh instructions. Receipt of this Circular instructions should be acknowledged at once.

Pankaj Kumar Bansal
Commissioner of Land Administration (FAC)

To
All the Collectors/DRO's

Copy to:
The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.

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ANNEXURE - 6

ABSTRACT

LAND – LEASE - Constitution of Three Member Committee for lease cases - Orders - Issued.

REVENUE & DISASTER MANAGEMENT DEPARTMENT,
LAND DISPOSAL WING, [LD-2(1)1 SECTION

G.O.(Ms) No.803. **Dated 29.12.2020**
சார்வரி வருடம், மார்கழி 14,
திருவள்ளுவராண்டு 2051.

Read:

From the Commissioner of Land Administration,
letter No. E3/4834/2017, dated 05.06.2020.

*****

ORDER:

In the letter read above, the Commissioner of Land Administration has stated that, in order to simplify the procedure and to decentralize the powers, it is recommended that the Government to constitute a Committee for Lease Cases headed by Additional Chief Secretary to Government, Revenue & Disaster Management Department and Additional Chief Secretary to Government, Finance Department, and Commissioner of Land Administration being member and convener of the Committee. The said Committee may also be delegated the following powers, to finalize the lease cases: -

(i) In respect of land value of lease cases which exceeds the monetary powers of the District Collector and Commissioner of Land Administration, the proposal shall be placed before the Committee and based on the decision taken thereon proceedings will be issued by the Committee on the proposal for fresh lease or renewal of lease upto 30 years of lease.

(ii) Wherever concessional lease rent needs consideration, such proposal shall be forwarded to Government for taking appropriate action through the Committee to issue orders.

(iii) Wherever lease period required to be considered for more than 30 years such proposal shall be forwarded to Government for taking appropriate action through the Committee to issue orders.

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(iv) The Committee shall invite concerned Head of Department if required, for offering their remarks to finalize the lease cases, wherein the Government land vested with such department.

(v) The Committee on Lease Cases shall meet once in 3 months or whenever required to finalize the fresh / renewal of lease cases.

(vi) The Collectors should take action to resume the land whenever there is violation of conditions of lease is noticed.

2. The Commissioner of Land Administration has requested to issue appropriate orders for the formation of Committee on Lease Cases expeditiously.

3. The Government, after careful consideration, have decided to constitute a Committee for Lease Cases headed by Additional Chief Secretary to Government, Revenue & Disaster Management Department and Additional Chief Secretary to Government, Finance Department, and Commissioner of Land Administration being member and convener of the Committee. The said Committee may also be delegated the following powers, to finalize the lease cases; -

(i) In respect of land value of lease cases which exceeds the monetary powers of the District Collector and Commissioner of Land Administration, the proposal shall be placed before the Committee and based on the decision taken thereon proceedings will be issued by the Committee on the proposal for fresh lease or renewal of lease upto 30 years of lease.

(ii) Wherever concessional lease rent needs consideration, such proposal shall be forwarded to Government for taking appropriate action through the Committee to issue orders.

(iii) Wherever lease period required to be considered for more than 30 years such proposal shall be forwarded to Government for taking appropriate action through the Committee to issue orders.

(iv) The Committee shall invite concerned Head of Department if required, for offering their remarks to finalize the lease cases, wherein the Government land vested with such department.

(v) The Committee on Lease Cases shall meet once in 3 months or whenever required to finalize the fresh/renewal of lease cases.

(vi) The Collectors should take action to resume the land whenever there is violation of conditions of lease is noticed.

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4. The Commissioner of Land Administration is requested to take follow up action on the orders issued in para 3 above.

(BY ORDER OF THE GOVERNOR)

ATULYA MISRA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

To
The Additional Chief Secretary to Government, Revenue & Disaster Management Department, Chennai-9.
The Additional Chief Secretary to Government, Finance Department, Chennai-9.
The Commissioner of Land Administration, Chepauk, Chennai-600 005.

Copy to:
The Finance Department, Secretariat, Chennai-9.
The Senior Personal Assistant to Hon'ble Chief Minister, Secretariat, Chennai-9.
The Senior Personal Assistant to Hon'ble Deputy Chief Minister, Secretariat, Chennai-9.
The Senior Personal Assistant to Hon'ble Minister for Revenue & Disaster Management & I.T, Secretariat, Chennai-9.
The Principal Private Secretary to Additional Chief Secretary to Government, Revenue & Disaster Management Department, Chennai-9.
The Revenue & Disaster Management (OP-II) Department, Secretariat, Chennai-9.
The Revenue & Disaster Management (RA-III) Department, Secretariat, Chennai-9.
SF/SC.

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ANNEXURE – 7

ABSTRACT

Lease - Land - Leased for manufacture of salt - Fixation of Uniform lease rent and royalty - revised orders - issued.

REVENUE DEPARTMENT

G.O.Ms.No.242 **Dated: 14.5.99**

Read again

1. G.O.Ms.No.1076, Revenue, dated: 22.6.1982.
2. G.O.Ms.No.208, Revenue, dated 12.3.1993.

Read also

3. From the Special Commissioner and Commissioner of Land Administration, Lr.No.E1/69704/92, dated 21.4.93.
4. From the Industries Commissioner and Director of Industries & Commerce, Lr.No.7271/SB/93, dated: 9.7.93.
5. From the Special Commissioner and Commissioner of Land Administration, D.O.Lr.E1/13141/93, dated 2.11.93.
6. From the Special Commissioner and Commissioner of Land Administration, Lr.No.E1/69704/92, dated 9.12.93.
7. From the Special Commissioner and Commissioner of Land Administration, Lr.No.E1/69704/92, dated 5.10.94.
8. Govt. Lr.No.19575/D1/93, Revenue dated 7.6.96.
9. From the Special Commissioner and Commissioner of Land Administration, Lr.No.K.Dis.E1/30699/96, dated 26.2.99.

*****

ORDER:

In the Government Order 2nd read above, orders were issued fixing uniform rate of lease rent royalty etc. on salt production: -

(i) Lease rent of Rs.60/- per acre / per annum;

(ii) Royalty of Re.1/- per metric tonne of salt produced subject to a minimum of Rs.25/- per acre / per annum

2. As the above rates are considered to be heavy, the Special Commissioner and Commissioner of Land Administration, has sent proposal for modifying the rates as mentioned below: -

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Lease rent : Rs.5/- per acre / per annum;

Royalty : Rs.2/- per metric tonne of salt produced
subject to a minimum of Rs.100/-per acre /per annum.

3. The Director of Industries and Commerce has also requested that the lease rent may be fixed at Rs.3/- per acre / per annum but without leving any royalty, in salt production.

4. The Government have examined the suggestion of the Special Commissioner and Commissioner of Land Administration and Director of Industries & Commerce in greater details and pass the following orders fixing uniform rate of lease rent and royalty on salt production: -

Lease rent : Rs.5/- per acre / per annum.

Royalty : Rs.2/- per metric tonne of Salt produced
Subject to a minimum of Rs.100/- per acre / per annum.

The Salt Commissioner, Government of India is requested to send to all Collectors / District Revenue Officers statements showing the annual production of salt by the licensed manufacturers so as to enable the collection of royalty at the rate of Rs.2/- per tonne of salt produced subject to a minimum of Rs. 100/- per acre / per annum.

5. The Special Commissioner and Commissioner of Land Administration is requested to issue suitable instructions to all the Collectors / District Revenue officers to follow the above procedure in respect of all licensed manufactures.

6. The order issues with the concurrence of Finance Department vide its U.O.No.1734/ FS/ P/99, dated 12.5.99.

(BY ORDER OF THE GOVERNOR)

R SELLAMUTHU
SECRETARY TO GOVERNMENT

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ANNEXURE - 8

ABSTRACT

TRACK RENT – Revision of Track rent levied – for underground pipelines – under R.S.O.24A (9) (e) – Orders – Issued.

REVENUE DEPARTMENT

G.O.ms.No.1002 **Dated: 2.12.1993.**

Read:

G.O.Ms.No.972, Revenue, dated 25.04.1978.

Read also:

From the Spl. Commissioner and Commissioner of Land Administration Letter No.D. Dis.F1/39442/92 dated 28.07.1992.

*****

ORDER:

The Government accept the proposal of the Special Commissioner and Commissioner of Land Administration and direct that the rate of track rent for laying pipeline underneath the Government land be revised as follows with effect from the date of this order:-

S.No	Category	Rate	Minimum
1.	Village Panchayat	Rs.200/- per K.M. or 20 paise per metre.	Rs.25/-
2.	Town Panchayats and Municipalities – Grade – III.	Rs.300/- per K.M. or 30 paise per metre.	Rs.50/-
3.	Municipalities of Grade – II and above.	Rs.500/- per K.M. or 50 paise per metre.	Rs.100/-
4.	Madurai, Coimbatore, Tiruchirappalli, Salem, Erode and Tirunelveli.	Rs.2,000/- per K.M. or Rs.2/- per metre.	Rs.200/-
5.	Madras	Rs.3,000/- per K.M. or Rs.3/- per metre.	Rs.300/-

2. The Special Commissioner and Commissioner of Land Administration is requested to arrange to issue correction slip to the R.S.Os and send 10 copies of the correction slip to Government.

3. This order issues with the concurrence of the Finance Department vide its U.No.77660/ Fin. (Rev)/93, dated 1.9.1993.

M.Samuel Abeysekara,
Deputy Secretary to Govt.

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ANNEXURE - 9

சுருக்கம்

குத்தகை கட்டணம் அரசு புறம்போக்கு நிலங்களில் குழாய் பதிப்பதற்கு வருவாய் நிலை எண். 24 (எ) 9 (இ) ன்கீழ் விதிக்கப்படும் பாதைக் கட்டணம் - நீர் எடுத்துச் செல்வதற்கு விவசாயத்திற்கு பாதைக் கட்டணம் ரத்து செய்து ஆணை வெளியிடப்படுகிறது.

வருவாய் (நி.நி.5 (2)துறை

அரசாணை (நிலை) எண்.202 **நாள். 24.4.2000.**

படிக்கவும்:

1. அரசாணை (நிலை) எண்.1002, வருவாய், நாள். 2.12.93.
2. கடித (நிலை) எண்.6, வருவாய், நாள். 2. 1. 97.
3. அரசாணை (நிலை) எண்.558, வருவாய், நாள். 11. 6. 97.

*****

ஆணை:

அரசு புறம்போக்கு நிலங்களின் வழியாக நிலத்தடி குழாய் பதிப்பதற்கு வருவாய் நிலை ஆணை எண்.24 (எ) 9 (இ)-ன்படி பாதைக் கட்டணம் (Track rent) விதிக்கப்படுகிறது. அரசாணை (நிலை) எண்.1002, வருவாய்த் துறை, நாள். 2.12.93-இல் பாதைக் கட்டணம் திருத்தி அமைக்கப்பட்டு பின்வருமாறு விதிக்கப்படுகிறது.

	வகை	கட்டணம்	குறைந்தபட்சம்
1)	கிராம பஞ்சாயத்து	1 கி.மீட்டருக்கு ரூ.200/- 1 மீட்டருக்கு 20 பைசா.	ரூ.25/-
2)	நகர பஞ்சாயத்து மற்றும் III ம் நிலை நகராட்சி	1 கி.மீட்டருக்கு ரூ.300/- அல்லது 1 மீட்டருக்கு 30 பைசா	ரூ.50/-
3)	நகராட்சி நிலை II மற்றும் அதற்கு மேற்பட்டவை	1 கி.மீட்டருக்கு ரூ.500/- அல்லது 1 மீட்டருக்கு 50 பைசா	ரூ.100/-
4)	மதுரை, கோயம்புத்தூர், திருச்சி, சேலம், ஈரோடு, திருநெல்வேலி	1 கி.மீட்டருக்கு ரூ.2000/- அல்லது 1 மீட்டருக்கு ரூ.2/-	ரூ.200/-
5)	சென்னை	1 கி.மீட்டருக்கு ரூ.3000/- அல்லது 1 மீட்டருக்கு ரூ. 3./-	ரூ.300/-

3. பார்வை 2 மற்றும் 3-இல் படிக்கப்பட்ட கடித (நிலை) மற்றும் அரசாணைகளில் விவசாயிகள் பாசன நீரை எடுத்துச்செல்ல அரசு நிலங்களில் குழாய் பதிக்க அனுமதிப்பது குறித்து அறிவுரைகள் வழங்கப்பட்டுள்ளது.

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4. அரசு புறம்போக்கு நிலங்களில் விவசாயத்திற்காக குழாய் பதித்து தண்ணீர் கொண்டுசெல்லும் பகுதிக்கு விதிக்கப்படும் பாதைக் கட்டணத்தை ரத்து செய்யக் கோரி விவாசய சங்கங்கள் அரசுக்கு முறையீடு செய்துள்ளனர். மாண்புமிகு முதலமைச்சர் அவர்கள் நிதிநிலை அறிக்கை தாக்கல் செய்தபோது பின்வருமாறு அறிவித்துள்ளார்கள்.

``விவசாயிகள் பாசன நீரை எடுத்துச் செல்ல
அரசு நிலங்களில் பதிக்கும் குழாய்களுக்காக
இதுவரை விதிக்கப்பட்டு வந்த பாதைக் கட்டணம்
(Track rent) ரத்து செய்யப்படும்``

மேற்கூறப்பட்டுள்ள அறிவிற்புக்கிணங்க, விவசாயிகள் பாசன நீரை எடுத்துச் செல்ல அரசு நிலங்களில் பதிக்கும் குழாய்களுக்காக அரசாணை (நிலை) எண்.1002, வருவாய், நாள். 2. 12. 93-ன்படி விதிக்கப்பட்டு வந்த பாதைக் கட்டணம் (Track rent) விவசாயிகளைப் பொறுத்தவரையில் ரத்து செய்து அரசு ஆணையிடுகிறது.

5. இந்த அரசாணையின்படி, வருவாய் நிலை ஆணை எண்.24(எ) 9 (இ)-ல் தகுந்த திருத்தங்கள் கொண்டுவர செயற் குறிப்புகள் அரசுக்கு அனுப்புமாறு சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர் கேட்டுக்கொள்ளப்படுகிறார்.

இந்த அரசாணை நிதித்துறையின் அ.சா.கு,.எண்.1188/நி.செ./தொ/2000, நாள். 11.4.2000-இன் ஒப்புதலுடன் வெளியிடப்படுகிறது.

(ஆளுநரின் ஆணைப்படி)

தேவேந்திரநாத் சாரங்கி,
அரசின் செயலாளர்

பெறுநர்:
சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், சென்னை-5.
சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர், சென்னை-5.
மாநில கணக்காயர், சென்னை-18/ சென்னை-35.
வேளாண்மைத்துறை/பொதுப்பணித்துறை/ஊரகவளர்ச்சித் துறை/ நிதித்துறை, சென்னை-9,

நகல்:
இருப்புக் கோப்பு.
உதிரி.

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ANNEXURE - 10

சுருக்கம்

தளவாடகை பொது பாதை வழி நிலங்களை தனியார் தகவல் தொடர்பு நிறுவனங்கள் பயன்படுத்துதல் தளவாடகை விதித்தல் ஆனைகள் வெளியிடப்படுகின்றன.

வருவாய் (நி.நி.5(2) துறை

அரசாணை (நிலை) எண்.172 **நாள் 28.03.2000**

படிக்கவும்

அரசாணை (நிலை) எண். 1002, வருவாய், நாள் 2.12.93.

ஆணை:

அரசுப் புறம்போக்கு நிலங்களில் விவசாயத்திற்காக குழாய் பதிக்க அரசாண எண்.1002, வருவாய், நாள் 2.12.93 இல், குறிப்பிட்டுள்ளவாறு தளவாடகை விதிக்கப்படுகிறது.

2. தனியார் தகவல் தொடர்பு நிறுவனங்கள் பொது பாதை வழி நிலங்களை வியாபார நோக்கத்திற்காக பயன்படுத்துகின்றன. எனவே, 1993இல் நிர்ணயிக்கப்பட்ட தளவாடகையை அடிப்படையாக வைத்துக்கொண்டு, குறிப்பிட்ட வியாபார நோக்கத்தை கருத்திற்காண்டு, மாற்றிமைத்தல் அவசியம் ஆகிறது. இது குறித்து அரசு நன்கு ஆய்வு செய்தது. தனியார் தகவல் தொடர்பு நிறுவனங்களுக்கு தளவாடகை நிர்ணயம் செய்வதைப் பொறுத்தவரை அரசு பின்வருமாறு முடிவு செய்துள்ளது.

1993 ஆம் ஆண்டு, ஐந்து வகையாக பிரிக்கப்பட்ட தளவாடகை உள்ளாட்சி நிறுவனங்கள் சட்ட திருத்தங்களைக் கருத்தில் கொண்டு தற்பொழுது நான்கு வகையாக பிரித்திடப்பட வேண்டும். அவை

(அ) (1) கிராம ஊராட்சிகள்

(2) பேரூராட்சிகள் / நகராட்சிகள்

(3) மதுரை, சேலம், கோயம்புத்தூர், திருச்சி, திருநெல்வேலி மாநகராட்சிகள்

(4) சென்னை மாநகராட்சி

(ஆ) வியாபார நோக்குடன் அனுமதி கோரும் தகவல் தொடர்பு நிறுவனங்களுக்கு 1993- ஆம் ஆண்டு தளவாடகைகள் இரு மடங்காகி அடிப்படையாக அமைத்திடல் வேண்டும்.

(இ) பேரூராட்சிகள் மற்றும் நகராட்சிகளுக்கு புதிய வகைபாடு மாற்றத்தினால் ஒரு இடைப்பட்ட விகிதம் அமைத்திடல் வேண்டும்.

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3. இதன்படி தனியார் தகவல் தொடர்பு நிறுவனங்களுக்கு தளவாடகை பின்வருமாறு நிர்ணயம் செய்தும், இவ்வாறு நிர்ணயிக்கப்பட்டுள்ள தளவாடகை மூன்று ஆண்டுகளுக்கொருமுறை மாற்றிமைக்கப்பட வேண்டும் என்றும் அரசு ஆணையிடுகிறது.

வ.எண் (1)	இனம் (2)	நிர்ணயிக்கப்பட்ட தளவாடகை (3)
1)	கிராம ஊராட்சிகள்	ரூ.4,400/- (ஒரு கிலோ மீட்டருக்கு) ஒரு ஆண்டிற்கு (தல தீர்வை/ உபரி தலத் தீர்வை உட்பட)
2)	பேரூராட்சிகள் / நகராட்சிகள்	ரூ 5,500/- (ஒரு கிலோ மீட்டர்/ ஒரு ஆண்டிற்கு)
3)	மதுரை சேலம் கோயம்புத்தூர், திருச்சி, திருநெல்வேலி மாநகராட்சிகள்	ரூ 6,300/- (ஒரு கிலோ மீட்டர்/ ஒரு ஆண்டிற்கு)
4)	சென்னை மாநகராட்சி	ரூ 9,400/- (ஒரு கிலோ மீட்டர்/ ஒரு ஆண்டிற்கு)

4. மேலும், நில நிர்வாக ஆணையர் தளவாடகையினை மூன்று ஆண்டுகளுக்கொருமுறை மாற்றிமைக்க நடவடிக்கை எடுத்து அதற்கான செயற் குறிப்புகளை அரசுக்கு அனுப்பி வைக்க வேண்டும்.

5. இந்த ஆணை நிதித்துறையின் அலுவல் சார்பற்ற குறிப்பு எண்.616/FS/F/2000, நாள் 28.2.2000 ஒப்புதலுடன் வெளியிடப்படுகிறது.

(ஆளுநரின் ஆணைப்படி)

ஒம்/- தேவேந்திரநாத் சாரங்கி
அரசின் செயலாளர்.

பெறுநர்

சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், சென்னை 600 005.
அனைத்து மாவட்டாட்சியர்கள்/ அனைத்து தலைமைப் பொறியாளர்கள்,
பொதுப்பணித்துறை சென்னை -5
தலைமைப் பொறியாளர் (தேசிய நெடுஞ்சாலை),
சென்னை - 5.
மேலாண்மை இயக்குநர், எல்காட், சென்னை 35
மாநிலக் கணக்காயர், சென்னை-18/ மாநில கணக்காயர், சென்னை - 35.

நகல்

தகவல் தொழில் நுட்பத்துறை / ஊரக வளர்ச்சித்துறை/ நெடுஞ்சாலைத்துறை / நகராட்சி நிர்வாகம் மற்றும் குடிநீர் வழங்கும் துறை / நிதித்துறை/ பொதுப்பணித்துறை, சென்னை - 600 009.
இ.கோ/உ.ப

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SETTLEMENT

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SETTLEMENT

1. PREAMBLE:

Origin of Land Settlement, intermediary tenures and the introduction of Regulatory Legislation:

Land is one of the most precious resources to the mankind. The history of land throughout the world shows that it has pursued one unvarying course. It commences with the division of men into tribes, for the division of tribes involves division of territory. Ever since man had learnt agricultural practices and settled down for production of agricultural wealth for his existence, right to landed property too evolved gradually. Thus, ownership of land is the unique Indian tribal settlements, which gradually came to be known as villages. An Indian village is the basic administrative unit.

In olden days, the lands were owned by the Government i.e., the King or Emperor who himself was the Government. The Government was entitled to a share in the produce of the land. Hence, the Government started levying and collecting taxes. Under the Hindu system of revenue administration, the landowners in revenue villages paid tax directly to the Crown on the lands and such lands have been classified as **ryotwari lands.** During 900 to 1000 AD itself, a systematic survey was conducted in productive Cauvery valley by King Raja Raja Cholan. He assumed the title 'Ulagalanda Cholan'.

During the era of Mughals period, in order to collect taxes, introduced middlemen commonly known as Zamindars, Jagirdars, Poligars (Palayakkarars) etc., were introduced. They held intermediary tenure on **zamin villages**. These intermediaries collected taxes from the land owners, retained a major portion collected with themselves and remitted the remaining portion to Government in zamin villages.

Zamindari Tenure

Zamindari Settlement 1802:

During the period of British region, they tried different modes of settlement one after the other or simultaneously in several tracts.

- Introduced by Lord Cornwallis
- Permanent settlement of land revenue collection
- The settlement was made between the British Officials and the Zamindars
- Zamindars were made the owners of the land and were given the right to collect the rents from the peasants
- A part of the total land revenue income of the Zamindar given to the Government.
- With the introduction of the land revenue systems during the British Rule, there was

a birth of intermediaries like Zamindars, Mahalwars, Ryotwars, etc. These groups of people were hampering the cultivators and hence, the initiative to abolish the Zamindari System was taken.

All such systems led to permanent settlement of land revenue which were introduced through Zamindars and intermediaries and the tax was fixed and un-alterable for ever. However, the permanent settlement could be introduced only in the ancient Zamindary areas and in some of the estates in the southern district and NOT in most of the districts of the Presidency. Later the British Government introduced Ryotwari system in the villages where the Zamindari system was not extended. This ryotwari system embraced the survey of every holding in such districts and the fixation of field assessment bases on the productive power of the soil.

Ryotwari Tenure

Ryotwari Settlement

- The system was devised by Capt. Alexander Read and Thomas (later Sir Thomas) Munro at the end of the 18th century and introduced by the latter when he was governor (1820–27) of Madras Presidency.
- Its purpose was the direct collection of the land revenue from each individual cultivator by government.
- Under this settlement, all holdings were measured and assessed according to crop potential and actual cultivation.
- The advantages of this system were the elimination of intermediaries, who often oppressed villagers, and an assessment of the tax on land actually cultivated and not merely occupied.
- The name of the system comes from the word *ryot*, an Anglicization by the British in India of the Arabic word *raʿiyyah*, meaning a peasant or cultivator. The Arabic word passed into Persian (*raʿeyyat*) and was carried by the Mughals, who used it throughout India in their revenue administration. The British borrowed the word from them and continued to use it for revenue purposes in the Anglicized form.

Inam

- An inam estate was defined under section 2(7) of Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and it meant an existing inam estate or a new inam estate.
- *"Existing inam estate"* means an inam village which became an estate by virtue of the [Tamil Nadu] Estates Land (Third Amendment) Act, 1936 [Tamil Nadu] Act XVIII of 1936)
- Inam Fair Register indicates that the name of the grantor.

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Inam Settlement:

Settlement of Inams in 1858.

Classification: –

- Inams not requiring service – May be sold/alienated/bought.
- Inam requiring service - Should not be sold/alienated/bought.

OSR (Original Settlement 1860-1890)

By this Survey, the first printed form of registers have been created with Descriptive Memoir for the revenue/ryotwari villages. The consolidated details regarding the villages are placed in the descriptive memoir. For the zamin villages, no prescribed registers were in existence at the time, as these villages are not under direct taxation of Government and taxes and land revenue were collected by intermediaries such as zamindars, palayakars, Mirasudars, etc.

RSR (Revision-Survey and Re-Settlement-1911)

The need of this Re survey and Resettlement is that according to general principle, that is for every 30 years, Re-Survey and Re-Settlement has to be carried out, which is meant for the inclusion, updation and exclusion of datas in extent variations, increase in irrigation sources resulting in increased assessment, etc., from the original survey. During this period also the zamin (intermediary villages) continues to be vested with the intermediaries.

2. Post-Independence – Abolition and Conversion into Ryotwari Acts:

At the time of independence, most of Tamil Nadu was covered by Ryotwari settlement, except the Zamin estates and Inams estates. Hence, after attaining Independence, with the objective to abolish the intermediaries between the sovereign and the actual tillers of soil and to reduce the burden of ryots and to do away with the class of such landholders altogether, to introduce the ryotwari system, a successful system, both beneficial to the ryots as well as to the Government, several Landholder Abolition Acts have been enacted in order to abolish zamin, inams and minor inams land tenure. The Settlement Work had been completed under most of these Acts.

(i) The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI/1948)

(ii) The Tamil Nadu Inam Estates (Abolition and conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26/1963).

(iii) The Tamil Nadu Minor Inams (Abolition and conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 30/1963).

(iv) Tamil Nadu Lease Holds (Abolition & Conversion into Ryotwari) Act 27 of 1963.

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(v) Tamil Nadu (Transferred Territory) Ryotwari Settlement Act 30 of 1964.

(vi) The Kanyakumari (Sree Pandaravaka Lands) Abolition Act 29 of 1964

(vii) The Tamil Nadu Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969 (Tamil Nadu Act 24/1969).

(viii) Tamil Nadu Levy of Ryotwari Assessment of Freehold Lands Act 31 of 1973.

(ix) Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 49 of 1974

Under the aforesaid Abolition Acts particularly in Estates, Inams and Minor Inams Abolition Acts, the landholders were abolished and survey and settlement works have been carried out throughout the State. The decisions made during the final settlement enquiry under the aforesaid Acts have become final and appeals/revisions can be preferred only as per Sections provided in the Acts.

(i) **Tamil Nadu Estates (Abolition & Conversion into ryotwari) Act, XXVI of 1948**

This is an important Statute and considered as the parent Act for other Abolition Acts. This is one of the Acts included in the Ninth Schedule and is protected by Article 31-B of the Constitution of India. Under the provisions of this Act, as many as 5026 zamin/inam estates were notified and taken over by the Government. Ryotwari Settlement **(SLR)** in the villages of those estates have been introduced between the years 1950 to 1965.

(ii) Tamil Nadu Inam Estate (Abolition & Conversion into Ryotwari) Act 26 of 1963

This Act relates to the abolition of part village inams and inam estates in the State. Under the provisions of this Act except in the case of buildings and compensation, all decisions made during the Final Settlement Enquiry relating to grant of ryotwari patta can be appealed only before the Tribunal constituted under the Act, as contemplated in Section 12 of the Act. Ryotwari settlement had been completed in all the villages notified under this Act except one or two villages covered under litigation.

(iii) Tamil Nadu Lease Holds (Abolition & Conversion into Ryotwari) Act 27 of 1963.

This Act relates to the abolition of few villages of lease hold lands in the State and the list of such lease holds was provided in the schedule to the Act. Ryotwari Settlement under the Act was completed in all the leasehold areas.

(iv) Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act 30 of 1963

This Act relates to abolition of minor inams covered under Title Deeds (T.D) and *darmila* inams in ryotwari villages and the estate villages as well. This Act provides for the abolition of these minor inams and the introduction of ryotwari settlement in the lands. It provides for grant of patta for the occupants of both melwaram minor inams and iruwaram minor inams while the melwaramdar who does not get patta was given compensation.

Under the provisions of this Act also, except in the case of building and compensation, all decisions made during the Final Settlement Enquiry can be appealed only before the Tribunal as contemplated in Section of the Act. Ryotwari settlement had been completed in all the minor inam lands notified under this Act.

(v) Tamil Nadu (Transferred Territory) Ryotwari Settlement Act 30 of 1964

This Act provides for the Survey and ryotwari settlement of lands in Kanyakumari district and the Shencottah Taluk of Tirunelveli district which were transferred to the Tamil Nadu under the State's Reorganization Act. It provides for abolition of basic tax structure fixed under the erstwhile Travancore-Cochin State Land Revenue rules and the introduction of ryotwari rates of assessment based on the classification of different kinds of soils and irrigation sources.

(vi) The Kanyakumari (Sree Pandaravaka Lands) Abolition Act 29 of 1964

Sri Padmanabha Swamy Temple at Thiruvananthapuram held certain lands known as "Sree Pandaravaka lands" in Kanyakumari district. The income from these lands was utilized for the upkeep of certain services in the said temple and some other group temples through Sanketham Department of the Kerala State. This Act provides for acquisition of the temple's rights in these lands by the Government with effect from the notified date and for the introduction of ryotwari settlement. This Act provides for grant of patta to the tenants in these lands and the payment of compensation to the temple.

(vii) The Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act 24 of 1969

The special system of landholding known as 'Janmi' system in the Gudalur Taluk of Nilgiris district is a relic of Malabar land tenure. The Government decided to abolish system of Janmam tenure in the Gudalur Taluk by the introduction of this Act. The Janmi and the Verumpattamdar were granted ryotwari patta for any land on proof of personal cultivation by him.

This Act relates to the abolition of janmam tenure in Gudalur Taluk of The Nilgiris District. Ryotwari settlement under this Act except for Section 17 had been completed. Proceedings under Section 17 got delayed due to the continuous litigation by certain lease holders.

(viii) Tamil Nadu Levy of Ryotwari Assessment of Freehold Lands Act 31 of 1973

Since the year 1859, certain ryotwari lands were dispensed with from levy of land revenue after payment of 20 times of the annual assessment due on them and certain other lands were allowed for concessional rates of assessment. These lands were recorded as "Freehold lands" in the Re-survey and Re-settlement Register. In order to abolish all such free hold lands in the State, so that these lands could be brought on par with other ryotwari lands, this Act was enacted. The list of such freehold lands in the State was provided in schedule of the Act. The works under this Act had been completed.

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(ix) Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Amendment Act, 49 of 1974

Section 3 (b) of the Act XXVI of 1948 declares vesting of an estate in the Government on its notification. This Section also specifies, by way of an inclusive definition, the various components comprised in that estate that vest in the Government as a consequence of the notification. Ooranies and private tanks were not specified among the components Settlement Officer declared vesting. In view of this ryotwari patta came to be issued for ooranies and private tanks in estates taken over under the Act, if private claims were put forth. During the estate administration such Ooranies and private tanks were reserved for public use of the village community to augment their drinking water supply, washing of cattle or for irrigation etc., as the case may be. These were granted on patta by the landholders in a large scale especially in the rain fed tracts on the eve of the notification of the estates. By the grant of patta for such ooranies and private tanks the interest of the community at large was affected and it resulted in serious disputes in the rural parts. The Government, therefore, wanted to set right this defect and brought out this Amendment Act by the insertion of Section 14-A in the Act XXVI of 1948 which is to the effect that ryotwari patta should not be granted in respect of private tanks or Ooranies. This Act also provides that any ryotwari patta granted shall stand cancelled and for the purpose of compensation under this Act, the private tank or oorani shall be deemed to be a land in respect of which neither the land holder nor any other person is entitled to a ryotwari patta under this Act. Identical amendments to Act 26 of 1963, 27 of 1963 and 30 of 1963 have also been made.

It is pertinent to mention that all the aforesaid Abolition Acts were introduced by the Government to abolish the various land tenures that were prevailed before independence and to bring a uniform ryotwari system in the State. Therefore, the only purpose of the Abolition Acts is to abolish the land tenures and to introduce uniform ryotwari system. The provisions of these Acts are applicable only to the estates which were notified under these Acts. The Government Ryotwari villages do not come under the purview of these Abolition Acts, except the Minor Inam lands and the Free Hold lands, as noted in the Re-survey and Re-settlement Register of these villages. After the completion of ryotwari settlement under these Acts in the villages/estates notified, the provisions of these Acts cannot be invoked once again.

SLR: (Settlement Land Register)

After independence while reviewing the land administration the State felt that a substantial portion of villages were not under the direct control of Government as they vest with the intermediaries. In order to streamline and to bring uniform settlement and control of all villages, the State enacted the Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1948 and embarked survey, demarcation and enumeration activities of all Zamin villages (intermediary villages). The datas so gathered are combined and fed into the first register for the Zamin villages i.e., Settlement Land Registers (SLR).

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3. Outside the scope of Abolition Acts

It is a general principle that after the completion of settlement in the villages and the village accounts had been handed over to Revenue department for maintenance, the settlement authorities cannot entertain applications for grant of patta under the provisions of the Abolition Acts, unless there is specific provision to do so. To be fair to bonafide claimants, who might have failed to apply for ryotwari patta in time before the appropriate settlement authority, Government passed orders to consider such claims, both from the ex-landholders and ex-ryots, outside the scope of the Abolition Acts, by the Revenue Divisional Officer or District Revenue Officer.

The first category relates to the estates taken over under the Tamil Nadu Estate (Abolition & Conversion into Ryotwari) Act XXVI of 1948. The second category relates to the inam villages taken over under the Act 26 of 1963 and Minor inam lands under the Act 30 of 1963.

Category - I

G.O.Ms.No.2502, Revenue Department, dated: 8.7.1958

G.O.Ms.No.1312, Revenue Department, dated 26.7.1967

G.O.Ms.No.1300, Revenue Department, dated 30.4.1971

The Government have lastly issued G.O.Ms.No.1300, Revenue Department, dated 30.4.1971, that persons who were in continuous occupation enjoyment of the lands prior to and on from the notified date are entitled to assignment and Government after careful consideration have decided to grant patta to such persons on the basis of continuous possession and enjoyment of land by Revenue Divisional Officers and District Revenue Officer/Collector based on the total extent of land subject to the conditions stipulated in the said Government Order.

Subsequently, Government in G.O.Ms.No.589, C.T.& R.E. Department, dated 14.5.1975 have fixed 30.6.1975 as last date to apply for patta under G.O.Ms.No.1300, Revenue Department, dated 30.4.1971.

Therefore, the Revenue authorities cannot entertain applications for grant of patta outside the scope of the Abolition Acts after the last date.

Category – II

G.O.Ms.No.370, C.T. & R.E. Department, dated 3.10.1974

In the aforesaid order, the Government have extended the concession granted in G.O.Ms. No.1300, in respect of estates taken over under the Act XXVI of 1948, for the Inam estates taken over under the Act 26 of 1963 and Minor Inam lands taken over under the Act 30 of 1963 also.

The Government in G.O.Ms.No.1889, C.T.& R.E. Department, dated 24.12.1976, have fixed 31.3.1977 as last date to apply for patta under the G.O.Ms.No.370. dt.3.10.1974.

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Therefore, the Revenue authorities cannot entertain applications for grant of patta outside the scope of the Abolition Acts after the last date.

The concession granted by the Government to get patta outside the scope of Abolition Acts in the aforesaid Government Orders are applicable only for the villages taken over by the Government under the Abolition Acts.

DATE OF FINALITY IN SETTLEMENT (20.8.1987)

The decisions made during the Final Settlement enquiry under the aforesaid Acts have become final and appeals/revisions can be preferred only as per Sections provided in the Acts. The statutory orders passed by the Settlement authorities cannot be interfered with by the revenue authorities. As far as the Act 26/1948 is concerned appeal can be filed before the A.S.O against the decisions made under Section 11 during the Final Settlement enquiry within 30 days. However, the Government in G.O.Ms.No.1400, C.T.& R.E. Department, dated 21.11.1975 amending the rules framed to the Act 26/1948 to condone delay and entertain the appeal. The Government have amended the rules framed to the Act under the powers conferred in Section 67(2) (d) of the Act issued in G.O.Ms.No.714, C.T.& R.E. Department, dated 29.6.1987 **(Annexure-1).** According to this rule amendment, the last date to apply for condonation of delay to get patta under Section 11(a) of the Act was fixed as 20.8.1987.

In this regard, a comprehensive circular has been issued by the Additional Chief Secretary/Commissioner of Land Administration in Circular No. K4/35687/2015 dated 12.6.2015 **(Annexure-2).**

This stand was legally upheld by Honorable High court of Madras and Supreme Court of India in the following cases.

In a judgment rendered by the Hon'ble High Court of Madras in W.A. No. 96 of 2015, order dated 9.2.2016, **(Annexure-3)** the Hon'ble High Court have elaborately discussed the provisions of the Act confirming the Suo motu powers of the Commissioner of Land Administration under section 7 of the Act XXVI of 1948 and also the limitation prescribed under G.O.Ms. No. 714, Commercial Taxes and Religious Endowments Department, dated 29.6.1987 and upheld the orders passed by the 1st respondent (i.e. the Commissioner of Land Administration) rejecting the request made by various petitioners under the Act as time barred which was also validated by the Hon'ble Supreme Court of India in SLP (C) No. 13454 / 2016 in the order dated 13.5.2016 **(Annexure-4).**

Further, in W.A. No. 739 of 2019 in the order dated 19.8.2021, **(Annexure-5)** the Hon'ble Division Bench of Madras High Court has confirmed the time limit as fixed in G.O. Ms. No. 714, Commercial Taxes and Religious Endowments Department, dated 29.6.1987.

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i) Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 26/1948:

Sl. No.	Particulars	Original authority	Appellate authority and appeal time	Next Level appeal / revision forums and appeal time
1.	A) Section 11: Grant of patta to ryots / cultivators	Settlement Tahsildars/ Assistant Settlement Officers	1. Settlement Officer, within 30 days, as per originally framed rules. 2. This appeal time had been extended in amended rules published in G.O.1400 CT&RE department dated 21.11.1975 without limitation and finally extended as per further amendment to the said rules published in G.O.714 C.T&R.E dept dated 29.06.1987, for 30 days and that ended on 20.08.1987.	1. Against orders of the Settlement Officer, appeal lies to Director of Survey and Settlemnet within 30 days. (As per framed rules) 2. Against order of the Director of Survey and Settlemnet, appeal lies to Commissioner of Land Administration within 30 days. (As per framed rules)
	B) Section 18: Vesting of buildings			
	C) Section 19: Admittance of possession of ryots for non-agricultural purpose.		**NOTE:** As the character of the land had already been determined, the question of fresh petitions / application for patta or change of classification under the Act cannot be entertained by any authority.	**NOTE:** Both DOSS and the CLA have suo-motu revision powers to take-up any orders passed at any lower forums without limitation. [Section 5(2) and Section 7(c) & (d) respectively]
2	Sections 12, 13, 14: Grant of pattas to the ex-zamindars, ex-inamdars, ex-under tenurers respectively who held lands under their personal cultivation and declared as their Private Lands.	-do-	Estate Abolition Tribunal/ concerned PSJ/SJ Court, within 2-months. (Section 15 (2)	Special Appellate Tribunal/High court, within 3-months. (Section 51(1)

Foot Note

Original time limit under T.N. Act 26/1948

a) **For Landholder**. As per the rules to the said Abolition Act dated 31.10.1950 published in Tamil Nadu Government Gazette, every landholder claiming a ryotwari patta under sections 12 to 15, as the case may be, shall apply in writing to the Settlement Officer within six months from the notified date or within two months from the date of publication of this notification whichever is later.

b) **<u>Outside the scope of the Act</u>**. As per rules prescribed under T.N. Act, 26/1948 claiming ryot, the Government passed the below mentioned orders for the benefit of the landholders and Ryots who could not apply for issuance of patta within the time frame prescribed under the Act and Rules framed in exercise of the power conferred by Sec.67 r/w 15 of the Act No.26 of 1948

Sl. No.	Date	G.O.No.	Applicability	Limitation Period after Final Extension
1	8.7.1958	G.O.Ms.No.2502 Revenue Department	Landholders	30.6.1972 As per G.O.Ms.No.690, Revenue Department, dated 2.3.1972.
2	26.7.1967	G.O.Ms.No.1312 Revenue Department	Ryots	30.6.1972 As per G.O.Ms.No.690, Revenue Department, dated 2.3.1972.
3	30.4.1971	G.O.Ms.No.1300 Revenue Department	All persons in continuous possession and enjoyment	30.6.1975 As per G.O.Ms.No.589, Commercial Taxes and Religious Endowment Department, dated 14.5.1975.

The date for filing any petition / appeal has attained its finality on 20.8.1987, as per G.O.Ms.No.714, CT & RE Department, dated 29.6.1987(Gazette No.28, dated 22.7.1987).

ii) <u>Tamil Nadu Inam Estates (Abolition & Conversion into Ryotwari) Act 26/1963.</u>

Sl. No.	Particulars	Original authority	Appellate authority and appeal time	Next Level appeal/revision forums and appeal time
1.	A) Section 09: Grant of patta to Inamdars for his declared private lands under his own cultivation B) Section 10: Grant of pattas to ryots/ cultivators. C) Section 11: Grant of pattas for personal cultivation.	Settlement Tahsildars/ Assistant Settlement Officers	Inam Abolition Tribunal/ concerned PSJ / SJ Courts, within 3-months. (Section 12 (2))	Special Appellate Tribunal/High court, within 3-months. (Section 46(1)).
2.	Section-15: Vesting of buildings	-do-	Settlement Officer, within 30 days, as per framed rules.	Against order of the Settlement Officer, appeal lies to CLA within 30 days. (As per framed rules) **<u>NOTE:</u>** Both DOSS and the CLA have powers to cancel/revise any orders passed at their respective lower forums without limitation. [Section 5(2) and section 7(c) & (d) respectively]

*** Regarding, Tamil Nadu Inam and Minor Inam Acts, 1963, the last date for filing appeal has attained its finality on 31.3.1977 as per G.O.Ms. No, 1889 CT & RE Dept. dated 24.12.1976 r/w G.O.Ms.No.370, CT & RE Department, dated 3.10.1974.**

iii) Tamil Nadu Minor Inam (Abolition & Conversion into Ryotwari) Act 30/1963

Sl. No.	Particulars	Original authority	Appellate authority and appeal time	Next Level appeal/revision forums and appeal time
1.	A) Section 08: Grant of patta to Kudiwaram Holders. B) Section 10: Grant of pattas to Cultivators not covered by Section 08.	Settlement Tahsildars / Assistant Settlement Officers	Inam Abolition Tribunal/ concerned PSJ/SJ Courts, within 3-months. (Section 11 (3))	Special Appellate Tribunal/High Court, within 3-months. (Section 30(1)).
2.	Section 13: Vesting of buildings	-do-	Settlement Officer, within 30 days, as per framed rules.	Against order of the Settlement Officer, appeal lies to CLA within 30 days. (As per framed rules) **NOTE:** Both Settlement Officer and the Commissioner of Land Administration have powers to cancel/revise any orders passed at their respective lower forums without limitation. [Section 5(2) & Section 6(c) resp.,]

iv) Tamil Nadu Lease holds (Abolition & Conversion into Ryotwari) Act 27/1963.

Sl. No.	Particulars	Original authority	Appellate authority and appeal time	Next Level appeal/revision forums and appeal time
1.	Section-09: Grant of patta	Settlement Tahsildars / Assistant Settlement Officers	Inam Abolition Tribunal/ concerned PSJ/SJ Courts, within 3-months. (Section 9 (4))	Special Appellate Tribunal/High Court, within 3-months. (As per Section 32(1) of the Act). **NOTE:** SO and the CLA have suo-motu revision powers to take-up any orders passed at their respective lower forums WITH limitations. [Section 6(2) & Section 7(c) resp.,]

The date for filing any petition/appeal under Tamil Nadu Act 26/1948 has attained its finality on 20.8.1987, as per G.O.Ms.No.714, Commercial Taxes and Religious Endowments Department, dated 29.6.1987. (Gazette No.28, dated 22.7.1987)]

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v) Tamil Nadu Levy of Ryotwari Assessment on Freehold Lands Act, 1972 (T.N. Act 31/73):

This Act does not deal with the grant of ryotwari patta like other settlement Acts, but deals only with the levy of Assessment on Free-hold lands, which refers to the lands that had not been levied with Assessment OR levied with concessional rates of Assessment.

Sl. No.	Particulars	Original authority	Appellate authority	Next Level appeal/revision forums
1.	Levy of Assessment on free hold lands	Assistant Settlement Officer / Settlement Officer	Director of Survey and Settlement (Sec10(2))	CLA (Section 11) **NOTE:** Settlement Officer has suo-motu powers under section 5(2) of the Act.

4. UPDATED REGISTRY, NATHAM SETTLEMENT AND TOWN SURVEY SETTLEMENT:

4(a) Updated Registry (UDR):

- In Tamil Nadu, resettlement as a policy was given up by government in 1937. Consequent on the discontinuance of the settlement operations, the settlement Registers, viz. the 'A' Register prepared for the Ryotwari villages some 40 to 50 years ago.
- The numerous subdivisions that took place as a result of Transfer of registry have not been effected properly in the settlement register for various reasons.
- Further in most of the villages the basic village records such as field measurement books, Village maps etc., were in very brittle stage with too many crowded entries that they have become unserviceable for daily use.
- Realizing the long felt need for streamlining the land registry and updating the basic records, the scheme of updating registry suggested by the Board of Revenue involving updating of Registry and preparation of fresh survey and settlement records.
- It mainly intended to bring the Revenue Registry up-to-date after making field by field inspection, enquiry in the villages and effecting subdivision wherever necessary.
- It did not include the districts of Chennai, the Nilgiris and Kanyakumari and the resurveyed areas and areas where the intensive subdivision scheme has been implemented.
- The UDR scheme is introduced for updating the changes with regard to title took placed during the intervening period of the existing registers from its inception and usage (RSR-1911 /SLR-1962).
- The main objects of the UDR scheme were:
    a) To convert the acre measurements into hectares in the village accounts.
    b) To transfer the Registry to the existing land holders as on date after verifying the documents produced by them and to sub divide the fields and transfer the registry to the individual persons if there are joint holders.

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c) To find out the encroachers in the Government Poramboke and to prepare a list of encroachment.

The UDR authorities have no powers to alter the classifications, boundaries, extent, etc., of a 'Government land'.

Basic Land records – at a glance

i) A Register

- It is the most basic record which is the outcome of the UDR in present utility.
- It comprises details of location of the village, the year in which survey was done lastly, total extent of the village, category wise classification of lands with extent, assessment details, landowner's name, details of important Habitats and monuments, details of Fishing rights, number of revenue officials working in the village administration are shown.

ii) Field Measurement Book (FMB)

- The combined volume of field measurement sketches of all individual fields in a village is called Field Measurement Book.
- In this book separate sketches for each survey number, sub-divisions, boundaries, measurements are registered.
- It is being used to know the location of each survey field, to register cultivation details and to solve survey field boundary disputes.

iii) Collabland: It is the digitized format of Field Measurement Book.

iv) Adangal - This Register contains details about Patta lands of Wet, Dry Manavari, Assessed waste lands (Wet/ Dry) and all the details of Poramboke lands of village. This register is to be maintained Fasli wise. This register is being maintained with survey-number, classification and irrigation source wise. In each survey number, the details of cultivation and non-cultivation periods are registered as "Details".

v) Village Maps - It is a combined sketch of Field Measurement Sketches. Village roads, irrigation sources, temples, Tanks including places of social importance, etc., are mentioned by specific symbols.

vi) Chitta – The Details of Survey Field Number, Sub Division Number, extent, assessment of Lands owned by an individual are arranged alphabetically with patta number.

vii) Patta – An extract of Chitta is patta. It shows the land holdings of a particular person(s).

(It should be borne in mind, that the above documents should be analyzed along with Encumbrance certificate issued by Registration department while transfer of patta).

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Rectification of defects in UDR:

Government in the G.O.(Perm) No. 385, Revenue (Gl-3) Department dated 17.8.2004 have issued orders dispensing the powers earlier granted to the Zonal Deputy Tahsildar for Rectification of defects in the Updating of Registry Cases and to grant powers to the District Revenue Officer concerned to conduct enquiry and to pass orders on UDR Cases. District Revenue Officers orders are final. If any applicant aggrieved, he may seek relief in the competent civil court only.

Patta Transfer Appeal and Review:

- Any appeal on transfer of patta lies with the Revenue Divisional officer/Sub Collector within 30 days from the date of receipt of the order appealed against.
- Any review petition against the orders of the Revenue Divisional officer/Sub Collector may be preferred before the District Revenue officer within 30 days from the date of receipt of the order appealed against.
- The order of the District Revenue Officer is final.
- If still not satisfied with the orders of the District Revenue Officer, the individual may prefer an appeal only before the local jurisdictional Court.

4(b) Natham Survey, Settlement and Natham Adangal

Pursuant to the G.O.(Ms)No. 1971, Revenue Department, dated 14.11.1988, Natham survey and Settlement was carried out in the State to get a correct and complete records of rights and area of all individual holdings in the village site. Individual holdings in Natham and in the patta lands used for non-agricultural purposes have been surveyed and the records showing the particulars of ownership, area and measurements for boundaries for each holding have been handed over to Revenue Department for maintenance. Patta on the basis of enjoyment and documents were issued during the course of the Scheme. The Natham Settlement Scheme was completed in the State around the year 1996 and the records were handed over to the Revenue Department for maintenance.

Natham Appeal:

Sl. No.	Particulars	Original authority	Appellate authority	Revision forum
1.	Grant of patta on lands classified Natham/Grama Natham.	Settlement Tahsildar	Respective RDOs (As per the amendment notification published in G.O.No.129 Revenue department dt.10.02.1998, the appeal power conferred on ASOs in original Natham settlement notification had been transferred to jurisdictional RDOs)	District Revenue Officer (Notification published in G.O.Ms No.1971 Revenue dated 14.10. 1988)

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The Commissioner of Land Administration in the capacity of the Head of Department, has been conferred with powers, to rectify the errors and to modify the orders of the District Revenue Officer under Suo motu, as per G.O.Ms.No.396 Revenue (SS II (1)) Department, dated 18.9.2003. However, the Government in their order No.409, Revenue Department, dated 2.7.2008, have already dispensed the second revision petition against the orders passed by the District Revenue Officers in patta transfer disputes under RSO 31. The revision petition in this category has been treated as patta transfer disputes and detailed instructions were issued in CLAs Proceedings No. K3/14710/2015 dated 29.6.2015 with an instruction to direct the parties to settle their disputes in the civil court, as patta was already granted and ordered twice and the question of title and possession can be decided only by the appropriate judicial forum.

Natham Vacant Land:

Detailed instructions have been issued by Additional Chief Secretary/Commissioner of Land Administration in Circular No. K3/14710/2015 dated 7.8.2015 **(Annexure-6).** The guidelines issued in the circular shall be applied if ownership is claimed over natham vacant land.

4(c) Revenue Follow-up work: (Urban Areas)

- Revenue Follow-up work **(otherwise called as Town Settlement)** was commenced in the year 2007 in some towns and in the later years in few other towns as per the Notification published in G.O.(1D) No.103, Revenue SS.II (1) Department, dated 1.3.2007(**Annexure-7).**
- A total of fifty-seven Settlement Units are currently in operation in 14 Corporations (20 units) and 34 Municipal Towns across the State updating or ascertaining the ownership of each ryoti land and issuing patta to eligible landowners based on merits as to enjoyment and documents.
- As per this notification, the Settlement Tahsildars are performing the work under the control of Assistant Settlement Officers and the supervision of Settlement Officer and the Director of Survey and Settlement.
- The settlement work involves the following stages viz.
- Preparation of SF-1 (Classification Register) and SF-7 (details of porambokes and unoccupied lands) registers.
- Field inspection by Settlement Tahsildar as per SF-1 and SF-7, based on Town Survey Land Register.
- Generation of enquiry notices in Form 1 and servicing.
- Conduct of enquiry and passing orders on ownership.
- Preparation of Rough Accounts such as Rough Chitta & Rough Adangal and issuance of rough patta.

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- Hearing objections on Rough Patta, if any.
- Preparation of Fair Accounts
- Publishing A-Register etc.
- The fair accounts and the TSLR Registers prepared under this work shall be handed over to District Administration for effective Revenue and Land Administration system.
- Town Survey Land Register (TSLR) – This register contains the details of the Town Survey Number–wise particulars correlated with old Survey Numbers, Extent, Assessment, Door No. and street names, names of the land owners and the details of the utility of lands.

Existing Appeal/Review Provisions as per G.O.103:

- An appeal on the orders issued by the Settlement Tahsildar shall lie to Assistant Settlement Officer (ASO) within 30 days from the date of communication of the order. (Para 7 of the notification)
- A further appeal against the orders of the Assistant Settlement Officer shall lie to the Settlement Officer (SO) within 60 days from the date of receipt of the order. (Para 8 (2) of the notification)
- Revision against the orders of the Settlement Officer shall lie to the Director of Survey and Settlement (DOSS) within 60 days from the date of receipt of the order. (Para 8 (2) of the notification)
- The DOSS may at any time suo-motu call for and examine any order passed or proceeding recorded by any Settlement Tahsildar or ASO or SO. (Para 8 (3) of the notification)

Change of Appeal provisions as per G.O.487:

- Tamil Nadu Government Gazette Notification No. 439 dt. 06.09.2022 has been published in G.O.(1D) No.487 Revenue and Disaster Management department dated 13.07.2022. **(Annexure-8).**
- The appellate powers as exercised by ASOs/SO have been now conferred upon on the local revenue authorities, viz., the jurisdictional RDOs and the DROs, except for the powers exercised by the SO over the districts viz. Chennai, Kanchipuram, Chengalpattu, Tiruvallur.
- The powers exercised by Settlement Officer is continued for the aforesaid districts, as per the latest notification.

Held over land cases in Natham Settlement/Town Settlement Scheme:

With regard to the Natham Settlement Scheme and Town Settlement Scheme the

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completed settlement records were handed over to revenue authorities for maintenance. There are long pending "Held-over" cases and they continue to remain as "Held-over". To settle the eligible cases of "Ryot-withheld" alone, Government issued the following guidelines in the G.O. Ms. No.233, Revenue and Disaster Management Department, Survey and Settlement Wing (SS-II (1)] Section, dated 05.2.2021 for a period of one year from the date of notification. Subsequently, Government extent the period to two years from 24.2.2022 in G.O.Ms.No. 607, Revenue Department, dated 19.12.2022.

Authority	Powers
a) Sub Collector / Revenue Divisional Officer	To decide the held-over cases. which were recorded as "Ryot- withheld" in the Fair Adangal Register during Natham Settlement / Town Settlement Scheme (Revenue Follow-up Works)
b) District Revenue Officer	Appellate Authority
c) Commissioner of Land Administration	Revision Authority.

Guidelines

(a) The cases can be taken up only in the areas where

(i) Natham settlement has been completed and records handed over to maintenance, and the village is not being taken up for Town Settlement subsequently (either Town Settlement is under progress or likely to be taken up in the future, such as in many Corporation / Municipal areas, in which case the held-over will be decided during the course of Town Settlement;

(ii) Town Settlement (revenue follow up work) has been completed and records handed over to maintenance.

(b) Only the lands which were classified prior to the Natham settlement as Ryotwari Punjal/Nanjai (in the UDR / RSR A register), and presently classified Ryotwari-Manal during the Natham Settlement, and kept as "held over should be taken up for decision. On no account the lands which were classified earlier as Sarkar Poramboke and held over shall be taken up.

(c) As per para 3 and 4 of the G.O.Ms.No.1971 Revenue (SS II) Department dated 14.10.1988

"Land in Natham areas in respect of which house site pattas have been issued by the Revenue Department will be sub-divided and pattas issued under this scheme.

Patta lands used for non-agricultural purposes will be sub-divided as per enjoyment and ownership and patta issued. This procedure will be applied only to lands in

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respect of which lay out plan approved by the Town Planning authorities exist. The pattas will be based on the enjoyment, the approved lay out and ownership. In respect of these patta lands used for non-agricultural purposes for which no approved lay outs exist, joint pattas will be issued in respect of all the owners of such lands and non-sub-division on the basis of enjoyment will be made."

In accordance with the above guidelines, only the held over cases as Ryot manai in approved layouts shall be taken up. In the case of unapproved layouts or isolated houses, if the classification has been seen to be Ryotwari-manai against the guidelines given above, the classification must be reverted to the original classification prior to the Natham settlement.

(d) The procedures to be followed in Natham/Town Settlement like- preparation of rough patta, hearing the objections, publication of the Gist etc. as per Instructions issued in G.O.Ms.No.1971 Revenue (SS II) Department dated 14.10.1988 and G.O.Ms. No 103 Revenue Dept 1.3.2007, shall be followed in respect of deciding the held over cases also, in the case of Natham Settlement and Town Settlement respectively. Further, the Ground Rent must be levied as fixed in the above Government orders while deciding the Held over cases.

(e) Each and every case has to be decided separately by conducting field inspection, verify the enjoyment and proper enquiry by issuing notices to all concerned and after verifying the documents/records.

(f) The above guidelines shall also be followed for held over cases under Natham Settlement Scheme and Town Settlement Scheme.

(g) 5% of the orders passed by the Sub Collectors / Revenue Divisional Officer in respect of held over cases must be scrutinized by the concerned District Revenue Officer and 1% by the District Collector.

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ANNEXURE - 1

ABSTRACT

Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act,1948- Admission of belated appeals and revisions - Amendment to the rules prescribed under Section 63, 19, 19A, 5(2),7(d) and 67 (2) (d) of Act- withdrawn - Notifications- Issued.

COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS DEPARTMENT

G.O.Ms.No. 714 **Dated: 29-6-87**
Aani 15, Prabava,
Thiruvalluvar Aandu 2018

Read again:

1. G.O. Ms. No.2043, Revenue, dt. 5.8.49.
2. G.O. Ms. No.39, Revenue, dt. 7.1.50.
3. G.O. Ms. No.1393, Revenue, dt. 14.7.69.
4. G.O. Ms. No.3261, Revenue, dt.3.12.61
5. G.O. Ms. No.1393, Revenue dt.14.7.69. **Read also:**
6. G.O. Ms. No.1400, Commercial Taxes and Religious Endowment, dt. 21.11.75.
7. From the Commissioner for Land Admn. Lr. No. (K1) 12817/80, dt. 15.9.81 and Lr. No. (K1) 7365/82 dt. 20.7.82.

ORDER:

Consequent on the judgment of the High Court, Madras in writ Appeal No.98 of 1971, the erstwhile Board of Revenue submitted proposals for amendment of the relevant rules under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act 26 of 1948) so as to provide for admission of belated appeals or revisions on grounds of the Petitioner having reasonable cause for not making the appeals or revisions within the prescribed period. Accepting the suggestion of the erstwhile Board of Revenue, the Government issued order amending the rules framed under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act 26 of 1948).

2. The Government have also afforded certain special concessions by way of grant of patta outside the scope of the Abolition Acts, even after the completion of settlement, proceeding and

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introduction of settlement. The Commissioner for Land Administration has now stated that even then the claims rejected during the settlement proceedings are reopened within the provisions of the Act by way of a revision petition with petition for condonation of delay. Considering the ample opportunities given to get the claim for lands established under the Government Orders relating to assignment outside the scope of the Abolition Acts, there is no real need to provide for condonation of delay for consideration of claims under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 after such a long-time lag. He has opined that there should be some finality to these settlement proceedings and that reopening of closed cases on one ground or other by the authorities by virtue of the lowers conferred on them would only unsettle the settled issues and land the state in continued litigation and expenditure in contesting such cases in Courts and that he has suggested that the amendments issued in G.O.Ms.No.1400, Commercial Taxes and Religious Endowments, dt. 21.11.1975 may be suitably modified to that effect.

3. The Commissioner for Land Administration has also suggested that since a provision for condonation of delay has been made, it is desirable that while withdrawing that concession, provision may be made for such procedure, being availed for limited period, after the proposed amendment since the condonation being discretionary, nobody can object on the ground that any right vested in him had been taken away, as could be the contention if the period for appeal is sought to be interfered with. He has further suggested that as a matter of equity, a limited period, after the amendment equal to the period, up to which the delay can be condoned in the normal course, may be allowed in the proposed amendments in respect of older cases. The Commissioner for Land Administration has also submitted necessary draft amendments in this regard.

4. The Government have examined the proposals of the Commissioner for Land Administration and decided to approve the draft amendments suggested by him with slight modification.

5. The notifications annexed to this order will be published in the Tamil Nadu Government Gazette.

(BY ORDER OF THE GOVERNOR)

SUKAVANESHVAR,
COMMISSIONER AND SECRETARY TO GOVERNMENT

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ANNEXURE

NOTIFICATION - I

In exercise of the powers conferred by section 67 read with section 63 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act. XXVI of 1948), the Governor of Tamil Nadu hereby makes the following amendment to the Rules published with the Revenue Department Notification dated the 7th January 1950 at pages 25-26 in the Rules Supplement to Part-I of the Fort St. George Gazette, dated the 17th January 1950, as subsequently amended.

AMENDMENT

In the said rules, in rule 6, for the proviso, the following provisos shall be substituted, namely:

"Provided that the Director or the Commissioner of Land Administration may condone delay up to a period of thirty days beyond the period aforesaid, if he is satisfied that the petitioner had sufficient cause for not presenting the petition within the prescribed time, provided further that in respect of cases disposed of prior to the date of publication of this amendment in the Tamil Nadu Government Gazette, the period of thirty days shall be counted from the date of such publications

Provided also that Suo motu powers of the Commissioner of Land Administration under section 7 of the Act shall not be barred in any case".

NOTIFICATION - II

In exercise of the powers conferred by sub-section (1) and clauses (c) and (d) of sub-section (2) of Section 67 read with sections 19 and 19-A of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948), the Governor of Tamil Nadu hereby makes the following amendments to the rule published with the Revenue Department Notification dated the 5th August 1949, at pages 249-250 of the Rules Supplement to Part I of the Fort St. George Gazette, dated the 10th August 1949, as subsequently amended:

AMENDMENT

In the said rule, in the schedule, in the entries in column (3), against "19 Second Proviso" in column (1), after the provisos to item II (e), and against "19-A" in column (1), for the second proviso to item II (e), the following provisos shall be substituted, namely: -

"Provided that the settlement officer or the Director or the Commissioner of Land Administration may condone delay upto a Period of thirty days beyond the period aforesaid, if he is satisfied that the petitioner had sufficient cause for not presenting the petition within the prescribed time:

Provided further that in respect of cases disposed of prior to the date of publication of this amendment in the Tamil Nadu Government Gazette, the period of thirty days shall be counted from the date of such publication.

Provided also that Suo motu powers of the Commissioner of Land Administration under section 7 of the Act shall not be barred in any case".

NOTIFICATION - III

In exercise of the powers conferred by section 67 read with sub-section (2) of section 5, clauses (c) and (d) of section 7 and sections 18 and 19 of the Tamil Nadu Estates" (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948), the Governor of Tamil Nadu hereby makes the following amendment to the rules published with the Revenue Department Notification SRO No.A.1226 of 1961 at pages 1269 and 1270 of Part V of the Fort St. George Gazette, dated the 13th December 1961, as subsequently amended:-

AMENDMENT

In the said rules, in rule 2, in second paragraph for the proviso, the following provisos shall be substituted, namely: -

"Provided that the settlement officer or the Director or the Commissioner of Land Administration may condone delay upto a period of thirty days beyond the period aforesaid, if he is satisfied that the petitioner had sufficient cause for not presenting the petition within the prescribed time;

Provided further that in respect of cases disposed of prior to the date of publication of this amendment in the Tamil Nadu Government Gazette, the period of thirty days shall be counted from the date of such publications.

Provided also that the powers of the Commissioner of Land Administration under section 7 of the Act shall not be barred in any case.

NOTIFICATION - IV

In exercise of the powers conferred by section 67 (2) (d) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948), the Governor of Tamil Nadu hereby makes the following amendment to the rules published with the Revenue Department Notification dated the 17th October, 1955, at page 435 of the Rules Supplement to Part I of the Fort St. George, Gazette, dated the 1 October, 1955 as subsequently amended: -

AMENDMENT

In the said rule; for the proviso, the following provisos shall be substituted namely: -

"Provided that the Settlement Officer or the Director or the Commissioner of Land Administration may condone delay upto a period of thirty days beyond the period aforesaid,

if he is satisfied that the Petitioner had sufficient cause for not presenting the petition within the time:

Provided further that in respect of cases disposed of prior to the date of publication of this amendment in the Tamil Nadu Government Gazette, the period of thirty days shall be counted from the date publication:

Provided also that Suo motu powers of the Commissioner of Land Administration under Section 7 of the Act shall not be barred in any case".

SUKAVANESHVAR,
COMMISSIONER AND SECRETARY TO GOVERNMENT.

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ANNEXURE -2

K4/35687/2015

Office of the Additional Chief
Secretary and Commissionerof Land
Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
Dated: 12.6.2015.

Dr. Girija Vaidyanathan I.A.S.,
Additional Chief Secretary /
Commissioner of Land Administration

CIRCULAR

Sub: Patta Transfer - Decisions made during the Ryotwari Settlement under the Abolition Acts - Entertaining appeal/revision by the Revenue Divisional Officers and District Revenue Officers and disposal - Instructions - Issued.

Ref: 1. Special Commissioner and Commissioner of Land Administration, Circular instructions in K1/39142/1999, dated 4.11.1999.

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Attention of the District Revenue Officers and the Revenue Divisional Officers is drawn to the instructions issued by the Special Commissioner and Commissioner of Land Administration in the circular 1st cited.

2. As far as the instructions issued regarding the Revenue Standing order 31 are concerned, the instructions are reiterated to be followed scrupulously, except for the second revision provision to the Commissioner of Land Administration. The Government in their order Ms.No.489, Revenue Department, dated 2.7.2008, have dispensed with the second revision against the orders passed by the District Revenue Officer in patta transfer disputes. Therefore, the District Revenue Officers are advised not to mention the next revision in their orders in patta transfer disputes. They should mention in their orders if any one aggrieved by the orders passed by them, they may seek remedy from the civil court.

3. Of late, it is seen from the orders passed by the Revenue Divisional Officers and District Revenue Officers that they do not indicate in their orders under which Revenue Standing order, the orders are passed by them. Due to this, it has become difficult to examine the petitions whenever filed by the appellants whether the petitions relate to assignment or transfer of registry. The Revenue Divisional Officers and District Revenue Officers are instructed to mention the relevant Revenue Standing order under which the orders are passed by them without fail.

4. In another case, one Tahsildar has rejected the request of a petitioner to transfer patta as the land is classified as 'Government Poromboke Oorani'. However, the Tahsildar has further directed the petitioner to file appeal before the Commissioner of Land Administration which the petitioner has followed and filed a petition as appeal before the Commissioner of Land Administration against the order of the Tahsildar. It is not known, who has given authority to the

Tahsildar to direct the petitioner to appeal before the Commissioner of Land Administration. The District Revenue Officers are instructed to give suitable directions to the Revenue Divisional Officers and Tahsildars not to misdirect the petitioners to approach the Commissioner of Land Administration against their orders.

5. In the reference cited, the Special Commissioner and Commissioner of Land Administration has clearly explained the jurisdiction of the revenue authorities over the decisions made in the ryotwari Settlement under various Abolition Acts. He has also instructed the Revenue Divisional Officers and the District Revenue Officers to refrain themselves from interfering with the orders passed by the Settlement authorities and they should confine themselves only to the provisions contained in R.S.0.31. However, in spite of these specific instructions, some Revenue Divisional Officers and District Revenue Officers have passed orders as if they are empowered to interfere with the decisions made in the Settlement.

6. Therefore, it has become necessary to refresh the memory of the revenue officials on the subject of ryotwari Settlement in the State.

In order to abolish zamin, inam and minor inams land tenures the following Statutes were enacted:

a. Tamil Nadu Estate (Abolition and conversion into Ryotwari) Act XXVI of 1948
b. Tamil Nadu Inam Estates (Abolition and conversion into Ryotwari) Act 26 of 1963
c. Tamil Nadu Minor Inams (Abolition and conversion into Ryotwari) Act 30 of 1963

The decisions made during the Final Settlement Enquiry under the aforesaid Acts have become final and appeals/revisions can be preferred only as per Sections provided in the Acts. The statutory orders passed by the Settlement authorities cannot be interfered with by the revenue authorities. As far as the Act XXVI/1948 is concerned appeal can be filed before the A.S.0 against the decisions made under Section 11 during the Final Settlement Enquiry within 30 days. However, the Government in G.O.Ms.No.1400, C.T.& R.E. Department, dated 21.11.1975 amending the rules framed to the Act XXVI/1948 to condone delay and entertain the appeal. The Government have amended the rules framed to the Act under the powers conferred in Section 67(2) (d) of the Act issued in G.O.Ms.No.714, C.T.& R.E. Department dated 29.6.1987. According to this rule amendment, the last date to apply for condonation of delay to get patta under Section 11(a) of the Act was fixed as 20.8.1987. Therefore, the orders passed by the Settlement authorities on the appeals filed before 28.8.1987 shall be held valid.

7. In the cases coming under the purview of the Acts 26/1963 and 30/1963, appeals can be filed only before the Tribunals within the specified time allowed in the said Acts and the Settlement authorities have no power to entertain appeals against the decisions made during the ryotwari Settlement under these Acts. Therefore, whenever the applicants are applying for patta on the basis of orders passed by the Settlement authorities, utmost care should be applied to see that the orders passed by the Settlement authorities are within their jurisdiction.

8. In order to facilitate the ryots and land holders, who could not apply for ryotwari patta in time under the Act XXVI of 1948, but would have got patta if they applied in time, the

Government issued G.O.Ms.No.1300, Revenue Department, dated 30.4.1971 to apply before the Revenue authorities for grant of ryotwari patta outside the scope of the Abolition Act. The concession granted by the Government came to end on 30.6.1975, which was fixed as the last date to apply for patta outside the scope of the Act XXVI of 1948, by G.O.Ms.No.589, C.T.& R.E. Department dated 14.5.1975. Similarly, in G.O.Ms. 370, C.T.& R.E. Department, dated 3.10.1974, the concession of grant of patta outside the scope of the Acts 26 of 1963 and 30 of 1963 was extended to the ryots and landholders covered under these Acts. This concession was ended on 31.3.1977 as per G.O.Ms.No. 1889, C.T.& R.E. Department dated 24.12.1976. Therefore, the Revenue authorities cannot entertain applications for grant of patta outside the scope of the Abolition Acts after the last date. However, it is found from the petitions received from the public that some D.R.Os are still entertaining applications and passing orders on the basis of the G.O.No.1300 and G.O.No.370. Since the last date to apply for patta outside the scope of Abolition Acts has expired long time ago, the Revenue Divisional Officers and District Revenue Officers are instructed to refrain themselves from entertaining such applications and send proposals to Commissioner of Land Administration. Otherwise, it would be viewed very seriously.

9. In a recent case, one Revenue Divisional officer has passed order transferring the ryotwari patta granted under the Act 30/1963 on the basis of an extract of Inam Fair Register furnished by a petitioner. On appeal, the District Revenue Officer, has cancelled the patta transferred by the Revenue Divisional Officer but ordered to register the land as it was before the commencement of Settlement. At this juncture, it is pointed out that after the Inam/Minor Inam tenures were abolished by the relevant Statutes and ryotwari Settlement was introduced, the Title Deeds and I.F.R are having only historical value. However, the R.D.O. and D.R.O. without applying their mind and without verifying the Settlement records which are available in the Collectorate have unnecessarily interfered with the decision made in the Settlement. This kind of orders would always invite unnecessary litigations not only against the R.D.O and D.R.O but also against the Commissioner of Land Administration and the Government.

10. The Revenue Divisional Officers and the District Revenue officers are hereby instructed to follow the above instructions scrupulously and give suitable instructions to their subordinate officers. The receipt of this circular should be acknowledged immediately.

Girija Vaidyanathan
Additional Chief Secretary /
Commissioner of Land Administration

To
All District Revenue officers, R.P.A.D
All Revenue Divisional Officers, R.P.A.D

Copy to:
The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 089 (By name cover)

Copy to: Stock files of K1, K2, K3 and K4.

ANNEXURE – 3

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 02.02.2016

DATE OF DECISION: 9.02.2016

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.96 of 2015 and M.P. No.1 of 2015

1 Sundaram
2 S. Lakshmi
3 S. Venkatesan
4 S. Gopi
5 S. Kala
6 S. Sujatha
7 S. Priya
8 J. Kanamma
9 J. Suresh
10 J. Kalpana
11 J. Govindaraj — Appellants .....

Vs.

1 The Principal Secretary and Commissioner of
Land Administration
Chepauk, Chennai 600 005

2 The Assistant Settlement Officer (North)
O/o the Commissioner of Survey and Settlement
Survey House, Chennai 600 005

3 Tata Communication Limited
represented by its Deputy General Manager
N. Kesava Prasad
No.4, Swami Sivananda Salai, Chennai 600 002

4 Videsh Sanchar Nigam Employees'
Cooperative Housing Society
represented by its President
Joseph Manoharan
No.4, Swami Sivananda Salai
Chennai 600 002 — Respondents.....

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 24.09.2014 passed in W.P. No.9004 of 2013.

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For appellants	Mr. S. Prabakaran for Mr. K. Balakrishnan
For RR 1 & 2	Mr. P.H. Arvind Pandian Addl. Advocate General assisted by Mr. P.S. Sivashanmugasundaram Special Government Pleader
For R3	Mr. G. Masilamani, Sr. Counsel assisted by Mr. C. Mohan for M/s. King and Partridge
For R4	Mr. Rupert J. Barnabas

JUDGMENT

SATISH K. AGNIHOTRI, J.

This intra-Court appeal is focussed against the order dated 24 September 2014 rendered in W.P. No.9004 of 2013. The writ petitioners, feeling dissatisfied, have preferred the instant appeal.

2 To avoid prolixity, the parties are referred to as per their arraignment in the instant appeal.

3.1 Shorn of the minute details, a vignette of the germane and necessary facts leading to the filing of the instant appeal is that Padianallur Village in Ponneri Taluk, Tiruvallur District, was taken over by the Government under the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short "the Act") in January 1951. A ryotwari settlement was introduced in 1953. During such settlement, the lands in S.No.155/2 and 156, which are the petition scheduled lands, were assessed as "Government Poramboke/Assessed Waste Dry". In 1954, the Government of Madras sanctioned the transfer of land to the extent of 85.94 acres to Overseas Communication Service, Ministry of Communications, Government of India on 29th March, 1954. Subsequent thereto, in 1986, the Government of India transferred the assets and liabilities of Overseas Communication Service to Videsh Sanchar Nigam Ltd. Thereafter, in 2002, in pursuance of disinvestment policy, VSNL vested with the third respondent, viz., Tata Communications Limited. In October, 2008, the Ministry of Communication and Information Technology sent a letter of consent to the Revenue Department for issuance of patta to the third respondent and accordingly, the third respondent was issued with patta in July 2009.

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3.2 Albeit, as per the Act, an appeal against the settlement could be filed within 30 days, the limitation period was extended by the Government from time to time. Ultimately, vide G.O. Ms.No.714, Commercial Taxes and Religious Endowment Department dated 29 June 1987 (for short "G.O.Ms.No.714") the Government fixed 20 August 1987 as the last date for applying for patta and withdrew the powers of the authorities to condone the delay.

3.3 While so, the appellants, claiming to be the descendants of Solagiri Zamindar of Hosur Taluk, Salem District and that Padianallur Village was earlier part of Zamin estate, addressed a representation to the first respondent to invoke suo motu powers to grant patta in their favour for the lands in question. The said authority, finding that the ryotwari settlement was made way back in 1953 and that the appellants have made their claim nearly after six decades, which could not be considered as a normal delay, rejected the appellants' request for grant of patta, vide letter dated 28 February 2013.

3.4 The appellants assailed the aforestated order / letter passed by the first respondent before the learned Single Judge contending inter alia that the Act does not prescribe any time limit to apply for ryotwari patta and as per the revenue records prior to settlement, the lands in question stood in the name of their predecessors. As such, the first respondent ought not to have rejected their claim, that too, without affording an opportunity of hearing to them. In addition to, seeking quashment of the order of the first respondent, the appellants further sought a direction to the respondents to grant ryotwari patta to them, as per the provisions of the Act, pursuant to their representation dated 23 January 2013.

3.5 The learned Single Judge, finding inter alia that (i) the suo motu power of revision cannot be exercised after an unbearably long period of time, (ii) the rights accrued to third parties over a period of time, cannot be jeopardised by exercise of suo motu power of revision and (iii) the appellants have not proved that they belong to the family of the Zamindar concerned, dismissed the writ petition. Feeling aggrieved, the instant appeal by the writ petitioners.

4.1 Mr. S. Prabakaran, learned counsel for the appellants would submit that the Board of Revenue, exercising its power under Section 7(c) of the Act, is competent to cancel or revise any of the orders, acts or proceedings of any Settlement Officer at any point of time without their being any limitation on time. If the Board of Revenue, on examining the facts, comes to a conclusion that the earlier orders, acts or proceedings, are not in accordance with the provisions of the Act, the same is subject to cancellation or revision by the Board, at any point of time. It is further contended that under G.O. Ms.No.714, the suo motu power of the Commissioner of Land Administration, as conferred under Section 7 of the Act, is not subject to any time limitation. The learned counsel would further contend that the identical facts came into consideration in several writ petitions in (i)D. Maujini Chella vs. The Assistant Settlement Officer (North) and another[1], (ii) R. Bangaru Ammal vs. The Assistant Settlement Officer (North) and another[2], (iii) Model Education Society vs. The Commissioner of Land Administration, Chennai-5[3] and (iv) Mansi Chhog Impex (Chennai) Ltd and Sajjan Kanwar Bafna vs. The Commissioner of Land

Survey and Settlement[4] and the respective learned Single Judges, ignoring the delay in making the representation, remitted back the matters for fresh consideration of the same, on merits, vide orders dated 25 April 2011, 21 February 2012, 09 March 2012 and 17 April 2012 respectively. Thus, the appellants ought to have been treated at par with those petitioners and granted opportunity to put forth their case on merits. The appellants were not afforded opportunity to place their case, before their representation was rejected by the first respondent on the ground of laches and delay.

(1. W.P.No.10485 of 2011, 2. W.P.No.3989 of 2012,
3. W.P.No.4980 of 2012, 4. W.P.No.22216 and 22217 of 2011)

4.2 He would further contend that the learned Single Judge has dismissed the writ petition on the ground that the appellants have not produced a genealogy tree to establish their relationship with the erstwhile Zamindar. If this was the ground for rejection of the appellants' claim, the appellants ought to have been given an opportunity to place the genealogy tree to establish the fact that they are the legal heirs of the erstwhile Zamindar family or the matter ought to have been remitted back to the first respondent for considering the said fact afresh. The patta granted to the third respondent was cancelled in 2011 and as such, the third respondent has no right to continue in possession in respect of the land to an extent of 85.94 acres at Padianallur Village.

5 Per contra, Mr. P.H. Arvindh Pandian, learned Additional Advocate General appearing for respondents 1 and 2 would contend that the learned Single Judge has rightly dismissed the writ petition upholding the order rendered by the first respondent. The power conferred under Section 7(c) of the Act on the first respondent is exercisable within the reasonable time. Even if there is no prescription of time limit under the statute, the appellants' application suffers from laches. It is further contended that the appellants have not produced any material to establish their right to the lands on the basis of being legal heirs/descendants of the erstwhile Zamindar. The appellants have also not filed any application justifying the reasons for condonation of such an unexplained inordinate delay.

6.1 Mr. G. Masilamani, learned Senior Counsel, assisted by Mr.C.Mohan, learned counsel, appearing for the third respondent would submit that the suo motu power exercisable under the provisions of Section 7(c) of the Act cannot be invoked in view of the specific provision of appeal. In the case on hand, an appeal would lie before the Appellate Tribunal against the order passed under the provisions of Section 15 of the Act, wherein, the time limit prescribed for filing an appeal is two months and in case of further delay with explanation, the time limit prescribed is six months.

6.2 The learned Senior Counsel would further contend that a land holder, claiming ryotwari patta, must prove that he has been cultivating the land by himself or by his own servants from July 1945 directly and or in continuous possession of the same. To garner support in respect of this contention, the learned Senior Counsel relies on the judgment in P. Venkataswami and another vs. D.S. Ramireddy and another[5].[(1976) 3 SCC 665]

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6.3 He would further submit that the subject land/estate was taken over by the Government on 03 January 1951 and no challenge has been made thereagainst. The subsequent transfer of the lands to the Overseas Communication Service was for a valuable consideration and further, on 29 March 1954, it was transferred to the predecessors of the third respondent and they are in continuous possession of the land. The next ground of attack of the learned Senior Counsel is that the appellants are claiming to be the descendants of the Zamindar of Solagiri, Hosur, Salem District, whereas, the petition scheduled land is situated in Chingleput District, belonging to the erstwhile Zamindar of Padianallur.

6.4 It is further urged by the learned Senior Counsel that the appellants have not given any justification or reasons for not approaching the authority for the last six decades and as such, their claim was rightly rejected both by the first respondent and the learned Single Judge. In support of this contention, the learned Senior Counsel places reliance on the ratio laid down by the Supreme Court in Joint Collector Ranga Reddy District and another vs. D.Narsing Rao and Others[6].[(2015) 3 SCC 695]

6.5 The learned Senior Counsel would further contend that in the event, there is no prescription of limitation in the statute, applications are required to be made within a reasonable time. To fortify this stand of his, the learned Senior Counsel has placed reliance on the judgments of the Supreme Court in Sulochana Chandrakant Galande vs. Pune Municipal Transport and Others[7], Surinder Kaur Grewal vs. Director, Consolidation of Holdings and others[8] and Ram Karan (dead) through Legal Representative and Others vs. State of Rajasthan and Others[9].

(7. (2010) 8 SCC 467, 8. (2010) 15 SCC 461 9. (2014) 8 SCC 282)

6.6 It is further contended by the learned Senior Counsel that on dispossession from the land, a person can make a claim within three years or twelve years, in appropriate cases, even on the basis of title under the provisions of the Limitation Act. In respect of orders passed in writ petitions, relied on by the learned counsel for the appellants, wherein, the matters were remitted back to the authorities for reconsideration on merits, the learned Senior Counsel would contend that in W.P. No.10485 of 2011, disposed of vide order dated 21 April 2011, the petitioner was in continuous possession of his small extent of land and claimed ryotwari patta, in the absence of contest by the Government. The subsequent orders were passed relying on the said order, without examining the facts of the respective cases. However, the instant writ petition, viz., W.P.No.9004 of 2003 was dismissed by the learned Single Judge after contest put up by the Government. Thus, the said orders passed in the facts of those cases are not precedents for adjudication of the dispute involved in the case on hand, wherein, the facts are not akin. It is lastly contended that the fourth respondent, viz., Videsh Sanchar Nigam Cooperative Housing Society, has also acquired a right to a portion of the subject land to an extent of 32.5 acres, transferred on 22 July 2009, which was the subject matter before the High Court of Delhi and the said transfer was also upheld. Thus, the rights accrued in favour of the fourth respondent cannot be unsettled in the instant proceedings.

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7 Mr. Rupert J. Barnabas, learned counsel for the fourth respondent Cooperative Housing Society supports the contentions advanced by the learned counsel for the other respondents.

8 We have given our anxious consideration to the submissions advanced hereinabove by the learned counsel for the parties and also examined the pleadings and documents appended thereto.

9 First, we will proceed with the relevance of the disposal of four writ petitions (supra) relied on by the learned counsel for the appellants, which were allegedly filed by similarly situated persons.

10 In W.P. No.10485 of 2011, filed in respect of land measuring 1 acre and 48 cents, the learned Single Judge, without considering the laches in filing the petition after forty years, set aside the order impugned therein and allowed the writ petition, remitting back the matter to the first respondent therein to decide the petitioner's application on merits and in accordance with law, after affording an opportunity to the petitioner therein.

11 In W.P. No.3989 of 2012, filed in respect of land measuring 3 acre and 46 cents, 0.24 cents and 0.45 cents, wherein, the petitioner was stated to be in possession and enjoyment of the said properties till the application was made for grant of patta, the issue of limitation was again not considered and in view of the earlier order passed in W.P. No.10485 of 2011, the rejection of the application on the ground of laches by the first respondent was set aside and the matter was remitted back to the authority concerned for fresh consideration, on merits.

12 In yet another writ petition being W.P. No.4980 of 2012, filed in respect of 7 acres of land, again, relying on the order passed in W.P. No.3989 of 2012, without considering the facts and also the issue of limitation, the rejection of application on the ground of the same being time barred, was set aside and the said writ petition was allowed with a direction to the authority re-consider the matter afresh, on merits.

13 In W.P. Nos.22216 and 22217 of 2011, wherein, the extent of land was 0.31 acre and Ac.0.8 cents & Ac.0.22 cents respectively, again, relying on the order passed in W.P. No.4980 of 2012, a similar order was passed setting aside the order rendered by the respondent therein and directing the said authority to consider the issue afresh on merits.

14 Concededly, in none of the aforestated four writ petitions, the legal issue as to the maintainability of the representation to grant patta in respect of ryotwari or zamindari land which has come into the possession of the Government on abolition of Zamindari system, beyond reasonable time, after a long, inordinate, unexplained and unreasonable delay and laches, was considered or decided. Thus, the contention of the learned counsel for the appellants that the appellants be treated at par with the petitioners in the aforestated writ petitions, cannot be countenanced. In such factual matrix, the orders rendered in the said writ petitions do not create precedents for adjudication of the instant dispute.

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15 The Supreme Court, in Union of India and Others vs. M.K.Sarkar[10], (10.(2010) 2 SCC 59) while examining issuance of a direction to the authorities to consider a representation, has cautioned the High Court that a direction to examine the representation be issued only in a live issue and that the Court should examine the issue before ordering to consider the representation. While holding so, the Supreme Court observed as under:

> "16. A court or tribunal, before directing "consideration" of a claim or representation should examine whether the claim or representation is with reference to a "live" issue or whether it is with reference to a "dead" or "stale" issue. If it is with reference to a "dead" or "stale" issue or dispute, the court/tribunal should put an end to the matter and should not direct consideration or reconsideration. If the court or tribunal deciding to direct "consideration" without itself examining the merits, it should make it clear that such consideration will be without prejudice to any contention relating to limitation or delay and laches. Even if the court does not expressly say so, that would be the legal position and effect."

16 The appellants made the representation on 23 January 2013 to the first respondent, claiming to be the descendants of Solagiri Zamindar of Hosur Zamin Estate for grant of ryotwari patta in respect of the land comprised in S.Nos.155/2 over an extent of 67.65 acres and S.No.156 over an extent of 21 acres in Padianallur Village, Ponneri Taluk, Tiruvallur District. It was not the case of the appellants that they are in possession of the petition scheduled lands. The first respondent, exercising his power under the provisions of the Act, came to hold that as per the Rules framed under the Act, the appeal should be filed within 30 days from the date of completion of Final Settlement Enquiry. The first respondent further held that the rules were amended from time to time in order to facilitate the land holders, ryots and tenants to apply for grant of patta beyond the statutory appeal period and, finally, amendments were made and notified by G.O. Ms.No.714, whereunder, the powers to condone the delay was withdrawn.

17 In respect of the petition scheduled property, the settlement was completed way back in the year 1953. The appellants had not come forward earlier and without explanation for such an inordinate delay, had filed their representation after six decades. Accordingly, the same was rejected by the first respondent vide order dated 28 February 2013, which made the appellants file the instant writ petition.

18 In order to appreciate the factual as well as legal issues involved herein, it is apposite to refer to Section 7 of the Act which reads as under:

> **"7. Powers of control of the Board of Revenue**
>
> The Board of Revenue shall have power
>
> a) to give effect to the provisions of the Act and in particular to superintend the taking over of estates and to make due arrangements for the interim administration thereof;
>
> b) to issue instruction for the guidance of the Director, District Collectors, Settlement Officers and Managers of estates;
>
> c) to cancel or revise any of the orders, acts or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal or of any Managers; and

d) to cancel or revise any of the orders, acts or proceedings of the Director or of any District Collector, including those passed, done or taken in the exercise of revisional powers."

19 Section 7 which is stated to be invoked in the instant dispute, provides for superintendence of the taking over of the estates and further, making due arrangements for the interim administration. The Board of Revenue so constituted is competent to cancel or revise any of the orders, acts or proceedings of any Settlement Officer, other than those in respect of which an appeal lies to the Tribunal or of any Managers under Section 7(c) of the Act. Under clause (d) of Section 7 of the Act, the Board of Revenue may exercise its power to cancel or revise any of the orders, acts or proceedings of the Director of any District Collector, including those passed, done or taken in the exercise of revisional powers.

20 In the case on hand, the appellants have approached the first respondent seeking exercise of the power purportedly under Section 7(c) of the Act and cancel the allotment made earlier to the third respondent and its predecessors and grant patta to them. The first respondent has not examined the factual disputes about the entitlement of the appellants claiming to be descendants of the erstwhile Zamindar under the provisions of the Act and dismissed the representation being barred by unreasonable delay.

21 By G.O. Ms.No.714, the Department was divested of the power to condone delay. Indisputably, there is neither any application nor explanation in the appellants' representation dated 23 January 2013, for inordinate delay. It is well settled that in the event, there is no statutory prescription, the reasonable delay has to be engrafted while considering a review, revision or appeal by an aggrieved person, questioning the legality of the order, proceedings or acts of the officer.

22 In *Sulochana Chandrakant Galande* (supra), while examining the provisions of Section 36 of the Urban Land (Ceiling and Regulation) Act, 1976, which provides for revision of any order passed by the State Government, wherein, there was no prescription of any time limit, the Supreme Court held thus:

"28. The legislature in its wisdom did not fix a time-limit for exercising the revisional power nor inserted the words "at any time" in Section 34 of the 1976 Act. It does not mean that the legislature intended to leave the orders passed under the Act open to variation for an indefinite period inasmuch as it would have the effect of rendering title of the holders / allottee(s) permanently precarious and in a state of perpetual uncertainty. In case, it is assumed that the legislature has conferred an everlasting and interminable power in point of time, the title over the declared surplus land, in the hands of the State/ allottee, would forever remain virtually insecure. The Court has to construe the statutory provision in a way which makes the provisions workable, advancing the purpose and object of enactment of the statute.

29. In view of the above, we reach the inescapable conclusion that the revisional powers cannot be used arbitrarily at a belated stage for the reason that the order passed in revision under Section 34 of the 1976 Act, is a judicial order. What should be reasonable time, would depend upon the facts and circumstances of each case.

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30. If some person has taken a relief from the court by filing a writ petition immediately after the cause of action had arisen, the petitioners cannot take the benefit thereof resorting to legal proceedings belatedly. They cannot take any benefit thereof at such a belated stage for the reason that they cannot be permitted to take the impetus of the order passed at the behest of some diligent person. In State of Karnataka v. S.M.Kotrayya, this Court rejected the contention that a petition should be considered ignoring the delay and laches, on the ground that the petitioner therein filed the petition just after coming to know of the relief granted by the Court in a similar case, as the same cannot furnish a proper explanation for delay and laches. The Court observed that such a plea is wholly unjustified and cannot furnish any ground for ignoring delay and laches."

23 In Surinder Kaul Grewal (supra), the issue for consideration before the Supreme Court was, where no time limit is prescribed for application under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, whether the application filed nearly after 27 years was maintainable. In answer to the said issue, the Supreme Court held as under:

"5. The question of limitation for initiating proceedings under Section 42 is covered by a decision of this Court in Gram Panchayat, Kakran v. Director of Consolidation where this Court has held that when no limitation is prescribed for an application under Section 42, the application should be filed within a reasonable time. In the present case, it is not disputed that the application under Section 42 was filed nearly after 27 years. It was clearly barred by limitation."

24 In Ram Karan (supra), it was held as under:

"36. In State of Punjab v. Bhatinda District Coop. Milk Producers Union Ltd. this Court held that if no period of limitation has been prescribed, statutory authority must exercise its jurisdiction within a reasonable period. However, what shall be the reasonable period would depend upon the nature of the statute, rights and liabilities thereunder and other relevant factors. In the present case, neither any objection was raised nor was any application filed by vendors for restoration of land in their favour. The suit was filed by the Tahsildar, Viratnagar after more than 31 years. No ground is shown to file such petition after long delay nor was it mentioned as to whether the vendors i.e., original landholders made any application for restoration of land in their favour.

37. In view of the matter, we hold that the suit being filed beyond the reasonable period was fit to be dismissed. The Additional Collector rightly dismissed the suit being barred by limitation."

25 In the case on hand, incontrovertibly, the appellants have filed the representation/ petition seeking grant of patta after six decades, claiming to be descendants of the erstwhile Zamindar. Albeit there is no limitation prescribed for exercise of power under Section 7(c) of the Act, it does not entitle the appellants to question the action of the Settlement Officer by allotting the scheduled property in favour of the third respondent and its predecessors, beyond a reasonable delay. The appellants have miserably failed to explain such an inordinate delay and laches.

26 Recently, exercise of suo motu power in respect of limitation under the A.P. (Telengana Area) Land Revenue Act, 1317 F (1907) came up for consideration in Joint Collector Ranga Reddy District (supra), wherein, it was held thus:

"16. No time-limit is prescribed in the above section for the exercise of suo motu power but the question is as to whether the suo motu power could be exercised after a period of 50 years. The Government as early as in the year 1991 passed an order reserving 477 acres of land in Survey Nos. 36 and 37 of Gopanpally Village for house sites to the government employees. In other words, the Government had every occasion to verify the revenue entries pertaining to the said lands while passing the Government Order dated 24-9-1991 but no exception was taken to the entries found. Further the respondents herein filed Writ Petition No. 21719 of 1997 challenging the Government Order dated 24-9-1991 and even at that point of time no action was initiated pertaining to the entries in the said survey numbers. Thereafter, the purchasers of land from Respondents 1 and 2 herein filed a civil suit in OS No. 12 of 2001 on the file of the Additional District Judge, Ranga Reddy District praying for a declaration that they were lawful owners and possessors of certain plots of land in Survey No. 36, and after contest, the suit was decreed and said decree is allowed to become final. By the impugned notice dated 31-12-2004 the suo motu revision power under Section 166-B referred to above is sought to be exercised after five decades and if it is allowed to do so it would lead to anomalous position leading to uncertainty and complications seriously affecting the rights of the parties over immovable properties.

17. In the light of what is stated above we are of the view that the Division Bench of the High Court was right in affirming the view of the learned Single Judge of the High Court that the suo motu revision undertaken after a long lapse of time, even in the absence of any period of limitation was arbitrary and opposed to the concept of rule of law.

31. To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority."

27 Thus, in the conspectus of the aforestated facts and the proposition of law in exercise of power in respect of limitation, wherein, no statutory prescription is provided, it is well settled that no application for review or revision or appeal is maintainable beyond the reasonable time. Decidedly, the land was transferred to the predecessors of the third respondent, i.e., Overseas Communication Service, Ministry of Communications, Government of India, for valuable consideration on 29th March, 1954, creating third party right.

28 The appellants, claiming to be descendants of the erstwhile Zamindar are entitled to ryotwari patta in Zamindari Estate under the provisions of Section 12 of the Act. On a bare reading of the said provisions, it is eloquent that a landholder, claiming to be entitled to ryotwari pata under the provisions, must have acquired the land by inheritance or succession under a will or by purchase, exchange of gift, but not including purchase at a sale for arrears of rent, provided the said land holder is in continuous possession of such lands from 1st day of July 1945 and had been cultivating such lands himself, by his own servants or by hired labour, with his own or

hired stock in the ordinary course of husbandry. The appellants have not pleaded even in their representation made to the first respondent that they have been in continuous possession of the land from the specified date, i.e., 1st July, 1945 and also on the notified date, i.e., the date when the Act came into force and cultivating themselves or through their own servants or by hired labour or otherwise.

29 The State Government, subsequently, by several Government Orders, as referred to in G.O. Ms.No.1300, Revenue Department dated 30 April 1971, had permitted the landholders or the ryots, who could not obtain patta within the prescribed time under the provisions of the Act, to make an application for grant of patta in respect of such lands, provided they were in continuous possession and enjoyment of any land in the estate taken over under the Act. The said permission came to an end subsequently by G.O. Ms.No.714, which stipulated the last date as 20 August 1987. The appellants had never come forward under the aforestated provisions of the Act or under the extended time granted by several Government Orders, claiming to be in continuous possession and enjoyment of any land in the estate taken over under the Act.

30 As a sequitur, we have no hesitation in holding that the first respondent had rightly rejected the appellants' application as being barred by delay and that the learned Single Judge has justly dismissed the writ petition upholding the order passed by the first respondent.

31 We are not disposed to examine the eligibility of the appellants as to whether they are the descendants of the erstwhile Zamindar and also whether they are entitled to ryotwari patta under the aforestated provisions of the Act. Consequently, it is not proper to remit back the matter to the first respondent to consider their representation dated 23 January 2013, afresh, on its own merits.

Resultantly, the instant intra-Court appeal fails and is accordingly dismissed. Costs made easy. Connected Miscellaneous Petitions are closed.

(SATISH K. AGNIHOTRI, J.) (M. VENUGOPAL, J.)
9th February 2016

Index: Yes

SATISH K. AGNIHOTRI, J.
and
M. VENUGOPAL, J.

To
1 The Principal Secretary and Commissioner of
Land Administration
Chepauk, Chennai 600 005

2 The Assistant Settlement Officer (North)
O/o the Commissioner of Survey and Settlement
Survey House
Chennai 600 005

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ANNEXURE - 4

ITEM NO.32 COURT NO.8 SECTION XII

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).13454/2016

(Arising out of impugned final judgment and order dated 09/02/2016 in WA No. 96/2015 passed by the High Court of Madras)

SUNDARAM & ORS. Petitioner(s)

VERSUS

THE PRINCIPAL SECRETARY AND

COMMISSIONER OF LAND ADMINISTRATION & ORS. Respondent(s)

Date: 13/05/2016 This petition was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. GuruKrishna Kumar, Sr. Adv.
Mr. G. Balaji, AOR
Ms. Shiva Vijaya Kumar, Adv.

For Respondent(s) Mr. C.A. Sundaram, Sr. Adv.
Ms. Ritu Bhalla, Adv.
Mr. Shashank Kumar, Adv.
Ms. Sanjana Sharma, Adv.
Mr. S. S. Shroff, AOR

UPON hearing the counsel, the Court made the following

O R D E R

The special leave petition is dismissed.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER

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ANNEXURE – 5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.A.No.739 of 2019

and

C.M.P.No.5946 of 2019

1.V.Udayan
2.S.Balasubramanian
3.K.Murugesan
Represented by their general Power of Attorney
S.Ramakrishnan. ... Appellants

Vs

1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 5.
2.The Director of Survey and Settlement,
Chepauk, Chennai - 5.
3.The Settlement Officer,
Tanjavur.
4.The Assistant Settlement Officer,
Tiruvannamalai. ...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order made in W.P.No.10343 of 2003 dated 11.03.2013 on the file of the High Court of Judicature at Madras.

For Appellants : Mr.N.A.Nissar Ahamed
For Respondents : Mr.J.Pothiraj, Special Government Pleader.

JUDGEMENT

(Judgement of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred by persons who are said to have purchased the property to an extent of 35.32 acres out of 45.32 acres at 155, Payyanur Village, Chengalpet Taluk, Kancheepuram District through a sale deed dated 19.04.1995 from one Mr.A.Ramakrishnan.

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2.According to the appellants, from the date of the purchase of the property, they have been in possession and applied to the 2nd respondent for grant of Ryotwari patta along with the condone delay petition. The said petition was ordered with a direction to the 4th respondent to consider the petitioners- plea for grant of Ryotwari patta in respect of the above property. The 4th respondent after considering the case, granted Ryotwari patta. The said order of the 4th respondent was challenged before the 3rd respondent by the authorities. The 3rd respondent had set aside the order of the 4th respondent. The said order of the 3rd respondent was again challenged before the 2nd respondent. The 2nd respondent dismissed the same by confirming the order passed by the 3rd respondent. Therefore, aggrieved over the order of the 2nd respondent refusing to grant relief to the petitioners, the Writ petition was filed and the learned Single Judge also dismissed the same against which the present appeal has been filed.

3.Mr.N.A. Nissar Ahamed, learned Counsel for the appellants would submit that once the 2nd respondent condoned the delay for granting of Ryotwari patta and the 4th respondent rightly granted Ryotwari patta as per the directions of the 2nd respondent, the 3rd respondent has got no power to entertain the appeal along with condone delay petition which has been preferred by the authorities.

4.The further contention of the learned Counsel for the appellants is that even though the learned Single Judge referred the G.O.M.S.No.714, dated 29.06.1987 fixing the cut~off date fixed fof applying Ryotwari patta under Section 11 (a) of the Act, no finding has been given by the learned Single Judge.

5.Even though there is no reasoning or finding given by the learned Single Judge, it is evident from G.O.M.S.No.714, dated 29.06.1987 under Section 11 (a) of the Act, the cut~off date for applying for Ryotwari patta was fixed as 20.08.1987. Once the cut~off date has been fixed, the appellants have got no right to apply for Ryotwari patta that too on 04.12.1995 almost after a decade. In the name of condone delay, a petition has been filed and the 2nd respondent is said to have entertained the application regarding which the 2nd respondent lacks power. The appellant has got neither locus standi to file application for grant of Ryotwari patta beyond 20.08.1987 nor the authorities have power or jurisdiction to receive the application and grant Ryotwari patta. beyond G.O.M.S.No.714, dated 29.06.1987.

6.Therefore, the very initiation of the proceedings by the appellants for granting of Ryotwari patta has to fall to the ground and it has to be rejected and the application is to be erased from the file of the records and it is devoid of merits. Therefore, at the inception itself, the appellants- application has to be dismissed and it goes without saying that the authorities who have granted reliefs in favour of the appellants have got no power. The 3rd respondent rightly set aside the grant of Ryotwari patta in favour of the appellants by the 4th respondent and the same has been confirmed rightly by the 2nd respondent and further confirmed by the learned Single Judge and the appellants/petitioners cannot have any relief.

7.Therefore, this Writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

(N.K.K.,J.) **(P.V.,J.)**

19.08.2021

To

1.The Sub~Assistant Registrar (O.S.),
High Court of Madras,
Chennai.

2.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 5.

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

4.The Settlement Officer,
Tanjavur.

5.The Assistant Settlement Officer,
Tiruvannamalai.

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ANNEXURE – 6

Office of the Additional Chief Secretary /
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

Ref: K3/14710/2015 **Dated: 7.8.2015.**

Dr.Girija Vaidyanathan, I.A.S.,
Additional Chief Secretary /
Commissioner of Land Administration

CIRCULAR

Sub: Natham Settlement Scheme - Classified as 'Natham vacant Site' - Proposals received from the District Revenue Officers for grant of patta - Instructions issued - Reg.

Ref:
1. G.O.Ms.No.1971, Revenue Department, dated 14.11.1988
2. This office letter No. K4/28307/2011, dated 29.8.2011
3. This office letter No. K4/27121/2011, dated 14.11.2011

The lands set apart for habitation in the villages are classified as 'Government Poromboke' and termed as 'Natham village/house site' in the Revenue accounts. Pursuant to the G.O. 1st cited above, Natham survey and Settlement was carried out in the State to get a correct and complete records of rights and area of all individual holdings in the village site. The holdings in Natham and in the patta lands used for non-agricultural purposes have been surveyed and the records showing the particulars of ownership, area and measurements for boundaries for each holding have been handed over to Revenue Department for maintenance. Patta on the basis of enjoyment and documents were issued during the course of the Scheme. The Natham Settlement Scheme was completed in the State in the year 1996

2. In the notification issued in the aforementioned G.O. it has been explicitly stated that the vacant lands available in Natham shall be recorded as 'vacant site' and can be assigned to the weaker sections of the rural population. One of the purposes of the Scheme is to identify vacant lands and preserve them for the use of future public purposes. Public properties such as temple, school buildings etc. will be separately distinguished and this will be useful for administrative and various development activities.

3. In the said notification, appeal against the decision of the Special Tahsildar was provided by preferring appeal to the Assistant Settlement Officer/Revenue Divisional officer within 30 days. Revision petition against the order of the Assistant Settlement Officer/Revenue Divisional

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Officer can be preferred to the District Revenue Officer within 30 days. Since the R.D.Os and D.R.Os were passing orders in respect of the lands recorded as 'Natham vacant site' much after Natham Settlement though the limitation period to entertain appeal was 30 days only, resulting in diversion of valuable Government land, in this office letter 2nd cited, instructions were issued not to entertain appeals/revisions in respect of Natham vacant sites. In respect of bona fide claims of persons whose lands were wrongly recorded as 'vacant site' under the Scheme, the D.R.Os have been requested to send proposals to the Commissioner of Land Administration who has been vested with the revision powers.

4.Since then, proposals from the District Revenue Officers have been received in respect of bona-fide cases which fall into two categories-

Category I: Lands with a house on ground and a detail was shown in the Field sketch (not a vacant site), but wrongly recorded as 'Natham vacant site' in the village accounts during Natham Settlement. In such cases, the District Revenue Officers have been requested to pass orders to issue patta under the Natham Settlement Scheme.

Category II: The land is vacant on ground (vacant site), but there is a clear unbroken chain of documents to establish that the ownership of the land vests with the petitioners / claimants. In such cases also, after verifying the documents, the District Revenue Officers have been requested to issue patta.

5. As far as Natham lands are concerned, though they are clearly government lands, the titular rights of the people enjoying the same as house site cannot be denied. Moreover, as a matter of practice Natham lands are being registered by the registering authorities of Registration department for long time. The said title should be followed by enjoyment. While sending proposals the District Revenue Officers should ensure that the vacant site' is under the enjoyment of the claimant along with clear documentary evidence to prove the title. Since the Natham Settlement Scheme was completed in the year 1996, the parent documents relied on by the claimants must have been registered before the year 1966 i.e., thirty years prior to 1996. It is pertinent to mention that as the land value in the State has been soaring many times, there are possibilities of creating rights in the 'Natham vacant site' by newly registering documents by the persons who have no title or enjoyment. Hence unregistered documents or documents registered after 1966 cannot be used to claim patta under this scheme. Another important fact to be verified is that the registered documents relate to the land for which they are sending proposals and the boundaries are correctly tallied without matching the boundaries, it is not possible to correlate these documents to the vacant site being cleared as "Natham" sites were not fully subdivided earlier under the Natham Settlement Scheme, patta was issued on the basis of enjoyment and the rules of Darkast were not applied except for fixing the ceiling of 35 cents.

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6. In view of the above discussion, the following criteria shall be adopted to consider the proposals received from the District Revenue Officers.

A. In para 5 of the Notification of the Natham Settlement Scheme, it has been stated that in cases where no assignment order has been issued by the Revenue Department, the Special Tahsildar will decide the ownership of the property on the basis of enjoyment for 30 years prior to the date of publication of the Notification in T.N.G.G. The Notification was issued on 14.10.1988 and the scheme was completed in the most parts of the State in the year 1996. Hence, in the proposals received from the District Revenue Officers now, 30 years of continuous enjoyment may be counted from the year 1966.

B. In the case of Category I, where built-up structures have been wrongly classified as Vacant Sites, the claimant should furnish proof of the existence of the house at the time of settlement by detail in the FMB or other documentary proof, and continuous possession and enjoyment by suitable documentary evidence.

C. In Category II, where the land continues to be vacant / new structure has been built after the Natham Settlement, continuous chain of documents from prior to the year 1966 will have to be established. The boundaries mentioned in those documents should be matched with the land for which claims are made and clearly colour-marked in the Field sketch. This exercise should be done at field level and a certificate in this regard should be furnished by the District Revenue Officer.

D. There are cases of claims for vacant natham sites physically adjacent to natham patta lands of the claimant that have already been issued patta under the Natham Settlement Scheme.

In such cases, the claim of the petitioner has already been evaluated during the Natham Settlement. The natham patta has been granted after verifying the documents and possession during the Natham Settlement Scheme, and the vacant site not owned by the claimant has been settled as Natham Vacant Site. No further claim can be based made on the same documents (prior to 1996) which have been taken into consideration during the Scheme. Such petitions need not be entertained.

E. Under the Natham Settlement Scheme, the maximum area for which patta could be granted was 35 cents only. The Scheme restricted the claims to a maximum of 35 cents only. Hence, for a valid claim over a vacant natham site, all vendors and vendees including the present claimant in the unbroken chain of transactions since 1966 should have held less than 35 cents only at any point of time. A certificate should be furnished by the District Revenue Officer that,

(i) the total Natham Patta land of the claimant including the present claim, excluding patta lands purchased after the Scheme, does not exceed 35 cents in that Revenue Village.

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(ii) all vendors and vendees in the unbroken chain of transactions since 1966 have held less than 35 cents only.

Therefore, the District Revenue Officers are requested to carefully examine the proposals received from the Revenue Divisional Officers and confirm that the above criteria are fulfilled before sending proposal to this office. It should be borne in mind that since the scheme was completed 20 years ago and there is no provision to apply under the scheme after the completion of the scheme. In the normal course, vacant Natham land should be assigned under RSO 21 as this is only a concession to those who have failed to get patta under Natham Settlement Scheme, though they were eligible. If the proposals received from the District Revenue officer are found to be incomplete, they will be returned summarily.

Girija Vaidyanathan
Additional Chief Secretary /
Commissioner of Land Administration

To,
All District Revenue Officers.
(BY RPAD)

Copy to:
1.P.S. to ACS/CLA
2.K3- Stock File
3.Spare

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ANNEXURE – 7

ABSTRACT

Settlement - Revenue follow up work to be undertaken by Settlement Authorities on proper Notification of the Resurveyed Areas to update the Revenue Records - Publication of Notification - Orders - Issued.

(REVENUE SS. II (1) DEPARTMENT)

G.O.(1D) No.103 **Dated: 1.3.2007**

READ:

1. G.O. Ms.No.1177, Commercial Tax and Religious Endowment Department, dated 30.10.1987.
2. G.O. Ms.No.1971, Revenue Department, dated 14.10.88.
3. G.O.(1D) No.51, Revenue Department, dated 19.1.2005.

READ AGAIN

4. From the Special Commissioner and Director of Survey and Settlement, letter No.H3/4010/2003 dated 8.4.2005.

ORDER:

The Notification (both in English and Tamil) annexed to this order shall be published in the Tamil Nadu Government Gazette.

2. The Director of Stationery and Printing is requested to send hundred copies of the notification to Government as published in the Tamil Nadu Government Gazette.

(BY ORDER OF THE GOVERNOR)

P. SELVAM,
SECRETARY TO GOVERNMENT

To

The Special Commissioner of Revenue Administration, Chennai-5.
The Special Commissioner and Commissioner of Land Administration, Chennai-5
The Special Commissioner and Director of Survey and Settlement, Chennai-5.
The Director of Stationery and Printing, Chennai-2 (for publication of Notification)

Copy to:

The Revenue (SS.I/SS.III) Department, Chennal-9.

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Annexure to G.O. (1D) No.103, Revenue, dated 1.3.2007

NOTIFICATION

The Revenue Follow up work will be under taken by the Assistant Settlement Officer (South) and Assistant Settlement Officer (North) in the Corporation (except old Chennai City) Municipal towns lying with in their respective jurisdiction under their control and overall supervision of the Settlement Officer, Chennai."

1. Classification:

The following classification will be adopted in the Revenue follow up Work:

(i) All Private holdings in the Corporations/Municipal Town sites and agricultural lands set-apart for dwelling purposes will be registered as "Manai".

(ii) Vacant site in the Corporations/Municipal Towns at the disposal of the Government which are readily available for house site assignment will be registered as Vacant site; Poramboke.

(iii) All Public properties such as Pathway, Road, Street, Channel, Chavadi, Hospital, Bus Stand, Water Tank, Public Wells, threshing floor etc. in Corporations/ Municipal Towns will be distinguished and recorded as "Road" "Street", "Channel" "Chavadi" etc, according to the reality ground. However, the transfer of poramboke should be done after obtaining orders of Settlement Officer, Chennai.

(iv) Lands belonging to various institution such as "Temple" "Church" "Mosque" "School" "Play Ground" "Park" etc will be distinguished and registered in records. accordingly.

(v) Portions of Patta Land have been included in the road margin by broadening the existing road. In such cases, the included portion of Patta Lands may be negligible land and viable enough to be treated as separate sub division and it has to be registered as Road Poramboke.

(vi) Provisions of RSO.26A 31 and 33 will be followed to effect exchange of lands, transfer of registry and to accept relinquishments in cases where roads and other public utility services were formed in patta lands.

(vii) The lands assigned conditionally under Dharkast Rules for which the condition period of ten years is not over will be retained as conditionally assigned lands.

(viii) The other temporary patta lands which exist in certain Corporations/Municipal Towns will be retained as temporary patta lands.

(ix) Natham portion existing in Corporations/Municipal Towns Will be settled as per Natham Settlement Notification and Registry updated,

(x) Agricultural lands used for non-agricultural purposes will have to be registered in accordance with individual holdings to update the registry,

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(xi) Area settled under the abolition Acts with Ground Rent patta will be retained as such. This same procedure should be adopted for registering the lands covered under Urban Land Tax.

2. Ground Rent Rate:

1. The main object of this scheme is to bring the Revenue registry up to date since the survey has been done in terms of metric system, the equivalent rates per hectare rounded off to the nearest rupee will be adopted in lieu of the existing rate per acre.

2. The Government also reserve the right to impose/enhance the existing rate prevailing at any time during the currency of the Revenue Follow up work, and whatever Ground Rent they may deem necessary on lands assigned subsequent to the present Revenue Follow-up work if they are used for building or other non-agricultural purposes, the pattadar is bound to pay the ground Rent as levied.

4. Rough Patta

1. The main object of the present Revenue Follow-up work is to bring the registry up to date. In view of the time lag between the final check and the present Revenue Follow up work, may result in several changes in the registry. Therefore, every field in the area set apart under this scheme, will be inspected by the Field Staff and the ownership noted in the final check land register prescribed after due enquiry. Every field will be subject to further inspection by an official not below the rank of a Settlement Deputy Tahsildar attached to the concerned Settlement Tahsildar or Assistant Settlement Officer who will record his remarks in the Register. Ten percent of the cases will be subject to over check by the Assistant Settlement Office having jurisdiction over the area.

2. Assessed waste/Assessed Manai in the Corporation/ Municipal Town areas in respect of which the occupants have established their right of ownership will be sub divided and patta issued in their names.

3. Lands in Corporations/Municipal Towns areas in respect of which house site pattas if any issued by the Revenue Department will be sub-divided and pattas issued under this Scheme.

4. Patta lands used for non-agricultural purposes will be sub-divided as per enjoyment and patta issued.

5. The Settlement Tahsildar will take up each holding as a separate case and issue notices to the owner (as indicated by the field staff in the final check land register) to be present at a hearing. The concerned village Administrative Officer should also attend the hearing. The Settlement Tahsildar will satisfy himself about the ownership of the property. In case no assignment order has been issued by the Revenue Department, the Settlement Tahsildar will decide the ownership of the property on the basis of enjoyment for thirty years prior to the date of publication of this Notification in the Tamil Nadu Government Gazette. For this purpose, oral or documentary evidences may be taken in consideration. The Settlement

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Tahsildar will pass speaking orders to each case in the form of proceedings issued in his name. The order will be served on the concerned persons acknowledgements obtained and filed.

6. Rough Patta for the above type of lands containing the re-survey number and sub-division, old survey number and sub-division as noted in the existing revenue records, classification of land, re-survey area and the ground rent due upon the land will be served through the Village Administrative Officer, or Settlement inspector or such other agency as deemed necessary on each holder of lands in persons if possible or by affixture prior to the date fixed for hearing objections. Every endeavour will be made to secure the prompt service of rough patta on the holders of lands concerned, but non-residents must make their own arrangements to obtain the pattas from the Village Administrative Officer concerned.

5. Rough Patta objection hearing:

1. A Rough Patta Objection Hearing will be conducted by the Settlement Tahsildar on the date fixed in advance. The date/dates of the Rough Patta Objection Hearing will not less than 15 days from the date of service of the rough patta in the Municipal/Towns/ Corporations. The date and place of bearing will be noted in the Rough Patta. Objection to the entries or omissions from a rough patta, will be heard at that time. Notices of the time and place fixed for hearing objection will be pasted in the village Administrative Officer's office or Municipal/Corporation Office or in some other conspicuous place in the Corporation/Municipal Town limits and also will be published in the Municipal Town / Corporation City by beat of tom-tom not less than 15 days prior to the date of hearing. The Village Administrative Officer will attend at the time and place fixed for the disposal of objections. Objections to the entries or omissions in the patta will be heard and disposed of on the day and at the place notified there in. The settlement Tahsildar will pass speaking orders in the form of Proceedings in all disputed ownership cases. Copies of the orders passed will be served on the existing holder and the objector after the Rough Patta Objection Hearing.

2. No objection will be received by the Settlement Tahsildar after the date notified in the manner set-forth above unless the delay in presenting the petition is explained to his satisfaction.

3. Petition for alteration of demarcation which are barred by the provisions of the Tamil Nadu Survey and Boundaries Act VIII of 1923 will not be entertained.

6. Publication of list of Rough Patta objection hearing order:

The Orders passed during Rough Patta Objection hearing shall be published immediately after the Conclusion of the proceedings in the Village Administrative Officers Office, or Municipal/ Corporation office or in some other Conspicuous place in the Corporation/Municipal limits and the fact of the publication shall be announced in the Municipal Town/Corporation city by beat of tom-tom. The Village Administrative Officer shall certify to the place and date of publication of

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the order and the said date shall be deemed to be the date of communication of the copy of the decision or order to the party concerned.

7. Appeals

An appeal shall lie to the Assistant Settlement Officer with Jurisdiction over the concerned area against any order passed by the Settlement Tahsildar for Rough Patta Objection Hearing within 30 days from the date of communication of the order. This period is exclusive of the time occupied in obtaining certified copies of the order appealed against. Appeal petitions need not be stamped but certified copies and enclosures appended thereto shall be stamped in accordance with the rules.

8. Revisions:

1. The Settlement Tahsildar, the Assistant Settlement Officer, or the Settlement Officer shall not pass any order prejudice to any persons, unless he has given a reasonable opportunity to make his representation.
2. A further appeal shall lie to the Settlement Officer, Chennai against any order passed by the Assistant Settlement Officer within 60 days of receipt of the order of the Assistant Settlement Officer by the aggrieved party. Any order passed by the Settlement Officer shall lie to revision to Director of Survey and Settlement within 60days, of receipt of the said order.
3. The Director of Survey and Settlement may at any time in his discretion Suo moto call for and examine any order passed or proceedings recorded by Settlement Tahsildar or the Assistant Settlement Officer, Chennai and pass orders. The Settlement Tahsildar, Assistant Settlement Officer and the Settlement Officer shall work under the direct supervision and superintendence of the Director of Survey and Settlement.

9. Timebarred Applications, Appeal or Revision Petition:

Section 5 of the Limitation Act, 1963 (Central Act 36/63) shall not apply to the applications, appeals, or revision petitions coming under the purview of this Notification.

10. Rectification of Error etc.

Any clerical error noticed or brought to notice by the parties interested can be corrected at any time during or after the Revenue Follow up Work after obtaining orders from the Settlement Officer, Chennai and after obtaining orders from the Director of Survey and Settlement, Chennai.

11. The SC&DOSS shall review and assess the work of the Settlement Tahsildars, Assistant Settlement Officers and Settlement Officer periodically.

P. SELVAM,
SECRETARY TO GOVERNMENT.

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ANNEXURE - 8

ABSTRACT

Settlement - Revenue follow up work to be undertaken by Settlement Authorities on proper Notification of the Resurveyed Areas to update the Revenue Records - Amendment to Notification - Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
SURVEY AND SETTLEMENT WING. [SS-II (1)] SECTION

G.O.(1D). No.487 **Dated 13.07.2022**

சுபகிருது வருடம் ஆனி 29,
திருவள்ளுவர் ஆண்டு 2053

Read:

1. G.O.(Ms) No.1177, Commercial Tax and Religious Endowment Department, dated 30.10.1987.
2. G.O.(Ms) No.1971, Revenue Department, dated 14.10.1988.
3. G.O.(1D) No.51, Revenue Department, dated 19.01.2005.
4. G.O.(1D). No.103, Revenue/SS-II (1)/Department, dated 01.03.2007.

Read Again:

5. From the Director of Survey and Settlement, Letter Rc.No.C1/4461/2021, dated 19.01.2022.
6. From the Commissioner of Land Administration, Letter Rc.No. K1/1895683/2022, dated 27.01.2022.

*****

ORDER:

The Notification appended to this order shall be published in the **Tamil Nadu Government Gazette**.

2. The works manager, Government Central Press, is requested to issue the notification in the **Tamil Nadu Government Gazette.**

(BY ORDER OF THE GOVERNOR)

KUMAR JAYANT,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Land Administration, Chepauk, Chennai-5.
The Director of Survey and Settlement, Chepauk, Chennai-5.
The Works manager, Government Central Press, Chennai.
(For publication of Notification)

Copy to:
The Revenue and Disaster Management [SS-I/SS-III] Department, Chennai-9.
Stock File/Spare Copy.

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GOVERNMENT OF TAMIL NADU
2022

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TAMILNADU GOVERNMENTGAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No.439] ***CHENNAI, TUESDAY, SEPTEMBER 6, 2022***
Aavani 21, Subakiruthu, Thiruvalluvar Aandu – 2053

Part II - Section 2
Notifications or Orders of interest to a Section of the public issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

REVENUE AND DISASTER MANAGEMENT DEPARTMENT.

REVENUE FOLLOW UP WORK TO BE UNDERTAKEN BY SETTLEMENT AUTHORITIES ON PROPER NOTIFICATION OF THE RESURVEYED AREAS TO UPDATE THE REVENUE RECORDS

AMENDMENTS TO NOTIFICATION

[G.O. (1D) No. 487, Revenue and Disaster Management
Survey and Settlement Wing, [SS-II(1)] Section, 13th July 2022,
ஆனி 29, சுபகிருது, திருவள்ளுவர் ஆண்டு - 2053]

No. II(2)/REVDM/728(b)/2022.

The Government of Tamil Nadu hereby makes the following amendments to the Notification under G.O.(1D) No.103, Revenue Department, dated 01.03.2007:-

AMENDMENTS

In the said Notification,

(1) for the preamble portion, the following preamble portion shall be substituted, namely:

"The Revenue follow-up work shall be undertaken by the Settlement Tahsildars in respect of the Corporations (except Old Chennai City) and Municipal Towns under their jurisdiction, under the overall supervision of the Assistant Settlement Officer, the Settlement Officer Chennai and the Director of Survey and Settlement";

(2) in paragraph 4, in sub-paragraph (5), the following expression shall be omitted, namely: -

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"In case no assignment order has been issued by the Revenue Department, the Settlement Tahsildar will decide the ownership of the property on the basis of enjoyment for thirty years prior to the date of publication of this Notification in the Tamil Nadu Government Gazette. For this purpose, oral or documentary evidences may be taken in consideration";

(3) in paragraph 7, for the expression "Assistant Settlement Officer" the expression "Revenue Divisional Officer" shall be substituted;

(4) in paragraph 8,

(a) in sub-paragraph (i): -

(i) for the expression "Assistant Settlement Officer", the expression "Revenue Divisional Officer" shall be substituted;

(ii) for the expression "Settlement Officer" the expression "District Revenue Officer" in all Districts except Chennai, Tiruvallur, Kancheepuram and Chengalpattu Districts and the Settlement Officer, Chennai, in respect of Chennai, Tiruvallur, Kancheepuram and Chengalpattu Districts" shall be substituted;

(b) for sub-paragraph (2), the following sub-paragraph shall be substituted, as follows:-

"A further appeal shall lie to the District Revenue Officer, in all Districts except Chennai, Tiruvallur, Kancheepuram and Chengalpattu Districts and to the Settlement Officer, Chennai in respect of the Chennai, Tiruvallur, Kancheepuram and Chengalpattu Districts against the order passed by the Revenue Divisional Officer within 60 days of receipt of the orders of the Revenue Divisional Officer by the aggrieved party. Any appeal against any order passed by District Revenue Officer in all Districts except Chennai, Tiruvallur, Kancheepuram, and Chengalpattu Districts and Settlement Officer, Chennai, in respect of the said Districts shall lie with the Director of Survey and Settlement. Such appeal must be made within 60 days of receipt of the said order."

(c) after sub-paragraph (3), the following sub-paragraphs shall be inserted, as follows:

"(4) The Settlement Tahsildar, Revenue Divisional Officer, District Revenue Officer, and Settlement Officer Chennai shall function under the administrative control of the Director of Survey and Settlement for the purposes of the work performed under this notification."

"(5) The Commissioner of Land Administration may at any time in his discretion Suo moto call for and examine any order passed or proceedings recorded by any authority under this notification and pass orders."

(5) in paragraph 11, for the expression "Assistant Settlement Officers and Settlement Officer", the expression "Revenue Divisional Officer and the District Revenue Officer in all Districts except Chennai, Tiruvallur, Kancheepuram, and Chengalpattu Districts and Settlement Officer, Chennai, in respect of the Chennai, Tiruvallur, Kancheepuram and Chengalpattu Districts shall be substituted."

KUMAR JAYANT,

Principal Secretary to Government.

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TRANSFER OF REGISTRY

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TRANSFER OF REGISTRY

1. PREAMBLE:

The subject of transfer of registry is dealt with under the provisions of RSO 31 and subsequent Government orders issued from time to time. The main object is to keep the register of holdings kept in every village should as far as possible, show the names of the person who are the real owners or who in virtue of their title, whatever its nature, are in the enjoyment of the lands and it is of great importance that the register should be maintained accurately and up to date.

The basic Land Records/Registers involving during Transfer of Registry of Holdings required are;

- A-Register / TSLR
- Adangal (Village Accounts No. 2)
- Village Account No.3
- Chitta (Village Account No. 10(1))
- Field Measurement Books
- Patta
- Land Tax receipt

There are three classes of transfers: -

A). Voluntary action by the owners for which the following documents are required

- Sale deed/ Gift deed / Partition deed
- Parent Documents (if there is no link)
- Encumbrance Certificate.

B). Order of decree (if Court order):

- Certificate of Delivery of Possession (If Court Case)
- Certificate of Sale (if auction)
- Encumbrance Certificate.

C). By the way of Succession:

- Death Certificate

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- Legal Heir Certificate
- Registered Will
- Encumbrance Certificate.

(A) By Voluntary Action of the owners

- **Application**: - Online application by the concerned party or parties should be made with all documents as mentioned above.
- **Notice to the Other party/parties**:-
  - ❖ There should be a notice served to the other party/parties who are involved in the transfer of registry of holding.
  - ❖ If address is not known the registered letter may be directed to the last known place of residence of the addressee. If personal service is not possible, service should be effected in the other ways prescribed in Section 25 of the Tamil Nadu Revenue Recovery Act, 1894.
- A fortnight's time should be allowed for filling objections and if any objection is received, an enquiry should be held and unless the objection is found to be valid, transfer of registry should be order.

(B) By Virtue of decrees of Courts or revenue sale

Sale (Compulsory transfers of title)

Transfer of Decree Holder:-

(Transfer of registry based on the decree of a Civil Court or of purchasers in auction sales held in execution of Civil Court decree)

- ➢ Online Application of any of the parties to the suit
- ➢ Online submission of authenticated copy of decree or a certificate of sale as may be and Certificate of delivery of possession.

Transfer under Declaratory Decrees:-

(Transfer of registry based on the declaratory decree of a Civil Court)

- ➢ If a Court order merely declares the title to be vested in a particular person, so as to entitle him to registration, the Competent authority may, on online submission of an authenticated copy of such decree, at once order the transfer of registry.

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(C) Accrue by Succession

- SUCCESSION BY HEIRSHIP:
  - Death of registered holder.
  - Claims of Succession
  - The Competent authority may direct the transfer of registry
  - In disputed case- Notice in the manner of RSO 31(3)(i), to all persons known or believed interested by the following principles of Law of Succession applicable to the case.
  - If objection having prima facie case is filed on notice, the applicant may be directed to file a suit in a Civil Court to establish his superior title/ the names of all the heirs entitled to shares in the property should register.
- SUCCESSION IN CASE OF DISAPPEARANCE REGISTERED HOLDER:

RSO 31(6)(2)

i) If a land holder disappears for more than 7 years and in the absence of any to show that he is still alive, he should be considered as dead and registry transferred accordingly.

ii) If there are no heirs, it may be made in the name of person in possession subject to giving notice in the district gazette, calling for objection within 3 months by institution of a suit in civil court.

iii) If such declaration is filed, the result of the suit should be considered.

Records Maintained during Transfer of Registry:

A-Register

- A register which gives a primary detail of land envisaged in the Village.
- In Column-16, the transferee of the land should be entered.

Adangal (Village Account No. 2)

- The Village Account which shows the details of the Crops in Survey field number wise of a Village. (Fasli year)
- After the Transfer of Registry, the requisite columns should be changed and maintained.

Village Account No. 3

- The Village Account which shows the details of change of Patta Transfers.
- After of Transfer of Registry, Column - 9 should be changed and maintained.

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Chitta (Village Account No. 10(1))

- The Village Account which shows the details of Pattadarwise land holding records.
- Separate Patta Number assigned to the Pattadar.
- Transfer of Registry should be maintained in the Transferee Chitta of the concerned Village.

Field Measurement Books (FMB)

- A book which envisages the measurement of the Survey field which is sub-divided during Transfer, if necessary.

Patta

- A document which shows the name of Land holder for the Survey Field Number of the concerned Village.
- After the transfer of holding the changes should carried and maintained in the record.

Land revenue receipt

- It is a receipt for the Land Revenue paid by the ryot (Farmer).

CURRENT SCENARIO:

Maintanence of Records in Online: "e-service - Anytime Anywhere"

GUIDELINES FOR THE SPEEDY DISPOSAL OF PATTA TRANSFER APPLICATIONS:

Earlier, in order to reduce the pendency in patta transfer issues and simplify the procedures involved in patta transfer process and to enable to ease to the common public, Government issued specific guidelines in their G.O. (Perm) No.210 Revenue (SS 1(1) Department dated 8.7.2011 and being followed Upto the year 2016.

Now, with the Computerisation of basic records i.e., A-Register and Chitta was completed using Tamil Nilam Software and Computer-generated extracts of land records could be downloaded from the website under e-service "Anytime Anywhere"

Subsequently Government introduced online patta transfer system for transfer of registry in G.O.Ms.No.303 Revenue (SSII (2)) Department dated 27.12.2016 **(Annexure-1)** by superceding the procedure laid down in G.O.(Ms) No.210, Revenue Department, dated 8.7.2011 with the following new features: -

1) The applications for Patta Transfer may be received through e-services / Common Service Centre authorized by the competent authority for this purpose.

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2) The applications thus received may be processed as per the workflow mandated in the Tamil Nilam Applications software.

3) QR – coded Digitally Signed Land Records (copies of A – Register and patta) may be issued and the Digital Signature shall be affixed by the Tahsildar or any other competent authority designated for the said purpose.

4) Public may be provided the facility to download such copies anytime, anywhere through an online portal created for this purpose. It is further ordered that, the digitally signed, QR coded Land Records (A – Register and patta) shall be "Legally valid Land Records" and equivalent to signed copies wherever the Online Patta Transfer System has been implemented in full.

2. APPEAL/REVISION PROVISION ON TRANFER OF REGISTRY:-

2(1) TRANSFER OF REGISTRY

Appeal:

RSO 31 8(A) thus says that "Against the orders of the Tahsildar or Deputy Tahsildar, the affected person may file an appeal to the Revenue Divisional Officer and a revision to the District Revenue officer against the orders of the Divisional Officer. The appeal should be filed within 30 days from the date of receipt of the order appealed against.

Revision:

If the applicant is still aggrieved, on the orders of Revenue Divisional Officer, he may file a revision petition to the District Revenue officer against the orders of the Revenue Divisional Officer. The revision petition should be filed within 30 days from the date of receipt of the order appealed against. The orders of the District Revenue Officer are final. If the applicant is still aggrieved, he can seek remedy only in the competent civil court.

The powers delegated to Commissioner of Land Administration for the second revision had been withdrawn by Govt. vide G.O(MS)No.409, Revenue Department, dated.2.7.2008 **(Annexure-2)**. Accordingly, the orders of District Revenue Officer are final and if they are still aggrieved, they may seek remedy through the appropriate civil court. This stand was already confirmed in the order of Hon'ble High Court in Writ Petition order W.P.No.1342/1994 order dated 2.10.1994 and W.P.No.13486/2022 dated.26.5.2022 **(Annexure-3).**

Suo-moto Power on Revision:

The Commissioner of Land Administration may however, exercising the general powers of the Suo-moto revision, call for the records of the District, Division and Taluk, when the procedural, material and legal irregularities in the order passed by the subordinate offices is brought to his notice examine the case and decide.

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2(2) NATHAM SETTLEMENT

Pursuant to the G.O.(Ms)No. 1971, Revenue Department, dated 14.11.1988, Natham survey and Settlement was carried out in the State to get a correct and complete records of rights and area of all individual holdings in the village site. Individual holdings in Natham and in the patta lands used for non-agricultural purposes have been surveyed and the records showing the particulars of ownership, area and measurements for boundaries for each holding have been handed over to Revenue Department for maintenance. Patta on the basis of enjoyment and documents were issued during the course of the Scheme. The Natham Settlement Scheme was completed in the State in the year 1996 and the records were handed over to the Revenue Department for maintenance. Detailed instructions were issued in the Circular No. K3/14710/2015 dated 7.8.2015 (Refer Page No. 202) about the revenue follow-up works on 'Natham vacant site' land by the Additional Chief Secretary and Commissioner of Revenue Administration.

Appeal:

The original orders are issued by the Special Tahsildars (Natham Settlement). Initially, appeal provision against the orders of the Special Tahsildars (Natham Settlement) has been conferred on the Assistant Settlement Officers within 30 days. This power was subsequently transferred to the Revenue Divisional Officer as per G.O.Ms.No.693 Revenue (SS II (1)) Department, dated 24.7.1997 **(Annexure-4).**

Revision:

If the applicant is still aggrieved against the orders of the Revenue Divisional Officer, he may file a revision petition to the District Revenue officer against the orders of the Revenue Divisional Officer. The revision petition should be filed within 30 days from the date of receipt of the order appealed against. The orders of the District Revenue Officer are final. If the applicant is still aggrieved, he can seek remedy only through the competent civil court.

Suo-Moto Power:

The Commissioner of Land Administration in the capacity of the Head of Department, has been conferred with powers, to rectify the errors and to modify the orders of the District Revenue Officer under Suo motu, as per G.O.Ms.No.396 Revenue (SS II (1)) Department, dated 18.9.2003 **(Annexure-5).** However, the Government in their order No.409, Revenue Department, dated 2.7.2008, have already dispensed the second revision petition against the orders passed by the District Revenue Officers in patta transfer disputes under RSO 31. The revision petition in this category has been treated as patta transfer disputes and detailed instructions were issued in CLAs Proceedings No. K3/14710/2015 dated 29.6.2015 with an instruction to direct the parties to settle their disputes in the civil court, as patta was already granted and ordered twice and the question of title and possession can be decided only by the appropriate judicial forum **(Annexure-6)**.

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2(3) UPDATING OF REGISTRY (UDR) 1987

The main objects of the UDR Scheme are:

1) To convert the acre measurements into hectares in the village accounts.
2) To transfer the Registry to the existing land holders as on date after verifying the documents produced by them and to sub divide the fields and transfer the registry to the individual persons if there are joint holders.
3) To find out the encroachers in the Government Poramboke and to prepare a list of encroachment.
4) The UDR authorities have no powers to alter the classifications, boundaries, extent, etc of a "Government land"

RECTIFICATION OF DEFECTS IN UDR

Government in the G. O. (Ms) No. 924, Revenue Department dated 15.6.1991 have issued orders for the creation of 222 post of Zonal Deputy Tahsildars to look after the various land matters, among the various land matters vide Sl. No 23 (Rectification of defects in the Updating of Registry cases) was also entrusted to Zonal Deputy Tahsildars. This delegated power was exercised till 16.8.2004.

Subsequently, Government in the G.O.(Perm) No. 385, Revenue (GI-3) Department, dated 17.8.2004 **(Annexure-7)** have issued orders dispensing the powers earlier granted to the Zonal Deputy Tahsildar for Rectification of defects in the Updating of Registry Cases and to grant powers to the District Revenue Officer concerned to conduct enquiry and to pass orders on UDR Cases. District Revenue Officers orders are final. If any applicant aggrieved, he may seek relief in the competent civil court only. This stand was confirmed by the order of Hon'ble High Court in W.P.No.29172 of 2005 & 24101 of 2006 order dated 25.7.2022 **(Annexure-8).**

2(4) TOWN SURVEY SETTLEMENT

Town Survey Settlement commenced in the year 2007 in some towns and in the later years in few other towns as per the Notification annexed in G.O. (1D) No.103, Revenue SS. II (1) Department, dated 1.3.2007 (Refer Page No. 206).

Appeal / Revision Provisions: (Prior to 6.9.2022 and after 6.9.2022).

a) Prior to 6.9.2022

As per Para 7 of the notification, an appeal shall lie to the Assistant Settlement Officer over the concerned area against any order passed by the Settlement Tahsildar within 30 days from the date of communication of the order. This period is exclusive of the time occupied in obtaining certified copies of the orders appealed against.

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Further Appeal:

Further, as per para 8 (2) of the notification, a further appeal against the orders of the Assistant Settlement Officer, shall lie to the Settlement Officer, Chennai within 60 days of receipt of the order of the Assistant Settlement Officer.

Revision:

Any order passed by the Settlement Officer shall lie to revision to the Director of Survey and Settlement within 60 days of the receipt of the order.

Suo-Moto Power:

The Director of Survey and Settlement may at any time Suo moto call for and examine any order passed or proceeding recorded by any Settlement Tahsildar or Assistant Settlement Officer or Settlement Officer.

Rectification of errors of clerical nature may also be done under the orders of the Settlement Officer and the Director of Survey and Settlement.

b) Appeal / Revision Provisions after 6.9.2022

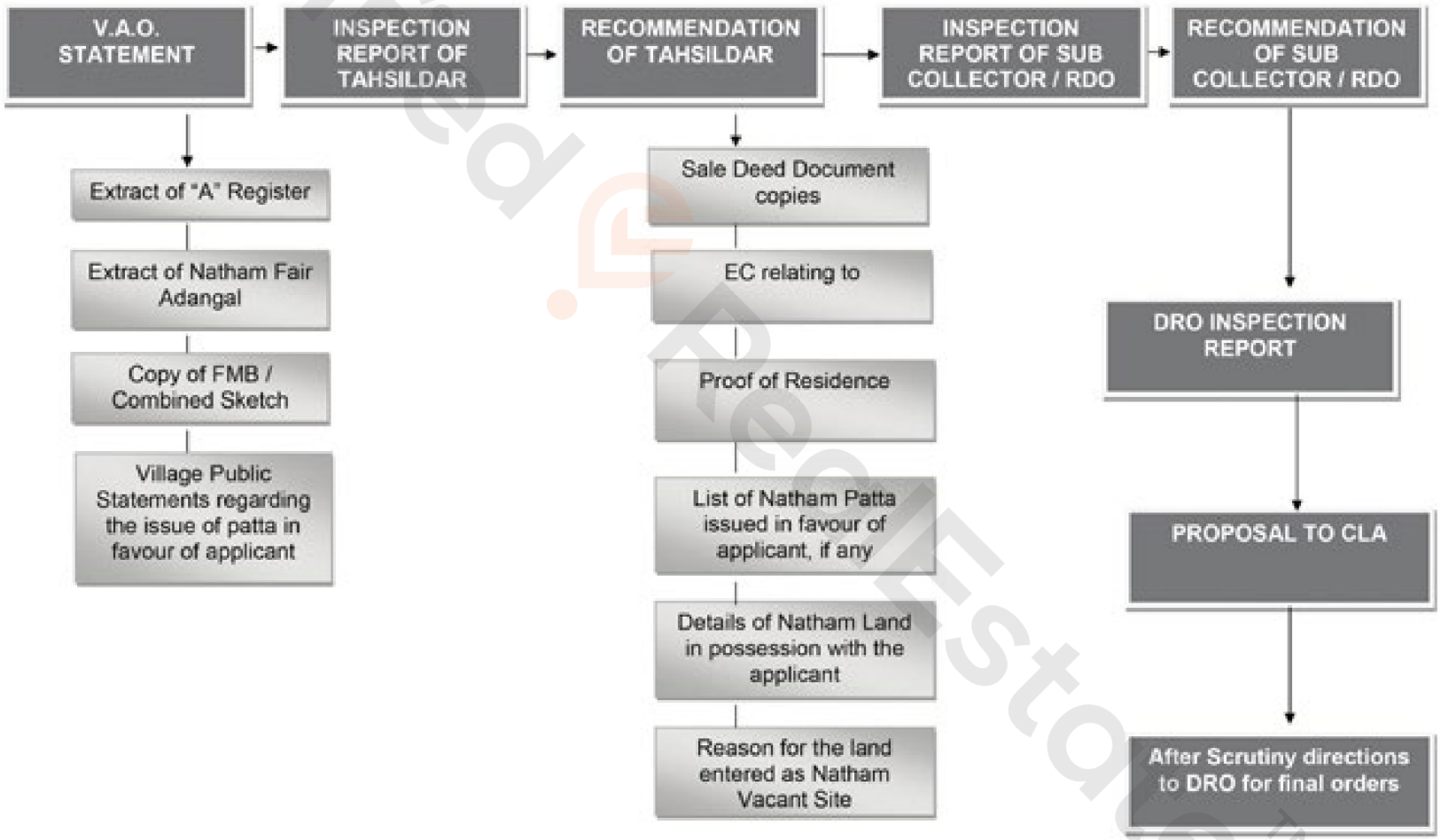
As per the G.O.(1D). No.487, Revenue and Disaster Management Department (SS-II (1) Section, dated 13.7.2022 and Government Notification Gazette No.439 dated 6.9.2022 (Refer Page No. 211) the appeal powers are delegated to Revenue Divisional Officers instead of Assistant Settlement Officer. Further appeal powers were delegated to District Revenue Officers instead of Settlement officer except Chennai, Thiruvallur, Kancheepuram, and Chengalpattu Districts. In these four Districts, the Settlement Officer in Chennai will remain as the appellate authority. Any appeal against the orders passed by the District Revenue Officers and Settlement Officer shall lie with the Director of Survey and Settlement within 60 days of receipt of order.

Suo-Moto Power:

As per the notification sub paragraph (3)(5), the Commissioner of Land Administration may at any time in his discretion, Suo-moto call for and examine any order passed or proceedings recorded by any authority under this notification and pass orders.

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3. FLOW CHART FOR NATHAM VACANT SITE



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4. CHECK LIST FOR NATHAM VACANT SITE

Details of documents			Remarks
1)	Extract of "A" - Register	:	
2)	Extract of Natham Fair Adangal	:	
3)	Copy of FMB / Combined sketch	:	
4)	**Sale deed document copies** _____ _____	:	
5)	**Encumbrance Certificate**		
	EC relating to _____	:	From _____ to _____
6)	Proof of Residence	:	_____
7)	V.A.O and Tahsildar Statements	:	
8)	Inspection Report of Tahsildar	:	
9)	Recommendation of Tahsildar	:	
10)	Inspection Report of Sub Collector / RDO	:	

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11)	Recommendation of Sub Collector / RDO	:	
12)	DRO Inspection Report	:	
13)	Certificate from DRO as per this office Circular No. K3/14710/2015 dated 7.8.2015	:	
14)	Village Public Statements regarding the issue of patta in favour of applicant.	:	
15)	List of Natham Patta issued in favour of applicant, if any.	:	
16)	Details of Natham land in possession with the applicant	:	
17)	Reason for the land entered as Natham Vacant Site.	:	

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5(a) FREQUENTLY ASKED QUESTIONS : PATTA TRANSFER

1) How can one apply for patta transfer (Transfer of Registry) now?

Earlier, Government issued specific guidelines in their G.O. (Perm) No.210 Revenue (SS 1(1)) Department dated 8.7.2011 and being followed Up to the year 2016.

Subsequently Government introduced online patta transfer system for transfer of registry in G.O.Ms.No.303, Revenue (SSII (2)) Department dated 27.12.2016 by superseding the procedure laid down in G.O.(Ms) No.210, Revenue Department, dated 8.7.2011.

From 2017 onwards, with the Computerisation of basic records i.e., A-Register and Chitta was completed using Tamil Nilam Software and Computer-generated extracts of land records could be downloaded from the website under e-service "Anytime Anywhere"

2) What are the types of patta transfer?

Patta Transfer applications are in respect of not involving Sub-division and Involving Sub-Division. Accordingly, cases where not involving sub-division, shall be disposed within 15 days from the date of receipt of patta transfer application by the Zonal Deputy Tahsildar. In the cases where involving Sub-division, shall be disposed within 30 days from the date of receipt of patta transfer application by the Tahsildars concerned.

There are three classes of transfers:

A) Voluntary action by the owners

B) Order of decree (Court orders)

C) By the way of Succession

3) Appellate authority in transfer of registry (patta transfer)?

Against the orders of the Tahsildar or Deputy Tahsildar, the affected person may file an appeal to the Revenue Divisional Officer.

4) Revisional authority in transfer of registry (patta transfer).?

Against the orders of the Divisional Officer, revision petition to be filed before the District Revenue Officer. The appeal/revision should be filed within 30 days from the date of receipt of the order appealed against.

5) Is the second revision available in transfer of registry (patta transfer)?

As per G.O. (Ms) No. 409, Revenue (SS-1(II)) Department, dated 2.7.2008, the Government have withdrawn the powers of second revision vested with Commissioner of Land Administration. Hence the order of the District Revenue Officer is final. If any applicant still aggrieved, he may seek remedy from the competent civil court.

6) To whom Suo-moto powers is vested in transfer of registry (patta transfer)?

The Commissioner of Land Administration may, exercise the general powers of the Suo-moto revision, call for the records of the District, Division and Taluk when the procedural, material and legal irregularities in the order passed by the subordinates is brought to his notice, examine the case and decide.

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5(b) FREQUENTLY ASKED QUESTIONS : NATHAM SETTLEMENT

1) In which order the Natham Settlement Scheme was initiated?

The Government in G.O. (Ms) No. 1971, Revenue (SS1) Department dated 14.10.1988 Natham Settlement Scheme was ordered and guidelines were issued for implementation of Natham Settlement Scheme.

2) Who is the authority to issue Natham Patta?

The original orders are issued by the Special Tahsildars (Natham Settlement) during the Natham Settlement Scheme.

3) Who is the appellate authority?

Appeal provision against the orders of the Special Tahsildars (Natham Settlement) has been conferred on the Assistant Settlement Officers (this power was subsequently transferred to the Revenue Divisional Officer as per G.O.Ms.No.693 Revenue (SS II (1)) Department, dated 24.7.1997).

4) Who is the Revision Authority?

The Distrct Revenue Officer is the revision authority against the orders the of Revenue Divisional Officer. The Commissioner of Land Administration in the capacity of the Head of Department, has been conferred with powers, to rectify the errors and to modify the orders of the District Revenue Officer on Suo motu, as per G.O.Ms.No.396 Revenue (SS II (1)) Department, dated 18.9.2003.

5) Can one claim for patta in the natham area recorded as 'Natham vacant site' category?

During the Natham Settlement, the land was entered as Natham Vacant Site in remarks column and classified as 'Ryot Manai'. Such proposals have to be formulated as per the guidelines issued in CLA's circular No. K3/14710/2015 dated 7.8.2015.

The District Revenue officers to carefully examine the proposals received from the Revenue Divisional Officers and confirm that the above criteria are fulfilled before sending proposal to CLA's office. It should be borne in mind that since the scheme was completed 28 years ago and there is no provision to apply under the scheme after the completion of the scheme. In the normal course, vacant Natham land should be assigned under RSO 21 as this is only a concession to those who have failed to get patta under Natham Settlement Scheme, though they were eligible.

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5(c) FREQUENTLY ASKED QUESTIONS : UPDATING OF REGISTRY (UDR)

1) In which order the UDR Scheme implemented?

The Government G.O. (Misc.) No. 525 Commercial Tax and Religious Endowment Department dated 16.5.1979 UDR scheme was ordered and guidelines were issued for implementation of UDR Scheme.

2) What are the main objects of the UDR Scheme?

- To convert the acre measurements into hectares in the village accounts.
- To transfer the Registry to the existing land holders as on date after verifying the documents produced by them and to sub divide the fields and transfer the registry to the individual persons if there are joint holders.
- To find out the encroachers in the Government Poramboke lands and to prepare a list of encroachments.
- The UDR authorities have no powers to alter the classifications, boundaries, extent, etc of a “Government land”

3) Who is the competent authority to rectify the defects in UDR scheme?

Government in the G.O.(Perm) No. 385, Revenue (GI-3) Department dated 17.8.2004 have issued orders dispensing the powers earlier granted to the Zonal Deputy Tahsildar for Rectification of defects in the Updating of Registry Cases and to grant powers to the District Revenue Officer concerned to conduct enquiry and to pass orders on UDR Cases. The orders passed by the District Revenue Officers are final. If any applicant is aggrieved, he may seek relief in the competent civil court only.

6. Common Mistakes in Natham Proposal

1) More often the instructions given in this office circular No. K3/14710/2015 dated 7.8.2015 are not being followed properly. The documents to establish that the ownership of the land vested with the petitioner/ claimants are not furnished (i.e., from the year 1966 onwards).
2) The Encumbrance Certificate for the above said period are not been furnished.
3) Proposals are not on par with this circular No K3/14710/2015 dated 7.8.2015 are not adhered to.
4) The categories mentioned in the above circular are not being fulfilled while recommending the proposal.
5) As per the above circular, the certificate from the District Revenue Officer is not furnished.

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ANNEXURE - 1

ABSTRACT

Budget Speech 2016-17 - Implementing Online Patta Transfer System - Legal validity of Digitally Signed Land Records ('A' - Register and Patta) -Orders Issued.

REVENUE [SS-II (2)] DEPARTMENT

G.O.(Ms). No: 303 **Dated 27.12.2016**

மார்கழி 12

ஸ்ரீ துன்முகி வருடம்

திருவள்ளுவர் ஆண்டு 2047

Read:

1. G.O.(Ms). No 382, Revenue [SS-II] Department, dated 03.09.2003
2. G.O.(Ms). No.383, Revenue [SS-II] Department, dated 03.09. 2003
3. G.O.(Ms). No.210, Revenue [SS-I (1)] Department, dated 08.07.2011
4. G.O.(Ms). No.317, Revenue [SS-II (2)] Department, dated 30.7.2014.
5. Government Letter No. 12910/SS-II (2)/2015-1, Revenue Department, dated 21.4.2015.
6. Extract of Budged Speech 2016 – 2017.
7. Government Letter No. 25146/SS-II (2)/2016-1, dated 26.07.2016.
8. From the Commissioner of Survey and Settlement Letter No. Rc. K2/3774/2014(Sy), dated 29.07.2016.
9. Government Letter No. 25146/SS-II (2)/2016-2, dated 17.10.2016.
10. From the Principal Secretary / Commissioner of Survey and Settlement Letter No. Rc. K2 / 3774 / 2014 (Sy) dated 09.12.2016.

*****

ORDER:

In the reference first read above, orders have been issued banning the issue of manual extract of land records and the use of hand written land records from the day on which the Taluks are brought on - line and the same has been notified in the Government Gazette in the reference second read above.

2) The computerization of basic land records i.e. 'A Register and Chitta' was initiated using

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Tamil Nilam software and computer-generated extracts of land records signed by the competent authority were issued to the public on demand. Later, provision was made to download such extracts from the website at http://eservices.tn.gov.in under the caption of the e-service "Anytime Anywhere".

3) During the Collectors and Police Officers Conference 2012 the hon'ble Chief minister announced on 17.12.2012 that **"Various software on Land Records will be linked ..."** Accordingly, the Directorate of Survey and Settlement prepared a plan for computerizing all types of Land Records and linking them through web-based applications and engaged the services of National Informatics Centre, Chennai for this purpose. The web enabled version of Tamil Nilam was made ready in 2014 and the land records hitherto stored in Tamil Nilam database in individual taluk offices were shifted in stages to the Tamil Nilam database in the Central server located in Chennai.

4) In the reference fourth read above, the trial run of online "Patta transfer system" in the taluks of Perambalur and Srirangam were ordered by the Government. Further, in the reference sixth read above, Hon'ble Minister for Finance in Budget Speech 2016-2017 announced the launching of Online Patta Transfer System throughout the State.

5) After the success of the pilot and based on the above announcement, the Online Patta Transfer System was gradually extended to other taluk offices and as on today the Online Patta Transfer System is in trial operation in 277 of 285 taluks.

6) In the reference tenth read above, the Principal Secretary / Commissioner of Survey and Settlement has stated that:

(i) Online Patta Transfer System using Tamil Nilam Application Software has been extended to 277 out of 285 Taluks in the State

(ii) It confers significant benefits to the public as detailed below:

a) People can apply for patta transfer through the authorized Common Service Centres (CSC), eliminating the need for multiple trips to taluk offices

b) They can view the status of the applications online and will get periodic SMS alerts at each stage of processing

c) They can download QR – Coded, digitally signed Patta and A - Register copies from the web after approval and thereafter, anytime anywhere.

(iii) The entire process of patta transfer has been re-engineered to enable officials to scrutinize and accord approval online, without any physical movement of files.

(iv) All documents are stored in electronic form and can be transferred electronically for processing at various levels. Further the Electronic data archive is maintained

for easy retrieval in case of appeal/revision.

(v) Auto-generated Management Information System (MIS) reports will help the supervising authorities to effectively review and monitor the Patta transfer services delivery.

7) The Principal Secretary/ Commissioner of Survey and Settlement has further stated that since trial Online Patta Transfer System has been extended practically to the entire State, the procedures stipulated in G.O. (Ms) No 210, Revenue [SS - 1 (1)] Department, dated 08.07.2011 for Patta Transfer (Transfer of Registry) and currently being followed in all Taluk Offices in the State, need to be modified through appropriate orders of the Government to suit the requirements of Online Patta Transfer System and has requested the Government to issue necessary orders. The Principal Secretary / Commissioner of Survey and Settlement has also requested that the patta copy being issued through the Online Patta Transfer system in form of "Quick Response (QR) coded" document digitally signed by the Tahsildars may be declared as a legally valid document

8) The Government after careful examination hereby order the Principal Secretary / Commissioner of Survey and Settlement to implement the Online Patta Transfer System for Transfer of Registry by superceding the procedure laid down in G.O.(Ms). No.210, Revenue Department dated 08.07.2011 with the following new features: -

(i) The applications for Patta Transfer may be received through e – service/ Common Service Centres authorized by the competent authority for this purpose

(ii) The applications thus received may be processed as per the workflow mandated in the Tamil Nilam Applications Software

(iii) QR - coded Digitally Signed Land Records (copies of A - Register and Patta) may be issued and the Digital Signature shall be affixed by the Tahsildar or any other competent authority designated for the said purpose.

(iv) Public may be provided the facility to download such copies anytime, anywhere through an online portal created for this purpose.

9) The Government further orders that, henceforth the digitally signed, QR-coded Land Records (A-Register and Patta) shall be "Legally valid Land Records" and equivalent to signed copies wherever the Online Patta Transfer System has been implemented in full.

10) The Principal Secretary / Commissioner of Survey and Settlement is hereby directed to take necessary steps including laying down of operational procedure, modifying the relevant Revenue Standing Orders and issue of suitable instructions to the concerned to ensure that Online Patta Transfer System is implemented in the State.

(BY ORDER OF THE GOVERNOR)

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CHANDRA MOHAN. B.
SECRETARY TO GOVERNMENT.

To

The Principal Secretary / Commissioner of
Survey and Settlement, Chepauk, Chennai – 5.
The Principal Secretary / Commissioner of
Land Administration (i/c) Chepauk, Chennai – 5.
The Principal Secretary / Commissioner of Land Reforms
Chepauk, Chennai – 5.
The Principal Secretary / Commissioner of
Revenue Administration, Chepauk, Chennai – 5.
The Principal Secretary / Commissioner of
Urban Land Celling and Urban Land Tax, Chepauk Chennai – 5.
The State Informatics Officer,
National Informatics Centre,
Rajaj Bhawan Besant Nagai, Chennai - 90
The Inspector General of Registration,
Santhome, Chennai - 28
All District Collectors

Copy to:

The Special Personal Assistant to Hon'ble Minister (Revenue),
Chennai-9.
The Senior Private Secretary to Secretary to Government,
Revenue Department, Chennai - 9
All the Departments of Secretariat, Chennai – 9.
All the Sections in Revenue Department, Chennai – 9
Stock File / Spare Copy

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ANNEXURE - 2

ABSTRACT

Transfer of Registry -Second Revision to Special Commissioner and Commissioner of Land Administration against the orders passed by the District Revenue Officers-R.S.O. 31.8 (A)-withdrawing the power of Second Revision vested with the Special Commissioner and Commissioner of Land Administration on transfer of Registry cases and permission to refer all pending untried cases of revision to the appropriate Civil Courts-orders issued.

REVENUE SS (2) DEPARTMENT

G.O. (Ms) No. 409 **Dated:** 2.7.2008

Read:

1. G.O. (Ms) No. 2977, Revenue Department, dated 10.11.1981
2. G.O. (Ms) No. 629, Revenue Department, dated 29.10.99.
3. From the Special Commissioner and Commissioner and Land Administration Letter No. K4/6972/2006, dated 23.2.2005 and D.O. letter No. of even No, dated 8.4.05 and 21.3.2006.
4. Government letter No. 10254/SS 1/2005-6, dated 3.5.2008.
5. From the Commissioner of Land Administration letter No. K4/6972/2005, dated 8.6.2006 and D.O. letter dated 21.8.2008, 27.12.2006 and 3.10.2006.
6. Government letter No. 10254/5S (1)/2005-7, Revenue dated 1.9.2006.
7. From the Special Commissioner and Commissioner of Land Administration D.O. Letter No. K4/6972/05, dated 3.1.2006, 23.5.2008.

*****

ORDER:

The Special Commissioner and Commissioner of Land Administration in his references 3, 5th and 7th read above has sent a proposal to Government for withdrawal of the provision of Second Revision powers from Commissioner of Land Administration on Transfer of Registry cases. Besides, the Special Commissioner and Commissioner of Land Administration has also requested the Government to accord permission to refer all existing cases of revision on transfer of registry to the appropriate Civil Courts, and also to permit to retain only the cases for which hearing have commenced; and to return the remaining Cases to the petitioners directing them to seek remedy in the appropriate Civil Courts.

2. For withdrawing the second revision powers on transfer of Registry cases he has cited the judgment pronounced by the Hon'ble High Court, Chennai in W.A. No. 1342/94 and

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CMP No. 15872/94 dated 26.10.1994, in which he has pointed out that the Revenue forums have no jurisdiction to decide either the right or title of land in patta transfer cases and it is for the Civil Court to decide such issues. As difficulties are experienced in dealing with the Second Revision cases, the Special Commissioner and Commissioner of Land Administration has pointed out that numerous appeals pave the way for issues being dragged endlessly and the Special Commissioner, and Commissioner of Land Administration having been over burdened with multifarious issues relating to lands spread over the entire state.

3. The Special Commissioner and Commissioner of Land Administration has suggested draft amendment to the existing R.S.O. para 31.8 (A) by way of deletion of the following lines:

"A further revision to the Commissioner of Land Administration can be made within 30 days from the date of receipt of the order and the orders of the Commissioner of Land Administration are final".

4. In the above circumstances, the Government examined the proposal of the Special Commissioner and Commissioner of Land Administration in detail, and decided to accept Amendment to R.S.O. 31.8 (A) as mentioned in para 3 above. Accordingly, the Government direct the Special Commissioner and Commissioner of Land Administration that all ongoing enquiries may be carried on to the logical conclusion and orders issued. The Special Commissioner and Commissioner of Land Administration should ensure that in all cases where enquires are not commenced, they may be returned back, with direction to approach Competent Court of Law.

(BY THE ORDER OF GOVERNOR)

Ambuj Sharma,
Secretary to Government.

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ANNEXURE - 3

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.05.2022
CORAM
THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM
W.P.No.13486 of 2022
and
W.M.P.No.12674 of 2022

Raandilya chozhan Saminathan ... Petitioner

Vs.

1.The Tahsildar,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

2.The Revenue Divisional Officer,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

3.District Revenue Officer,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

4.The Joint Commissioner,
Hindu Religious Endowments,
Sambanda Sannathi Street,
Sambandarkulam,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 003.

5.The Principal Revenue Secretary,
Secretariat Complex,
Chennai - 600 009, Tamil Nadu.

6.The Land Administration Commissioner,

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Chepauk, Chennai - 600 005,
Tamil Nadu.

7.The District Collector,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in nature of Writ of Certiorarified Mandamus, calling for the records of the 6th respondent in R1/1957374/2022 dated 22.03.2022 and quash the same and direct the 6th respondent to grant patta in favour of the petitioner.

For Petitioner : Mr. T.S.Charles

For R1 to R3, R5 to R7 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

For R4 : Mr.K.Karthikeyan
Government Pleader (HR & CE)\

ORDER

The order dated 22.03.2022 issued by the 6th respondent is under challenge in the present writ petition.

2. The order impugned dated 22.03.2022 states that the petitioner has to approach the competent civil Court in view of the Government Order passed in G.O.Ms.No.409, Revenue SS 1(2) Department, dated 02.07.2008. The said Government Order stipulates that the second revision to the Special Commissioner and Commissioner of Land Administration against the orders passed by the District Revenue Officer, has been withdrawn and the relevant portion of the Government Order is as follows:

> "2. For withdrawing the second revision powers on transfer of Registry cases he has cited the judgment pronounced by the Hon'ble High court, Chennai in W.A.No.1342/94 and CMP No.15872/94 dated 26.10.1994, in which he has pointed out that the Revenue forums have no jurisdiction to decide either the right or title of land in patta transfer cases and it is for the Civil Courts to decide such issues. As difficulties are experienced in dealing with the Second Revision cases, the Special Commissioner and Commissioner of Land Administration has pointed

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out that numerous appeals pave the way for issues being dragged endlessly and the Special Commissioner and Commissioner of Land Administration having been over burdened with multifarious issues relating to lands spread over the entire state."

3. The Special Commissioner and Commissioner of Land Administration has suggested draft amendment to the existing R.S.O. para 31.8(A) by way of deletion of the following lines"

"A further revision to the Commissioner of Land Administration can be made within 30 days from the date of receipt of the order and the orders of the Commissioner of Land Administration are final"

4. In the above circumstances, the Government examined the proposal of the Special Commissioner and Commissioner of Land Administration in detail, and decided to accept Amendment to R.S.O.31.8(A) as mentioned in para 3 above. Accordingly, the Government direct the Special Commissioner and Commissioner of Land Administration that all ongoing enquiries may be carried on to the logical conclusion and orders issued. The Special Commissioner and Commissioner of Land Administration should ensure that in all cases where enquires are not commenced, they may be returned back, with direction to approach Competent Court of Law."

3. In view of the Government Order, the powers conferred to the Commissioner has been withdrawn based on the judgment of the High Court in W.A.No.1342 of 1994, dated 26.10.1994. Accordingly, the aggrieved persons are permitted to approach the competent civil Court of Law. The impugned order in the present writ petition reveals that the petitioner has also been granted liberty to redress his grievances by approaching the competent civil Court in view of the fact that the Commissioner has no powers to entertain any such representation. As of now, there is no infirmity as such in respect of the order impugned passed. Accordingly, the petitioner is at liberty to approach the competent civil Court of Law for redressal of his grievances.

4. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Vacation office
Sub Assistant Registrar

To
1.The Tahsildar,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

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2.The Revenue Divisional Officer,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

3.The District Revenue Officer,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 001.

4.The Joint Commissioner,
Hindu Religious Endowments,
Sambanda Sannathi Street,
Sambandarkulam,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu - 609 003.

5.The Principal Revenue Secretary,
Secretariat Complex,
Chennai - 600 009, Tamil Nadu.

6.The Land Administration Commissioner,
Chepauk, Chennai - 600 005,
Tamil Nadu.

7.The District Collector,
Mayiladuthurai Taluk,
Mayiladuthurai District,
Tamil Nadu -609 001.

+1cc to the state Government Pleader, S.R.No.31823
+1cc to the Special Government Pleader, S.R.No.31881

W.P.No.13486 of 2022

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ANNEXURE - 4

சுருக்கம்

நத்தம் நிலவரித்திட்டம்-நத்தம் நிலவரித்திட்டம்-தனி வட்டாட்சியரால் வழங்கப்பட்ட பட்டாக்கள் மீதான மேல்முறையீடுகளின் மீது ஆணை பிறப்பிக்கும் அதிகாரம்-நிலவரித்திட்ட உதவி அலுவலரிடமிருந்து கோட்டசியருக்கு மாற்றப்படுதல்-ஆணைகள் வழங்கப்படுகின்றன.

வருவாய் (நி.அ.2(1) துறை

அரசு ஆணை (நிலை) எண்.693 **நாள். 24.07.97.**

மீண்டும் படிக்கவும்:

1. அரசாணை (நிலை) எண் 1971, வருவாய் (நி.அ.2), நாள். 14.10.88.
2. அரசாணை நிலை எண்.1738, வருவாய், நாள். 31.7.90.

படிக்கவும்:

3. சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், கடித எண். எ1/19453/95, (இ) நாள். 07.3.96.
4. அரசு கடிதம் எண்.16331/நி.அ.2(1)/96-1, வருவாய், நாள். 06.8.96.
5. நில அளவை மற்றும் நிலவரித்திட்ட ஆணையர் மற்றும் இயக்குநர் கடிதம் எண். எ1/19453/95, நாள். 28.10.96.

*****

ஆணை:

நத்தம் நிலவரித்திட்டத்தின் தனி வட்டாட்சியரால் வழங்கப்பட்ட பட்டாக்கள் மீதான மேல்முறையீடுகளின் மீது ஆணை பிறப்பிக்கும் அதிகாரத்தை கோட்டாட்சியர்களுக்கு வழங்குதல் குறித்து சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர் அரசிற்குச் செயற்குறிப்புகள் அனுப்பியுள்ளார்.

2. தமிழகத்தில் சென்னை மாநகரம் நீங்கலாக உள்ள ஏனைய வட்டங்களில் நத்தம் மனைகள் மற்றும் பிற பயன்பாட்டிற்கு பயன்படுத்தப்படும் வேளாண் நிலங்கள் இவற்றிக்கு நத்தம் நிலவரித்திட்டப் பணி மேற்கொள்ள அரசாணை நிலை எண்.1971, வருவாய்த்துறை (நில அளவை) நாள்.4.10.88-இல் ஆணையிடப்பட்டது என்றும், இவ்வாணையின் அடிப்படையில் 1989 முதல் திட்டப்பணி மேற்கொள்ளப்பட்டு, இதுவரை 100 வட்டங்களில் கிராம நத்தம் திட்டப்பணி முடிவுற்றள்ளன என்றும், தற்போது 60 வட்டங்களில் இப்பணி நடைமுறையில் உள்ளது என்றும், மேலும் 8 வட்டங்களில் மேறகொள்ளப்படவுள்ளது என்றும், இத்திட்டத்தின் கீழ் இதுவரை 77,82,785 பட்டாக்கள் வழங்கப்பட்டுள்ளன என்றும், இதேபோல் நகரத்தில் திட்டப்பணி தற்போது ஆரம்ப நிலையில் உள்ளது என்றும், இதுவரை நகரளவை திட்டப்பணியின் முதல் திட்டமான இறுதித் தணிக்கைப் பணி 12 நகரங்களில் முடிவுற்றது என்றும், சிறப்பஆணையர் மற்றும் நில நிர்வாக ஆணையர் தெரிவித்துள்ளார். மேற்படி அரசாணையின் பிரிவு 7 இன்படி, நத்தம் தனி வட்டாட்சியரால் வழங்கப்பட்ட பட்டாக்களில் எவரேனும் இடருற்றிருப்பதாகக் கருதினால் சம்பந்தப்பட்ட நிலவரித்திட்ட உதவி அலுவலரிடம் மேல்முறையீடு செய்ய வேண்டும் என்றும், பிரிவு 8-ன்படி நிலவரித்திட்ட உதவி அலுவலரின் மேல்முறையீட்டு ஆணையின் மீது பரிசீலனை மனுக்களை மறுபரிசீலனை செய்ய சம்பந்தப்பட்ட மாவட்ட வருவாய் அலுவலர்கள்

3. தற்போது உள்ள நடைமுறையில் சில இடர்ப்பாடுகள் உள்ளனதென்றும், 5-8 மாவட்டங்களை ஆட்சி எல்லையாகக் கொண்டு செயல்பட்டு வரும் நிலவரித்திட்ட உதவி அலுவலரிடம் மேல்முறையீடு செய்து கொள்ள, சுமார் 100 அல்லது 200 கி.மீ, வரை பொதுமக்கள் பயணம் செய்ய வேண்டியிருப்பதால் பணச் செலவாவதுடன் காலமும் வீணாவதால் பொதுமக்கள், குறிப்பாக வறுமைக் கோட்டிற்குக் கீழ் வாழும் ஏழை மக்களுக்கு இது மிகவும் சிரமமானதாக உள்ளது என்றும், மேலும் நிலவரித்திட்ட உதவி அலுவர்களுக்கு அதிகமான வட்டங்கள் தங்கள் கட்டுப்பாட்டில் வருவதால் மனுக்கள் அதிகமாக உள்ளன என்றும், மேல்முறையீட்டு மனுக்களை ஏற்று ஆணை பிறப்பிக்கச் சம்மந்தப்பட்ட கோட்டாட்சியர்களுக்கு அதிகாரம் வழங்கப்படுமேயானால், வரக்கூடிய மனுக்களின் எண்ணிக்கை குறைவாயிருக்குமாதலால் அவற்றின்மீது விரைவாக புலன் விசாரணை செய்து முடிவு எடுக்க இயலும் என்றும், மேல் முறையீட்டு மனுக்கள் தொடர்பான ஆவணங்களை விரைவில் பெற இயலும் என்றும், பொதுமக்களுக்கு தங்கள் கோட்டத்திலுள்ள அலுவலரையேத் தொடர்பு கொள்ள வேண்டியிருப்பதால் அவர்களுக்கு எந்தவிதமான சிரமமும் இருக்காது என்றும் மேற்கண்ட மனுக்களின் மீது கோட்டாட்சியர்களே முடிவு எடுத்து ஆணை பிறப்பிக்கலாம் என்ற கருத்தை அரசுக் கடித எண்.105020/நி.அ.2(1)/90-6, வருவாய், நாள். 6.7.91-இல் ஏற்கனவே ஏற்றுக்கொள்ளாதபோதும், இதை அரசு ஏற்பின் மேல்முறையீட்டு மனுக்களின் மீது விரைவில் முடிவெடுக்கவும் திட்டப்பணியினை மேலும் விரைவில் முடிக்கவும் வாய்ப்புகள் உள்ளதால், மாறிவரும் சூழ்நிலையில், நத்தம் நிலவரித் திட்டத்தில் தனி வட்டாட்சியரால் வழங்கப்பட்ட பட்டாக்களின் மீதான மேல்முறையீடுகளின் மீது ஆணை பிறப்பிக்க சம்பந்தப்பட்ட கோட்டாட்சியர்களுக்கு அதிகாரம் வழங்க ஆணை பிறப்பிக்குமாறு சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர் பரிந்தரைத்துள்ளார்.

4. சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையரின் செயற்குறிப்பை அரசு நன்கு ஆய்வு செய்தது, நத்தம் நிலவரித்திட்டத் தனி வட்டாட்சியரால் வழங்கப்படும் பட்டாக்களின் மீது உதவி நிலவரித்திட்ட அலுவலரிடம் மேல் முறையீடு செய்து கொள்ள வரும்போது மக்களின் குறிப்பாக வறுமைக் கோட்டிற்குக் கீழுள்ள வறியவர்களின் சிரமத்தினைப் போக்கிடவும், மேலும் மேற்கண்ட மனுக்களின் மீது உடனுக்குடன் முடிவு எடுப்பதற்கும் ஏதுவாக, நத்தம் நிலவரித்திட்டத் தனி வட்டாட்சியரால் வழங்கப்படும் பட்டாக்களின் சம்பந்தமாக அளிக்கப்படும் மேல்முறையீட்டு மனுக்களின் மீது ஆணை பிறப்பிக்கும் அதிகாரத்தை சம்பந்தப்பட்ட கோட்டாட்சியர்களுக்கு வழங்கி அரசு ஆணை பிறப்பிக்கிறது.

5. இது சம்பந்தமாக தக்க வரைவுத் திருத்த அறிவிக்கையினை விரைவில் அரசிற்கு அனுப்பி வைக்குமாறு சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர் கேட்டுக்கொள்ளப்படுகிறார்.

(ஆளுநரின் ஆணைப்படி)

பி.எஸ்.பாண்டியன்
அரசு செயலர்

பெறுநர்:

1. சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், சென்னை-5,
2. சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர், சென்னை-5,
3. நில அளவை மற்றும் நிலவரித்திட்ட ஆணையர் மற்றும் இயக்குநர், சென்னை-5.
4. அனைத்து மாவட்ட ஆட்சியர்கள்,
5. நிலவரித்திட்ட அலுவலர், தஞ்சாவூர்,
6. நிலவரித்திட்ட அலுவலர்கள் (திருவண்ணாமலை, மதுரை, தஞ்சாவூர், தருமபுரி மற்றும் நீலகிரி)

அரசாணை எண்.1971, வருவாய் , நாள். 14.10.88.

அரசாணை எண்.1973, வருவாய், நாள். 31.07.90

ANNEXURE - 5

சுருக்கம்

நத்தம் நிலவரித்திட்டம் நத்தம் நிலவரித்திட்டத்தின் கீழ் மாவட்ட வருவாய் அதிகாரி பிறப்பிக்கும் ஆணையை திருத்தியமைப்பதற்கு துறைத்தலைவர் - நில நிர்வாக ஆணையருக்கு அதிகாரம் வழாங்குதல் ஆணையிடப்படுகிறது.

வருவாய் நி.அ.2(1) துறை

அரசாணை (நிலை) எண்.396 **நாள். 18.9.2003.**

மீண்டும் படிக்கவும்:

1. அரசாணை (நிலை) எண்.1971 வருவாய் (எஸ்.எஸ்.2) துறை, நாள்- 14.10.1988.
2. அரசாணை (நிலை) எண்.454, வருவாய் துறை, நாள்- 13.05.96
3. அரசாணை (நிலை) எண்.693, வருவாய்த்துறை, நாள். 24.7.97.

படிக்கவும்:

4. சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், சென்னை-5, கடித எண். க1/47947/97, நாள். 27.2.98, 10.11.98 மற்றும் 9.10.99.

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ஆணை:

பார்வை 1-இல் படிக்கப்பட்ட ஆணையில் நத்தம் நிலவரித்திட்டம் அமலாக்கும் சமயத்தில் நத்தம் வட்டாட்சியர் பிறப்பிக்கும் உத்தரவை எதிர்த்து உதவி நிலவரித்திட்ட அலுவலருக்கு மேல்முறையீடு செய்து கொள்ளலாம் என ஆணையிடப்பட்டது. பார்வை 3-இல் படிக்கப்பட்ட அரசாணையில், உதவி நிலவரித்திட்ட அலுவலரின் அதிகாரம் சம்பந்தப்பட்ட கோட்டாட்சியருக்கு மாற்றப்பட்டது. அந்த மேல்முறையீட்டை எதிர்த்து சம்பந்தப்பட்ட மாவட்ட வருவாய் அலுவலருக்கு ஒரு சீராய்வு மனு தாக்கல் செய்து கொள்ளலாம். ஆனால், நத்தம் நிலவரித்திட்டத்தின் கீழ் பிறப்பிக்கப்படும் ஆணைகளில் தவறுகண்ட இடத்தில் ஆணைகளை திருத்தியமைப்பதற்கு விதிமுறைகளில் துறைத்தலைவரான நில நிர்வாக ஆணையர் மற்றும் அரசிற்கும் அதிகாரம் வழாங்கப்படவில்லை. எனவே, அரசாணை நிலை எண்.1971, வருவாய்த்துறை, நாள்.14.10.88-ல் இதற்கு வகை செய்யும் முகமாக, அநத் ஆணையின் பத்தி 7-க்கு சேர்க்கையொன்றை வெளியிடலாம் என பார்வை 4-இல் காணும் தனது கடிதத்தில் சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர் பரிந்துரை செய்துள்ளார்.

2. சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையரின் செயற்குறிப்பை அரசு நன்கு ஆய்வு செய்த்து, அவரது செயற்குறிப்பை ஏற்று, துறைத்தலைவரான நில நிர்வாக ஆணையருக்கு கொடுக்கப்படும் மனுக்களை பரிசீலித்து, மாவட்ட வருவாய் அலுவலர்கள் பிறப்பித்த ஆணைகளில் தவறு இருப்பின்

அதை சுட்டிக்காட்டி திருத்துவதற்கும், மாற்றி அமைப்பதற்கும், அதுபோல் மற்றைய மனுக்களையும் தேவையானால் தன்னிச்சையாக ஏற்பு திருத்துவதற்கும், மாற்றியமைப்பதற்கும் அதிகாரம் வழங்கி, இதைச் செயற்படுத்த, இந்த அரசாணையுடன் சேர்க்கப்பட்டுள்ள அறிவிக்கையின் தமிழ்நாடு அரசிதழில் வெளியிடப்பட அரசு ஆணையிடுகிறது.

3, வெளியிடப்பட்ட அறிக்கையின்106 நகல்களை வருவாய்த்துறை, தலைமைச் செயலகம், சென்னை-9-க்கு அனுப்பி வைக்கும்படி தமிழ்நாடு அரசு எழுதுபொருள் அச்சுத்துறை இயக்குநர் கோரப்பப்படுகிறார்,

(ஆளுநரின் ஆணைப்படி)

ந.சுந்தர தேவன்
அரசு செயலர்

பெறுநர்:
சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், சென்னை-5,
முதன்மை ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர், சென்னை-5.
சிறப்பு ஆணையர் மற்றும் நில சீர்த்திருத்த ஆணையர், சென்னை-5.
ஆணையர் மற்றும் இயக்குநர், நில அளவை மற்றும் நிலவரித்திட்டம்,
எழுதுபொருள் அச்சுத்துறை இயக்குநர், சென்னை-2,
பணி மேலாளர், தமிழ்நாடு மத்திய அச்சகம், சென்னை-79
அனைத்து மாவட்ட ஆட்சியர்கள்,
சிறப்பு அலுவலர், தஞ்சாவூர்,
உதவி நிலவரித்திட்ட அலுவலர்கள், (திருவண்ணாமலை, மதுரை, மற்றும் தருமபுரி)
சுத்த நகல் கோப்பிற்கு.

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ANNEXURE – 6

Proceedings of the Additional Chief Secretary / Commissioner of Land Administration, Chepauk, Chennai - 600 005.

Present: Dr. Girija Vaidyanathan, I.A.S.

Ref: K3/14710/2015 **Dated : 29.6.2015**

Sub: Natham Settlement Scheme - revision petition filed against the orders passed by the District Revenue Officer - Reg.

Ref: 1. G.O.Ms.No. 1971, Revenue (SS II) Department, dated 14.10.1988

2. G.O. Ms.No.396, Revenue (SS II (1)) Department, dated18.9.2003

3. PS/CLA Lr. No. K4/28307/2011 dt.29.8.2011

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ORDER:

The Government in their order first cited have issued a Notification to effect settlement of Natham sites or village sites and agricultural lands used for non- agricultural purposes in the entire area of the State except in the area of the old Madras City. In para 7 and 8 of the said Notification appeal and revision against the orders of the Special Tahsildar, Natham Settlement Scheme, have been provided.

2. In G.O. 2nd cited, the Government have conferred powers of second revision on the Commissioner of Land Administration over the orders passed by the District Revenue Officers under the Natham Settlement Scheme, as follows-

'The Commissioner of Land Administration may entertain revision petition against the orders of the District Revenue Officer within 30 days from the date of receipt of the order of the District Revenue Officer and he may cancel or revision on Suo-motu any of the order of the lower authorities at any time'.

3. Thus, the ACS/CLA has been conferred discretionary powers in hearing and passing orders on the appeals arising out of orders of the District Revenue Officers as well as cases taken up Suo-motu revision. However, there are no specific guidelines on the exercise of these discretionary powers. It is necessary to ensure that the discretionary powers are exercised in public interest, in a consistent manner, and with a view to giving fair and timely adjudicatory orders.

4. The revision petitions filed against the orders passed by the District Revenue Officer in Natham Settlement Scheme disputes can be classified as follows:

A. Cases involving the communal lands such as street, pathway, lane, channel, common places, etc, irrespective of classification in the Natham Settlement.

B. Cases involving the lands recorded as 'Natham vacant site' during the Natham Settlement Scheme.

C. Cases involving the lands recorded as 'ryoti manai' in the Natham Settlement Scheme, purely as a dispute between two private parties and without any communal claim or utility.

5. The revision petitions falling under category 'A' shall be retained communal lands are involved, and the interest of general public has to be evaluated vis-à-vis the claims

6. The revision petitions for category 'B' shall continue to be dealt with as per instructions given in the reference 3rd cited above.

7. The revision petitions falling under category 'C' are essentially private disputes and come up for 2nd revision after being ordered by the RDO and DRO already. There is every likelihood of these cases being agitated before judicial fora even after the orders are passed by this office. Further, the Government in their order No 409, Revenue Department, dated 2.7.2008, have already dispensed with the second revision provision against the orders passed by the District Revenue Officer in patta transfer disputes under R.S.O.31. The revision petitions under category 'C' may also be treated as patta transfer disputes and may be returned as ordered in G.O.Ms.No. 409. Exercising the discretionary powers of the CLA to hear every such case will lead to unnecessary delay and may not serve the larger public interest. Hence, no new cases of this category shall be entertained by this office. The existing cases also shall be returned with an order directing the parties to settle their disputes in the civil court, as patta was already granted and ordered twice and the question of title and possession can be decided only by the appropriate judicial forum.

8. Accordingly, it is hereby ordered to examine the pending revision petitions on the basis of the above categories and put-up files of category 'C' with draft proceedings to the Additional Chief Secretary/Commissioner of Land Administration. This exercise shall be completed within one month.

Girija Vaidyanathan
Additional Chief Secretary /
Commissioner of Land Administration

To.

1. The Assistant Commissioner II
   Land Administration Department,
   Chepauk, Chennai-600 005.
2. The Superintendent,
   K Section,
   Land Administration Department,
   Chepauk, Chennai-600 005.
3. P.S. to A.C.S / C.LA
4. Spare

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ANNEXURE - 7

சுருக்கம்

வருவாய் நிருவாகம் - வருவாய்த்துறை அலுவலர்களின் பணிகள் மற்றும் கடமைகள் - மண்டல துணை வட்டாட்சியர்களுக்கான பணிகள் - நில உடமைப் பதிவு மேம்பாட்டுத் திட்டத்தின் கீழ் ஏற்பட்ட தவறுகளை சரிசெய்வதற்கான பணி (Rectification of defects in the updating of Registry cases) - நீக்கம் ஆணை வெளியிடப்படுகிறது.

வருவாய் (பொது-3)துறை

அரசாணை (நிலை) எண்.385 **நாள்: 17.8.2004**

படிக்கவும்:

1) அரசு ஆணை (நிலை) எண்.921, வருவாய், நாள் 15.6.1991.

மீண்டும் படிக்கவும்:

2) ஆணையர் மற்றும் இயக்குநர் நிலஅளவை மற்றும் நிலவரித்திட்டம் கடித எண்.ச2/69554/97(நி.அ) நாள் 6.4.2000.

3) ஈரோடு மாவட்ட வருவாய் அலுவலர் கடித எண்.46574/2000 (3), நாள் 20.10.2000.

4) அரசு கடித எண்.41170/பொது-4/1992-1, வருவாய், நாள் 9.1.2001.

5) சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையரின் கடித எண். பணி3(4)/8461/01, நாள் 06.2.2003.

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ஆணை:

ஒன்றில் படிக்கப்பட்ட அரசு ஆணையில் 222 மண்டல துணை வட்டாட்சியர் பணி இடங்கள் உருவாக்கி அவர்களுக்கு பணிகளும், பொறுப்புகளும் வழங்கி அரசு ஆணையிட்டுள்ளது.

2) மூன்றில் படிக்கப்பட்ட ஈரோடு மாவட்ட வருவாய் அலுவலரின் கடிதத்தில் மண்டல துணை வட்டாட்சியர்களுக்கு ஒன்றில் படிக்கப்பட்ட அரசாணையில் ஒதுக்கப்பட்ட பணி பொறுப்புகளில், 23வது இனத்தில் உள்ள நிலஉடமைப் பதிவேடு மேம்பாடு திட்டத்தின் கீழ் ஏற்பட்ட தவறுகளை (Rectification of defects in the updating of Registry cases) சரி செய்வது ஒன்றாகும் என்றும், பல நிகழ்வுகளில் புறம்போக்கு இனங்கள் தவறாக வகைப்படுத்தப்பட்டுள்ளதாகவும், நில மாற்றம் ஒப்படை போன்ற நேர்வுகளின் போது இத்தவறு வகைபாடுகள் மாற்றப்பட வேண்டியுள்ளதாகவும், இத்தகைய நடவடிக்கைகள் மாவட்ட வருவாய் அலுவலரால் செய்யப்பட வேண்டியுள்ளதாகவும் தெரிவித்திருந்தார். ஈரோடு மாவட்ட வருவாய் அலுவலரின் கருத்தினை ஏற்று ஒன்றில் படிக்கப்பட்ட அரசாணையின் இணைப்பில் வரிசை எண்.23-இல் உள்ள மண்டல துணை வட்டாட்சியருக்கு வழங்கப்பட்ட அதிகாரத்தை இரத்து செய்யுமாறு ஆணையர் மற்றும் இயக்குநர் நில அளவை மற்றும் நிலவரித்திட்டம் அரசுக்கு பரிந்துரைத்துள்ளார்.

3) இந்நேர்வு தொடர்பாக சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையரிடம் அறிக்கை

கோரப்பட்டது. சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர் தனது அறிக்கையில், நில உடமைப் பதிவேடு திட்டத்தின் கீழ் தவறுகள் ஏற்பட்டிருந்தால் அதனை வருவாய் கோட்டாட்சியரே சரி செய்யலாம் எனவும், ஏனெனில், நில உடமைப்பதிவுகள் வட்டாட்சியர் நிலையிலுள்ள அதிகாரிகால் தான் பட்டா மாறுதல் உத்திரவு பிறப்பிக்கப்படுகிறது தெரிவித்துள்ளதாகவும், நிலஉடமை மேம்பாடு திட்டத்தில் கீழ்நில உரிமையாளர்கள் பெயர்கள் தவறுதலாக பதியப்பட்டிருப்பின் உரிய விசாரணை மேற்கொண்டு ஆணை பிரப்பிக்கும் அதிகாரம் மாவட்ட வருவாய் அதிகாரிக்கே உள்ளது எனவும், எனவே முன்றில் படிக்கப்பட்ட அரசாணையில் மண்டல துணை வட்டாட்சியர்களுக்கு வழாங்கப்பட்டுள்ள வரிசை எண்.23-இல் உள்ள, அதிகாரத்தை இரத்து செய்யலாம் என பரிந்துரை செய்துள்ளார்.

4) அரசு இந்நேர்வினை கவனமாக ஆய்பு செய்தது. ஆணையர், நில அளவை மற்றும் நிலவரித்திட்டம், சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர் ஆகியோரது பரிதுரையினை ஏற்று, நில உடமை பதிவேடு திட்டத்தின் கீழ் பதிவுகளில் தவறு ஏற்பட்டிருந்தால் அத்தகைய தவறுகளை மாவட்ட வருவாய் அலுவலர் தீவிர விசாரணை செய்த பின்னரே சரிசெய்ய இயலும் என்பதால், அரசாணை (நிலை) எண்.921, வருவாய், நாள் 5.6.91-இல் மண்டல துணை வட்டாட்சியர்களுக்கு வழாங்கப்பட்ட பொறுப்புகளில் இருந்து 23ம் இனத்தில் உள்ள நில உடமைப்புதிவு மேம்பாட்டுத்திட்டத்தின் கீழ் ஏற்பட்ட தவறுகளை சரிசெய்து (Rectification of defects in the updating of Registry cases) என்பதை நீக்கி அரசு ஆணையிடுகிறது.

5) சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர் மேலே பத்தி 4-இல் உள்ள ஆணையினை செயல்படுத்துவதுடன் நில உடமைப்பதிவு மேம்பாட்டுத்திட்டத்தின் கீழ். வகைப்பாடு மாற்றங்களில் (classification of land) இதுகாறும் ஏற்பட்டுள்ள தவறுகளை நிவர்த்தி செய்வதற்கு அனைத்து மாவட்ட வருவாய் அலுவலர்களுக்கும் தக்க அறிவுரைகள் வழாங்கி, அதனை கண்காணிக்குமாறு அறிவுறுத்தப்படுகின்றார்.

(ஆளுநரின் ஆணைப்படி)

இரா. சத்பதி

அரசு செயலாளர்.

பெறுநர்:

சிறப்பு ஆணையர் மற்றும் வருவாய் நிர்வாக ஆணையர், சென்னை-5.
சிறப்பு ஆணையர் மற்றும் நில நிர்வாக ஆணையர், சேப்பாக்கம், சென்னை-5.
ஆணையர் மற்றும் இயக்குநர் நிலஅளவை மற்றும் நிலவரித்திட்டம், சேப்பாக்கம், சென்னை-5.
சிறப்பு ஆணையர் மற்றும் நிலச்சீர்திருத்த ஆணையர். சேப்பாக்கம், சென்னை-5.
சிறப்பு ஆணையர் மற்றும் வேளாண்மை வருமானவரி ஆணையர், சேப்பாக்கம் சென்னை-5.
சிறப்பு ஆணையர் மற்றும் ஆணையர் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி. சென்னை-5.
அனைத்து மாவட்ட ஆட்சித்தலைவர்கள்.
அனைத்து மாவட்ட வருவாய் அலுவலர்கள்.

நகல்:

பணியாளர் மற்றும் நிர்வாகச் சீர்திருத்த துறை, சென்னை-9.
சட்டத்துறை, சென்னை-9.
மாண்புமிகு வருவாய்த்துறை அமைச்சரின் சிறப்பு நேர்முக உதவியாளர், சென்னை-9.
வருவாய் (நிமு:I, II, III, IV, V, VI பிரிவுகள்) துறை, சென்னை-9.
இ.கோ./உதிரி

ANNEXURE – 8

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.07.2022
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.29172 of 2005
& W.P.No.24101 of 2006
and WMP No.31905 of 2005

W.P.No.29172 of 2005
V.Shanmugavel ... Petitioner

Vs.

1.The Special Commissioner & Commissioner of
Land Administration,
Chepauk,
Chennai - 600 005.

2.The District Revenue Officer cum Dist. Additional
Executive Magistrate,
Collectorate,
Coimbatore.

3.The Sub Collector,
Pollachi.

4.The Tahsildar,
Pollachi.

5.Arulmighu Kalyana Venkataraman
Swami Thirukkovil, Aachipatti,
claimed to be represented by The Executive Officer,
Arulmighu Ponmalai Velaayuthaswami Temple,
Kinathukadavu
Pollachi TK, Coimbatore Dt.
6.C V Venkata Narasimhan

7.C V Radhakrishnan ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents 1 to 3 in connection with

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the proceedings of the 3rd respondent dated 17.10.2003 in ROC.9997/03/A1 as confirmed by the proceedings of the 2nd respondent dated 14.07.2004 in ROC.60782/2003/E2 and by the proceedings of the 1st respondent dated 23.03.2005 in D.Dis.K4/33673/04 and to quash the same and consequently direct the respondents to proceed in the matter in accordance with law after notice to the petitioner and after hearing him.

For Petitioner : Mr.T.M.Hariharan
For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 to R4
Mr.T.Dhanasekaran for R5
Mr.K.P.Gopalakrishnan for R6 & R7

W.P.No.24101 of 2006

Arulmighu Kalyana Venkataramana Swami Thirukkovil,
Aachipatti, Pollachi Taluk, Coimbatore
Represented by The Executive Officer of
Arulmighu Mariamman Thirukkoil,
Udumalaipet,
Udumalaipet Taluk, Coimbatore District ... Petitioner

Vs.

1. The Special Commissioner & Commissioner of
Land Administration,
Chepauk,
Chennai - 600 005.
2. The District Revenue Officer,
Collectorate,
Coimbatore.
3. The Sub Collector,
Pollachi, Coimbatore District.
4. C V Venkata Narasimhan
5. C V Radhakrishnan
6. Tahsildar
Pollachi Taluk, Coimbatore District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records from the 1st respondent herein pertaining to the proceedings made in D.Dis.K4/33673/04 and quash the order dated 23.02.2005.

For Petitioner : Mr.T.Dhanasekaran
For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 to R3 & R6
Mr.K.P.Gopalakrishnan for R4 & R5

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ORDER

The issue involved in both these writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

2.W.P.No.29172 of 2005 has been filed by a subsequent purchaser of the subject property questing the proceedings of the 1st respondent dated 23.03.2005, partially confirming the proceedings of the 2nd respondent dated 14.07.2004 and who in-turn confirmed the proceedings of the 3rd respondent, dated 17.10.2003.

3.W.P.No.24101 of 206 has been filed by the temple being aggrieved with the order passed by the 1st respondent dated 23.03.2005, wherein, the 1st respondent has directed the names of the legal heirs of Late.Venkatasesha Iyengar to be shown as the Trustees along with the name of the temple in the revenue records.

4.The case of the petitioner temple is that the property under dispute was owned by the temple and it has been registered in the name of the temple in the year 1914 itself. While registering in the name of the temple, the name of one Venkataramana Iyengar was shown as a Archagar of the temple and he was the Manager of the temple and he took care of the temple and its property. The subject property was used as a cattle stand and the said Venkataramana Iyengar without any right, title or authority had dealt with the subject property as if it was his own property and also managed to obtain a patta in his name. The Sub Collector found that the subject property has been illegally shown in the name of the said Venkataramana Iyengar in the revenue records and the same was rectified by passing an order dated 17.10.2003. By virtue of this proceeding, the subject property was directed to be restored to the name of the temple after deleting the names of the individuals. This order was subsequently confirmed by the 2nd respondent through proceedings dated 14.07.2004 and by the 1st respondent through proceedings dated 23.03.2005. The grievance of the temple is that the 1st respondent while passing the order, directed the names of the legal representatives of Venkatasesha Iyengar, son of Venkataramana Iyengar to be shown as the Trustees along with name of the temple in the revenue records.

5.The case of the petitioner in W.P.No.29172 of 2005 is that he is the subsequent purchaser of the property from respondents 4 and 5 in W.P.No.24101 of 2006 (respondents 6 and 7 in W.P.No.29172 of 2005). According to the petitioner, the property in S.No.4/B, measuring an extent 3.03 acres and the property in S.No.4/D, measuring an extent of 48 cents was absolutely owned by Venkataramana Iyengar. This property was purchased by the petitioners from the legal heirs of the Venkataramana Iyengar. The further case of the petitioner is that patta was also granted in his favour. According to the petitioner in this writ petition, the 3rd respondent had Suo motu passed orders by cancelling the patta even without putting the petitioner on notice. The petitioner has further contended that even the respondents from whom he purchased the property were not put on notice. Therefore, the petitioner has questioned the impugned order as violative of principle of natural justice. It is further contended that the respondents have acted beyond their jurisdiction, since they have virtually decided the title over the property and the respondents have disregarded certain vital documents traceable from the year 1881 onwards

which would show that the subject properties were always dealt with as the individual properties of Venkataramana Iyengar. The petitioner has therefore sought for the quashing of the orders passed by the official respondents.

6.Heard Mr.T.M.Hariharan, learned counsel appearing on behalf of the petitioner, Mr.U.Baranidharan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 4, Mr.T.Dhanasekaran, learned counsel appearing on behalf of the 5th respondent and Mr.K.P.Gopalakrishnan, learned counsel appearing on behalf of the respondents 6 & 7 in W.P.No.29172 of 2005 and heard T.Dhanasekaran, learned counsel appearing on behalf of the petitioner, Mr.U.Baranidharan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and 6 and Mr.K.P.Gopalakrishnan, learned counsel appearing on behalf of the respondents 4 and 5 in W.P.No.24101 of 2006.

7.The learned Additional Government Pleader appearing on behalf of the official respondents submitted that there was manipulation of revenue records and the name of the temple was deleted and the patta was granted in favour of the legal heirs of the Venkasesha Iyengar. Immediately after this manipulation came to light, the Sub Collector through proceedings dated 17.10.2003, had taken up for investigation and found that the name of the temple was deliberately deleted. In view of the same, the patta was cancelled. Thereafter, the legal heirs of Venkatsesha Iyengar preferred an appeal before the District Revenue Officer, Coimbatore and after affording an opportunity to all the parties concerned, the District Revenue Officer through proceedings dated 14.07.2004, confirmed the orders passed by the Sub Collector. He further contended that the 1st respondent also afforded opportunity to all the parties concerned and after considering the materials available on record, came to a conclusion that the title to the subject property belong only to the temple and accordingly, the order was passed to retain the name of the temple in the revenue records and to add the names of the legal representatives of Venkatsesha Iyengar to be shown as Trustees.

8.The learned Additional Government Pleader submitted that the respondents did not go into the title to the property and they merely acted upon the available materials. Therefore, if at all the petitioner in W.P.No.29172 of 2005 is aggrieved by the same, he should only file a suit before the competent civil Court and substantiate the title and right over the property. The learned Additional Government Pleader therefore sought for the dismissal of this writ petition.

9.This Court has carefully considered the submissions made on either side and also the materials available on record.

10.Before this Court goes into the main contentions that have been raised on the side of the petitioners and deals with the same, it will be very relevant to take note of certain materials that have been placed before this Court. A careful reading of the extract from Survey and Settlement Register shows that the property in S.No.4, originally stood in the name of Palani Goundan and it was treated as a cattle shed. This is the position as reflected by the Survey and Settlement Register maintained in the year 1881. Thereafter, one Venkataramana Iyengar was dealing with the subject property in S.Nos.4/B, 4/D as his individual property and through a registered Bond dated 26.03.1923, he had offered these lands as a security. These lands were

given as a security for the purpose of taking a loan in order to maintain the temple. That apart, the said Venkataramana Iyengar had also executed a registered mortgage for the very same property on 27.09.1925. Even in the Resurvey and Resettlement Register of the year 1914, the lands in S.No.34, 5, 56, 33 and 6 of Aachipatti Village were shown as minor Inam lands granted under TD Nos.32 and 33 in favour of the petitioner temple represented by the Manager. These lands were taken over by the Government and under Act 30 of the 1963 and the Settlement Tahsildar, Gobichettipalayam through order dated 08.10.1968 granted Ryotwari Patta in favour of Venkatasesha Iyengar and others under Section 8(1) r/w Section 11 of the Act. It is important to note that the lands in S.Nos.4/B and 4/D were not covered under TD Nos.32 and 33. There are no title deeds available even to prima facie consider that these lands belongs to the petitioner temple.

11.It is also seen from the proceedings of the Tahsildar dated 07.04.1972 that it is only Venkataramana Iyengar who is shown as the owner of the subject lands. The Patta Pass Book dated 30.08.1974, issued by the Tahsildar also confirms that the subject lands are registered in the name of Venkataramana Iyengar. This was further confirmed through proceedings of the Sub Collector dated 14.04.1987 and it was held that the name of Venkatasesha Iyengar has to be retained and the name of Venkata Narasimhan should stand deleted.

12.The respondents have gone on the footing that right from the year 1914 onwards, the subject lands have been treated as the lands of the petitioner temple. This finding of the respondents may not be right, since all the above documents that were taken note of by this Court and even in the resurvey and resettlement, the subject lands never formed part and it was always dealt with as the individual property of Venkataramana Iyengar and his descendants.

13.In the considered view of this Court, this is not a case where the Sub Collector should have proceeded further to initiate suo motu proceedings in order to cancel the patta standing in the name of the individual. This is obviously a case where the title over the subject properties must be gone into. This is in view of the fact that the documents to be considered to decide on the title and ownership of the property pertains to the year 1881, 1923, 1925 etc., This is apart from the fact that the subject lands were never dealt with as temple lands even during the proceedings under Act 30 of the 1963 and it was not covered under TD Nos.32 and 33. Hence, it would have been more appropriate for the authorities to have referred the parties to the competent Civil Court in order to decide the right, title and ownership over the subject properties. This case involves recording of evidence and appreciation of evidence and the dispute that is involved in the present case obviously cannot be resolved through revenue proceedings.

14.The petitioner in W.P.No.29172 of 2005 is claiming to be a bonafide purchaser for value, since this petitioner was under the impression that the subject property was always dealt with as the individual property of Venkataramana Iyengar and his descendants and he never had an opportunity to even remotely know that the subject properties belongs to the temple. The petitioner came to know of it for the first time only after the orders were passed by the Sub Collector and which was subsequently confirmed in appeal.

15.In view of the above discussion, this Court finds that the respondents have exceeded their jurisdiction and cancelled the patta by unwittingly getting into the title over the subject property. This Court has continuously reiterated the legal position to the effect that the revenue authorities should never get into a civil dispute between the parties during the patta proceedings and it will be more safer to direct the parties to agitate the same before the competent civil court. The facts of the present case will squarely fall within this dictum that has been reiterated by this Court time and again.

16.The upshot of the above discussion, leads to the only conclusion that the proceedings of respondents 1 to 3 requires the interference of this Court and accordingly, the same is hereby quashed. The revenue records shall be restored to its original position. It will be left open to the petitioner temple to agitate its rights over the subject properties before the competent Civil Court and the time spent before this Court shall be given credit while determining the limitation, under Section 14 of the Limitation Act. It will be left open to both the parties to put forth all the grounds and the same will be considered by the Civil Court on its own merits and in accordance with law and without being influenced by any of the findings rendered by this Court in these writ petitions.

17.In the result, these writ petitions stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

25.07.2022

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order

To

1. The Special Commissioner & Commissioner of
   Land Administration,
   Chepauk, Chennai - 600 005.

2. The District Revenue Officer cum Dist. Additional
   Executive Magistrate,
   Collectorate, Coimbatore.

3. The Sub Collector,
   Pollachi.

4. The Tahsildar,
   Pollachi.

5. Arulmighu Kalyana Venkataraman
   Swami Thirukkovil, Aachipatti,
   claimed to be represented by The Executive Officer,
   Arulmighu Ponmalai Velaayuthaswami Temple,
   Kinathukadavu Pollachi TK, Coimbatore Dt.

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EVICTION OF ENCROACHMENT

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EVICTION OF ENCROACHMENT

1. Preamble:

Encroachment is the unauthorised occupation of Government lands. Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905) deals with eviction of encroachment made on Government lands and in R.S.O 26, the rules and procedure regarding eviction of encroachments on Government lands is dealt with.

- Removal of encroachments on Government lands is the prime duty of the District Administration. The Revenue Department along with the other land holding/vested with departments of each porambokes carry out the process of eviction of their vested lands with their governing acts (for example, Tamil Nadu Land Encroachment Act, 1905, Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, Tamil Nadu Panchayat Act, 1994, Tamil Nadu Public Premises Act, 1975, HR & CE Act, Tamil Nadu Wakf Act) etc.

- The Hon'ble Supreme Court and High Court of Madras and the Madurai Bench of Madras High Court are time and now are giving repeated directions/ instructions in carrying out eviction and protecting the Government lands. The Hon'ble Courts have always reiterated that only relocation and not regularisation of encroachments to be put into strict practise and the Government lands has to be retrieved to restore its original nature, especially Water Courses/ Sources etc. Therefore, the Revenue Department, being the custodian of all Government lands, it has become inevitable to evict, protect and to maintain in perpetuity Government lands in favour of the future requirements of the State and Welfare of the public.

Identifying and reporting of encroachment by VAO

During the course of azmoish, the VAO should identify the encroachments in Government lands and the report in B memo with No. 7 notice in duplicate to be sent to the Revenue Inspector every month. The lands vested with Highways, Forest, Public works departments etc., has to be evicted by the concerned departments, by adopting due procedure and guidelines as prescribed. For these lands, no form B memo should be issued by Revenue Department. (G.O.No. 2898, Revenue Department, dated 13.12.1969 and G.O.No. 2020, Revenue department, dated 25.9.1976). For the lands vested with local bodies, the concerned local bodies should evict the encroachments (R.S.O 26 Para 10). Government lands within the limits of Port / Harbour, the report should be sent by port official to the Collector. (R.S.O, 26, Para 9) For Railway lands action should be taken under Act III of 1905.

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Objectionable Government Lands:

a) Water course/Water body

b) Cart track/Salai/Mayanam

c) Meikkal/Mandaveli. etc.,

Unobjectionable Government Lands:

a) Assessed/Unassessed waste

b) Kallankuthu/Karadu

c) Tharisu, Anadeenam, etc.,

Various Types of Encroachment:

i) Residential

ii) Commercial

iii) Partly Residential/commercial

iv) Educational Institutions by permanent structures and play ground, etc.

v) Religious structures

vi) By way of approach road to residence/to company premises.

2. Procedure to be followed in Eviction in the Government Poramboke Vested with Revenue Department

- Demarcation of encroached portion in Field reality.
- Enumeration of list of Encroachers with extent
- Marking in FMB
- Preparation of B-memo and No.7 Notice by VAO for the lands vested with Revenue Department and forwarding it to Revenue Inspector.
- Issuance of B memo does not confer any right or title over the Government lands encroached. It is merely a penal provision under the Encroachment Act, 1905 to identify the individual encroached upon the Government land.
- Tahsildars, Deputy Tahsildars or authorised officers can evict the encroached land and forfeit super structure therein. For this, notice under section 7 of the Act has to be issued to the unauthorised occupant to show cause, why eviction is not to

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be made, before the date mentioned in the notice. Notice u/s 7 may be issued by Tahsildar or Deputy Tahsildar or Revenue Inspector or any authorised officers.

(The above notice shall be served in the manner prescribed in Section 25 of Tamil Nadu Revenue Recovery Act 1864 or in such other manner by a rule framed u/s 8 of the Act.)

- After service of the notice under section 7 **(Annexure-1),** and after the expiry of the date mentioned in the notice, if the unauthorised occupant does not evict the encroached land, notice under section 6 **(Annexure-2)** of this act should be served on the unauthorised occupant mentioning the date before which the encroacher should remove the encroachment or otherwise will be evicted by the Government, levying the cost for eviction and forfeiting the super structure there off.

For the Lands vested with Line Department:

- For the lands vested with other Line Departments (WRD, RD, Highways etc.,) demarcation and enumeration of encroachers must be done by Revenue department and communicated to the concerned department for proceeding with the eviction process as per the governing acts of the Line Departments Concorned.

B Memos does not confer any right:

- The Hon'ble High Court in its Judgment in W.P.No.22710 of 2005 and WPMP No.24739 of 2005, dated:15.7.2005 **(Annexure-3**) observed that **"**Mere pendency of the representation made by the petitioners for grant of patta or issuance of B memo in their favour, will not confer any right on the petitioners to issue patta in their favour."
- Similarly, the Hon'ble High Court in its Judgment in W.P.Nos.731, 2440 and 3259 of 2007, 8103, 10563 and 15149 of 2010, and M.P.Nos.1 and 1 of 2007, 1 to 3, 3, 4, 2 and 3 of 2010, dated: 13.07.2011 has observed that

  "The petitioners having B-memos in their possession has no relevance in deciding the issue raised in the present writ petitions. As rightly contended by the Forest department, the revenue authorities have no holding in respect of the forest lands and even otherwise B-Memo does not confer any legal right."

- Hence, the B-Memos which are now in existence has to be re-visited/ checked on par with field reality and action to be taken for cancellation, restoration and retrieval of valuable government land held with private hands.

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APPEAL/REVISION PROVISIONS:

Section 10. Appeal:- An appeal shall lie

(a) to the Collector from any decision or order passed by a Tahsildar or Deputy Tahsildar under this Act, and to such officer as may be specified by the State Government in this behalf herein after referred to as the appellate authority from any decision or order passed by an authorised officer under this Act and different appellate authorities may be specified for different classes of cases: and

(b) to the District Collector from any decision or order of a Collector passed otherwise than on appeal, and

(c) to the Commissioner of Land Administration from any decision or order of a District Collector passed otherwise than on appeal.

Section 10–A Revision – (1) Any decision or order passed under this Act may be revised either suo motu or on application –

(a) by the District Collector, if such decision or order was passed by a Deputy Tahsildar, Tahsildar or Collector;

(b) by the Commissioner of Land Administration, if such decision or order was passed by any officer other than the appellate authority;

(c) by the State Government, if such decision or order was passed by the appellate authority or the Commissioner of Land Administration.

(2) The power conferred by sub-section (1) shall not be exercised except on the ground that the officer or authority whose decision or order is sought to be revised appears to have exercised a jurisdiction not vested in him or it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of his or its jurisdiction illegally or with material irregularity.

(3) No decision or order shall be passed under sub-section (1) prejudicated to any person without giving such person a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration, before such decision or order is passed.

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Constitution of Monitoring Committee:

The Government have constituted many official committees from time to time to protect the Government lands from encroachments with priority given to water bodies at Taluk/Divisional/District/State level. Considering the need for a single point reporting/ monitoring system, at each level for effective initiatives towards protection and continuous maintenance of water bodies and other Government lands in supercession of all the existing committees, Government have constituted the following three committees vide G.O(Ms)No.64, Revenue and Disaster Management Department, LD6(2), dated 08.02.2022. **(Annexure-4).**

Sl.No.	Committee	Headed by
1	Divisional Monitoring Committee	Revenue Divisional Officer
2	District Monitoring Committee	District Collector
3	State Steering Committee	Chief Secretary to Government

- No civil court has jurisdiction, over the action taken under this Act. As per Tamil Nadu Land Encroachment Amendment Act 1996, only High Court has jurisdiction.

Eviction on Plan Marked Details:

- In some villages, plan marked details, such as pathway, irrigation channels and cart-tracks, are shown in private holdings as detail in the Field Measurement Book. Generally, they are not sub-divided and they are treated as Government poramboke land for the use of common public. The inclusion of such plan marked details in registered holdings does not alter the tenure of such land or confer any right over such lands on the registered holders in whose fields the poramboke field is situated and the Government do not abandon any of their rights in such lands. This position already well established in the erstwhile Board of Revenue proceedings in B.P.Perm.1039 (E), dated 26.7.1966 itself **(Annexure-5).** The removal of encroachments in this detailed portion of the land should be dealt under Tamil Nadu Land Encroachment Act, 1905 and Acts of the Department concerned. The Hon'ble High Court of Madras, in its order in W.P.N0.30187/2017 an WMP.Nos.32811/2017 and 1837/2018 dated 6.2.2018 **(Annexure-6)** has directed that "At the risk of repetition, this Court unhesitatingly points out that the "Nilaviyal Vandi pathai" (cart track) running through the patta land is owned by the Government, necessary steps to be taken effectively, efficaciously, diligently and Godspeed to remove the encroachment and restore it to the original position".

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3. Government Land Retrieval and Protection Fund

- The Hon'ble Minister for Finance and Human Resources on the floor of Legislative Assembly on 18.03.2022, among the various announcements has announced that:

  "The Government is taking every effort to retrieve and protect Government lands, including water bodies from encroachments. An amount of Rs 50 crores is provided in this Budget as a special fund for this purpose."

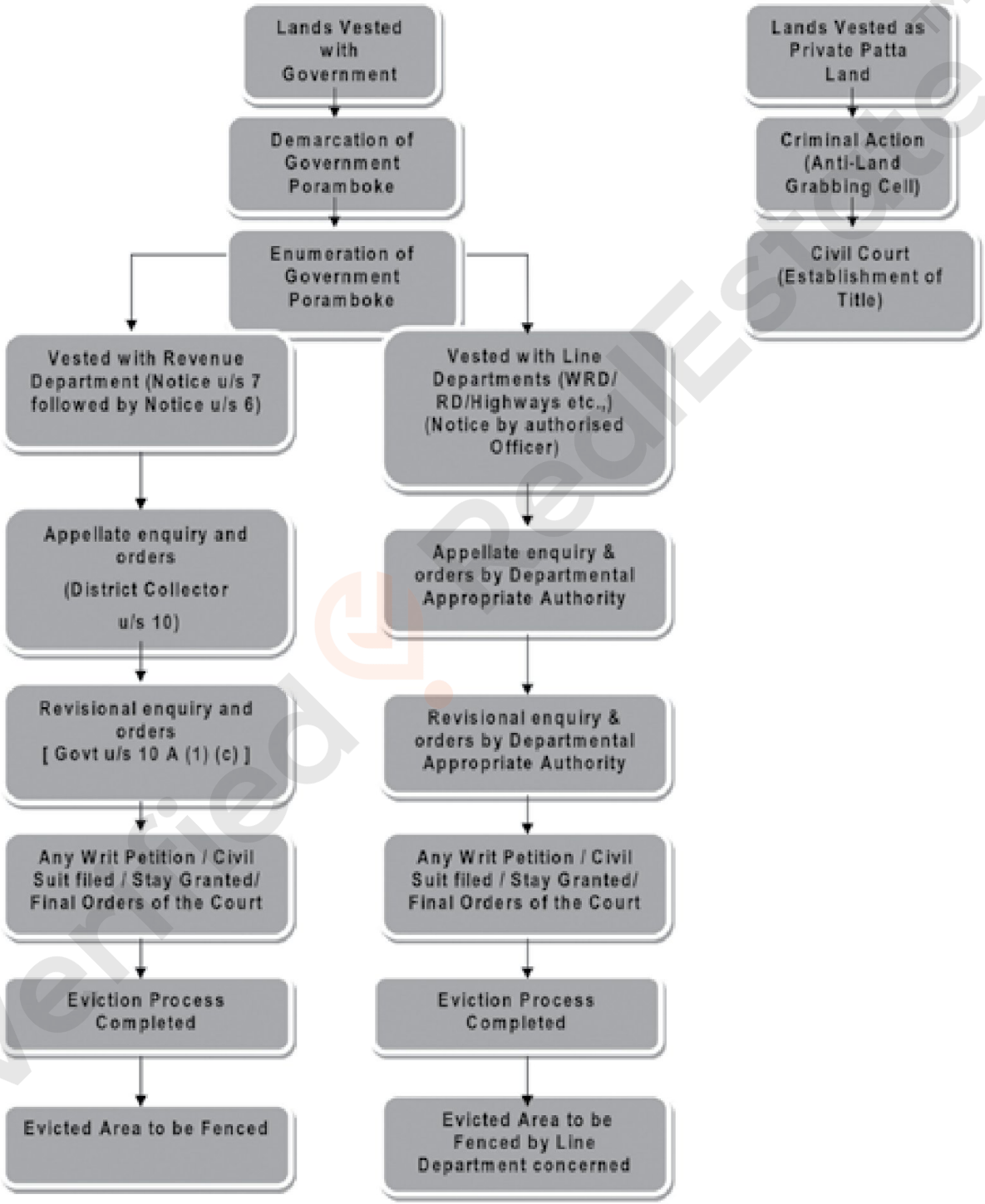
- Government in their letter (Ms) No.277, Revenue and Disaster Management Department, LD6(2), dated 21.06.2022 have allocated a sum of Rs.50 crores under the head of 317 AF 01 Minor works (2029 00 0001 AF 31701) for implementing protection and conservation of Government lands along with the guidelines. Accordingly, the amount received under i.e., Rs.50 Crores has been allocated and distributed among all the districts, inclusive of additional allotment for districts wherever corporations exist in some districts wherever the corporations to carry out effectively eviction activities followed by fencing to protect the valuable Government lands. The District Collectors are instructed to make internal appropriation for each taluk on pro-rata basis as per their actual requirements and needs and also follow the guidelines of Government Lands Retrieval and Protection Fund for the effective implementation, monitoring and reporting of the scheme. This special fund empowers transmission of funds for undertaking eviction process, protecting and fencing the valuable Government lands not only recently evicted but also the lands which are lying vacant and to be fenced for a long time.

- The progress undertaken in eviction of encroachments, vacating the stay on encroachment cases/contesting the case, CCMS and top 10 priority Water body encroachments, Educational Institutions are being reviewed regularly, periodically and monthly right from Hon'ble Minister of Revenue, the Chief Secretary to Government, the Additional chief Secretary to Government (Revenue & Disaster management Department) and by Commissioner of Revenue Administration, Commissioner of Land Administration, Commissioner of Land Reforms level. Weekly DRO & RDO review meetings at Commissionerate level are undertaken for periodical discussion and evaluation of land matters.

- Joint and combined action as per rules in force to be taken to evict the encroachments to be assured by each revenue sub-ordinate in contributing towards the common goal of protecting valuable Government lands for the future developments and projects in favour of the public and interests of the State.

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4. EVICTION OF ENCROACHMENT
FLOW CHART



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5. CHECK LIST TO HANDLE APPEAL/ REVISION UNDER TNLEA, 1905

District :

Taluk :

Village :

Sl.No.	Details	Replies/ Remarks								
1.	Nature of the Village	Estate			Revenue					
2.	If Estate Village, under which Act it was taken over by Government	Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948			Tamil Nadu Major Inams (Abolition and Conversion into Ryotwari) Act, 1963			Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963		
3.	Details of the Encroacher / Encroachers									
4.	Types of Encroachment	Cultivation			Residential			Commercial		
5.	Correlation of Registers									
	Sl. No	S. No	Total Ext.	Involv-ing Ext.	Classi fica-tion	as per RSR (Revenue Villages)	as per SLR (Zamin Villages)	as per UDR	as per NSS or TSLR (if Register persists)	as per Computer
6.	Eviction Process									
	Vested with Revenue Department						Vested with Line Departments (WRD/ RD/ Highways etc.,)			

	a. Demarcation (by Rev Dept)	Yes / No	a) Demarcation (by Rev Dept)	Yes / No
	b. Enumeration (by Rev Dept)	Yes / No	b) Enumeration (by Rev Dept)	Yes / No
	c. Notice u/s 7 Issued.	Yes / No	c) Form III issued (by Line Dept)	Yes / No
	d. Notice u/s 6 issued	Yes / No	d) Whether Appeal made	Yes / No
	e. Whether Appeal made	Yes / No	e) Stay Granted/ Vacated	Yes / No
	f. Stay Granted/ Vacated	Yes / No	f) Whether Appellate orders passed	Yes / No
	g. Whether Appellate orders passed	Yes/ No	g) Whether Revisionary orders passed	Yes / No
	h. Whether Revisionary orders passed	Yes/ No	h) Whether any Writ Petition / Civil Suit filed	Yes / No
	i. Whether any Writ Petition / Civil Suit filed	Yes / No	i) Stay given/ Vacated	Yes / No
	j. Stay given / Vacated	Yes / No	j) Whether Counter filed	Yes / No
	k. Whether Counter filed	Yes / No	k) Final orders of the court	Yes / No
	l. Final orders of the court	Yes / No	l) Eviction Process completed	Yes / No
	m. Eviction Process completed	Yes / No	Yes/No	
	n. Whether the evicted area is fenced	Yes / No		

District Collector /
District Revenue Officer

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6. FREQUENTLY ASKED QUESTIONS

1) What is the initial work of Eviction?

Identification	:	Any unauthorized construction, possession and enjoyment, cultivation etc. on a public land to be identified.
Verification of records	:	The Village accounts has to be verified. Any dispute or non-clarity, the previous registers such as OSR/RSR/SLR as the case may be to be verified, correlated to confirm the state of land.
Demarcation and Enumeration	:	The land in question to be surveyed and enumeration of encroachment and action to be taken as per rules in force.

2) If it is a patta land, what are the modalities to be observed?

Patta land is a private entity, any aggression on the private lands is only private trespassing as it is not an encroachment on a government land. Person affected by trespassing to make complaint to Anti – Land Grabbing Cell and for redressal of dispute, to approach the competent Civil Court for remedy. The Hon'ble High Court in its judgment in W.P.35206/2022, order dated 3.1.2023 has ruled out that ", no Mandamus would lie to remove the encroachment in a private property and accordingly, this Writ Petition stands dismissed." **(Annexure-7)**

3) For all the porambokes, Revenue Department, has to initiate action?

Revenue Department, being the custodian of land, the first and prime duty is to demarcate and enumerate the poramboke, the Revenue Department has to pursue eviction process as per the provisions of TNLEA 1905 for the lands vested with Revenue and for other poramboke lands vested with line Departments such as WRD, RD, Highways etc., the data on Demarcation & Enumeration has to be communicated to the Requisitioning Department to embark the eviction process as per the rules pertaining to that Department.

4) For Departments like Education, Public Health, Animal Husbandry etc., which Department and under what Act, Eviction process to be under taken?

The Dept, which are not having their exclusive Acts such as Health, AHD, Education etc., the Taluk Tahsildar has to perform the Eviction process under the provisions of TNLEA 1905.

5) For lands vested with state public utilities such as SIDCO, SIPCOT, CMDA etc. whether the Taluk, Tahsildar will perform the Eviction process?

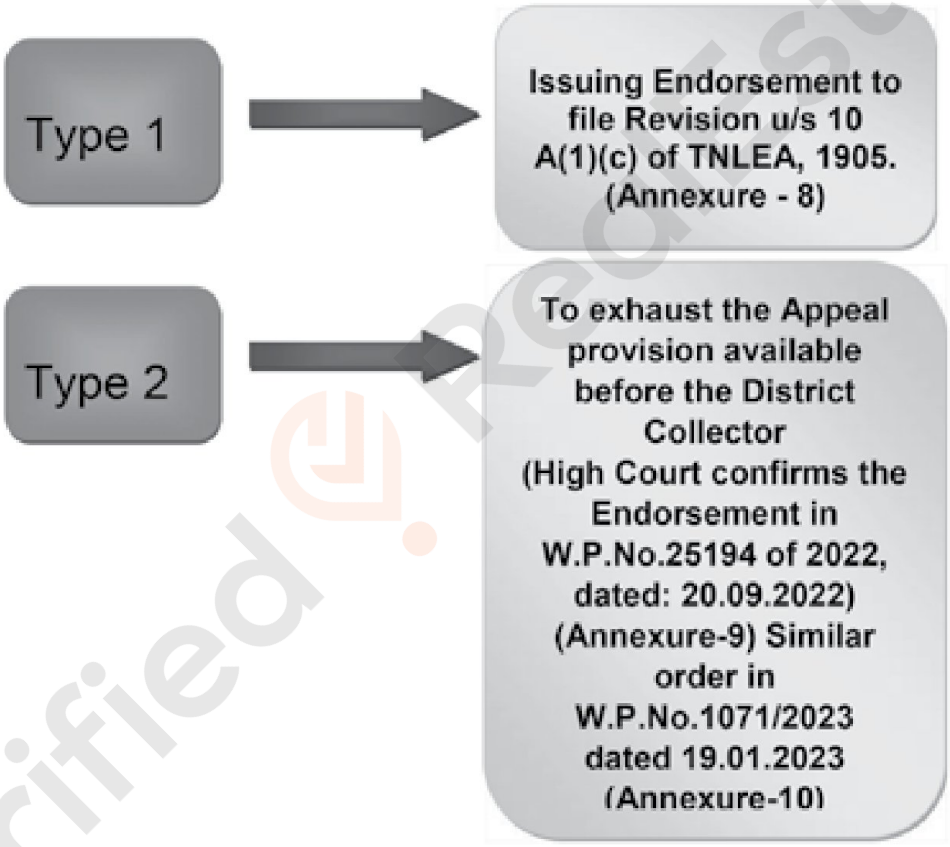
For land vested with public utility, State Public Sector Undertaking, the concerned estate officer will perform the eviction process under the provisions of Tamil Nadu Public Premises Act, 1975.

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6)	**For a water course, which is neither coming under the WRD nor with the civil bodies concerned, who will perform the eviction process?**
	The Revenue Department being the custodian of land, the Taluk Tahsildar has to perform under the provisions of TNLEA 1905.
7)	**Grama Natham being a residential site, how encroachments evicted?**
	Grama Natham is vested with Revenue Department, therefore, the Taluk Tahsildar has powers to vacate encroachment and commercial exploitation in Grama Natham by invoking the provisions of the TNLEA 1905.
8)	**Encroachments in OSR and pathai, which Department has powers to perform eviction process?**
	OSR (open space reserve) and pathai, etc., are lands vested with the civic bodies concerned. The taluk. Tahsildar will demarcate and enumerate the said poramboke and the concerned official of the Civic body (Village panchayat, Town panchayat, Municipality, Corporation etc.,) to invoke the provisions of their Act to perform eviction. (For eg. Tamil Nadu Panchayat Act, 1994, the District Municipalities Act, 1920 etc.,)
9)	**If a land already retrieved in favour of Government long back and lying vacant? Whether that land be fenced under the present scheme of fencing?**
	Yes. Whether it is old or new, Government lands has to be fenced and protected by using the present fencing fund.
10)	**Whether the mere filing of any Appeal, Revision, Writ or Civil Suit is a bar to eviction process?**
	It is not a bar, unless the appropriate forum before which the Appeal / Revision / Writ or Suit pending has granted stay. Even if any stay granted, steps have to be taken by Revenue Department, to vacate the stay to continue the process of eviction. Moreover, the filing of Civil Suits or Appeal Suits before the competent Civil Courts get often either unnoticed or followed, which enable the encroacher to get a title over the Government land. Whenever summon received, the case has to be vehemently fought in favor of Government, and interest of the Government has to be protected.

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MODEL ORDERS



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7. OTHER INFORMATION

- Important Judgments pronounced by Hon'ble Courts (Supreme Court, High Court – Madras & Madurai Bench) where Hon'ble Courts directed for restoration of Government poramboke into its original state, relocation and not regularisation of poramboke etc., as follows:

Classification	Judgment details
Water Course	**a) Orders of Madras High Court** 1) WP Nos:30687 & 30688 of 2005, dated:9.1.2019. 2) WP(MD) No.22163 of 2018, WP No.19949 of 2017 & WP No. 768 of 2019, dated:27.01.2022. 3) WP No.5076 of 2016, dated: 29.4.2019.
Meikkal	**a) Orders of Supreme Court** 1) Civil Appeal No. 5135 of 2021, dated:6.9.2021. **b) Orders of Madras High Court** 1) WP No.19286 of 2021, dated:02.02.2022.
Natham	**a) Orders of Madurai Bench** 1) WP(MD) No.18795 of 2016, dated:29.9.2016. 2) WP(MD) No.21071 of 2014, dated:21.1.2016.
Thoppu	**a) Orders of Madras High Court** **1)** WP No.16071 of 2021, dated:4.8.2021.
Land Plan marked Channels, Pathways, Cart – Tracks	**a) Orders of Madras High Court** 1) WP No.30187 of 2017, dated:06.02.2018. 2) WP No.35206/2022, dated:3.1.2023.
Open Space Reserve	**a) Orders of Madras High Court** 1) WP No.26183 of 2017, dated:26.10.2017.
B-Memos will not confer any right or title over Government lands	**a) Orders of Madras High Court** 1) W.P.No.22710 of 2005 and WPMP No.24739 of 2005, dated:15.7.2005. 2) W.P.Nos.731, 2440 and 3259 of 2007, 8103, 10563 and 15149 of 2010, and M.P.Nos.1 and 1 of 2007, 1 to 3,3,4, 2 and 3 of 2010, dated: 13.07.2011

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IMPORTANT COURT DIRECTIONS

1. In Jagpal Singh and others vs state of Punjab and others honourable Supreme Court of India in civil appeal number 1132/2011, has given following directions to state government. All state governments should prepare schemes for eviction of unnaturalised occupants of Grama Sabha/ Grama panchayat/ poramboke/shamlat land and these must be restored to grama Shaba/ grama panchayat for common use of the villagers of the village. For this purpose, the Chief secretary of all state government / union territories in India are directed through the needful, taking the help of other senior officers of the government. The said scheme should provide for the speedy eviction of judge illegal occupant, after giving him show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure making construction there on or political connection must not be treated as a justification for condoning this illegal act or for regularising the illegal position. The regularization is should only be permitted in exceptional cases.

2. In W.P. 1294/2009 on the file of Honourable High court of Madras the following directions were given. These provisions of Tamil Nadu eviction of encroachment Act 2007 do not any manner dilute the observation /directions issued in High court W.P. No. 1294/2009 and that the tanks which do not fall within purview of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act of 2007, also require protection from encroachment and any encroachment made in such a tanks or water bodies have to be removed by following in the provision of the Tamil Nadu land Encroachment Act 1905.

3. The Honourable Supreme Court of India in Civil appeal No. 5109/2019 has issued directions not to allot alternative land in lieu of existing water bodies as it will affect the growth of same flora and the local environment would be altered permanently.

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ANNEXURE - 1

1905-ஆம் ஆண்டு தமிழ்நாடு III ஆவது சட்டத்தின் 7வது பிரிவின் கீழ் அறிவிப்பு

---------- வட்டத்தில் ---------- கிராமத்தில் வசிக்கும் ---------- ---------- க்கு கீழே கண்டுள்ள விவரப் பட்டியலில் குறிப்பிடப்பப்பட்டுள்ள அரசினர் சொத்தாக இருக்கிற நிலத்தை அனுமதி பெறாமல் நீங்கள் அனுபோகத்தில் வைத்துக் கொண்டு இருப்பதாகத் தெரிய வருவதால் சட்டத்தின் 3(i)/(ii) பிரிவின் கீழ் விதிக்கப்பட்ட வீதத்துடன் 1905 ஆம் ஆண்டு III ஆவது சட்டத்தின் 5-வது பிரிவின் கீழ் ஏன் உங்களுக்குத் தீர்வை விதிக்கக்கூடாது என்பதற்கும், அதனுடன் / அல்லது உங்களை நிலத்திலிருந்து அப்புறப்படுத்தி, அதிலுள்ள பயிர்கள், விளைச்சல்கள், கட்டடங்கள், கட்டுமானங்கள் அதில் விட்டு வைத்திருக்கப்பட்டுள்ளவை ஆகிய இவைகள் சட்டத்தின் 6 வது பிரிவின் கீழ் ஏன் பறிமுதல் செய்யக்கூடாது என்பதற்கும் காரணத்தை -------- நாட்களுக்குள் நேரிலாவது எழுத்து வடிவிலாவது தெரிவிக்கலாம் என்பதை இதனால் உங்களுக்கு அறிவிக்கப்படுகிறது.

விவர அட்டவணை

கிராமம்	அளவை எண் உட்பிரிவு	நிலத்தின் முழு விவரம்	முழு பரப்பு ஹெக். ஏர்	அனுபோகத்திலுள்ள பரப்பு ஹெக். ஏர்	அனுபோகத்தின் நன்மை

(ஒப்பம் / பதவி முத்திரையுடன்)

பெறுநர்

குறிப்பு: மேலே குறிப்பிட்டுள்ள நிலத்தை அனுபோகம் செய்திருப்பவருக்கு நேரிலோ அல்லது அவர் வழக்கமாகக் குடியிருக்கும் வீட்டிலுள்ள குடும்பத்தில் வயது வந்த ஆண் இனத்தவர் ஒருவரிடத்தில் அல்லது அவரது அதிகாரம் பெற்ற பிரதிநிதியிடத்தில் இந்த அறிவிப்பைக் கொடுத்தோ அல்லது கடைசியாக குடியிருந்ததாகத் தெரியும் வீட்டில் அல்லது அவர் அனுபோகம் செய்துள்ள நிலத்தில் தெளிவாகத் தெரிகிற ஒரு எடுப்பான இடத்தில் ஒட்டி சேர்ப்பிக்க வேண்டும்.

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ANNEXURE - 2

1905-ஆம் ஆண்டு தமிழ்நாடு III ஆவது சட்டத்தின் 6வது பிரிவின் கீழ் அறிவிப்பு

---------- வட்டத்தில் ---------- கிராமத்தில் வசிக்கும் ----------

---------க்கு அரசாங்கத்துக்குச் சொந்தமானதும் 1905 ஆம் ஆண்டு III ஆவது சட்டத்தின் 3-ஆம் பிரிவின் கீழ்த் தீர்வை செலுத்துவதற்குட்பட்டதுமான கீழ் கண்டுள்ள விவர அட்டவணையில் குறிக்கப்பட்டுள்ள நிலத்தை அனுமதியின்றி பெறாது நீங்கள் அனுபோகம் செய்திருப்பதாகத் தெரிய வருவதால் இவ்வறிவிப்பு பெற்றுக் கொண்ட தேதியிலிருந்து --------- நாட்களுக்குள் அந்நிலத்தைக் காலி செய்து, அதிலுள்ள பயிர்கள் அல்லது விளைப்பொருள், கட்டப்பட்டுள்ள கட்டடங்கள் அல்லது கட்டுமானங்கள் அல்லது அதில் விட்டுவைக்கப்பட்டிருக்கும் பொருட்களை நீங்கள் அப்புறப்படுத்திவிட வேண்டும். அவ்வாறு செய்யத் தவறினால் உங்களை உடனடியாக நிலத்திலிருந்து அப்புறப்படுத்துவதுடன் அந்நிலத்திலுள்ள பயிர்கள் அல்லது விளை பொருட்கள், கட்டப்பட்டிருக்கும் கட்டிடங்கள் அல்லது கட்டுமானங்கள் அல்லது விட்டுவைக்கப்பட்டிருக்கும் பொருள்கள் அனைத்தும் பறிமுதல் செய்யப்படுவதற்குட்படும்.

விவர அட்டவணை

கிராமம்	அளவை எண் உட்பிரிவு	நிலத்தின் முழு விவரம்	முழு பரப்பு ஹெக். ஏர்	அனுபோகத்திலுள்ள பரப்பு ஹெக். ஏர்	அனுபோகத்தின் தன்மை

அப்புறப்படுவத்துவதற்கான ஆணையை நிறைவேற்றவும், பறிமுதலுக்கு உட்படும் நிலத்தின் மேலிருக்கும் யாதொன்றையும் அது முடிவு செய்யப்படுவதற்கான ஆணையை --------- பிறப்பிக்கும் வரை அதைச் சுவாதீனப்படுத்திக் கொள்ளப்பட்டு பாதுகாப்பில் வைத்திருப்பதற்கும் குறுவட்ட வருவாய் ஆய்வாளருக்கு இதனால் அதிகாரம் அளிக்கப்பட்டுள்ளது என்பதையும் மேலும் அறிவிக்கப்படுகிறது.

(ஒப்பம் / பதவி முத்திரையுடன்)

பெறுநர் :

குறிப்பு: மேலே குறிக்கப்பட்டுள்ள நிலத்தை அனுபோகம் செய்திருப்பவருக்கோ நேரிலோ அல்லது அவர் வழக்கமாகக் குடியிருக்கும் வீட்டிலுள்ள குடும்பத்தில் வயது வந்த இனத்தவர் ஒருவரிடத்தில் அல்லது அவரது அதிகாரம் பெற்ற பிரதிநிதியிடத்தில் இந்த அறிவிப்பைக் கொடுத்தோ அல்லது அவர் கடைசியாக குடியிருந்ததாகத் தெரியும் வீட்டில் அல்லது அவர் அனுபோகம் செய்துள்ள நிலத்தில் தெளிவாகத் தெரிகிற ஒரு எடுப்பான இடத்தில் ஒட்டியோ சேர்ப்பிக்க வேண்டும்.

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ANNEXURE - 3

2006-2 - L.W.323

IN THE HIGH COURT OF JUDICATURE AT MADRAS

15-7-2005 / Writ Petition No.22710 of 2005 and WPMP No.24739 of 2005

P.D.Dinakaran , J.

A.Parvathy & 3 others ... Petitioners

Vs.

1. The Collector, Tiruvellore District, at Tiruvellore,
2. The Tahsildar , Ambattur Taluk , Tiruvellore District ,
3. Mr.K.Sathyanarayanan ,
4. K.Hariharan alias Harinarayanan ....Respondents

This writ petition has been filed under Article 226 of Constitution of India, praying this Court to issue a writ of mandamus as stated therein.

Constitution of India, Article 226 / Eviction, Patta, Land Encroachment Act, Section 7 - B, Memo, Patta - Writ Petition to forbear from forcible eviction of petitioner -Mere pendency of the representation for grant of patta or issuance of B memo will not confer any right - Petitioner failed to prove either legal right under any statute or any statutory duty and failure thereof on the part of the authority concerned, for the relief claimed.

(2003) 12 SCC 627 (Union of India Vs. C Krishna Reddy); - **Referred to**.

Writ Petition dismissed.

For Petitioners : Mr.M.V.Muralidaran

For Respondents: Mr.E.Sampath Kumar.GA. for RR - 1 & 2.

ORDER

Seeking a writ of mandamus, the petitioners have filed this writ petition for a direction forbearing the respondents from forcibly evicting the petitioners from their lawful possession and enjoyment of the house and "PUNJAI DHARISU" property in Survey No.33 / 2 of Adaiyalampattu Village, Ambattur Taluk, Tiruvellore District bounded on North by Panchayat Union Road, South by Dhandapani Chamber Vacant land, East by 220 feet National High way Road and West by Rajarajeswari College Compound.

2. In the affidavit, the second petitioner has stated that all the petitioners are permanently residing in 27-1 / 2 cents in S.No.33 / 2 of Adaiyalampattu Village, Ambattur Taluk, Tiruvellore

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District, measuring a total extent of 1.55 acres. In the revenue records, the said survey number is shown as " punjai dharisu ". Therefore, except the Government of Tamil Nadu, the respondents 3 and 4 or any other person has no right over the said lands. The petitioners are being issued with ' B ' memos. They are also having ration cards for their respective houses and applied for electricity connection to their houses. The petitioners are doing odd jobs and eking out their livelihood. The petitioners have been making representations seeking issuance of patta in respect of their respective lands and finally, on 14.2.2005, they have made representations to the respondents, which is still pending. They have no other properties of their own. The respondents 3 and 4 who are influential persons, in the month of May 2005, demanded the petitioners to sell their properties to them. to which the petitioners did not oblige. The petitioners came to know that those respondents are attempting to get planning permission from C.M.D.A Chennai and are trying to sell away the plots by registering the documents before the Sub-Registrar. Virugambakkam. The petitioners, on 8.7.2005, made objection to the Member-Secretary, C.M.D.A. and the Sub Registrar. Virugambakkam . The Sub - Registrar. Virugambakkam, returned the objection saying that unless there is a Court order. he cannot act on their objection. On 11.7.2005, officials of the second respondent - Tahsildar came to the spot along with the respondents 3 and 4 and directed the petitioners to vacate the premises. Even though the petitioners showed all the documents, they did not accept their contentions. According to the petitioners, without eviction notice under Section 7 of the Land Encroachment Act, the petitioners cannot be evicted. Hence, the writ petition jointly by the petitioners.

3.Heard the learned counsel for the petitioners as well as learned Government Advocate for respondents 1 and 2.

4. Mere pendency of the representation made by the petitioners for the grant of patta or issuance of B memo in their favour, will not confer any right on the petitioners to issue patta in their favour. The Apex Court in the decision reported in (2003) 12 SCC 627 (Union of India Vs C.Krishna Reddy) has held that a writ of mandamus cannot be issued unless it is shown that there is a statute empowers a legal duty on the officer concerned and there is a failure on his part to discharge the statutory obligation of the petitioner as a legal right under the statute to enforce its performance. In the present case. the petitioners have not proved either their legal right under any statute or any statutory duty and failure thereof on the part of the authority concerned. for the relief claimed.

5. In this view of the matter, the writ petition is dismissed. No costs. Connected WPMP No.24739 of 2005 is also dismissed.

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ANNEXURE - 4

ABSTRACT

Committees – Encroachments in water bodies and other Government land Enumeration, Eviction and Monitoring Formation of new Committees in Supersession of earlier Committees – Orders - Issued.

REVENUE AND DISASTER MANAQEMENT DEPARTMENT
LAND DISPOSAL WING. 'LD.6(2)' SECTION

G.O.(Ms)No.64 **Dated: 08.02.2022**
பிலவ வருடம், தை 26
திருவள்ளுவர் ஆண்டு 2053

Read:

1. G.O.(Ms) No.105, Revenue Department, dated 07.03.2001.
2. G.O.(Ms) No.771, Revenue (LD6(2)) Department, dated 27.11.2006.
3. G.O.(Ms) No.540, Revenue (LD6(2)) Department, dated 04.12.2014.
4. G.O.(Ms) No.148, Revenue (LD6(2)) Department, dated 24.03.2016.
5. Government letter No.30252/LD6(2)/2021-4, dated 16.11.2021.

*****

ORDER:

The Government have constituted several committees from time to time at Taluk/ Divisional/ District/ State level to protect the Government lands from encroachments and in compliance with the orders of Hon'ble courts for monitoring the action taken for eviction of encroachments in Government lands with priority given to Water bodies as detailed below:-

i) A district level steering Committee chaired by the District Collector was constituted based on the recommendation of estimate Committee (1997- 1998).

ii) A Secretariat level high level Committee chaired by the Hon'ble Minister, Revenue and Law was constituted based on the orders of the Hon'ble High Court of Madras dated 06.06.2002 in W.P.Nos.15673 to 15686/2002.

iii) Three Redressal Committees i.e., Taluk Committee, Appellate Committee at Divisional level and Review Committee at District level were constituted in compliance with the orders of the Hon'ble High Court of Madras dated 08.10.2014 in W.P.No.26722/2013.

iv) In the light of the observations made by the Hon'ble High Court of Madras in W.P.No.4614/2015 amendments were issued to G.0.(Pts) No.540, dated 04.12.2014 vide G.0.(MS) No.148 dated 24.03.2016 accordingly the concerned

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officials of Water Resources Department, Public Works Department are included in the Redressal Committees.

v) In the light of the observations made by the Hon'ble High Court of Madras in W.P.No.10666/2019 all the District Collectors were instructed vide Government letter No.30252/LD6(2)/2021-4, dated 16.11.2021 to formulate a local team with concerned Assistant Engineer/ Assistant Executive Engineer, Village Administrative Officer, Panchayat President, Local NGO, other interested villagers, SHG members as tank protection committee.

2.Since it is considered that a single point reporting/ monitoring system is necessary at each level for effective initiatives towards protection/ maintenance of Water bodies and other Government lands and Hon'ble courts also have given directions time to time insisting stringent action against encroachment especially in water bodies, in supersession of all the existing committees following three committees are constituted, each at divisional, District and State level for effective reporting/ monitoring of developments in identifying and eviction of encroachments in water bodies and other Government land.

(i) <u>DIVISIONAL MONITORING COMMITTEE</u>

Chairperson/ Convenor: Revenue Divisional Officer

Members:

- Jurisdictional Deputy Superintendent of Police/ Assistant Commissioner of Police
- Municipal Commissioners
- All Tahsildars
- Sub-Divisional Officer/Water Resources Department
- Assistant Divisional Engineer, Highways of C &M wing of Highways
- Zonal Officer of Assistant Director Cadre from Rural Development & Panchayat Raj Department
- Divisional Inspector of Survey
- Any other Special Invitees as decided from time to by the Chairman

The divisional level committee is entrusted with the works of identifying, enumerating and reporting of category wise objectionable and unobjectionable encroachments and monitoring the action taken against the encroachments at Taluk level. The Committee shall meet once in a month

(ii) <u>DISTRICT MONITORING COMMITTEE</u>

Chairperson: District Collector

Members:

- Superintendent of Police
- Commissioner of Police (if applicable)

- Corporation Commissioner (if applicable) / Municipal Commissioner of District Headquarter Municipality
- Executive Engineer/Water Resources Department of all relevant Divisions
- Divisional Engineer Highways of C & M wing of Highways
- Project Director/Joint Director of Rural Development Additional Director (Panchayat)
- Assistant Director, Town Panchayats
- Assistant Director, Survey & Land Records
- All Revenue Divisional Officers

Convenor — District Revenue Officer

- Any other Special Invitees as decided from time to by the Chairman

The district level Committee shall prepare a District level action plan on enumeration and eviction of encroachments in Government lands with priority given to water bodies and monitor the progress and report to the Commissioner of Land Administration. The Committee Shall meet monthly on the date of District Revenue Administration Meeting/ Law & Order Meeting.

(iii) <u>STATE STEERING COMMITTEE</u>

Chairperson: Chief Secretary to Government

Members:

- Secretary, Revenue & Disaster Management Department
- Secretary, Municipal Administration and Water Supply Department
- Secretary, Water Resources Department
- Secretary, Highways & Minor Ports Department
- Secretary, Rural Development and Panchayat Raj Department
- Secretary, Home, Prohibition and Excise Department
- Secretary, Housing and Urban Development
- Department Director General of Police
- Director of Rural Development and Panchayat Raj Department
- Commissioner, Greater Chennai Corporation
- Director of Municipal Administration
- Engineer-in-Chief, Water Resources Department
- Director General, Highways
- Managing Director, TN Urban Habitat Development Board
- Director of Survey and Settlement

Convenor — Commissioner of Land Administration

- Any other Special invitees as decided from time to by the Chairperson.

The state level Committee shall monitor and review the overall progress in eviction of

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encroachments and compliance of Court orders in respect of encroachments in water bodies and other highly objectionable poramboke. The Committee will convene once in a month and the issues will be taken up for discussion along with the all-Secretaries Meeting.

3.Detailed format for reporting of the above Committees will be issued separately by Revenue Department. In the meantime, Taluk Tahsildar and other Field officers of concerned line Departments (like WRD, Highways etc.) should initiate eviction process after identifying encroachments in objectionable Government lands with priority given to Water bodies. The relevant Acts and the processes prescribed under these Acts should be followed while evicting the encroachments.

(BY ORDER OF THE GOVERNOR)

Kumar Jayant
Principal Secretary to Government

To

The Additional Chief Secretary to Government, Water Resources Department, Secretariat, Chennai — 9.

The Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai — 9.

The Principal Secretary to Government, Highways & Minor Ports Department Secretariat, Chennai — 9.

The Principal Secretary to Government, Rural Development and Panchayat Raj Department, Secretariat, Chennai - 9.

The Additional Chief Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Chennai — 9.

The Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai — 9.

The Commissioner of Land Administration, Chepauk, Chennai-5.

The Principal Secretary/ The Commissioner of Revenue Administration, Chepauk, Chennai-5.

Director General of Police, Chennai-4.

Director of Rural Development and Panchayat Raj Department, Chennai-15.

Commissioner, Greater Chennai Corporation, Chennai-3.

Director of Municipal Administration, Chennai-28.

Engineer-in-Chief, Water Resources Department, Chennai-5.

Director General, Highways, Chennai-25.

Managing Director, TN Urban Habitat Development Board, Chennai-5.

Director of Survey and Settlement, Chennai-5.

All District Collectors.

All Revenue Divisional Officers. (To be Served through concerned District Collector)

Copy to:

The Chief Minister's Office, Chennai-9.

Private Secretary to Chief Secretary to Government, Chennai-9.

Private Secretary to Principal Secretary to Government, Revenue and D.M Department, Secretariat, Chennai-9.

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ANNEXURE - 5

BOARD OF REVENUE (LAND REVENUE) CHEPAUK.
MADRAS 5.

Subject

Encroachment- Land Plan marked - Channels Pathways -Pathways Excavation Proceedings under the land Encroachment Act, 1905 -Institution of Revised Instructions -Issued

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(RP Perm 1039 (1), dated 26th July 1966)

From

Sri S. R. KAIWAR, I.C.S.
Commissioner of Land Revenue and Settlement of Estates
Sri N. S. MANI, I.C.S.
Commissioner of Land Revenue and Reforms,
Sri E. P. ROYAPPA, M.B.E. (Mily), I.A.S.,
Commissioner of Land Revenue, and Food Production.
Sri S. VISWANATHAN, I.A.S.,
Commissioner of Land Revenue, Prohibition and Excise.
Sri V. BALASUNDARAM, I.A.S.,
Commissioner of Land Revenue, Commercial Taxes and Transport,
Sri D. K. OZA, I.A.S.,
Additional Secretary Incharge.

Read:

1. B.P Ms. No. 894, dated 30th May 1922
2. B.P Rt. No. 2606 (L), dated 29th April 1956
3. B.P. Perm No. 670 (K), dated 4 May 1966.

1. The attention of Collectors is invited to B.P. Rt. -No.2606 (L) dated 29th April 1966 communicated with B.P. Perm. NO. 670 (K), dated 4th May 1966. The former proceedings are the orders passed by the then Commissioner of Land Revenue, Prohibition, Excise and Settlement of Estates in an appeal against the order of the Collector of Salem refusing to grant a No Objection Certificate' in respect of the site of a proposed touring cinema. In that case, the question arises whether a plan marked pathway was a public pathway for purposes of determining whether the site of the touring cinema was beyond the prohibited proximity of one mile from a permanent cinema While disposing of that case the Commissioner has given ruling that a plan marker pathway is a government land and a public pathway. In furtherance of that ruling the following detailed instructions are issued in the matter of the treatment of encroachments on all plan-marked details

2. In its earlier Proceedings Mis 894, dated 30th May 1922 Board had issued instructions to the effect that eviction of encroachments on plan marked details, such as pathway, irrigation channels and cart-tracks, should be left to be dealt with, by the interested parties themselves, except where Government interests or important public interests are involved or where it is case of an important man taking undue advantage of his position and attempting to deprive others of a night acquired by long user. Those instructions seem to proceed on the assumption that in the absence of demarcation on ground and separate sub-division as poramboke, it would be difficult to prove in courts that these details are Government property. The Board as constituted now, however, sees no basis for such an assumption For, it is not as if the pattadar pays assessment also for the plan marked detailed included in his holding As pointed out in BP Rt No.2606 (1), dated 29th April 1966, the recital in the Descriptive Memon in the Resettlement Registers (also known as village A Registers) makes it clear that during settlement, while fixing the assessment of holdings, a percentage deduction has been made from the value of half the net produce, towards seasonal vicissitudes and unprofitable areas like plan marked ridges, irrigation channels, pathways and cart tracks, included in the ryots holding. The settlement Notification also refers to the percentage deduction so made, in respect of seasonal vicissitudes and unprofitable areas The fact of inclusion of any such detail in any survey field, therefore, does not mean that the Government have foregone or abandoned the nights in respect of them. It follows, then, that such inclusion does not confer on the cultivator of the field in which the detail is included the night of entering on such poramboke or of in any way interfering with it. In short, encroachments on plan marked details can and should be dealt with under the Madras Land Encroachment Act, 1905, just the same ways as encroachments on other poramboke lands which have been separately sub-divided and specifically classified as poramboke. The Collectors and District Revenue Officers are accordingly requested to treat the earlier instructions issued. in BP M No. 894, dated 30th May 1922 as cancelled. As regards the manner of action to be taken on encroachments on plan marked details, the Collectors and District Revenue Officers are requested to bear in mind the following detailed instructions.

3. There may be cases where the ryot, through whose holding the plan marked detail, passes has shifted the details from its original course so as to make it ran along one or more sides of his field, with a view to consolidating his holding or with a view to facilitating irrigation of the portions which would be otherwise severed. The Board considers that such diversions or alterations of the course of the details need not be treated as encroachments. The provisions of the Land Encroachment Act need be invoked only in cases where the ryot has interfered with, the details so as to close its entrance to and exit from his field or so as to narrow down the detail or otherwise-render its use impossible or difficult. In the case of pathways and cart- tracks, which have been metalled and which have been used by the public till recently, however, the ryot should not be allowed to shift the course of the details to suit his own convenience.

4. As regards the question as to how an encroachment on a plan marked detail can be specified in the notices to be issued under sections 6 and 7 of the Land Encroachment Act, in

the absence of demarcation and separate sub-division, the Board considers that there should be no difficulty in booking B. Memo even without positive identification with survey stones. After all, what is needed is a rough computation of the area encroached upon with reference to the available information in the F.M. Book and the Descriptive Memoir, and a brief statement about the nature of the encroachment. If the quantum of the percentage deduction made for the plan marked details is known and it would not be difficult to ascertain it from the Descriptive Memoir it would be a simple exercise in arithmetic to find out the area to be set apart for them. It would be again a simple matter of visual estimation to arrive at the extent of encroachment.

5. As regards controversial cases in which the interests of Government are firmely to suffer the Board considers that it is desirable to effect regular sub-division of the details and their separate registry as porambokes, according to their nature and usage. Instructions to the survey staff for effecting sub-division in such cases, during the course of maintenance, will be issued separately.

6. The Collectors District Revenue Officers are requested to acknowledge receipt of these proceedings.

V. D. CHARLES
for Additional Secretary

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ANNEXURE - 6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

AND

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30187 of 2017

and

W.M.P.Nos.32811 of 2017 and 1837 of 2018

S.P.Rajamani ..Petitioner

Vs.

1. State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   Revenue Department,
   Fort St.George, Chennai-600 009.
2. The District Collector, Erode District, Erode.
3. The Tahsildar, Anthiyur Taluk, Anthiyur, Erode District.
4. R.Babu Reddy .Respondents

Writ Petition filed under Article 226 of the Constitution o cvf India, praying for issuance of a Writ of Mandamus to forbear the respondents 2 and 3 and their subordinates from interfering into petitioner's peaceful possession, demolishing and enjoyment of property (residential house) in Survey No.159/1, an extent of 2 cents, situated at Vellitrippur Village, Anthiyur Taluk, Erode District or in the alternative, direct the respondents 1 to 3 to issue house site patta to the petitioner under the special scheme of the first respondent within stipulated time if it is encroached.

For petitioner : Mr.M.R.Jothimanian

For respondents: Mr.R.Udayakumar, Addl.G.P. for RR-1 to 3

Mr.D.Thirumoorthy for Ms.S.P.Arthy for R-4

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ORDER

(The Order of the Court was made by M.Venugopal, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to forbear the respondents 2 and 3 and their subordinates from interfering into petitioner's peaceful possession, demolition and enjoyment of property (residential house) in Survey No.159/1, an extent of 2 cents, situated at Vellitrippur Village, Anthiyur Taluk, Erode District or in the alternative, direct the respondents 1 to 3 to issue house site patta to the petitioner under the special scheme of the first respondent within stipulated time if it is encroached.

2. According to the petitioner, he hails from a poor agricultural family and possessing agricultural land in Survey No.158 of Vellithirupur Village, Reddypalayam Post, Anthiyur Taluk, Erode District and the same was acquired by him by means of registered partition deed, dated 15.07.2012 (vide document No.958 of 2002). It is the stand of the petitioner that from the date of partition of the said property, he and his family members are residing there and enjoying the property. Furthermore, he is cultivating his land for his family's livelihood and has constructed a small house in S.No.158 of the said village. However, he was informed by the Revenue Officials that 2 cents of land (residential house) is in S.No.159 of the said village, which is adjoining the petitioner's house and S.No.159 is classified as 'Vandi Pathai' (cart track). The plea of the petitioner is that he had constructed his house in his patta land and he had not made any encroachment as averred by the respondents in S.No.159. Because of the neighbouring land dispute between the petitioner and the fourth respondent, the fourth respondent had lodged a complaint as if the petitioner had encroached the cart-track and put up construction of a residential house. In fact, the claim of the fourth respondent is an incorrect one and against the rights of the petitioner to reside in his patta land. The petitioner has obtained electricity connection and also has documents to show that from the year 1993, he is residing there and that 20 feet of the cart-track is available to the use of the fourth respondent and others and the remaining area is covered by big rock on the other side, which is 5 metres. As such, the claim of the fourth respondent is an illegal one and against the petitioner's occupation of the property in question.

3. While that be the fact situation, on 01.03.2017, the version of the petitioner is that the third respondent/Tahsildar had passed an order to remove the encroachment made by the petitioner in S.No.159/1 of Vellitirupur Village. Pursuant to the said order of the third respondent, dated 01.03.2017, the petitioner submitted his explanation before the second respondent/District Collector and the third respondent/Tahsildar and the same was not considered by them. Hence, the petitioner filed a civil suit in O.S.No.137 of 2017 before the District Munsif Court, Bhavani, against the respondents 2 to 4 herein. The trial Court in I.A.No.498 of 2017 in O.S.No.137 of 2017 granted an order of interim injunction on 03.10.2017 and the main suit is pending as on date. Besides the above, the learned counsel for the petitioner submits that on 16.11.2017, the third respondent and the Revenue Officials came to the petitioner's house and informed that they are going to demolish his residential house, as it is encroached by the petitioner and the

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residential house in S.No.159/1 of the said village was put up by him and that the demolition of the petitioner's house will be done as per the order passed by this Court in W.P.No.21888 of 2017, dated 17.08.2017, which is filed by the fourth respondent herein as writ petitioner therein. In fact, in the aforesaid Writ Petition, a demolition order was passed by this Court and a direction was issued to the third respondent to conduct enquiry after de-notice being issued to the petitioner.

4. The main grievance of the petitioner is that no notice was issued to him and no enquiry was conducted by the third respondent/Tahsildar, and therefore, the action of the third respondent is against his claim before the civil Court. It cannot be gainsaid that the fourth respondent is the third defendant in the said suit, in which interim injunction was granted against the respondents 2 to 4 herein. In this connection, the petitioner herein comes out with a stand that interim order of injunction passed by the trial Court in the said suit is in force as on date, which fact has been suppressed by the fourth respondent as if the petitioner has encroached the cart-track by putting up the construction.

5. Advancing his arguments, learned counsel for the petitioner submits that 2 cents of cart-track is very much available for the fourth respondent and others and also the remaining 5 metres of big rock on the other side is also available. As such, no encroachment is made by the petitioner as alleged by the fourth respondent. In short, according to the learned counsel for the petitioner, the fourth respondent is misleading the Court and in reality, the respondents 2 to 4 should have disclosed the factum of filing of the said suit which is pending before the trial Court, and therefore, the petitioner's rights should be protected from the illegal action of the respondents 2 and 3.

6. Therefore, the petitioner has filed the present Writ Petition seeking to restrain the respondents 2 and 3 from interfering with the petitioner's peaceful possessing and demolition and enjoyment of his residential house in S.No.159/1 measuring an extent of 2 cents situated in the said village, or in the alternative, for passing an order by this Court directing the respondents 1 to 3 to issue house site patta to and in his favour under the special scheme of the first respondent within the stipulated time, if it is encroached.

7. The third respondent has filed counter affidavit. No counter affidavit is filed by the respondents 1, 2 and 4.

8. Per contra, learned Additional Government Pleader appearing for the respondents 1 to 3, by filing counter affidavit of the third respondent, submitted that before filing the present Writ Petition by the petitioner, the fourth respondent gave a notice, dated 07.01.2017 through his counsel to evict the encroachment in the cart track in S.No.159/1 by addressing the same to the second respondent/District Collector, Erode, with copies being marked to the Revenue Divisional Officer, Gobichettipalayam and third respondent/Tahsildar, Anthiyur. In fact, the second respondent/District Collector forwarded the said notice and instructed the third respondent/ Tahsildar to take necessary action in accordance with the instructions laid down in G.O.Ms.

No.540, Revenue (LD6(2)) Department, dated 04.12.2014. At this juncture, learned Additional Government Pleader appearing for the respondents 1 to 3 contended that on a perusal of the village accounts, the land in question bearing R.S.No.159/1, measuring 0.17.0 hectares, is registered as patta in the name of R.Ganapathy Gounder and the President of Panchayat Vellithiruppur with 'Nilaviyal Vandi Pathai' (cart track). Really speaking, in the said 'Nilaviyal Vandi Pathai' (cart track), according to the learned Additional Government Pleader appearing for the respondents 1 to 3, no one has got any exclusive right on the portion of the plan marked channel or pathway or cart track running in the patta land, because of the fact that these are Government lands. In this connection, the learned Additional Government Pleader referred to Order No.26 of the Revenue Standing Orders, particularly, 26.15 therein, in which, it is clearly mentioned as under:

> RSO.26.15. Encroachments on plan marked details: A plan marked channel or pathway running in a patta land is a Government land. Eviction of encroachments in such lands need be invoked only in cases where the encroacher has interfered with the plan marked detail so as to close its entrance to an exit from his lands. In the case of pathways and cart tracks which have been used by the general public till recently, the ryot should not be allowed to shift the course of the details to suit his own convenience. However, such diversions of plan marked channel from its original course, with a view to consolidate his holding or to facilitate irrigation of the portions which would be otherwise severed need not be treated as an encroachment."

9. Furthermore, in reply to the application dated 24.04.2013 of one Mr.M.Sivasubramaniam of Chithode of Erode District, under the Right to Information Act, the Assistant Commissioner of Land Administration Department-III, Chennai, has given reply dated 14.05.2013 stating that the information sought for about encroachment in 'Nilaviyal Pathai' is given therein and as per the Revenue Standing Order No.15, the demarcation of the Nilaviyal Pathai even running in the patta land, is owned to the Government and the Tahsildar is empowered to vacate the encroachment found in the Nilaviyal Pathai. Added further, another application dated 30.06.2014 of one Thiru.E.Krishnan of Ayappakkam of Chennai, under the Right to Information Act, the Assistant Commissioner of Land Administration Department-III, Chennai, replied in his letter dated 18.07.2014 stating that Nilaviyal Cart Track is a cart track running through patta land, but it is a Government land and the public has the right of way to pass through this Nilaviyal Cart Track and the pattadar has no right to close his cart track rendering it impossible to the public.

10. The core contention advanced on behalf of the respondents 1 to 3 is that since the dispute-land is 'Nilaviyal Cart Track' owned by the Government left for general public use, the officials concerned interfered to remove the encroachments in the 'Nilaviyal Cart Track' based on the petitions received from the fourth respondent-Babu Reddy. Based on his application, a report has been called for from the Zonal Deputy Tahsildar and the Revenue Inspector, Ammapettai and from the reports received from the subordinates of the third respondent-Tahsildar, Anthiyur, it came to light that the building was constructed by one Mr.Rajamani on the 'Nilaviyal Vandi

Pathai' (cart track) and the building was rented out to the purchase point of a private milk society to purchase the milk from the farmers residing in the surroundings and for this building, the encroacher has paid house tax before the Village Panchayat concerned and also obtained service connection from the Tamil Nadu Electricity Board.

11. Learned Additional Government Pleader appearing for the respondents 1 to 3 while drawing the attention of this Court to the counter affidavit filed by the third respondent-Tahsildar, submitted that since the second respondent-District Collector, Erode has instructed the third respondent-Tahsildar to take action in accordance with the instructions prescribed in G.O.Ms.No.540, Revenue (LD6(2)) Department, dated 04.12.2014 and also on the reports of the subordinates, and it was desired to conduct enquiry with liberty to the petitioner and the encroacher to offer their claim and in this regard, a notice dated 16.02.2017 was issued by the third respondent-Tahsildar and served on them. In fact, the writ petitioner, the encroacher, the Revenue Inspector and the Village Administrative Officer were present on the date of enquiry held on 21.02.2017. During the course of enquiry, statements were obtained from the writ petitioner as well as the fourth respondent and the fourth respondent-Babu Reddy in his statement, has stated that the land bearing R.S.No.160 is owned by him hereditarily and enjoyed by him and trespassed through the Nilaviyal cart track running in the land R.S.No.159/1 and now the said person has occupied the portion of the land by constructing a house and hence, he is not able to use the vehicles and to access his patta land and prayed for removing the encroachment. However, in the statement furnished by the encroacher, he has stated that he has encroached a portion of the land in Nilaviyal cart track and constructed a house and residing there and further, he had agreed to remove the encroachment for making a pathway to the petitioner within two days and if he has not removed the encroachment by the time, he will abide by the action taken by the Government.

12. The Version of the respondents 1 to 3 is that the writ petitioner (encroacher) had not turned up to vacate his occupation in the 'Nilaviyal Cart Track' in time and as such, the third respondent-Tahsildar, by proceedings dated 01.03.2017, ordered the Zonal Deputy Tahsildar, Revenue Inspector, Firka Surveyor and the Village Administrative Officer to evict the encroachment in the 'Nilaviyal Cart Track' and a copy of the proceedings was marked to the writ petitioner and the encroacher. Pursuant to the proceedings of the third respondent-Tahsildar, the Revenue Inspector prepared a notice dated 14.03.2017 as per Section 7 of the Tamil Nadu Land Encroachment Act to the encroacher, but the same was not served on the encroacher because of the suit filed by the encroacher before the Sub-Court, Bhavani.

13. It is the further contention of the learned Addl.G.P. appearing for the respondents 1 to 3 that when the eviction proceedings are in force, the petitioner-encroacher has filed a suit in O.S.No.137 of 2017 before the said Sub-Court and prayed for interim injunction in I.A.No.498 of 2017 to claim right over the land in question and also to prevent the trespass by the respondents 2 to 4 in the present Writ Petition. The said suit is pending as on date.

14. Learned Addl.G.P. appearing for the respondents 1 to 3 further pointed out that in the said pending suit is O.S.No.137 of 2017 and I.A.No.498 of 2017 filed by the writ petitioner/ encroacher, the trial Court, on 03.10.2017, granted temporary injunction till the disposal of the suit and based on the same, the official respondents have not taken any action in regard to the removal of encroachment.

15. It is further submitted on the side of respondents 1 to 3 that the fourth respondent-Babu Reddy filed W.P.No.21888 of 2017 before this Court impleading the official respondents herein as parties therein, apart from the present Writ Petitioner, praying to remove the encroachment in the dispute-land, which was disposed of by this Court on 17.08.2017 directing the third respondent-Tahsildar to put the respondent 4 therein, who is the writ petitioner herein and the fifth respondent therein, namely Subramani and the fourth respondent herein, who is the writ petitioner therein, on notice and to carry out the inspection of the site/land in question and thereafter take action in accordance with law within a period of eight weeks from the date of receipt of the order and to communicate the decision taken to the petitioner therein as well as to the respondents 4 and 5 therein. Even before the said order of this Court, the action was already initiated to remove the encroachment based on the representation dated 07.01.2017 of the fourth respondent-Babu Reddy and the action was pending to remove the encroachment.

16. Moreover, it is the stand of the third respondent-Tahsildar in the counter affidavit that the writ petitioner-Rajamani filed the present writ petition for the relief stated supra and on 22.12.2017, this Court observed that despite the civil Court's interim order of injunction, restraining the respondents 2 and 3 and their subordinates from interfering with the peaceful possession of the property, the possession of the writ petitioner is likely to be disturbed, and thereby, this Court granted an order of interim stay till 20.12.2017, making it clear that till the disposal of the present writ petition, the writ petitioner herein shall not create any third party right in respect of the land in question and shall not alter the physical features also. Obeying this order, the encroacher has not been disturbed from his encroachment portion till now.

17. The primordial contention projected on the side of the respondents 1 to 3 is that the suit field, classified as 'Nilaviyal Vandi Pathat' (cart track) running in the patta land, is Government Poramboke and the same is absolutely owned by the Government and left for the public use and no private person has right to register the Government Poramboke land to claim right and if it is done, the registration is false and against law.

18. It is to be remembered that the writ petitioner in his affidavit in paragraph 2, has candidly admitted that he is owning a house in the adjacent filed No.158 and additionally captured the cart track for extending his residence. In fact, the report from the subordinates reveals that the writ petitioner has constructed the house building and lent it to a private milk society for the purchase point for milk which is commercial purpose and the same is unlawful encroachment of the Government Poramboke, that too in the 'Nilaviya Vandi Pathai' (cart track).

19. Further, since the fourth respondent-Babu Reddy has given a complaint to the second respondent/District Collector, the Collector had procedurally forwarded the said complaint/petition to the third respondent-Tahsildar, instructing him to take necessary action as per G.O.Ms.No.540, Revenue (LD-6(2)) Department, dated 04.12.2014. Moreover, the writ petitioner was provided with an opportunity of being heard, he being an encroacher, and the complainant, namely the fourth respondent-Babu Reddy was also provided with an adequate opportunity of being heard and the respective parties were enquired by the third respondent-Tahsildar on 21.02.2017, and in the enquiry, the writ petitioner/encroacher agreed to vacate the encroachment within two days, otherwise, to bear the action taken by the Government. Subsequently, the writ petitioner did not turn up and hence, the third respondent has passed orders on 01.03.2017. Further, in obedience to the order dated 03.10.2017 passed by the trial Court in the said suit, the writ petitioner was not disturbed from his illegal possession on the Government Poramboke. The above action of the writ petitioner in not keeping up his words, is undoubtedly not a favourable circumstance to and in favour of the writ petitioner in the considered opinion of this Court.

20. It is further stated by the learned Addl.G.P. appearing for the respondents 1 to 3 that in regard to the interim order passed by the trial Court in the said suit, the crystaline stand of the respondents 1 to 3 is that the writ petitioner is not disturbed from his illegal possession on the Government Poramboke.

21. At the risk of repetition, this Court unhesitatingly points out that the Nilaviyal Vandi Pathai (cart track) running through the patta land is owned by the Government and when the third respondent-Tahsildar had come out with a clear-cut case that the said cart tack is left for usage of the general public, then, by no stretch of imagination, the petitioner can claim any exclusive right over the said cart track.

22. Furthermore, the representation dated 23.03.2017 of the writ petitioner before the second respondent-District Collector, was forwarded to the third respondent-Tahsildar, which is not reliable before the orders in RSO.26(15) and also the orders in G.O.Ms.No.540, Revenue (LD.6(2)) Department, dated 04.12.2014. The encroachment in the Government Poramboke is earmarked in the FMB as Details as “Nilaviyal Vandi Pathai”, and hence the occupation of the writ petitioner is illegal and he will have to be evicted forthwith on the complaint, but due to pending disposal of the suit before the trial Court, the action is pending for eviction.

23. The contention of the learned counsel for the petitioner is that the respondents 1 to 3 will have to follow the provisions contained in the Tamil Nadu Land Encroachment Act and that notice under Section 7 of the said Act has got to be issued and thereafter, orders can be passed under Section 6 of the said Act on the basis of the explanation that may be, if submitted by the writ petitioner to the said notice under Section 7.

24. In this connection, it is to be noted that the provisions contained in the Tamil Nadu Land Encroachment Act are only the procedures for removing the encroachment from the place where it is and in this case, the factum of offering 2 cents for the encroachment made in S.No.159/1 or the relevant site, is only a mere offer and the petitioner is also willing to pay

compensation for the said 2 cents to the Government or in the alternative, he seeks for patta for the said 2 cents and that a detailed enquiry has been contemplated under G.O.Ms.No.540, discussed supra, and invoke the provisions of the said Tamil Nadu Land Encroachment Act, all of which are only to prolong the issue of removal of the encroachment in question.

25. In the above context, it is to be noted that admittedly, the petitioner is not the owner of the land in S.No.159/1 and that he has offered another two cents of the land. This Court is not inclined to accept the same because of the reason that the said offer cannot be a reasonable, genuine and valuable substitute for the land being the said 'Nilaviyal Vandi Pathai' (cart track) and the entire issue on hand will be given a quietus, and there will be nothing to adjudicate in the civil matter.

26. It is to be further noted that the writ petitioner cannot ride two horses at a time and he approached civil Court by filing suit and obtained interim order of injunction before the trial Court, and thereafter, he has also approached this Court by way of filing the present Writ Petition for almost similar relief.

27. For the foregoing submissions and discussion made thereunder, this Court holds that the writ petitioner is not entitled to seek the relief sought for by him in this Writ Petition. The third respondent-Tahsildar is directed to take necessary steps effectively, efficaciously, diligently and Godspeed to remove the encroachment made by the writ petitioner in the 'Nilaviyal Vandi Pathai' (cart track) and restore the same to its original position, so that the general public will use the said cart track to the optimum extent. The said action has to be taken by the third respondent-Tahsildar by removing the encroachment in question by the writ petitioner, within a period of four weeks from the date of receipt of a copy of this order.

28. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.Ps. are closed.

(M.V.J) **(S.V.N.J)**

06.02.2018

Index: Yes
Internet: Yes
Speaking Order
cs

To

1. State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   Revenue Department,
   Fort St.George, Chennai-600 009.
2. The District Collector, Erode District, Erode.
3. The Tahsildar, Anthiyur Taluk, Anthiyur, Erode District.

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ANNEXURE - 7

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35206 of 2022

Indian Union Muslim League
Vaniyambadi Town Wing
Rep. by its Secretary,
Gundu Mohamed Faizan .. Petitioner

Versus

1. The District Collector,
   Tiruppathur District,
   Collector Office,
   Tiruppathur - 635 601.
2. The Thasildar,
   Taluk Office,
   Vaniyambadi - 635751,
   Tiruppathur District.
3. The Assistant Engineer,
   Public Works Department,
   Islamiah College Road, New Town,
   Vaniyambadi - 635752.
4. The Municipal Commissioner,
   Municipal Office,
   Islamiah College Road,
   New Town,
   Vaniyambadi – 635752.

Tiruppathur District. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents to takeimmediate steps on war foot level to remove the encroachment adjacent to the petitioner's property comprised at Vaniyambadi Town Jamath Road,Noorullahpet Ward - E, Block - 19 vide Survey No.506, 74.

For Petitioner : Mr.B.Ram Prasath

For Respondents : Mr.P.Muthukumar,
State Government Pleader

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ORDER

D.BHARATHA CHAKRAVARTHY, J.

This Writ Petition is filed for a Mandamus directing the respondents to take immediate steps to remove the encroachment adjacent to the petitioner's property, comprised at Vaniyambadi Town, Jamath Road, Noorullahpet, Ward - E, Block - 19 in Old Survey No.506, Town Survey No.74.

2.When the Writ Petition came up for hearing, *Mr.P.Muthukumar*, learned State Government Pleader submitted a copy of his writteninstructions along with a copy of the Town Survey Register, in which, the Town Survey No.74, Old Survey No.506, is shown as "*manai*" belonging toa private society namely, one Anjuman Society, by its administrator.

3.In that view of the matter, no Mandamus would lie to remove the encroachment in a private property and accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
03.01.2023

To

1. The District Collector,
   Tiruppathur District,
   Collector Office,
   Tiruppathur - 635 601.

2. The Thasildar,
   Taluk Office,
   Vaniyambadi - 635751,
   Tiruppathur District.

3. The Assistant Engineer,
   Public Works Department,
   Islamiah College Road, New Town,
   Vaniyambadi - 635752.

4. The Municipal Commissioner,
   Municipal Office,
   Islamiah College Road, New Town,
   Vaniyambadi - 635752, Tiruppathur District.

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ANNEXURE - 8

TYPE – 1

(Issuing Endorsement to file Revision u/s 10 A(1)(c) of TNLEA,1905.)

Rc.No. T3/2063268 /2022

Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai - 600 005.
Dated: 18.03.2022

ENDORSEMENT

Sub: Land Encroachment – Thanjavur District – Thiruvidaimaruthur Taluk –Pandalore Village – S.No.207/2 - Revision Petition filed by Thiru.R.Venkatraman - against the order of the Additional Collector, Thanjavur– Reg.

Ref: Revision Petition filed by Thiru.R.Venkatraman, dated: 28.02.2022.

*****

Kind attention is invited to the references cited and to state that one. Thiru.R. Venkatraman S/o (Late) R. Rajagopal, Pandalur Village, Thiruvidaimaruthur Taluk, Thanjavur District has filed a Revision Petition before this Forum against the orders of the Additional Collector, Thanjavur, issued in proceedings in Rc. No.த.ப.04/2019/ஒ (2), dated 21.02.2022, wherein the Additional Collector, (Revenue) Thanjavur has upheld the orders of the RDO, Kumbakonam in A3/2832/2016 dated 19.7.2019 and ordered that either the Revision Petitioners or the other Pattadars should not cause any hindrance to water ways.

2) Examination of the issue revealed that the RDO, Kumbakonam has passed an order in his Proc.A3/2832/2016 dated 19.7.2019. The Additional Collector (Revenue), Thanjavur in his Proc.T.P.04/2019/E2 dated 21.2.2022 based on Hon'ble High Court Direction.

3) The Additional Collector, Thanjavur (Appellate) has passed an appellate order. As per the provisions made u/s 10(A)(1)(c) of TNLEA Act, a Revision can be entertained by the State Government, if such decision or order was passed by the appellate authority (or) the Commissioner of Land Administration. In the instant case, the Additional Collector, Thanjavur has passed an order as an appellate authority based on a High Court direction. Further, revision against the said order should be filed before the Government and this Forum is not competent either to entertain this Revision petition or to pass orders.

4) In view of the above considered position, this Revision petition may ordered to be returned for filing revision before the Appropriate Authority as per the provisions made u/s 10(A)

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(1)(c) of TNLEA Act, The Principal Secretary to Government, Revenue and Disaster Management Department, Secretariat, Chennai 9, if so desired.

S.Nagarajan
Commissioner of Land Administration

To

1. Thiru.R. Venkatraman,
   RVR House, No. 1,2,3
   Thirumalai Street,
   Jai Balaji Nagar, Chennai 78
   (By RPAD)

2. The Additional Collector,
   Thanjavur District.

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ANNEXURE - 9

TYPE – 2

To exhaust the Appeal provision available before the Dist Collr(High Court confirms the Endorsement in W.P.No.25194 of 2022, dated: 20.09.2022)

The Writ Petitioner claimed to take up Revision by this forum. As the petitioner has yet to exhaust the appeal provision before the District Collector, this forum directed the petitioner to approach the District Collector. The Hon'ble High Court in the said judgment, confirmed the direction given by this Department.

Rc.No. T3/ 2744353/2022

Commissionerate of Land Administration
Ezhilagam, Chepauk,
Chennai - 600 005.
Dated: 10.08.2022

ENDORSEMENT

Sub: Land – Encroachment – Mayiladuthurai District – Sirkali Taluk – Mani Gramam Village –S. No 313/2 – Classified as Vaikal Poramboke - Revision filed against the orders of the District Collector, Mayiladuthurai– Reg

Ref: Revision Petition filed by Thiru. Rajkumar S/o Jambulingam and 2 others dt: 27.06.2022

*****

Your Revision Petition filed before this Forum in the reference cited has been examined. The District Collector, Mayiladuthurai in her proceedings in NA.KA. No. U4/13084/2021, dated 01.06.2022 in which it was ordered to evict the encroachments made in S.No 313/2, 0.10.0 Ha classified as Sarkar Vaikkal Poramboke land.

3) Scrutiny of the orders of the District Collector, Mayiladuthurai reveals that:

i) Sec 7 notice has been served to encroacher on 10.9.2021.

ii) The Sec 6 notice was served on the encroacher, on 29.10.2021.

iii) Aggrieved by the said notices, one, Thiru.K. Baskaran has filed a W.P 25529 of 2021 on the file of High Court of Madras.

iv) The Hon'ble High Court of Madras in its order has directed the writ petitioner to file an appeal before the District Collector, Mayiladuthurai against the orders of the Taluk, Tahsildar, Sirkali and District Collector, Mayiladuthurai to pass orders on merits by giving opportunity to all concerned, till then no coercive steps taken against the petitioner.

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v) Finally, the District Collector, Mayiladuthurai has passed an order directing the Tahsildar Sirkali to evict all the encroachment in S.No 313/2 Sarkar Poramboke Vaikal and for S.No 313/1 classified as Sarkar Poramboke-Co Operative Market by Cooperative Department separately as it is construed to be vested with Cooperative Department.

4) But the petitioners who have filed revision against the orders of the District Collector, Mayiladuthurai, before this Forum are not parties to the orders of the District Collector, Mayiladuthurai. The District Collector, Mayiladuthurai while taking up the Appeal as per the directions of Hon'ble High Court has clearly held that: -

a) S.No. 313/1 Sarkar Poramboke- Government Cooperative Department, it has been construed that eviction process has to be initiated by the Department concerned.

b) With regard to the S. No 313/2 classified as Sarkar Poramboke – Vaikal, a highly objectionable water course land, involved, as imparted by the Hon'ble High Court in its various Judgments in time and now, Top Priority to be accorded for the provisions of the Act, eviction process to be started by issuance of notices etc.,

5) As the present petitioners have filed their Appeal before this Forum stating that they are in occupation of S.No 313/2 Sarkar Poramboke – Vaikal, as the District Collector, Mayiladuthurai in her impugned order has directed the Taluk Tahsildar, Sirkali to demarcate the land and to identify the area of encroachment to proceed as per the provisions of the Act. As Appeal remedy is available to the petitioner to approach the District Collector, Mayiladuthurai if aggrieved to the Appeal Petition along with its original enclosures may be returned to the petitioner and to their counsel accordingly.

K. Priya
for Commissioner of Land Administration

To

1. Thiru.RajKumar,
No. 106 Main Road,
Mani Gramam
Mayiladuthurai. (By RPAD)

2. Thiru.Sathyamoorthy,
No. 106 Main Road,
Mani Gramam
Mayiladuthurai. (By RPAD)

Through the Counsel of
Thiru. B M Kiran Kishan,
No 31 Law Chambers,
High Court Buildings,
Chennai 600 104. (By RPAD)

3. Tmt. Malliga,
No. 101, Main Road,
Sirkali Taluk,
Mayiladuthurai District.
(By RPAD)

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.09.2022

CORAM:

THE HON-BLE MR. M.DURAISWAMY,

ACTING CHIEF JUSTICE

AND

THE HON-BLE MR.JUSTICE SUNDER MOHAN

W.P.No.25194 of 2022

and W.M.P.No.24142 of 2022

1. Malliga
2. Sathiyamoorthy
3. Rajkumar ... Petitioners

Vs.

1.The Commissioner of Land Administration,
Chepauk, Chennai.
2.The District Collector,
Myladuthurai District ~ 609 001.
3.The Revenue Divisional Officer,
Sirkali,
Myladuthurai District ~ 609 110.
4.The Tahsildar,
Taluk Office, Sirkali,
Myladuthurai District ~ 609 110. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus to call for the records of the impugned order dated 10.08.2022 in RC.No. T3/2744353/ 2022 passed by the 1st respondent further direct the 1st respondent to take the revision on file and hear the same on merits after giving opportunity to the petitioners before passing order.

For Petitioners : Mr.V.Venkataseshan
For Respondents : Mr.P.Muthukumar,
State Government Pleader (R1 to R4)

ORDER

(Order of the Court was made by the Hon-ble Acting Chief Justice)

The petitioners have filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the impugned order dated 10.08.2022 passed by the 1st respondent, to quash the same and to further direct the 1st respondent to take the revision on file and hear the same on merits after giving opportunity to the petitioners.

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2.It is the case of the petitioners that a notice dated 30.08.2022 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 was passed for removal of the encroachment. Aggrieved over the issuance of Section 6 notice, one Baskaran filed an appeal before the 2nd respondent ~ the District Collector under Section 10 of the Act. The 2nd respondent by order dated 01.06.2022, while disposing of the appeal, directed the authorities to survey the land and if the authorities come to the conclusion that there is encroachment in Survey No.313/2, to initiate proceedings under the Tamil Nadu Land Encroachment Act for removing the encroachment.

3.Though the writ petitioners have not filed an appeal before the 2nd respondent, they have filed a revision before the 1st respondent challenging the order dated 01.06.2022. The 1st respondent, by the order dated 10.08.2022, which is impugned in the present Writ Petition, disposed of the revision on the ground that the writ petitioners have not challenged the notice issued under Section 6 of the Act before the 2nd respondent. The 1st respondent also directed the petitioners to approach the 2nd respondent by way of an appeal challenging the notice issued under Section 6 of the Act. Aggrieved over the order passed by the 1st respondent, the petitioners have filed the above Writ Petition.

4.Since the order passed under Section 6 of the Act has not been challenged by way of an appeal before the 2nd respondent under Section 10 of the Act, we do not find any error in the order passed by the 1st respondent for the reason that the writ petitioners cannot straight away file a revision under Section 10~A of the Act. The 1st respondent has only given liberty to file an appeal before the 2nd respondent challenging the Section 6 notice.

5.We do not find any ground to interfere with the order passed by the 1st respondent. Accordingly, the Writ Petition is dismissed. It is open to the petitioners to file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act challenging the notice issued under Section 6 of the Act dated 30.08.2022 in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

[M.D., ACJ.] **[S.M., J.]**

20.09.2022

To

1. The Commissioner of Land Administration,
   Chepauk, Chennai.
2. The District Collector,
   Myladuthurai District - 609 001.
3. The Revenue Divisional Officer,
   Sirkali, Myladuthurai District - 609 110.
4. The Tahsildar, Taluk Office, Sirkali,
   Myladuthurai District - 609 110.

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ANNEXURE - 10

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.1071/2023 & WMP.No.1060/2023

E.Kothandapani .. Petitioner

Vs.

1. The Secretary to Govt., of Tamil Nadu
   Highways Department, Secretariat
   Chennai 600 009.
2. The Chief Engineer
   Highways Department
   No.76, Sardar Patel Road
   Little Mount, Guindy
   Chennai 600 025.
3. The District Collector
   Chengalpattu District
   Chengalpattu.
4. The Tahsildar
   NH 32, Chitlapakkam
   Tambaram West
   Chennai 600 045.
5. The Assistant Divisional Engineer
   State Highways Department
   Tambaram Division,
   Chennai 600 042. .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the letter issued by the 5th respondent in Letter No.1306/2022/c dated 29.12.2022 issued by the 5th respondent, Assistant Divisional Engineer, Tambaram Division and quash the same.

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For Petitioner : Mr.G.Saravana Kumar

For Respondents : Mr.P.Muthukumar
Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1) Mr.P.Muthukumar, learned Government Pleader accepts notice on behalf of respondents.

(2) This writ petition is filed challenging the impugned order passed by the 5th respondent/ Assistant Divisional Engineer, Tambaram Division, dated 03.01.2023 rejecting the representation of the petitioner dated 29.12.2022.

(3) Brief facts that are necessary for the disposal of this writ petition are as follows.

(4) The petitioner states that his father by name Mr.Ekambara Naicker owned an extent of 6 cents in S.No.56/A2 [TS No.43] at Selaiyur Village, Tambaram Taluk by virtue of a Sale Deed dated 21.06.1963 and that, he is in possession and enjoyment of the property from the year 1963. It is to be noted that the petitioner, in the affidavit filed in support of this writ petition, has not given the details. However, from the plaint filed by the petitioner in the civil Suit before the learned Principal District Judge, Chengalpattu, Kancheepuram District, in OS.No.499/2022, the petitioner is claiming title by adverse possession as against the Government on the basis of his possessory right in respect of an extent of 1 cent which is described as a property abutting his patta land. From the documents filed by the petitioner himself in the typed set, it is seen that the petitioner has encroached an extent of 40 sq.m equivalent to 1 cent of land in TS.No.44 in Selaiyur Village, Tambaram Taluk. The petitioner though stated that he is the owner of the adjacent land measuring about 6 cents on the basis of title, it is admitted that the petitioner-s claim in respect of TS.No.44 is not supported by any document of title and his claim of title is purely on the basis of alleged possession and enjoyment from the year 1963. Petitioner-s case is that he has prescribed title by adverse possession as against the Government.

(5) It is admitted that proceedings were initiated against the petitioner for removal of encroachment under the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as -the Act-]. As against the final order passed by the Tahsildar under Section 6 of the Act, the petitioner has preferred an Appeal before the District Collector. The Appeal was also dismissed by the District Collector filed under Section 10 of the Act, by proceedings dated 28.02.2022. Even before filing the appeal before the District Collector, the petitioner filed a writ petition before this Court in WP.No.10148/2020 and by order dated 17.08.2020, the writ petition was dismissed by this Court giving liberty to the petitioner to file an appeal. The petitioner-s claim of title was nor entertained and therefore, this Court gave liberty to the petitioner to exhaust his statutory remedy of appeal under Section 10 of the Act. In the order of the District Collector, the

petitioner-s claim of title was rejected and a definite finding rendered by the District Collector was that the encroachment of the petitioner is objectionable and therefore, the appeal preferred by the petitioner is liable to be dismissed. Challenging the order passed by the District Collector, the petitioner appears to have filed the appeal under Section 10 [c] of the Act before the Additional Chief Secretary / Commissioner of Land Administration, Chennai.

(6)The main objection raised by the learned counsel for the petitioner is that a statutory appeal is now pending before the Commissioner of Land Administration and therefore, the order passed by the 5th respondent is arbitrary. The learned counsel then submitted that the suit filed by the petitioner is pending and therefore, the petitioner-s possession as such, should be protected. Learned counsel for the petitioner further submitted that the 5th respondent has not considered the pendency of the appeal before the Commissioner of Land Administration.

(7) The 5th respondent has passed the impugned order rejecting the petitioner-s representation dated 29.12.2022. The representation of the petitioner appears to be in the nature of postponing removal of encroachment under the pretext that the appeal is preferred by the petitioner before the Commissioner of Land Administration.

(8) The petitioner is an encroacher and the relief prayed for by the petitioner in the civil suit itself shows that the petitioner seeks declaration of his title by adverse possession. This Court is unable to find any document to sustain the plea of adverse possession from the list of documents shown in the plaint filed by the petitioner before the Civil Court. That apart, the petitioner has suffered an order of eviction initiated by the Tahsildar concerned by following the procedure prescribed under the Act. The statutory appeal filed by the petitioner before the District Collector was also dismissed during February 2022.

(9) Section 10 of the Tamil Nadu Land Encroachment Act, 1905, reads as follows:~

10. Appeal. - An appeal shall lie -

(a) to the Collector from any decision or order passed by a Tahsildar or Deputy Tahsildar [xxx] under this Act, and

[(aa) to such officer as may be specified by the State Government in this behalf (hereinafter referred to as the appellate authority) from any decision or order passed by an authorised officer under this Act and different appellate authorities may be specified for different classes of cases; and]

(b) to the District Collector from any decision or order of a Collector passed otherwise than on appeal, and

(c) to the [Commissioner of Land Administration] from any decision or order of a District Collector passed otherwise than on appeal.

[Sub~section (2) was omitted by section 6 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).]

(10) Though an appeal before the District Collector as against the order of eviction is maintainable under Section 10 of the Act, no furhter appeal is contemplated. Section 10[c] indicates that the appeal before the Commissioner of Land Administration may lie against an order of District Collector passed otherwise than on appeal. Hence, the submission of the petitioner by showing the pendency of appeal before the Commissioner of Land Administration cannot be sustained. When the order of eviction passed under Section 6 of the Tamil Nadu Land Encroachment Act has become final, this Court is unable to find any reason to interfere with the order impugned in this writ petition, rejecting the representation of the petitioner.

(11) In the result, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[SSSRJ] [AANJ]
19.01.2023

To

1. The Secretary to Govt., of Tamil Nadu
   Highways Department, Secretariat
   Chennai 600 009.

2. The Chief Engineer
   Highways Department
   No.76, Sardar Patel Road
   Little Mount, Guindy
   Chennai 600 025.

3. The District Collector
   Chengalpattu District
   Chengalpattu.

4. The Tahsildar
   NH 32, Chitlapakkam
   Tambaram West
   Chennai 600 045.

5. The Assistant Divisional Engineer
   State Highways Department
   Tambaram Division,
   Chennai 600 042.

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LAND REFORMS, BHOODAN & URBAN LAND CEILING AND URBAN LAND TAX

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LAND CEILING

1. Land Reforms

Agricultural land ownership being a key resource for economic progress of the community, it was necessary to reduce the disparities in the ownership of agricultural land, fix a ceiling on agricultural land holdings, to acquire the excess land and distribute it to the landless and others in the rural community.

The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58/1961) was enacted in pursuance of clauses (b) and (c) of Article 39 of the Constitution of India, to secure the distribution of ownership and control of the material resources of the community so that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

Ceiling Limits in *force*

The Tamil Nadu Land Reforms [Fixation of Ceiling on Land] Act, 1961 as amended from time to time, has fixed the ceiling area as currently in force, with effect from 15.2.1970 as below: -

Ceiling Limits under Land Reforms Act

Sl.No.	Category	Extent allowed
1.	**Family**	
	i) For a family consisting of 5 members (including Private Trust and Company)	15 standard acres
	ii) Each additional Member of a family	5 standard acres
	Overall ceiling area	30 standard acres
	iii) In addition, each female member of the family can hold 10 standard acres of land as Stridhana in her name on the date ofcommencement of the Act.	
2.	**Public Trusts**	
	a) Public Trust of Charitable nature which was in existence as on 1.3.1972	5 Standard acres
	b) All Public Trusts are prohibited from acquiring agricultural lands after 1.3.1972 and require permission to hold lands as per amended Act 29/87 for Educational and Hospital purposes.	
	c) The Public Trust of Religious Nature, which was in existence before 1.3.1972 shall not come within the purview of the Land Ceiling Act.	

Standard acre

As per section 3 (40) of the Land Reforms Act, the standard acre is determined based on the assessment of that land as given therein:

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 ofordinary acre
Above Rs.15	0.80	1	Extent x 5/4

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

Permission to Industrial / Commercial undertakings – Section 37-A

As per Section 3 (34) of the Act, 'Company' is included in the definition of 'Person' and thus it is entitled to hold only 15.000 standard acres. With a view to promote industrial activity in the State, the industrial or commercial undertakings which acquired lands in excess of the ceiling area are permitted by Government to hold lands in excess of ceiling limit under Section 37-A of the Act and Rules, for which they should apply to the Government within 180 days as per the amended Act, 23/2010 and amended rules or from the date of purchase of such land. (Vide G.O.Ms.No.622, Revenue [LR 3 (1)] Department, Dated 25.11.2010.

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A report to be prepared by DRO for each company and submitted to Commissionerate for placing the case before the Industrial Exemption Committee (re-constituted vide G.O.Ms.No. 425, Revenue & Disaster Management Department, (Land Reforms Wing, LR I (2) Section), Dated 18.08.2020 for taking a decision on the request of the Company.

As per the amended Act, 2018, the ceiling area in the case of every industrial or commercial undertaking which invests more than 20 crores of rupees shall be 30 standard acres, provided that such land shall be dry land. (Vide G.O.Ms.No.277, Revenue & Disaster Management Department, (Land Reforms Wing, LR I (2) Section), Dated 31.07.2018.

Permission to Public Trusts – Section 37-B

Government grants permission under section 37-B of the Act and Rules to the Public Trust for holding the lands acquired for educational or hospital purpose, for which the Public Trust should apply for permission to the Government within 180 days as per the amended Act, 23/2010 and amended rules or from the date of purchase of land.

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. 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, the guidelines are as below:-

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I. DECLARATION OF EXCESS LANDS AS SURPLUS

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 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) within 30 days.

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 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.

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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) within 30 days.

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 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 (Commissioner of Land Reforms) within 60 days. 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 (Commissioner of Land Reforms) within 60 days.

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

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the male 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. (Sec.21-A)

ii) Any transaction of any land held by landowner by sale, gift, exchange, surrender, settlement or in any other manner between in between 15.2.1970 (the date of commencement of the Act) and 2.10.1970, (the notified date) has the effect of reducing the extent of surplus land in excess of ceiling area such transaction or partition, whether bona fide or not, shall be void. (Sec.22)

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.

g) Land acquired in excess after 2.10.1970

After 2.10.1970, the lands if any purchased or acquired by any means in excess of the ceiling limit, would attract sec. 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.

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 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.

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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 20-A 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. In respect of Public Trust, no retainable extent or ceiling limit is allowed under the Act, and hence any piece of land purchased by the Public Trust would attract under section 20- A 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, Section 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.

V. Action on 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 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.

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

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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 Master Register I (MR I) regarding the lands declared as surplus. If the Company and Public Trust already applied to 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.

II. AMOUNT PAYABLE FOR SURPLUS LAND

The amount payable to the land owner is determined as per the provisions contained under the following section.

Section 50(1)

Determination of amount for land acquired by the Government. Amount shall be paid according to the rate specified in Schedule III.

Section 50(2)

The land owner may claim the amount within 30 days from the date of publication of 18(1) notification.

Section 50(3)(a)

The Authorized Officer shall determine the amount at the rate specified in Schedule III and prepare a Draft Assessment Roll to be published in the Tamil Nadu Government Gazette.

Section 50(3)(a)(ii)

Land owner may file objection if any.

Section 50(4)

The Authorized Officer shall consider any objection after hearing and adducing evidence if any and pass order.

Section 50(5)

Alteration in the Draft Assessment Roll based on the orders passed under section 50(4).

Publication of Final Assessment Roll for the amount payable to the land owner.

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I. **The Tamil Nadu Land Reforms (Payment of Surplus Land) Rules 1966**.

Mode of payment

Before 27.10.1978

i. Amount may be payable in bonds or cash as per table in Rule 7.

ii. Amount not exceeded Rs.10,000/- it shall be payable in a single instalment.

iii. Amount exceeded Rs.10,000/- but not exceeded Rs.90,000/- payable in 10 equal instalment.

After 27.10.1978

i. Amount may be payable as per rate in Schedule III.

ii. Interest 4% (before and after 27.10.1978)

***Schedule* III**

i. Amount payable as per section 50 of the Act.

ii. Annual value 20 times the land revenue on the land for wet, dry or manavari land ***(other than dry or manavari land irrigated by direct flow or lift from any Government or private source of irrigation)***

20 time the land revenue on the land for two or more crops from Government source of irrigation + Rs.9 per acre.

iii. Annual value 20 times the land revenue on the land – for one or more crops receiving water supply for only one crop +Rs. 5 per acre.

20 times of land revenue on the land – for dry or manavari land irrigated from private source of irrigation + Rs.5 per acre.

iv. Annual value 5 times the land revenue on the land – for waste land *(waste land – uncultivated for five years from the date of 18(1) notification)*

Example: If Compensation amount is payable of Rs.28,544/- the following calculation

1st	3000 x 10 times
2nd	3000 x 9 times
3rd	3000 x 8 times
4th	3000 x 7 times
5th	3000 x 6 times
Balance	13544 x 5 times = payable amount
	28544

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Compensation for trees, building, etc.

i.	Trees grown by human effort	-	Rs.1000/- per acre.
ii.	Orchards		
iii.	Plantation crops	-	Rs.3500/- per acre
iv.	Fruit bearing trees		
v.	Stay trees of spontaneous growth	-	Rs.350/- per acre
vi.	Building machinery plant, well etc.	-	Written down value (*Determined in accordance with the provisions of the Income Tax Act – 1961)*

III. ASSIGNMENT OF SURPLUS LAND

GUIDELINES ON TAMIL NADU LAND REFORMS (DISPOSAL OF SURPLUS LAND) RULES, 1965 FOR ASSIGNMENT OF SURPLUS LANDAND RESERVATION OF SURPLUS LANDS FOR PUBLIC PURPOSE.

1) Master Register IV (MR IV) :

a) As per rule 3, the assigning authority shall maintain a Registerfor surplus lands in Form A. This Register is called 'MRIV Register' (i.e. Master Register IV). After declaring the lands as surplus vide notification under section 18 (1) or order under section 20 or order under section 20Aof the Act, the assigning authority shall enter all particulars of the surplus lands in the register. i.e.,

(i) Details of MR IV No.,
(ii) Name of the landowner,
(iii) Date of Notification under section 18(1) or order under section20 or order under section 20-A,
(iv) Name of Village,
(v) Survey No.,
(vi) Classification,
(vii) Extent (in Acres),
(viii) Date of issue of 'B' notice,
(ix) Date of issue of 'D' notice,
(x) Date of enquiry under rule 8(3),
(xi) Date of assignment order under rule 8 (4), and Extent assigned
(xii) Date of issue of notice 'E',
(xiii) Date of execution of 'F' Deed,
(xiv) Date of handing over possession to the assignees.

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(For information, the Master Register I (MR I) is for making entryregarding the declaration of excess lands as surplus up to Notification under section 18 (1) and surplus declared under section 20 & 20A, the Master Register II (MR II) is for making entry of the details of fixing of ceiling on cultivating Tenants agricultural holdings and the Master Register III (MRIII) is for making the entry the details of payment of compensation payableto the landowner from whom the lands were declared as surplus).

2) Inviting application for assignment of surplus lands:

a) As per rule 4, the assigning authority shall invite applications for assignment of surplus land and publish a notice in this regard in Form B prescribed under the rule in the following manner:

i. Affixure in the village chavadi (VAO Office)

ii. By Beat of tom-tom

iii. By affixure on the notice boards of offices of the District Revenue Officer, Revenue Divisional Officer, assigning authority andTahsildar, Panchayat or Municipality concerned.

b) A certificate to the effect that the notice in Form B was published in the above conspicuous places should be given by the authorities concerned and those certificates should be kept in the file. The Form B is available in the typed copy of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 sent herewith.

c) After publication of Notice in Form B, applications from the applicants for the assignment of surplus land shall be in Form C prescribed under the rule as per rule 7, and shall be presented in the office of the Sub Collector / Revenue Divisional Officer (Assigning Authority) within 30 daysfrom the date of publication of notice in Form B in village chavadi. The office seal should be put in Form C application and a Sl. No. should also begiven in the Form C in order to avoid the outside applications. On receipt of application, office seal should be put in order to see the date of receipt of the application. The Assigning Authority may also put his initial with date.

3) Enquiry

After completion of 30 days from the date of publication of B notice (the actual date published in the village may be taken into account), the Assigning Authority shall prepare a list of all the applications received in Form-C and Assigning Authority shall publish a notice in Form D prescribed under the rule fixing a date for conducting enquiry. The Assigning Authority shall conduct or cause to be conducted by an officer of the Revenue Department not lower in rank than a Revenue Inspector an enquiry which includes field enquiry, of all the applicants under rule 8 (3). If the applicants had already submitted petitions or the applications is not in Form –C, they should be informed to submit the application in Form C within the time limit.

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4) Eligibility for assignment:

The following persons are Eligible for assignment of surplus land as per rule 5.

a) A person cultivating the land as on 15.2.70, the date of commencement of the Act and completely dispossessed of the land by virtue of declaration of surplus.

b) A person whose extent of holding is reduced below 3 acres of dry land or one and half acres of wet land held by him partly cultivating tenant and partly as owner or wholly as cultivating tenant by virtue of declaration of surplus.

c) A landless agricultural labour belonging to SC or ST.

d) A member of Armed Forces

e) Repatriate from Burma or Srilanka

f) A landless agricultural labourer other than SC or ST

g) A cultivating tenant holding land less than 3 acres of dry land or 1 ½ acres of wet land.

h) A Co-operative forming society the members of which are landless agricultural labourers.

5) Passing of Assignment order

The Assigning Authority shall pass necessary order on the basis of enquiry under rule 8 (4). The assignment order shall be issued in the name of female of the family of the applicant if the applicant was male as per rule 8(4). In the assignment order, it should be noted the above said eligibility of the applicant i.e., category as specified under rule 5 and in respect of the applications rejected, the specific reasons for having rejected the application should also be mentioned in the assignment order. The assignment order should be served to all the applicants including the rejected applicants. The Notices and assignment order should be signed only by Assigning Authority as they are statutory notices and orders respectively. A copy of assignment order should be sent to the concerned Tahsildar and District Collector.

6) Maximum extent for assignment:

The maximum extent of land that may be assigned to any person shall not exceed 3 acres of dry land or 1.50 acres of wet land.

7) Payment of land value by the assignee

i) As per rule 6, the assignee is liable to pay value for the surplus land assigned. The value shall be twelve times the net annual income from the lands or annual value of the lands as determined under paragraph 3 of Part I of Schedule III of the Act. For details, the rule 6 may be seen.

ii) After passing orders, the assigning authority shall issue notice in Form E specifying the amount which the assignee has to pay as land value for the land assigned.

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iii) Land value may be paid in one lump sum or in equal instalments not exceeding 20 instalments with interest on the instalment that has not been paid on the due date. Due date is 10th March of every year.

iv) The land value instalments should be collected by the Tahsildar on due date. The details regarding collection of land value should be entered in the Ledgers being maintained in the Office of the Assigning Authority and Taluk Office.

8) F Deed

After remittance of amount either in full or 1st instalment by the assignee, the assigning authority shall take action to get the Deed of assignment executed by the assignee in Form F and written by Zonal Deputy Tahsildar and Village Administrative Officer. A copy of F deed should be sent to the concerned Tahsildar.

9) Preparation of Sub Division records

After remittance of land value either first instalment or lump sum, the Assigning Authority shall direct the Tahsildar to prepare sub division records as per the Survey No., and extent in the order of assignment.

10) Carrying out changes to the village account

a) After approval, of the sub division records by the Tahsildar, as per the Survey No. and extent in the assignment order necessary changes should be carried out in the Village and Taluk accounts including the computer chitta by the Tahsildar and the possession should also be handed over to the assignee. In this regard, the Tahsildar should send a report to the Revenue Divisional Officer / Sub Collector along with Village accounts extracts.

b) The conditional assignment details should be reflected in the Village and Taluk accounts and also in Tamil Nilam.

11) Conditions of Assignment

As per rule 9, the assignment of land shall be subject to the following conditions:

(i) The land assigned shall not be sold or otherwise alienated before the expiry of the period.

(ii) If the land has been assigned subject to the payment of value of the land;

a) The first instalment shall be payable before the execution of the deed of assignment.

b) In the event of default of the payment of 2 consecutive instalments, the amount already paid shall be liable to be forfeited and the land shall be liable to be resumed.

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(iii) The land will vest absolutely in the assignee only after the value of the land is paid in full or after the expiry of 20 years from the date of assignment whichever is later.

(iv) If at any time before the expiry of the period specified the land assigned is required for any public purpose, the assignment shall be modified or cancelled and the land shall be resumed by Government.

(v) The assignee shall engage himself in the direct cultivation of the land.

The conditions are also available in the F deed prescribed under the rule.

12. Cancellation of assignment for violation of conditions

As per 9 (2) of the rules, where any violation of conditions of assignment as prescribed in the rule or in the deed of assignment in Form 'F' is noticed, the Assigning Authority shall cancel the assignment after giving opportunity to the assignee and necessary changes shall be made immediately based on the cancellation order i.e., the land should be brought back as 'surplus land'.

13) Reassignment of surplus land

In the cases of cancellation of assignment, the reassignment proceedings should be initiated by the 'Assigning Authority' for that land by following the above assignment procedures, i.e., from inviting application in Form B.

14) Reservation of surplus lands for public purpose

a) As per rule 13, the Government may, if it considers that any surplus land is required for public purpose, reserve or retain such land for such purpose. For this, the requisition body should send an application to Government in Revenue Department under copy marked to the Principal Secretary / Commissioner of Land Reforms, District Collector and Sub Collector / Revenue Divisional Officer.

b) A Register (Rule 13 Register) should be maintained in this regard.

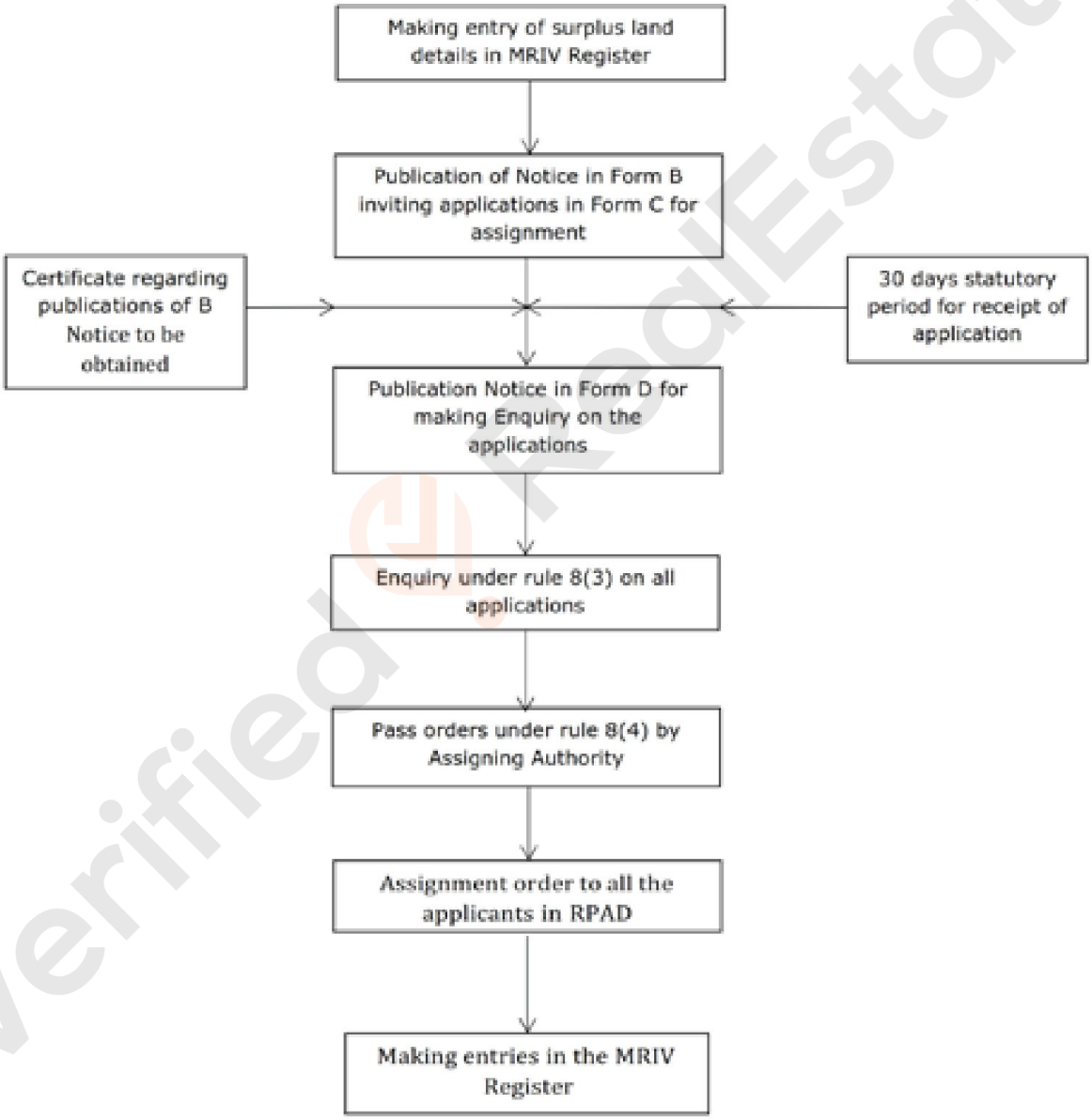
15) Appeal

Any person aggrieved by the Assignment order and cancellation order of Assigning Authority, he may file an appeal before District Revenue Officer who is Appellate Authority and Land Tribunal under the Act and Rules, within 30 days from the date of such order, as per rule 10(1) and 10-A (1) respectively. Revision lies under rule 11 (3) (a) before the Land Commissioner within 60 days. (The Principal Secretary / Commissioner of Land Reforms is designated as Land Commissioner under the Act and Rules). The Appellate Authority and the Revisional Authority shall pass order after calling for connected MRIV records and making enquiry.

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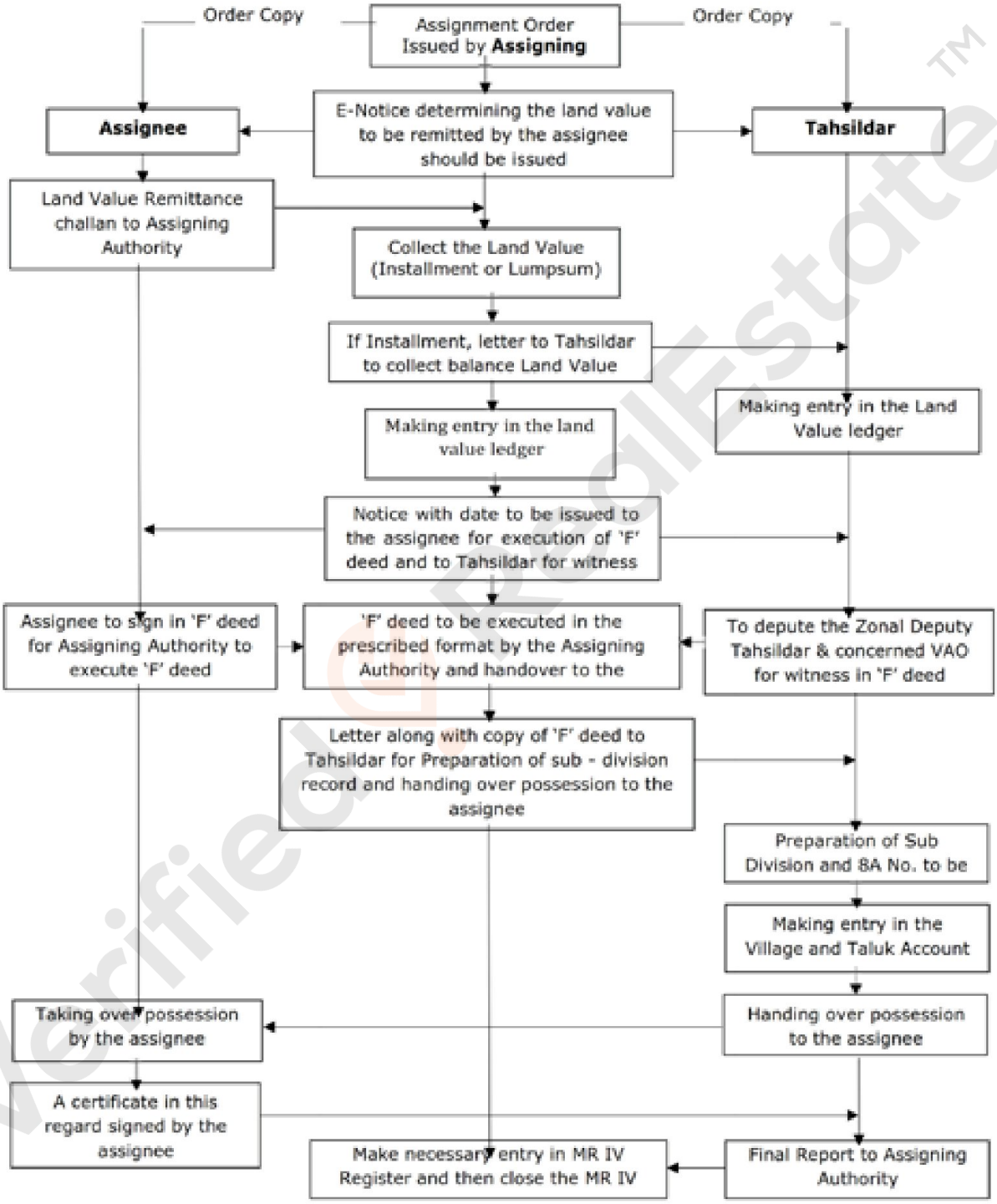
FLOW CHART

I. Procedure to be followed before assignment of surplus lands



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II. Procedure to be followed after issue of assignment order



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FREQUENTLY ASKED QUESTIONS

1.	**What is the ceiling area ?** Ceiling area is allowed to a family as on the date of commencement of the act i.e.,15.2.1970, based on the number of members in the family. A family consist of not more than 5 members is entitled to hold 15 standard acres within the ceiling area. In case a family consist of more than five members is 15 standard acres together with additional extent of 5 standard acres to every additional member is allowed within the ceiling area. Further overall ceiling area allowed to a family is 30 standard acres. Further the ceiling area for the family, firm, society and private trust is 15 standard acres.
2.	**What is Standard Acre ?** Agriculture lands are classified as 'wet' and 'dry' based on their source of irrigation. The yield of wet land is more than the dry lands, hence both wet and dry land cannot be equated. In order to determine the total holdings and fix ceiling limit to a landowner, ordinary acre of wet and dry lands is converted into Standard Acre based on their classification and assessment. Accordingly in case of dry lands if the rate of assessment is below Rs.1.25 per acre, 4 ordinary acres is equal to 1 standard acre i.e. maximum is . Similarly in case of wet lands if the rate of assessment is Rs.15/- and above then, 1 standard acre is equal to 0.80 ordinary acre.
3.	**What is Stridhana Land ?** The lands held by the female member of the family on the date of commencement of the Act is known as Stridhana Land. An extent of 10 standard acre of land held by the female member of family as on the date of the commencement of the Act is allowed in addition to the ceiling area allowed to the family.
4.	**How lands are allowed within the retainable portion**. As per Section 10(1)(viii), the landowner is allowed to offer, the particulars of land which he desires to retain within the ceiling area. If the landowner is failed to specify the particulars of land which he desires to retain within the ceiling area, the Authorised Officer shall as far as practicable, accommodate the lands which is capable of easy and convenient enjoyment as the land to be retained by such person within his ceiling area. The lands encumbered and lands sold by the landowner after 15.2.1970, the date of commencement of the Act, can also be accommodated within the retainable portion.

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5.	**A landowner sold some of his holdings between 15.2.1970 (the date of commencement of the Act) and 2.10.1970 (notified date of the Act). Then how it is dealt with ?** As per section 22 the sale is void. Any transfer of land by the landowner either by sale, gift, exchange, surrender, settlement or in any other manner effected between the date of commencement of the Act and notified date of the Act are to be declared as void transactions. 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)] ii) If the extent transferred is in excess of the ceiling area – to include it in the following order of preference: a) transferred to a person who was landless immediately before such transfer & not related to the landowner or other members of family. b) land transferred to a cultivating tenant who was cultivating the land immediately before such transfer. c) land transferred to a person who was not related to the landowner or other members of the family. d) Land transferred to others. [Section 10(4-B)]
6.	**A landowner sold all the lands held by him before the publication of notification u/s.18(1). Then how it can be dealt with.** Any transfer, whether by sale or by gift, exchange, surrender, settlement or otherwise; or any sub-division whether by partition or otherwise, effected on or after the notified date (2.10.1970) and before the publication of a notification under section 18(1) shall be deemed to have been void. 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)]
7.	**What is the difference between the provisions made u/s.22 and 21-A ?** As per section 22, any transfer of land by the landowner either by sale, gift, exchange, surrender, settlement or in any other manner effected between the date of commencement of the Act and notified date of the Act are to be declared as void transactions. But any parent or grandparent has voluntarily transferred any land on account of natural love and affection to any minor son, unmarried daughter, minor grandson, or unmarried granddaughter in the male line or any person voluntarily transferred any land to any educational institution or hospital between the date of commencement of the Act and notified date of the Act, such transactions to held valid under section 21-A.

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8.	**What is the procedure for initiation of action u/s.20 and 20- A of the Act ?** If a landowner (person, family, private Trust, company, society, firm, etc.) acquired lands in excess of the ceiling area after 2.10.1970, notified date of the Act, then the land held by him in excess of the ceiling area is to be transferred to Government by declaring those excess lands as surplus by passing an order under section 20 of the Act, by the Authorised Officer. Provided that the Authorised Officer should give reasonable opportunity to the landowner and the person or persons from whom the lands purchased, of being heard and producing evidence, if any. Similarly, if a public trust acquired land after 1.3.1972 in contravention of provisions of section 2, 5(3-B), 5(3-C) and 37-B of the Act, then the Authorised Officer should declare such transactions as null and void and the land acquired by such public trust have to be transferred to the Government from the date of such transaction(s). Provided that the Authorised Officer should give reasonable opportunity to the public trust and the person or persons from whom the lands purchased, of being heard and producing evidence, if any.
9.	**Whether any ceiling limit fixed for purchase of lands for the industrial / commercial undertaking and public trust u/s.37-A and 37-B respectively.** As per section 37-A and 37-B of the Act the industrial / commercial undertaking and public trust respectively shall acquire lands for their industrial / commercial purposes and education or hospital purposes for which they should make an application to Government within a period of 180 days from the date of such purchase to acquire lands or to hold the lands acquired. No upper ceiling limit is fixed for acquiring lands by the industrial or commercial undertaking and public trusts. However, while applying for grant of permission u/s.37-A and 37-B, detailed project report for the proposed utilisation of lands for industrial and educational or hospital purposes, respectively, have to be furnished to Government.
10.	**Whether an industrial / commercial undertaking can sell the lands partly or fully after obtaining permission u/s.37- A of the Act from Government.** As per the Rule 56(3(ix) of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules, 1962, there is no provision in the rules for transfer of lands partly for which permission granted by Government u/s 37-A. However, Government vide G.O.Ms.No 277, Revenue and Disaster Management Department, Land Reforms wing, LR1(2) Section, Dated: 31.07.2018 have ordered to provide for transfer of lands fully or partly or part transfer of lands from Industrial or Commercial undertaking to another Industrial or Commercial undertaking and from one public trust to another public trust for the same industrial or commercial activities and for the same educational and hospital purposes respectively for the cases where Government have permitted to hold land covered under section 37-A and 37-B of the said Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

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11.	**An industrial / commercial undertaking applied for grant of permission u/s.37-A of the Act. During the pendency of application whether the industrial or commercial undertaking can sell its land to another industrial/commercial undertaking.** There is no provision in the Act and Rules to sell land to another company when its application is pending with government. The Government in G.O.Ms. No 596 Revenue and Disaster Management Department, Land Reforms wing, LR2(2) Section, Dated: 24.10.2020 have stated that in such transfer cases, if the Government rejected the Court and in case, the order of the Government is set aside by the High Court or Supreme Court, then such transfer of lands has to be regularized by Government. Therefore, in the seller attracted or land transferred cases, the regularization of transfer of land may be considered by government, on case to case basis and hence the Government has ordered that in cases where the Industrial / Commercial undertaking has applied for permission under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, to hold surplus lands, (irrespective of whether the original owner of the land or consequent purchaser has made an application) and no declaration was made by the authorized officer, as contemplated under section 20 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, the State Government will have to first consider the application for permission to hold the land for industrial purpose under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, on merits and thus seller attracted issue will not be a bar to consider an application under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961. It is only, if such permission is refused, the authorized officer can proceed to pass orders for transfer of the land to the Government.
12.	**Whether the industrial/commercial undertaking can sell the land to individual.** The industrial or commercial undertaking should not sell the lands to individual.
13.	**Whether a public trust can sell the land to another Public Trust after granted permission under section 37-B of the Act by Government.** No. As per section 20-A of the Act the lands acquired by any public trust after 1.3.1972 in contravention of provisions of section 2, 5(3-B), 5(3-C) and 37-B of the Act is null and void. The lands so acquired is deemed to be transferred to the Government. If a public trust acquired land for educational or hospital purposes without making any application to Government for grant of permission u/s.37-B of the Act and sell it to another public trust, in such case, since the lands held by the trust has already attracted section 20-A of the Act and deemed to have been transferred to Government. Therefore, public trust cannot sell the lands to other public trust or individual.
14.	**How can a person apply for the assignment of surplus land?** On publication of B-notice inviting application for assignment from landless poor, one can make application for assignment in the Form 'C' prescribed under Tamil Nadu Land Reforms (Disposal of Surplus Land) Rule, 1965 within 30 days of publication 'C' form.

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15.	**Who are all the persons entitled to get assignment of the ceiling surplus lands?** *The following persons are Eligible for assignment of surplus land as per rule 5.* a) A person cultivating the land as on 15.2.70, the date of commencement of the Act and completely dispossessed of the land by virtue of declaration of surplus. b) A person whose extent of holding is reduced below 3 acres of dry land or one and half acres of wet land held by him partly cultivating tenant and partly as owner or wholly as cultivating tenant by virtue of declaration of surplus. c) A landless agricultural labour belonging to SC or ST. d) A member of Armed Forces e) Repatriate from Burma or Srilanka f) A landless agricultural labourer other than SC or ST g) A cultivating tenant holding land less than 3 acres of dry land or 1 ½ acres of wet land. h) A Co-operative forming society the members of which are landless agricultural labourers
16.	**When the land assigned is completely vest with the assignee?** As per Rule(1)(iii)(a) of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, the land assigned will absolutely in the assignee only after the value of the land and the buildings and trees thereon is paid in full or after the expiry of a period of twenty years from the date of assignment, whichever is later.
17.	**If the assignee is deceased during the conditional period of twenty years, what is the next course of action by Assigning Authority?** As per section 8(6) (a) if an assignee dies after the execution of the deed of assignment in Form-F but before the expiry of condition period of 20 years the assignment made in his favour shall stand transferred in favour of the legal heir nominated by such assignee with effect from the date of death of the assignee. If the legal heir nominated as above is not eligible for assignment on the date of the death of the assignee or is not willing to accept. The assignment may be transferred to any one of the eligible legal heirs of the deceased assignee. The assignment shall be transferred to the eligible legal heirs of the assignee. If an assignee dies before the execution of the deed of assignment in Form-F the assignment will be transferred in the name of an eligible legal heir of the deceased by agreement among the heirs or by drawing lots. If such deceased assignee had remitted any amount towards the value of the land, buildings and trees theron, such amount shall be treated as paid by the legal heir in whose favour the assignment is transferred.

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18.	**If an assignee pays the land value after completion of the conditional period of 20 years, when the land vest with him?** The land assignment vest with assigning only after completion of conditional period of 20 years and land value is paid in full whichever is later. As per rule 9(1)(ii)(d) in the event of default of payment of 2 consecutive instalments, the assignment made to him will be cancelled for violation of condition of assignment and land will be resumed to Government.
19.	**Whether the landowner is entitled to compensation for the lands declared as surplus from his holdings.** A Land owner held lands in excess of ceiling area as on 15.02.1970, the date of commencement of the act. Excess land held by the land owner declared as surplus U/s 18 (1) of Tamil Nadu Land Reforms (Fixation of Ceiling on land) Act 1961, as amended by act 17/70. In this case the land owner is entitled for compensation under section 50 of the act. A land owner acquired land after 02.10.1970, the notified date of the act and he is holding land in excess of the ceiling area, the excess land will be acquired by declaring it as surplus U/s 20 of the act for penalising the land owner. In such cases the land owner is not entitled for compensation for lands declared as surplus.
20.	**What is the maximum extent can be assigned to a person under Land Reforms Act?** The maximum extent assigned to a person is 3 acre of dry land or one and half acres of wet land.
21.	**Whether the land assigned to the member of the SC or ST can be sold to non-SC or ST after completion of condition period of 20 years.** Rule 9(1)(i) of Tamil Nadu Land Reforms (Disposal of surplus land)rules, 1965 provides that at any later date the land assigned to themember of SC or ST shall not be sold to any person other than a member of the SC or ST.

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2. BHOODAN BOARD

The Bhoodan Yagna Movement was initiated by Sri Acharya Vinoba Bhave in the year 1951. Acharya Vinoba Bhave toured extensively to various parts of Tamil Nadu between 13.03.1956 and 18.04.1957. During this campaign, the land Lords voluntarily gifted lands to this Movement.

To facilitate the donation of lands for the Bhoodan Yagna and the transfer and settlement of such lands for the benefit of landless poor persons or for the community purposes, the Tamil Nadu Bhoodan Yagna Act 1958 was enacted and the Rules came into force in the year 1959.

The Bhoodan lands are administered by the Bhoodan Board. The Board has been constituted in G.O.Ms.No.493, Revenue (LR I (1) Dept, dt. 23.12.2009, as per section 4 of the Tamil Nadu Bhoodan Yagna Act 1958. The Hon'ble Minister for khadi and Village Industries is the Chairman of the Board. The Director of Land Reforms is the Member Secretary of the Board. The Secretary to Government (Revenue Department), the Principal Secretary / Commissioner of Land Reforms, Director of Horticulture and Director of Agriculture are the official members and there are 7 Non official members. The term of office of the Board is 4 years as per the section 5 of the above said Act.

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I. DONATION, REGISTRTION AND PATTA TRASFER

Donation of Lands

i) As per Section 16 of the Tamilnadu Bhoodan Yagna Act 1958 the details of donation land filled in declaration form VII (Before the commencement of Tamil Nadu Bhoodan Yagna Act 1958) or declaration form IV (After the commencement of Tamil Nadu Bhoodan Yagna Act 1958) and the same shall be affixed to the notice board of the Taluk office, village chavadies, schools and other places.

ii) The declaration form VII or IV shall be published in the District Gazettes in Tamil and the state Gazettes in English.

Conformation

i) As per section 17(4) of Tamil Nadu Bhoodan Yagna Act 1958, after the Publication of declaration form VII or IV in the Gazettes, if there is no objection within the two months from the date of publication, the concerned Tahsildar shall be passed a conformation order.

ii) As per section 17(1) of the Tamil Nadu Bhoodan Yagna Act 1958 if any objection filed by any affected person within the two months from the date of publication, the Inquiry officer (Tahsildar or Deputy Tahsildar) shall proceed to investigate and dispose of the objection by order either confirm the donation or declared it null and void.

iii) The order of the Inquiry officer shall be published in concerned district and state Gazettes in Tamil and English respectively, within the Three months of such orders passed.

Registration

i) As per section 17(5)(b)(ii) of Tamil Nadu Bhoodan Yagna Act 1958, The conformation order shall be sent to the Sub-Register for registration.

ii) Registration fee and personal appearance is exempted.

Patta Transfer

i) As per section 17(6) of Tamil Nadu Bhoodan Yagna Act 1958, after Conformation and Registration the Bhoodan lands shall be sub divided by the four boundaries and the title transferred in the name of Bhoodan Board.

ii) Patta of all the Bhoodan lands stands in the name of Tamil Nadu Bhoodan Board Chennai - 5.

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II. DISTRIBUTION

As per section 19(1) of Tamil Nadu Bhoodan Yagna Act 1958, and rule 15(1),

i) The Bhoodan lands shall be granted for only agricultural purpose and house sites to land less poor persons.

ii) Land less poor person means a person who either is not an owner of any land or an owner of land does not exceed 1 acre of wet or 2 acre of dry land and whose annual income does not exceed Rs 25,000.

iii) The Bhoodan Board may grant any land to the Government or local authority for community purpose.

iv) The **Viniyoga pathiram** shall be issued only by the Bhoodan Board.

v) The grantee is given only enjoyment rights. Even after grant the patta stands in the name of Bhoodan Board.

vi) The grantee shall have no right to sell or rented out of the land.

vii) The Bhoodan Board have right to cancel the grant and re- grant to any other eligible person, in case of any violation of the condition.

Grant of land to private persons or institutions for public purpose.

An amendment was made as per section 19(3) of Tamil Nadu Bhoodan Yagna Act 1958, to grant the Bhoodan land by the Government to any person or institutions for any public purpose on recommendation of the State Board after collecting double the market value of such lands. The Tamil Nadu Bhoodan Board functioned at Madurai was transferred to the Directorate of Rural Development, Chennai in the year 2003. In the G.O.(Ms) No.144, Rural Development Department, dated 14.10.2006, the Bhoodan Board has been transferred and brought under the control of the Land Reforms Department.

III. EXCHANGE OF LAND

An Amendment was made to facilitate acceptance of alternate land offered by the donor or his legal heirs in lieu of the Bhoodan land.

As per section 17A of Tamil Nadu Bhoodan Yagna Act 1958, and rule 12 A, the Donor or his legal heirs have permitted to exchange of the land already donated to Bhoodan Board with an alternate land having the equivalent value.

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3. FREQUENTLY ASKED QUESTIONS

1.	**Why Bhoodan lands have not been confirmed, registered and patta transferred at the time of receiving donation in the year 1956?**
	Tamil Nadu Bhoodan Yagna Act was enacted in the year 1958 and the Tamil Nadu Bhoodan Yagna Rules was framed in the year 1959, hence the lands received as Donation in the year 1956 to 1957 could not be Confirmed, Registered and Patta transfer. (Section 1 of the Act) After enactment of the Act and Rules alone the procedure for Confirmation, Registration and Patta transfer has been prescribed for the lands received as donation.
2.	**What is the procedure for Confirmation and Registration of Bhoodan lands?**
	On receipt of donation of lands for Bhoodan Yagna, by declaration made in the prescribed manner, it should be published in State and District Government Gazette in both English and Tamil as prescribed in Form VII. Any person whose interests are affected by such donation, within two months of the publication should file the objections. The Inquiry Officer being the Tahsildar, should register every such objection and fix a date for its hearing and give notice of such date to all the connected stake holders, viz; donor, objector and conduct the hearing, investigate and dispose of the objection either by confirming the declaration or declare it null and void. The orders passed by confirming the declaration by the Inquiry Officer is the Confirmation order. (Section 16 and 17 of the Act) This Confirmation order has to be published in both State and District Gazette in English and Tamil. However, a copy of the such order duly authenticated by the officer should be sent to the concerned registering officer under the Indian Registration Act, 1908 within the local limits of whose jurisdiction the land to which order relates is situated and such registering officer shall register such order and no fee shall be payable for such registration and it is also not necessary for any officer of the Board to appear in person or by agent at the registration office in such registration. This is the way a confirmation order has to be registered in the name of Bhoodan Board. (Section 17 of the Act)
3.	**In the Bhoodan register, if there is no file number and if only donor name is mentioned, how to Confirm, Register and Patta Transfer the lands in the name of Bhoodan. In some cases, there is no donor name too, only in the present A Register it is mentioned as Bhoodan lands. How to Confirm, Register and Patta Transfer such lands in the name of Bhoodan?**
	In such cases EC from the year 1950 should be verified to check whether the donor name is reflected in the EC. If no sale transaction is happened in that Survey No. the process of Confirmation as mentioned above should be followed to get the lands confirmed. If the donor name is not found in EC, the Form VII can be published without the name of the donor and to follow the procedure for confirmation mentioned above. If any objections are received the Inquiry officer should verify the claim and pass orders either confirming the lands in the name of Bhoodan Board or declare null and void. On confirmation, it should be registered in the name of Bhoodan Board as mentioned above and it should patta transferred in the name of the Bhoodan Board.

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4.	**Who is the authority to issue order for confirmation Bhoodan Lands?**
	The concerned jurisdiction Taluk Tahsildar.
5.	**If anyone donates lands towards Bhoodan Movement at present, whether that lands can be received as donation. If yes what is the procedure?**
	Yes, donation of lands towards Bhoodan Yagna can be received even at present. The procedure prescribed in Section 16 and 17 of the Act should be followed for Confirmation, Registration and Patta transfer such lands in the name of the Bhoodan Board.
6.	**What is the Registration cost for Registration of Bhoodan Land?**
	No fee shall be payable for such registration of Bhoodan lands.
7.	**How to patta transfer the pending patta transfer cases listed with old survey nos. in the Bhoodan register.**
	A correlation statement of the old survey number changed to the present survey number should be worked out to patta transfer the Bhoodan lands as of now, so as to avoid litigations and wrong patta transfer of any other patta lands.
8.	**Whether the title of the Bhoodan lands distributed to the eligible beneficiaries either for the agriculture purpose or for house site can changed in the name of the beneficiary.**
	No. The eligible beneficiary has only the enjoyable right over the Bhoodan land. The title of the land will be in the name of the Bhoodan Board forever. If the beneficiary is violating the conditions mentioned in the distribution and the legal heir of the beneficiary is not eligible, such lands can be re-assigned to the eligible beneficiary after cancelling the earlier distribution.
9.	**Whether as per Section 19 (3) of the Act, the title of Bhoodan lands given to a person or institution for any public purpose, after collecting double the market value can be changed in the name of that person or Institution?**
	No. Even in the case of grant of the land as per section 19 (3) of the Act, the title of Bhoodan lands given to a person or institution for any public purpose, after collecting double the market value, cannot be changed in the name of that person or Institution. The title will always remain in the name of Bhoodan Board.
10	**Whether the beneficiary of Bhoodan lands for whom the Bhoodan lands have been distributed as per Section 19(1) is eligible for exchange of lands?**
	No. As per section 19(1), the Bhoodan lands are granted to landless and homeless poor person. If he owns some other lands and asks for exchange of Bhoodan lands, he is ineligible to be grantee. Such grants given to him can be cancelled and these lands can be reassigned to eligible beneficiary.

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3(a) THE TAMIL NADU URBAN LAND TAX ACT, 1966, AMENDED ACT, 1991

The Tamil Nadu Urban Land Tax Act of 1966 came into force on 1.7.1963 in the City of Chennai. Later, the Act was extended to Trichy, Madurai, Salem and Coimbatore Towns with effect from 1.7.1971 and to Chennai City belt areas from 1.7.1975 (16 km from the limits of Chennai City). Urban Land Tax is levied based on the market value with reference to the extent held.

Further the Act was extended to Tirunelveli Corporation with effect from 1.7.1981. Tax is levied based on the market value as on 1.7.81 in all the areas with effect from 1.7.91. The tax structure is as follows: -

Sl. No.	Chennai and other Urban Agglomeration	All urban lands inthe Chennai City Belt Area	
1.	Upto 2 Grounds	Upto 3 Grounds	NIL
2.	From 2 to 5 Grounds	From 3 to 7Grounds	0.7% of the market value
3.	From 5 to 10 Grounds	From 7 to 10Grounds	1% of the market value
4.	From 10 to 20 Grounds	From 10 to 20Grounds	1.5% of the market value
5.	Above 20 Grounds	Above 20 Grounds	2% of the market value

The Act was amended in 1991 by T.N. Act 1/1992 w.e.f 1-7-1991 and was extended to the following Municipalities and two Townships.

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MUNICIPALITIES

Mayiladuthurai	Kumbakonam	Pollachi	Udhagamandalam
Kancheepuram	Udumalpet	Thanjavur	Dindigul
Cuddalore	Palani	Tirupur	Karur
Villupuram	Karaikudi	Thoothukudi	Nagercoil
Pudukkottai	Rajapalayam	Vellore	
Erode	Namakkal		

TOWNSHIPS

Kodaikanal Mettur.

Exemption and Concessions:-

a) According to Section 29, lands owned by Central Government, State Government, Local bodies and lands used as public roads, burial grounds, places of worship etc. are statutorily exempted from the levy of urban land tax. Schools recognised by Government are also exempted from the levy of Urban Land Tax.

b) **Other Concessions Provided under the Act**

(i) 50% concession is allowed in respect of the urban land occupied with building and solely used for residential purposes of the owner.

(ii) 50% concession is allowed in respect of Sabhas, Clubs and Studios.

(iii) Total exemption in respect of lands notified by the Slum Clearance Board under section 3(b) of the Slum Clearance Act

(iv) 10% concession to Cinema Theatres, etc. (G.O.Ms.No. 2625, Revenue, dated 27.12.1976).

(v) 25% tax concession for Small Scale Industries in respect of lands owned and used by the owner of the land.

(vi) 10% concession in respect of lands used by other Industries.

Apart from the Statutory provisions available under Section 29 of the Act, the Government may grant exemption from payment of Urban Land Tax under section 27(1) of the Act, if the levy of Urban Land Tax causes undue hardship.

In G.O. Ms. No. 461, Revenue, dated 17.3.83, Empowered Committee was constituted to examine the exemption applications received from religious, educational, charitable and philanthropic institution requesting for grant of exemption from payment of Urban Land Tax and for making recommendations to Government considering the norms and conditions.

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The Committee consists of

a)	Commissioner of Land Reforms	:	Chair Person
b)	Director, Urban Land Ceiling and Urban Land Tax	:	Member Secretary
c)	Secretary to Government, Tamil Development and Religious Endowments Department	:	Member
d)	Secretary to Government, School Education Department	:	Member
e)	Commissioner, Hindu Religious and Charitable Endowment Department	:	Member

Government in their G.O.(MS) No.1834, Revenue dt.29.10.83 have issued orders for grant of exemption under Section 27(1) of the Act. In G.O.(MS) No.1803, Revenue Department, dated 1.8.1978 & G.O 1672, Revenue Department, dated 19.12.1985, powers were delegated to the Commissioner of Land Reforms to grant exemption under Section 27(1) of the Act in respect of the following matters: -

1. Lands owned by all religious, charitable and philanthropic institutions under the control of the Hindu Religious and Charitable Endowment Department, Wakf Board, Arch Diocese and the Church of South India.
2. Lands owned by educational institutions which are recognised by the State Government or by any University in India.
3. Lands held by the educational institutions recognised by the Central Government or by the Central Board of Secondary Education, New Delhi.

The assessment orders passed by the Assistant Commissioner or Special Tahsildar (ULT) under Section 10 or 11 of the Act can be questioned in the Tribunal under Section 20 of the Act. Under Section 30 of the Tamil Nadu Urban Land Tax Act, the Commissioner of Land Reforms is empowered with Revisionary Powers against the assessment orders passed by the Assistant Commissioners.

The Taluk Tahsildars concerned are appointed as Urban Land Tax Officers under the Act for the purpose of collection of Urban Land Tax. In Chennai City and Coimbatore, Special Tahsildars designated as Urban Land Tax Officers were appointed for the collection of Urban Land Tax.

The collection of Urban Land Tax is being monitored and Reconciliation of collection is being done every month. The Collectors / District Revenue Officers review the work done by the Tahsildars / Revenue Inspectors in this regard. Periodical review is being conducted by the Commissioner of Urban Land Ceiling & Urban Land Tax.

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3(b) THE TAMIL NADU URBAN LAND (CEILING AND REGULATION) ACT 1978

(Repealed w.e.f. 16.6.1999)

The Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 was enacted based on central Act 24 of 1976 with a view to impose ceiling on vacant land in Urban Agglomerations and to prevent concentration of urban land in the hands of a few persons by way of speculation and profiteering therein and with a view to bring about an equitable distribution of lands to subserve the common good. This Act was modified in 1978 with some concessions in the holdings of individuals and for the industrial undertakings.

2) The salient features of the Act 1978 are as follows: -

a) imposing of ceiling on the holdings of vacant land by a person (an individual), a family, a firm, a company of an association or a body of individuals.

b) imposing of ceiling on the plinth area of dwelling units to be constructed in future and

c) regulation of the transfer of urban property

3) The Act was implemented in Chennai, Madurai, Coimbatore, Tiruchirappalli, Salem and Tirunelveli Urban Agglomerations.

4) The Ceiling limit for an individual, a family and an industrial undertaking in each urban agglomeration under the Tamil Nadu Urban Land (Ceiling and Regulation) Act 1978 till 15.06.1999 is given below: -

Sl. No.	Urban Agglomeration	Category	Individual (in Sq.mtrs)	Family (in Sq.mtrs)	Industrial Under taking (in Sq.mtrs)
1	Chennai	I	500	2000	2000
2	Madurai, Coimbatore, Tiruchirappalli & Salem	II	1500	3000	3000
3	Tirunelveli	III	2000	4000	4000

5) The provisions of the Act will not apply to lands held by the Central and State governments, Government Undertakings, Local Bodies, Scheduled Banks, Co-operative Housing Societies and Charitable Institutions.

6) The Tamil Nadu Urban Land (Ceiling and Regulation) Act 1978 was repealed with effect from 16.6.99 by Act 20/99. The repeal Act saved the lands which were taken possession by the Government upto 15.6.99 and the lands exempted

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under Sec.21 (1)(a) of the Act. The other cases which were in various stages of acquisition upto Sec.11(5) were abated. Consequent on the repeal of the Act, Government have issued orders in G.O. Ms. No.353, Revenue, dated 30.6.2000 for the disposal of the lands which were taken possession by Government. According to the above G.O. lands which are free from encroachment and other litigations can be allotted to the Tamil Nadu Slum Clearance Board, Local Bodies, Tamil Nadu Electricity Board, Transport and other government Undertaking Departments. The remaining land shall be sold out through tender - cum - auction.

INNOCENT BUYER'S SCHEME:

The purchase of excess vacant land upto 1½ grounds purchased for residential purposes, without knowing the acquisition and vested with Government, is regularized after remittance of the nominal value fixed by the Government as per G.O.Ms.No.649, Revenue, dated 29.07.1998. Subsequently the Government extended this provision for the land measuring an extent of more than 1½ grounds purchased for residential and other purposes by collecting twice and thrice the value as per G.O.Ms.No. 565, Revenue, dated 26.09.2008. As per the above Government orders action is being taken to regularize the land purchased under Innocent Buyer's Scheme.

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4. OTHER INFORMATION - GOVERNMENT ORDERS

சுருக்கம்

தமிழ்நாடு நிலச்சீர்திருத்த (நில உச்சவரம்பு நிர்ணயம்) சட்டம் 1961- சட்டப்பிரிவு 20 மற்றும் 20ஏயின் கீழ் மிகை நிலங்களாக அறிவிக்கப்பட்ட நிலங்கள் மற்றும் மிகை நில விநியோக விதிகளின்படி ஒப்படை செய்யப்பட்ட நிலங்களுக்கு தொழில் / நம்பகங்கள் சட்டப்பிரிவு 37ஏ மற்றும் 37 பியின் கீழ் அனுமதி கோரும் நேர்வுகளில் பின்பற்றப்பட வேண்டிய வழிமுறைகள் ஆணைகள் வெளியிடப்படுகின்றது.

வருவாய் (நிசீ2(1) த்துறை

அரசாணை (நிலை) எண்.391 **நாள். 17.09.2002**

படிக்கப்பட்டவை

1. **ஆணையர் மற்றும் நிலச் சீர்திருத்த இயக்குநர் கடித எண்.சி2/15512/2000 (நிசீர்), நாள். 21.11.2000.**

ஆணை:

தொழில் / வணிக நிறுவனங்கள் தொழில் உபயோகத்திற்காகப் பிரிவு 37ஏயின் கீழும், நம்பகங்கள் (Public Trust) கல்வி மற்றும் மருத்துவத் தேவைகளுக்காகப் பிரிவு 37பியின் கீழும், நிலங்களை வைத்துக்கொள்ள அனுமதி கேட்கும் விண்ணப்பங்களை ஆய்வு செய்யும் பொழுது சில தொழில் / வணிக நிறுவனங்கள் / நம்பகங்கள் தனியார்களிடம் இருந்த பட்டா நிலங்களை வாங்கும் பொழுது விதிகளுக்கு புறம்பாக 1961-ம் ஆண்டைய தமிழ்நாடு நிலச்சீர்திருத்த (நில உச்சவரம்பு மற்றும் நிர்ணயம்) ச்சட்டம், பிரிவு 20 மற்றும் 20ஏயின் கீழ் மிகை நிலங்களாக அறிவிக்கப்பட்ட நிலங்கள் மற்றும் தமிழ்நாடு நிலச்சீர்திருத்த மிகை நில ஒப்படை விதிகளின் கீழ் ஒப்படை செய்யப்பட்ட நிலங்களை, ஒப்படை காலம், முடிவதற்கு முன்பு ஒப்படைதார்களிடமிருந்து கிரையம் பெற்று அந்நிலங்களையும் உள்ளடக்கி பிரிவு 37ஏ / பிரிவு 37பியின் அனுமதி கேட்கும் விண்ணப்பங்களை ஆய்வு செய்வதற்குப் பின்பற்றப்பட வேண்டிய வழிமுறைகளை குறித்து பார்வையில் படிக்கப்பட்ட கடிதத்தில் நிலச்சீர்திருத்த இயக்குநர் அரசிடம் விளக்கம் கேட்டுள்ளார்.

2) நிலச்சீர்திருத்த இயக்குநரின் செயற்குறிப்பு குறித்து அரசு நன்கு ஆய்வு செய்யுமாறு தமிழ்நாடு நிலச்சீர்திருத்த சட்ட விதிகளுக்கு புறம்பாக பிரிவு 20 மற்றும் 20ஏயின் கீழ் மிகை நிலமாக அறிவிக்கப்பட்ட நிலங்கள் மற்றும் 1965-ம் ஆண்டைய தமிழ்நாடு நிலச்சீர்திருத்த (மிகை நில விநியோகம்) விதிகளின்படி ஒப்படை செய்யப்பட்ட நிலங்களின் நிபந்தனை காலம் முடிவதற்கு முன்பே கிரையமாகவோ அல்லது தானமாகவோ பெற்ற நிலங்கள் அரசிற்கு மாற்றம் செய்யப்பட வேண்டிய நிலங்கள் ஒப்படை விதிகளை மீறி வாங்கப்பட்ட நிலங்கள் வாங்கிய நிறுவனத்திற்கோ, நம்பகத்திற்கோ எந்தவித உரிமையும் இல்லை. அத்தகைய நிலங்கள் அரசின் வசமான ஒப்படை நிலங்கள் . எனவே அத்தகைய நிலங்களில் தொழில் / வணிக நிறுவனங்கள் அல்லது நம்பகம் பிரிவு 37ஏ 37பியின் கீழ் அனுமதி கேட்டு விண்ணப்பம் செய்தால் ஒப்படை விண்ணப்பங்களை

நிராகரிக்கலாம் என்றும் தொழில் மற்றும் வணிக நிறுவனங்கள் மற்றும் நம்பகங்கள் நிலத்தின் மீதுள்ள அரசின் உரிமையை ஏற்ற 1965-ம் ஆண்டைய தமிழ்நாடு நிலச்சீர்திருத்த (மிகை நில விநியோகம்) விதி 13-ன் கீழ் மேலொப்பம் செய்து இத்தகைய நேர்வுகளில் தகுதியின் அடிப்படையில் பரிசீலனை செய்து அரசு முடிவு செய்யுமென்றும், அரசு ஆணையிடுகிறது. நிலமதிப்பு நிர்ணயம் பற்றி ஒவ்வொரு நேர்விலும் அரசு ஆய்வு செய்து நிர்ணயம் செய்யுமென்றும் அரசு ஆணையிடுகிறது.

(ஆளுநரின் ஆணைப்படி)

சுந்தரதேவன்,
அரசுச் செயலாளர்

பெறுநர்
சிறப்பு ஆணையர் மற்றும் நிலச்சீர்திருத்த ஆணையர், சென்னை-5
நிலச்சீர்திருத்த இயக்குநர், சென்னை-5
நகல் சட்டம் / நிதித்துறைகள்
வருவாய் (நிசீ3) த்துறை
இருப்புக்கோப்பு / உதவி நகல்கள்.

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ABSTRACT

Tamil Nadu Land Reforms (FCL) Act 1961 as amended - permission u/s 37-A of the Act - Reconstitution of the Industrial Exemption Committee - by including additional members in the Committee - orders issued.

REVENUE & DISASTER MANAGEMENT DEPARTMENT,
LAND REFORMS WING, L.R-2(1) SECTION

G.O. (Ms) No.337 **Dated 06.07.2020.**
விகாரி வருடம், ஆனி மாதம் 22,
திருவள்ளுவர் ஆண்டு 2051.

Read:

1. G.O.Ms.No.416, Revenue Department, dated:10.03.1984.
2. G.O.Ms.No.528, Revenue (Land Reforms II-I) Department, dated: 30.05.1997.
3. From the Additional Chief Secretary / Commissioner of Land Reforms, Letter No. E1/3806/2020 (L.Ref), dated:19.05.2020.

*****

ORDER:

In the G.O.first read above orders were issued for constituting a Committee to consider applications seeking exemption under section 37-A and section 94-C of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act,1961, as amended by Act 20/72, consisting of the following officials to make recommendations on applications received from industrial or commercial undertakings and sugar factories for exemption from the Ceiling Act by way of permission to hold lands in excess of the ceiling limit under section 37-A and Section 94-C of the Act, respectively:

1.	Commissioner of Land Reforms	Convener
2.	Commissioner and Secretary to Government, Revenue Department, Madras - 9	Member
3.	Commissioner and Secretary to Government, Industries Department, Madras-9	Member
4.	Commissioner and Secretary to Government, Rural Development and Local Administration Department, Madras-9	Member
5.	Director of Land Reforms	Member-Secretary
6.	Head of the respective department	Co-opted Member

2. Further in the G.O 2nd read above the Government have reconstituted the Industrial Exemption Committee with the following officials:-

1.	Commissioner of Land Reforms	Chairman
2.	Director of Land Reforms	Member-Secretary
3.	Senior Officer of the level of Deputy General Manager or above of the TIDCO / SIPCOT	Invitee
4.	Head of the respective department	Special Invitee

3. As per G.O.Ms.No.416, Revenue Department, dated 10.3.1984, the Director of land Reforms will prepare a consolidated report in each case and he will send the applications together with the comments to Government in the Revenue Department for being placed before the Committee. The applications together with the comments of the Director of Land Reforms will be placed before the Committee referred to above for its recommendations as to the grant of exemption.

4. In the meeting chaired by the Chief Secretary to Government regarding streamlining the process for grant of permission under section 37-A of the Tamil Naduu Land Reforms (Fixation of Ceiling on Land) Act 1961 as amended held on 19.3.2020. It has been observed that the existing Industrial Exemption Committee is sufficiently empowered with all core departments represented on it. And the recommendations of Industrial Exemption Committee should not be further examined departmentally and they should be submitted in circulation to the competent authority directly.

5. Considering the above observation of the Chief Secretary, the Additional Chief Secretary/Commissioner of Land Reforms has informed that the present composition of Industrial Exemption Committee (IEC) has Chairman and Member Secretary representing of same Department and Invitees of TIDCO and SIPCOT not below the level of DGM. Apart from this, considering the nature of project, the respective heads of departments are invited as Special Invitees as and when required. With the above core composition of the Committee, results in limited decision making and unnecessary circulation at the Government level.

6. Therefore, the Commissioner of Land Reforms has sent proposal to add the following officials as core members in the Industrial Exemption Committee (IEC) for proper decision making at Industrial Exemption Committee meeting itself thereby avoiding the undue delay in circulation at Government level:-

1.	Secretary to Government, Finance Department	Member
2.	Secretary to Government, Revenue and Disaster Management Department	Member
3.	Secretary to Government, Industries Department	Member
4.	Secretary to Government, Micro Small and Medium Enterprises Department	Member
5.	Secretary to Government, Energy Department	Member
6.	Secretary to Government, Environment & Forests Department	Member

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7. It is also proposed that the Chairman may be authorized to invite other subject specialists to the meeting as per requirement of the Agenda.

8. The Government have examined the proposal of the Additional Chief Secretary / Commissioner of Land Reforms and decided to reconstitute of Industrial Exemption Committee by adding the following Secretaries to Government as core members of the Industrial Exemption Committee :-

1.	Secretary to Government, Finance Department	Member
2.	Secretary to Government, Revenue and Disaster Management	Member
3.	Secretary to Government, Industries Department	Member
4.	Secretary to Government, Micro Small and Medium Enterprises Department	Member
5.	Secretary to Government, Energy Department	Member
6.	Secretary to Government, Environment & Forests Department	Member
7.	Secretary to Government, Agriculture Department	Member
8.	Secretary to Government, Animal Husbandry and Fisheries Department	Member

9. Further, the Government authorize the Chairman of the Committee to invite other subject specialists to the meeting as per requirement of the Agenda.

(BY ORDER OF THE GOVERNOR)

ATULYA MISRA

ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To:

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

The Additional Chief Secretaries / Principal Secretaries, Finance Department / Revenue and Disaster Management Department / Industries Department / Micro Small and Medium Enterprises Department / Energy Department / Environment & Forests Department / Agriculture Department / Animal Husbandry and Fisheries Department, Chennai-9.

Senior Officer of the level of Deputy General Manager or above of the TIDCO / SIPCOT, No.19-A, Rukmani Lakshmipathi Road, Egmore, Chennai-8.

Copy to:

G.O.Ms.No.416, Revenue Department, dated:10.03.1984.

G.O.Ms.No.528, Revenue (Land Reforms II-I) Department, dated:30.05.1997.

SF / SC

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ABSTRACT

Land Reforms – Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), as amended - Issue of Mortgage of lands (fully or Partly) – Applied for grant of permission under section 37-A of the Actby Industrial or Commercial Undertakings – Views of Industrial Exemption Committee – Orders Issued.

REVENUE & DISASTER MANAGEMENT DEPARTMENT,
LAND REFORMS WING, LR.2(1) SECTION

G.O.(Ms)No.425 **Dated:18.08.2020**
சார்வரி வருடம், ஆவணி 2,
திருவள்ளுவர் ஆண்டு 2051.

Read:

1. G.O.(Ms) No.416, Revenue, dated 10.03.1984.
2. From the Additional Chief Secretary/ Commissioner of Land Reforms, Letter No. C1/5771/2011(L.Ref.),dated 21.08.2019 and 11.11.2019.
3. From the Advocate General of Tamil Nadu, High Court of Madras, Chennai 104, OPN. NO.162/AGVN/2019,dated 31.10.2019.

*****

ORDER:

In the reference second read above, the Additional Chief Secretary/ Commissioner of Land Reforms has reported that, the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) came into force on 06.04.1960. Section 5 read with Section 7 of the said Act imposes a land ceilingto the extent prescribed. An industrial or Commercial organization is permitted tohold 15.000 standard acres of land for Industrial or Commercial purposes. At the same time, according to section 37-A (1) if any Industrial or Commercial undertaking desires to hold or acquire any land in excess of the ceiling area, it shall make an application to the Government for permission to hold or acquire such land.

2. In the reference first read above, orders have been issued for constituting Industrial Exemption Committee to process the applications under section 37-A of the said Act to hold or acquire the lands in excess of ceiling limit for Industrial or Commercial undertakings.

3. In the mean time, it has been brought to the notice, that number of proposal remain undecided for the reason that the Industrial or Commercial undertakings have mortgaged the lands (fully or partly) applied for permission or already permitted for advancement, on it

legitimate business activities. In few cases, the applications have not been recommended by the Industrial Exemption Committeeon the ground the lands applied for, have been mortgaged for obtaining loan.

4. Further on perusal of Section 7, 20, 37A of the said Act and 55-A,56, of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land)Rules, 1962,it is apparent that no limit has been prescribed for refusal of permission under section 37-A of the saidAct on the sole ground that the lands applied for, have been mortgaged before or aftersubmission of application. At the same time there is no provisions in the Act/Rules permitting mortgage of the lands which were covered under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

5. In view of this, the matter was placed before the Industrial ExemptionCommittee (IEC) on 16.08.2019 to decide:

(i) Whether the exception carved out in section 7 excludes Industrial or Commercial undertakings that have applied for permission under section 37- A of the Act purview of Section 20 of the Act.

(ii) Since there is no mention in the Act and Rules about mortgage of lands by Industrial or Commercial undertakings applied for permission, whether the term 'sale' mentioned in section 20 of the Act includes mortgage.

6. The industrial Exemption Committee was of the view that mortgage of land for raising finance for the business, is a standard industrial practice and any restraint on it, can impede industrialization in the state. After due deliberations, the Industrial Exemption Committee has resolved as follows:

> "The committee has considered the predicament of the department of Land Reforms over the ambiguity in dealing with applications under section37- A in which lands have been mortgaged after submission of the application and recommends that the Government may take a policy decision on this aspect in consultation on with departments of law, Finance, Industries and other stake holders and experts as considered appropriate".

7. The Government have examined the case carefully with relevant records and decided to obtain the opinion of Advocate General of Tamil Nadu. The AdvocateGeneral in his opinion has stated among other things that, Government cannot reject, or recommend an application under section 37-A be rejected on the sole ground that during the pendency of the application, lands have been mortgaged for the legitimate business activity.

8. The Additional Chief Secretary/Commissioner of Land Reforms has also mentioned that mortgage of land for raising Finance for the business is a standard practice and any restraint on it can impede industrialization in the State and recommended the Government to take a

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Policy Decision based on the Opinion of the Advocate General of Tamil Nadu and such a policy Decision will further foster ease of doing business and give fillip to industrial and commercial activity in the State without compromising the spirit of the Land Reforms Act.

9. In the above circumstances the Government have examined the case carefully with relevant provisions of the Act and Rules in consultation with Industries, Law and Finance Departments and the opinion of Advocate General.

10. Accordingly, the Government direct that applications from Industrial or Commercial undertaking may be considered under section 37-A of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 to hold or to acquire the lands in excess of ceiling area of the Company or Industrial Undertaking, even though the lands are mortgaged, during the pendency of application for legitimate business activity, after obtaining an undertaking from the company or No Objection Certificate from the concerned Bank, in order to foster ease of doing business and give fillip to Industrialand commercial activity in the State without compromising the spirit of Land Reforms 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.

Copy to:
TheHon'ble Chief Minister's Office,Chennai-9
The Special Personal Assistant to the Hon'ble Minister for
Revenue &DisasterManagement & I.T.,
Secretariat, Chennai-9.
The Principal Private Secretay to the Additional Chief Secretary toGovernment,
Revenue & Disaster Management Department,Chennai-9TheIndustries/Law/Finance
Departments,Chennai-9.
SF/SC

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ABSTRACT

Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 – Grant of permission to hold the lands held by Industries or Commercial undertakings – Seller Attracted Issue – Orders Issued.

REVENUE & DISASTER MANAGEMENT DEPARTMENT,
LAND REFORMS WING, LR.2(2) SECTION

G.O.(Ms.) No.596 **Dated: 24.10.2020.**
சார்வரி வருடம், ஐப்பசி 8,
திருவள்ளுவர் ஆண்டு 2051.

Read:

1. From the Director of Land Reforms (I/c) & Director of Social Security Schemes, Lr.No. E1/10805/2017(L.Ref), dated: 05.03.2020 and 16.03.2020.
2. Advocate General of Tamil Nadu opinion dated: 08.05.2020.
3. From the Director of Survey and Settlement / Commissioner of Land Reforms (I/c) letter No.10805/2017 (L.Ref), dated: 19.08.2020.
4. G.O.(Ms) No.337, Revenue & Disaster Management, dated: 06.07.2020.

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ORDER:

In the reference first read above, the Director of Land Reforms (I/c) & Director of Social Security Schemes, while sending proposals to Government for grant of exemption under section 37-A of the Tamil Nadu Land Reforms (Fixation ofCeiling on Land) Act 1961, after placing the case in the Industrial ExemptionCommittee has reported that, “So far, Industrial Exemption Committee has not beenrecommending grant of permission in case of “Seller Attracted” lands. Representatives of the Industries Department were of the view that Section 20 of the Land Reforms Act should not be enforced on the industrial units, when its seller from whom the industrial unit brought the land held excess land beyond ceiling limit but no declaration as contemplated under section 20 of the Act has been made by the authorized officer for the said land. Since the contention of Industries Department entailed major break from the past procedural and interpretation of the Act, it was decided that the IEC may forward all such cases to the Government for taking a policy decision”.

2. In the meantime, a meeting was held on 19.03.2020 under the Chairmanship of Chief Secretary regarding streamlining of the process for grant of permission under section

37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and to sort out the issues like Seller Attracted cases, among other things.

3. In the above meeting, the Industries Department has informed that, opinion of the Advocate General has been called for on the following issues:-

(i) Whether an Industrial unit can make an application under Section 37- A for permission to hold excess land beyond the ceiling limit, when its vendor held excess land beyond ceiling limit, but no declaration as contemplated under Section 20 of the Act has been made by the authorized officer for the said land.

(ii) -Whether an Industrial unit (say Unit A) who has already filed an application under Section 37-A to hold excess land beyond ceiling limit for Industrial purpose, subsequently sold full or a part of the land to another industrial unit (say Unit B) to use it for industrial purpose while the main application under section 37-A (of unit A) is already pending in Government, and the current industrial Unit (Unit B) who bought full or part of the lands also makes an application underSection 37-A to hold excess land arising out of the above transfer. In both the cases the authorized officer has not initiated any action u/s20 of the Act.

4. In the reference second read above, the Advocate General has offered his considered opinion among other things as below:-

In respect of issue No.1, Section 20 of the Tamil Nadu Land Reforms Act, 1961, clearly provides that if there is any future acquisition of land after the coming into force of the Act, and such acquisition results in the transferee holding land in excess of the ceiling limit,then such excess land shall, as a measure of penalty, stand transferred to the Government, on a declaration being made b the authorised officer within whose jurisdiction the land is situated. A plain reading of the language indicates that if the land is to stand transferred to the Government, there has to be adeclaration to that effect by the authorised officer.

Hence, in the absence of such declaration the transfer to the Government does not take place and in the meanwhile, if the buyer of the land applies for permission to hold the land under Section 37-A, the authorised officer will have to necessarily defer further proceedings and wait for the disposal of that application for permission, since that application is to be considered by a higher authority, namely, the State Government. If the Government does not grant such permission, then it is open to the authorised officer to proceed to pass orders, as contemplated bySection 20 of the Act.

In respect of issue No.2 the only difference being that the original owner has made an application for permission under Section 37-A, and though no orders were passed, the land was sold to a subsequent purchaser, who also makes an application for permission under Section 37-A, And no declaration was made by theauthorised officer, as contemplated under Section 20, the state Government will have to first consider the application for permission to hold the

land for industrial purposes under Section 37-A. It is only if such permission is refused that the authorised officer can proceed to pass orders for transfer of the land to the Government.

5. In the reference third read above, the Director of Survey and Settlement/Commissioner of Land Reforms (FAC) has reported among other things that, the object of the Land Reforms Act is to fix ceiling on agricultural lands held as on the date of commencement of the Act, i.e., 15.02.1970 and notified date on 02.10.1970 and declare the excess lands as surplus lands for eventual assignment of the surplus lands to the poor agriculturist under the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.

6. Further in the cases, where the seller of the lands to the company i.e. industrial or commercial undertaking attracted under the Land Reforms Act, but, the buyer-company applied to Government in proper manner requesting to grant permission under section 37-A for industrial purpose, the Authorised Officer shall not pass any order under section 20 of the Act till the disposal of the application by Government. If such application is rejected by the Government, then the Authorised Officer shall take action on the above said sections.

7. In such cases, the grant of permission under section 37-A of the Act may be considered by Government, on case to case basis, after taking intoconsideration of the following facts:-

(i) Bonafide and genuineness of the buyer-company and the circumstances under which the sale was effected.

(ii) Scope of Industrial / Commercial activities.

(iii) Utilization of lands or to be utilized the lands for the purpose for which they applied to Government.

(iv) Since the transferred lands are excess lands and as such, those lands may be shown as excess lands of the buyer company and in such cases the buyer company's own lands shall be shown in the retainable area (within the ceiling area) of the company. Thus the quantum of the excess lands covered under section 37-A of the Act would not change and hence there is no loss to Government.

8. In the cases where a company has applied to Government for grant of permission under section 37-A of the Act for industrial purpose and subsequently for some bonafide reasons the company is transferred those lands partly or fully, in such cases, the grant of permission under section 37-A of the Act may be considered by Government in case to case basis on taking into account the following facts:-

(i) Bonafide and genuine reasons in which the transfer effected by the company.

(ii) The scope prevailing in the industrial / commercial activities.

(iii) Utilization of lands or lands to be utilized for the purpose for which they, applied to Governement.

Since, the transferred lands are excess lands and as such those lands may be shown as excess lands of the buyer covered under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961. Therefore the total quantum of surplus lands of both the company do not change.

9. He has also reported that there is no specific provision in the Tamil Nadu Land Reforms (Fixation of ceiling on Land) Act, 1961 as amended, to deal with the cases where seller was attracted, while submitting application under section 37-A the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, and thecases where the lands covered under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, were transferred to another company while application under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, is pending with Government and the buyer company also applied to Government under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961. As such, cases may be dealt with by Government, on case to case basis, at the time of grant of permission under section 37-A of the Act as stated above, as there is no loss to Government in this issue.

10. It is experienced that such transfer cases are in number covered under section 37-A of the Act and in some cases the lands have been acquired by Government under Land Acquisition Act for public purpose. As such those lands are also to be regularized. In such transfer cases, if the Government rejected the application of the company, they may resort to file cases before the Hon'ble High Court and in case, the order of the Government is set aside by the High Court or Supreme Court, then such transfer of lands has to be regularized by Government. Therefore, in the seller attracted or land transferred cases, the regularization of transfer of land may be considered by government, on case to case basis.

11. Further, the present economic scenario and global change of business such regularization of transfer of lands covered under section 37-A of the Act without any loss to Government is imperative.

12. In the above circumstances, the Government examined the issue of Seller Attracted cases carefully based on the opinion of Advocate General and the deliberations with Director of Survey and Settlement / Commissioner of Land Reforms (FAC) along with the remarks obtained from Industries / Law/Finance Departments, the Government direct that,

(i) In cases where the Industrial / Commercial undertaking has applied for permission under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, to hold surplus lands, (irrespective of whether the original owner of the land or consequent purchaser has made an application) and no declaration was made by the authorized officer, as contemplated under section 20 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, the State

Government will have to first consider the application for permission to hold the land for industrialpurpose under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, on merits and thus seller attracted issue will not be a bar to consider an application under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceilingon Land) Act 1961. It is only, if such permission is refused, the authorized officer can proceed to pass orders for transfer of the land to the Government.

(ii) Moreover, while declaring the surplus land, the existing provision in the Act and Rules of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 will prevail.

13. The Additional Chief Secretary / Commissioner of Land Reforms is requested to send proposal in accordance with the above order to Government for grant of permission under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961.

(BY ORDER OF THE GOVERNOR)

ATULYA MISRA
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

TO
The Additional Chief Secretary / Commissioner of Land Reforms,
Chepauk, Chennai – 600 005.
The Director of Land Reforms, Chepauk,Chennai -5.
All District Collectors.

Copy to:
The Industries 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 Chief Minister Office, 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, Chennai -9.

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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**
சாரவரி வருடம், காரத்திகை 30,
திருவள்ளுவர் 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

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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 Act58 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.

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 otherthings, that,

> "*Government cannot reject, or recommend an application undersection 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 thesaid 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, eventhough 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 underSection 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 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.

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வருவாய்த் துறை,
புனித ஜார்ஜ் கோட்டை,
சென்னை-9

கடித எண் 12352/நி.சீ.2(1) 2001-7 நாள் : 14.12.2001.

அனுப்புநர்

திரு.தேவேந்திரநாத் சார்ங்கி, இ.ஆ.ப.,
அரசு செயலாளர்,

பெறுநர்

நிலச்சீர்திருத்த இயக்குநர்,
சென்னை-5.

அய்யா,

பொருள் : 1961ஆம் ஆண்டைய தமிழ்நாடு நிலச்சீர்திருத்த (நில உச்சவரம்பு நிர்ணயித்தல்) திருத்தியவாறு) வணிக/ தொழில் நிறுவனங்களுக்கு சட்டப்பிரிவு 37அ.இன் கீழ் அனுமதி வழங்கிய நிலங்கள் முழுவதும் பயன்படுத்தப்பட்டதைப் பதிவு செய்வது தொடர்பாக.

பார்வை : 1. அரசு கடித எண்.12352/நிசீ.2(1) 2001, வருவாய் நாள்.27.3.2001.

2. நிலச்சீர்திருத்த இயக்குநர் கடித எண். உ4/15563/98(நி.சீ) நாள் 10.10.2001.

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1961ஆம் ஆண்டைய தமிழ்நாடு நிலச்சீர்திருத்த (நில உச்சவரம்பு நிர்ணயித்தல்) சட்டம் பிரிவு 37ஏ மற்றும் 37பி.இன் கீழ் அனுமதி வழங்கப்பட்ட நிலங்கள் பயன்பாட்டு அறிக்கை குறித்து அரசு மட்டத்தில் பதிவு செய்தால் போதும் என்றும் தனியாக அரசாணையோ அல்லது கடிதமோ வெளியிடத் தேவையில்லையென்று அரசு கருதுகிறது என்பதை தங்களுக்கத் தெரிவிக்கப் பலிக்கப்பட்டுள்ளோம்.

தங்கள் உண்மையுள்ள
அரசு செயலாளருக்காக

நகல்

வருவாய் (நி.சீர்.3)த் துறை, சென்னை-9
நி.சீ. பிரிவு-3-2 நகல்கள்
சார்புச் செயலர் (நி.சீ)- ஒரு நகல்

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சுருக்கம்

தமிழ்நாடு நகர்ப்புற நில (உச்சவரம்பு மற்றும் முறைப்படுத்துதல்) சட்டம், 1978 இச்சட்டத்தின் கீழ் கையகப்படுத்தப்பட்ட நிலங்கள் என்பதை அறியாமல் கிரயம் பெற்றவர்களது நிலங்களை வரன்முறைப்படுத்துதல் ஆணை வெளியிடப்படுகிறது-

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வருவாய் (ந நிஉ_1(1)துறை)

அரசு ஆணை (நிலை) எண்.565 **நாள். 26.9.2008**

பார்க்கவும்:

1. அரசாணை (நிலை) எண்.649, வருவாய்த்துறை, நாள். 29.7.1998

படிக்கவும்:

2. முதன்மை ஆணையர் மற்றும் நிலச்சீர்திருத்த ஆணையர் கடித எண்.ஜி1/17752/98 (ந நிஉ) நாள். 13.8.1998 மற்றும் 28.11.2001
3. சிறப்பு ஆணையர் மற்றும் நிலசீர்த்திருத்த ஆணையர் கடித எண்.ஜி1/17752/98, நாள். 11.10.2007 மற்றும் 30.11.2007.

ஆணை:

தமிழ்நாடு நகர்ப்புற (நில உச்சவரம்பு மற்றும் முறைப்படுத்துதல்) சட்டம், 1973-ன் கீழ் உச்சவரம்பிற்கு மேல் மிகை வெற்று நிலம் வைத்திருந்த நில உரிமையாளர்களிடமிருந்து நிலம் அரசால் கையகப்படுத்தப்பட்டது. நடுத்தர மக்கள் பலர், தங்களின் நகைகளை அடகு வைத்தும் அல்லது வங்கிகளில் கடன் பெற்றும் அல்லது தங்களின் சேமிப்பின் மூலமாகவும், குடியிருக்க ஒரு இடம் தேவை என்ற நோக்கில், மேற்படி சட்டத்தின்கீழ் கையகப்படுத்தப்பட்ட நிலங்களை, அச்சட்டம் பற்றி அறியாது கிரயம் பெற்று, வீடுகள் கட்டி குடியிருந்து வருகின்றனர். 3.8.1976 (அதாவது சட்டம் செயலுக்கு வந்த நாள்) முதல் 31.12.1994 வரையில், 1 1/2 (ஒன்றரை) கிரவுண்டு நிலம் வரை, குடியிருப்பு நோக்கத்திற்காக, அவ்வாறு அறியாமல் கிரயம் பெற்ற நிலங்களை பல்வேறு நகர்ப்புற பகுதிகளுக்கு நிர்ணயம் செய்யப்பட்ட மண்டல மதிப்பின் அடிப்படையில், அவர்கள் வாங்கியுள்ள நிலங்களுக்கு ஏற்ப நிலமதிப்புத் தொகையினை செலுத்துவதன் மூலம் வரன்முறைப்படுத்தலாம் என பார்வை ஒன்றில் படிக்கப்பட்ட அரசாணையின் மூலம் ஆணை வெளியிடப்பட்டது.

2. 1978-ஆம் ஆண்டைய தமிழ்நாடு நகர்ப்புற நில (உச்சவரம்பு மற்றும் முறைப்படுத்துதல்) சட்டம், 16.6.1999 முதல் (தமிழ்நாடு சட்டம் 20/1999) நீக்கறவு செய்யப்பட்டது. இந்நிலையில் முதன்மை ஆணையர் மற்றும் நிலசீர்த்திருத்த ஆணையரிடம் அறிக்கை பெறப்பட்டு இப்பொருள் குறித்து அரசு மீண்டும் நன்கு ஆய்வு செய்து, பார்வை ஒன்றில் படிக்கப்பட்ட அரசாணைக்கு பதிலாக (in supersession), 1978-ஆம் ஆண்டைய தமிழ்நாடு நகர்ப்புற நில (உச்சவரம்பு மற்றும் முறைப்படுத்துதல்) சட்டத்தின் கீழ் வகைப்படுத்தப்பட்ட நிலங்கள் என்பதை அறியாமல் கிரயம் பெற்றவர்களது நிலங்களை கீழ்கண்டவாறு வரன்முறைப்படுத்தலாம் என அரசு முடிவு செய்து அவ்வாறே ஆணையிடுகிறது-

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(i) அறியாமல் கிரயம் பெற்றவர்களது நிலத்தை வரன்முறைப்படுத்த அரசாணை (நிலை) எண்.649, வருவாய்த்துறை, நாள். 29.7.1998-இல் நிர்ணயிக்கப்பட்ட கீழ்காணும் நில மதிப்புத் தொகையை செலுத்த வேண்டும்.

வ.எ	மண்டலம்	ஒரு ச.மீ நில மதிப்பு (ரூபாய்)	ஒரு கிரவுண்டுக்கு நில மதிப்பு (ரூபாய்)
(1)	(2)	(3)	(4)
	சென்னை நகரக் கூட்டுப்பகுதி		
1	தியாகராய நகர்	2500.00	5,57,500
2	அம்பத்தூர்	100.00	22,300
3	குன்றத்தூர்	250.00	55,750
4	பூந்தமல்லி	250.00	55,750
5	தாம்பரம்	250.00	55,750
6	ஆலந்தூர்	250.00	55,750
7	எழும்பூர்	2500.00	5,57,500
8	மாதவரம்	250.00	55,750
9	தண்டையார்பேட்டை	2500.00	5,57,500
	மற்ற நகரக்கூட்டுப் பகுதிகள்		
1	திருச்சிராப்பள்ளி	212.50	47,388
2	சேலம்	637.50	1,42,162
3	கோயம்புத்தூர்	297.50	66,340
4	மதுரை	135.00	30.105
5	திருநெல்வேலி	56.25	12,544

(ii) மேற்கூறப்பட்டுள்ள அரசாணையில் நிர்ணயிக்கப்பட்ட ``1 1/2 கிரவுண்டு நிலம் வரை`` என்ற உச்சவரம்பை தளர்வு செய்து, செலுத்த வேண்டிய நிலமதிப்புத் தொகை கீழ்க்கண்டவாறு நிர்ணயிக்கப்படுகிறது.

(அ) 11./2 கிரவுண்டு வரை நிலம் வைத்திருப்பவர்கள் உள்ளபடியாக உள்ள நிலப்பரப்பிற்கேற்ப நிலமதிப்புத் தொகையை செலுத்த வேண்டும்.

(ஆ) 1 1/2 கிரவுண்டுக்கு மேல் மூன்று கிரவுண்டு வரை நிலம் வைத்திருப்பவர்கள் மொத்த நிலப்பரப்பிற்கும் இரண்டு மடங்கு நிலமதிப்புத் தொகையை செலுத்த வேண்டும்.

(இ) மூன்று கிரவுண்டுக்கு மேல் நிலம் வைத்திருப்பவர்கள் மொத்த நிலப்பரப்பிற்கும் மூன்று மடங்கு நிலமதிப்புத் தொகையை செலுத்த வேண்டும்.

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உதாரணமாக: சென்னை நகரக் கூட்டுப்பகுதியில், அம்பத்தூர் மண்டலத்தில் உள்ள நிலங்களுக்கு பின்வருமாறு வசூல் செய்யப்பட வேண்டும்.

கிரவுண்டு	நிலப்பரப்பு (சதுர அடியில்)	நிலப்பரப்பு (சதுர மீட்டரில்) (rounded)	ஒரு ச.மீ நில மதிப்பு (ரூபாய்)	நில மதிப்பு (ரூபாய்)
1/2	1200	111	100	11100
1	2400	223	100	22300
1 1/2	3600	334	100	33400
2	4800	446	200	89200
4	9600	892	300	267600

(ii) அரசாணை வெளியிடும் நாளில் நிலத்தின் தற்போதைய உரிமையாளர்கள், இவ்வாணையின் பயன் பெறத் தகுதியுடையவர்கள். குடியிருப்பு நோக்கத்திற்காக பயன்படுத்துபவர்களின் நிலம் மட்டுமே வரன்முறைப்படுத்தப்படும் என்ற முந்தைய குறிக்கோளை தளர்த்தி, அரசாணை வெளியிடும் நாளில் உள்ளது உள்ளபடி (As is Where is) என்ற கொள்கையின் அடிப்படையில் வேறு பயன்பாட்டிற்கும் நிலத்தை பயன்படுத்தி வந்தாலும், தற்போதைய அந்நில உரிமையாளர்களும் பயனடையும் வகையில், அந்நிலங்களையும் வரன்முறைப்படுத்த விரிவுபடுத்தப்படுகிறது.

(iv) இந்நிலங்களில் அடுக்குமாடி குடியிருப்புகள் (Flats) கட்டப்பட்டுள்ளதைப் பொறுத்தவரையில் உரிமைப் பத்திரம் (Title deed) நில உரிமையாளரிடமே இருந்தால் மொத்த நில மதிப்புத் தொகையினை அந்த உரிமையாளரிடமிருந்தே வசூல் செய்ய வேண்டும. அவ்வாறு இல்லமல் குடியிருப்பு வீடுகளுக்கு தனித்தனி உரிமையாளர்கள் இருந்தால் அவர்களிடமிருந்து அவர்களுக்குச் சொந்தமான கட்டிட பரப்பு / நிலத்தின் பங்குக்கு (Shared portion) ஏற்ப நிலமதிப்புத் தொகையை வசூல் செய்ய வேண்டும்.

(v) அரசாணை (நிலை) எண்.649, வருவாய்த் துறை, நாள். 29.7.1998-இல் வரமுறை செய்ய நிர்ணயிக்கப்பட்ட தேதியான 31.12.1994 வரை என்பது தளர்வு செய்யப்படுகிறது.

(vi) அரசாணை வெளியிடும் நாள் வரை சட்டம் அறியாமல் கிரயம் பெற்றவர்களது நிலங்கள் வரன்முறைப்படுத்தப்படும்.

(vii) சட்டம் அறியாமல் கிரயம் பெற்றவர்களின் நிலங்களை வரன்முறைப்படுத்தும்போது செயல்முறைப்படுத்தும் அதிகாரத்தை கீழ்க்கண்டவாறு பகிர்ந்தளிக்கப்படுகிறது.

(அ) 1 1/2 கிரவுண்டு நிலம் வரை	சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி ஆணையர்
(ஆ) 1 1/2 கிரவுண்டுக்கு மேல் உள்ள நிலம்	அரசு

(viii) சட்டம் அறியாமல் கிரயம் பெற்றவர்களின் நிலங்களை வரன்முறை செய்யும்போது நீதிமன்ற வழக்குகள் நடவடிக்கைகள் / பாதகமான ஆணைகள் முதலியவற்றிக்கு உட்படாத நிலம் என்பதை சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி ஆணையர் உறுதி செய்து கொள்ள வேண்டும்.

(ix) சட்டம் அறியாமல் கிரயம் பெற்றவர்களின் நிலங்களை வரன்முறைப்படுத்தும்போது அரசுக்குச் செலுத்தவிருக்கும் நிலமதிப்புத் தொகை கீழ்க்காணும் தலைப்புக் கணக்கில் பற்று வைக்கப்பட வேண்டும்.

0029 00 நில வருவாய் 800 ஏனைய வரவுகள் AO தமிழ்நாடு 1978-ஆம் ஆண்டு, நகர்ப்பகுதி நில (உச்சவரம்பு மற்றும் முறைப்படுத்துதல்) சட்டத்தின் கீழ் வரவுகள் (கு.தொ.கு.0029 00 800 AO 0007)

(x) சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி ஆணையரிடமிருந்து ஒவ்வொரு மனைப்பிரிவு குறித்தும் ஒட்டுமொத்த செயற்குறிப்பு ஒன்று பெறப்பட்டபின் அரசால் ஆணை வெளியிடப்படும். இதனைத் தொடர்ந்து, தனி நபரைப் பொறுத்தவரையில் 1 1/2 கிரவுண்டு வரை சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி ஆணையராலும் 1 1/2 கிரவுண்டுக்கு மேல் அரசளவிலும் ஆணை வெளியிடப்படும்.

3. மேற்காணும் ஆணையை கவனமாக செயல்படுத்தும்படி சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி ஆணையர் அறிவுறுத்தப்படுகிறார்.

(ஆளுநரின் ஆணைப்படி)

அம்புஜ் சர்மா
முதன்மைச் செயலாளர்

பெறுநர்:

சிறப்பு ஆணையர் மற்றும் நிலச்சீர்திருத்த ஆணையர்,
சேப்பாக்கம், சென்னை-5

சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு மற்றும் நகர்ப்புற நிலவரி ஆணையர்,
சேப்பாக்கம், சென்னை-5

அனைத்து உதவி ஆணையர்கள் (சிறப்பு ஆணையர் மற்றும் நகர்ப்புற நில உச்சவரம்பு) மற்றும் நகர்ப்புற நிலவரி ஆணையர் வழியாக).

நகல்:

அரசாணை (நிலை) எண்.649, வருவாய்த்துறை, நாள். 29.7.98.
பொது (கமுக்கம்) துறை, சென்னை-9.
முதலமைச்சர் அலுவலகம், சென்னை-9
மாண்புமிகு (வருவாய் மற்றும் வீட்டுவசதித்துறை) அமைச்சரின் சிறப்பு நேர்முக உதவியாளர், சென்னை-9.
வருவாய்த்துறை முதன்மைச் செயலரின் தனிச்செயலர்,
சென்னை-9
முதன்மைச் செயலர், நகராட்சி நிர்வாகம் மற்றும் குடிநீர் வழங்கல் துறை, சென்னை-9
செயலர், சட்டத்துறை, சென்னை-9
முதன்மைச் செயலர், நிதித்துறை, சென்னை-9

FOREST SETTLEMENT AND DENOTIFICATOIN

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FOREST SETTLEMENT AND DENOTIFICATOIN

I. Preamble:

Forest: Our Green Lungs

- Forests are aptly called as the lungs of the earth. They are the most important part of ourecosystem and are pivotal in maintaining the balance in the food cycle and the natural equilibrium on the planet. Forest cover almost 31% of the surface of the earth.
- Forest - a large area of land covered by trees and woody vegetation plays a major role in maintaining the biodiversity and the ecosystem of planet earth. They are home to many wild species of animals, reptiles and insects.
- The climate, soil, and topography of the region determine the type of trees that grow in aforest. Forest plays a vital role in tackling climatic changes by storing carbon that would otherwise be released into the atmosphere. It helps to maintain the ecological balance and provide water, food, and shelter toall kinds of living being.
- Forests are the dominant terrestrial ecosystem of Earth, and are distributed around the globe. Forest account for 75% of the gross primary production of the Earth's biosphere, and contain 80% of the Earth' plant biomass.
- Human society and forests influence each other in both positive and negative ways. Forest provides ecosystem services to humans and serve as tourist attractions. Human activities, including unsustainable use of forest resources, can negatively affect forest ecosystems and also affect people's health.

State of Forest in Tamil Nadu

- Tamil Nadu, the Southernmost State of the country has a geographical area of 1,30,060sq km which is 3.96% of the total geographical area of India.
- Physio graphically, the State can be divided into four major regions viz Coastal Plains, Eastern Ghats, Central Plateau and Western Ghats.
- The main rivers of the State are Cauvery, Bhavani, Palar, Vaigai etc. which drain into the Bay of Bengal.
- Tamil Nadu has a Humid Tropical Climate and the annual rainfall ranges between 900mm to 1,200 mm and the annual temperature varies from 19°C to 37°C.
- The State has 38 districts out of which five are hill districts and six are tribal districts.

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- In Tamil Nadu, Forest vegetation is divided into 3 major groups according to temperature zones namely Tropical Forests, Montane Subtropical Forests and Montane Temperate.
- Forests, which are sub divided into nine type groups based on moisture and physiognomic variation. They are
    - Tropical Evergreen
    - Tropical Semi Evergreen
    - Tropical Moist Deciduous
    - Littoral and Swamp
    - Tropical Dry Deciduous
    - Tropical Thorn
    - Tropical Dry Evergreen
    - Montane Subtropical
    - Montane Temperate
- In India, forests are mainly called as
    - Reserve Forest
    - Reserve Lands
- All the above said nine types of forests comes under the category of reserve forest
- Reserve Lands are the lands which are reserved by the forest department for future preservation, etc.

Deforestation and Forest Degradation

- Deforestation and forest degradation continue to take place at alarming rates, which contributes significantly to the ongoing loss of biodiversity.
- Since 1990, it is estimated that 420 million hectares of forest have been lost through conversion to other land uses, although the rate of deforestation has decreased over the past three decades.
- Between 2015 and 2020, the rate of deforestation was estimated at 10 million hectares per year, down from 16 million hectares per year in the 1990s. The area of primary forest worldwide has decreased by over 80 million hectares since 1990.

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II. FOREST SETTLEMENT

The Forest Settlement Process is a vital role towards increasing the forest cover as well as recorded Forest Area to achieve the goal to achieve 33 % of Forest cover as per the Tamil Nadu Forest Policy and also National Forest Policy. Generally, the following acts deal with the subject 'Forest'.

1. Indian Forest Act, 1927
2. Tamil Nadu Forest Act, 1882
3. Forest Conservation Act, 1980

Procedures for Forest Settlement:

Note on Forest Settlement Process under various sections in Tamil Nadu Forest Act, 1882

Section 3 - Powers to Reserved Forest

The Government may constitute any land at the disposal of the Government as Reserve Forests in the manner provided in the Act.

Section 4 – Notification by the Government

The Government shall publish a notification in the Official Gazette and in the Official Gazette of the District.

- Specifying – situation and limits of such lands.
- Declaring that it is proposed to constitute a Reserved Forest.
- Appointing the Forest Settlement Officer (FSO) to process the various provisions for the notification under section 16.

Section 5 – Suits barred

No Civil Court shall between the dates of the publication of section 4 and 16, entertain any suit to establish any rights.

Section 6- Proclamation by FSO and Publication in the District Gazette

Forest Settlement Officer shall publish in the Official Gazette of the district and at the headquarters of each taluk on approval and notification under section 4 of the act.

- Specifying the situation and limits of the proposed land
- Setting forth the substance of the provisions of section 7
- Explaining the consequences – hereinafter provided – ensure on the reservation forests
- Fixing a period not less than three months.

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1. Every person claiming any right.
2. Either to present to such officer, within such period, a written notice specifying, or to appear before him within such period and state the nature of such right.
3. The FSO shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a Reserved Forest.

Section 7 – Bar of accrual of Forest Rights. Prohibition of clearings etc.

Between the publication of proclamation under section 6 and section 16

- No right shall be acquired in or over the land – except under a grant or contract behalf of the Government.
- No fresh clearings for cultivation or for any other purpose shall be made.
- No patta shall, without the previous sanction of the Board of Revenue, be granted on behalf of Government in such land and every patta granted without such sanction shall be null and void.
- Deemed to prohibit any act done with the permission in writing of the FSO.

Section 8 - Enquiry by Forest Settlement Officer

- FSO shall inquire into all claims made under the section recording the evidence in the manner prescribed by the Code of Civil Procedure.
- FSO shall at the same time consider and record any objection which made by Forest Officer appointed under section 4.

Section 9 - Powers of Forest Settlement Officer

- Power to enter upon any purpose land to survey demarcate and make a map.
- The powers conferred on a Civil Court by the Code of Civil Procedure for compelling the attendance of witnesses and the production of documents.

Section 10 - Claims to right of occupancy and ownership:

Claims to a right or over and land other than the following rights

a) A right of way;

b) A right to a water- course, or to use of water;

c) A right of pasture; or

d) A right to forest produce

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Forest Settlement Officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

Admitted Claims: - Claim is admitted wholly or in part FSO may

1) An agreement with the claimant for the surrender of the right
2) Exclude the land from the limits of the proposed forests
3) Proceed to acquire such land in the manner provided by the Land Acquisition Act

Rejected Claims appeals – Claim is rejected wholly or in part, the claimant may, within thirty days from the date of the order prefer an appeal to the District Court in respect of such, rejection only.

Section 11 - Claims to rights of way, Watercourse, pasture and Forest produce

Claims to rights of rights of way, watercourse, pasture and Forest produce under section 10, the Forest Settlement Officer shall pass an order specifying the particulars of such claim.

Section 12 - Rights of Pasture or to Forest produce admitted.

- FSO has admitted wholly or in part, and recorded under section 11, a claim to a right of pasture or to forest produce, he shall, as far as possible, provide for the exercise of such right.
- by altering the limits of the proposed Reserved Forest
- by recording an order continuing to the claimant a right of pasture or to forest produce.

Section 13 - Communication of rights

Rights under section 11 is not provided for in one of the ways prescribed in section 12, the Forest Settlement Officer shall subject to such rules as the Government may prescribe in this behalf, commute such right by paying a sum of money in lieu.

Section 14 - Appeal on the order passed under section 11, 12 and 13.

The claimant or the Forest Officer may within 60 days, from the date of any order passed by the Forest Settlement Officer under sections 11, 12 and 13 present an appeal to a Forest court if constituted or an officer of the Revenue Department appointed by the Government under the Section 4 on such orders.

Section 15 - Appeal under section 14

Every appeal under section 14 may be delivered to the Forest Settlement Officer, who forward it to the appellate authority.

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Section 16 – Preparation of draft notification and approval by the Government

Period fixed under section 6 for preferring claims has elapsed and all claims made within such period have been disposed of by the FSO.

- Claims made by sections 10 and disposal of all appeal made by Section 14
- All proceedings prescribed by section 10 have been taken and all lands (if any) to be included in the proposed forest which the FSO has under section 10 elected to acquire under the Land Acquisition Act 1870.
- Government may publish a notification in the official Gazette specifying the limits of the forest.
- FSO shall, before the date so fixed publish such notification in the manner prescribed for the proclamation under section 6. From the date so fixed, such forest shall be deemed to be Reserved Forest.

Steps to be followed for notifying as any area as Reserved Forest under section 16 of Tamil Nadu Forest Act, 1882.

Section 4 notification

- The land to be reserved i.e., plantations raised by the Forest Department, naturally Forest Covered, etc. will be identified.
- The details such as maps and other particulars will be collected from the Revenue Department.
- After collecting the details, a draft notification proposal will be prepared by the District Forest Officer specifying the situation and limits of such lands according to Section 4 of Tamil Nadu Forest Act, 1882 along with connected documents.
- The proposal will be sent to the District Collector requesting to forward the same to the Principal Chief Conservator of Forests (HoD), Chennai through the Conservator of Forests concerned with his remarks and recommendation
- The District Collector will forward the proposal to the Principal Chief Conservator of Forests (HoD), Chennai through the Conservator of Forests with his remarks and recommendation.
- The proposal received from the Collector by the Conservator of Forests will be forwarded to the Principal Chief Conservator of Forests (HoD), Chennai.
- The Principal Chief Conservator of Forests (HoD), Chennai will scrutinize the proposal with relevant documents and addressing the Government for approval and publication the State Government Gazette and District Gazette.

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- The Government will issue orders declaring that it is proposed to constitute such land as Reserved Forests and published in the Tamil Nadu Government Gazette and District Gazette of respective District.
- **The Government also**

  a) appointing a Forest Settlement Officer (FSO) in the rank of Tahsildar to process for final notification U/S 16 following the various provisions from section 5 to 16.

  b) appointing the concerned District Forest Officer as ex-Officio to attend on behalf of the Government of the enquiry.

  c) appointing a Personal Assistant to the Collector of the concerned district as ex-Officio to hear appeals.

SEC: 6 - Publication of Proclamation Notification in the District Gazette

- On notification Under Section 4, the Forest Settlement Officer shall prepare proclamation notification U/S 6 and will be sent to the District Collector requesting to forwarded the same for publication in the Official Gazette of the district.
- As the section 4 notification was forwarded by the District Collector and approved by the Government, the proclamation notification will be sent to concerned Government press for publication without gone through on the notification as the Collector is the authority for publication in the District Gazette.

SEC: 16 – Preparation of Notification under Section 16 by the FSO: When the following events have occurred, namely

a) if period fixed Under Section 6 for preferring claims has elapsed and claims made have been disposed by the Forest Settlement Officer,

b) if such claims have been made, the periods fixed by Sections 10 and 14 for appeal has elapsed and all appeals presented have been disposed by the appellate authority,

c) All the proceedings prescribed in Section 10 have been taken

d) After completing all the procedures, the Forest Settlement Officer shall prepare draft notification proposal specifying the situation and limits of such lands according to Section 16 of Tamil Nadu Forest Act, 1882 and send it to District Forest Officer along with the connected documents.

- The proposal will be sent to the District Collector requesting to forward the same to the Principal Chief Conservator of Forests (HoD), Chennai through the Conservator of Forests concerned with his remarks and recommendation

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- The District Collector will forward the proposal to the Principal Chief Conservator of Forests (HoD), Chennai through the Conservator of Forests with his remarks and recommendation.
- The proposal received from the Collector by the Conservator of Forests will be forwarded to the Principal Chief Conservator of Forests (HoD), Chennai.
- The Principal Chief Conservator of Forests (HoD), Chennai will scrutinize the proposal with relevant documents and addressing the Government for approval and publication the State Government Gazette and District Gazette.
- The Government will issue orders declaring the specified such land as Reserved Forests and published in the Tamil Nadu Government Gazette and District Gazette of respective District.
- The Government may publish a notification in the official Gazette declaring the area to be reserved from the date to be fixed by such notification.
- The Forest Settlement Officer shall publish the independent notification U/S 16 in the manner prescribed U/S 6, before the date so fixed, publish such notification in the District Gazette.
- After publication, the classification of the land should be changed in the Revenue Records by addressing the concerned Tahsildar by the Forest Settlement Officer

Notification under section 26 of Tamil Nadu Forest Act, 1882

- Any Government land contains large groups of Palmyra or Fruit Trees or valuable timber trees whether growing spontaneously or artificially, it is generally desirable to keep the ownership of the lands of the Government for Forest purpose [RSO – 15-38(iv)].
- This notification is mainly to regulate the use or the pasturage or of the natural produce of land at the disposal of the Government and not included in the Reserve Forest.

Steps to be followed for the notification U/S 26.

- The District Forest Officer sends draft notification proposal under Section 26 of Tamil Nadu Forest Act, 1882 to the District Collector specifying the land to be notified and necessity on the Forestry point of view.
- After getting the remarks of the Revenue official concerned (if necessary), the District Collector will approve the notification and will be published in District Gazette both in Tamil and English.
- Necessary entries should be made in the Revenue Records to the effect that the land is reserved for the Forest.
- The Collector should not assign the land without consent of the Conservator of Forests [RSO – 15-38(iii)].

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ROLE OF DISTRICT COLLECTOR / REVENUE DEPARTMENT ON FOREST SETTLEMENT PROCESS

Notification under section 26 of Tamil Nadu Forest Act, 1882

Any Government land contains large groups of Palmyra or Fruit Trees or valuable timber trees whether growing spontaneously or artificially, it is generally desirable to keep the ownership of the lands of the Government for Forest purpose [RSO – 15-38(iv)].

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Steps to be followed for the notification U/S 26.

- The District Forest Officer sends draft notification proposal under Section 26 of Tamil Nadu Forest Act, 1882 to the District Collector specifying the land to be notified and necessity on the Forestry point of view.
- After getting the remarks of the Revenue official concerned (if necessary), the District Collector will approve the notification and will be published in District Gazette both in Tamil and English.
- Necessary entries should be made in the Revenue Records to the effect that the land is reserved for the Forest.
- The Collector should not assign section 26 notified land without the consent of the Conservator of Forests [RSO – 15-38(ii)].
- According to Section 3 of Tamil Nadu Forest Act, 1882 the Government may constitute any land at the disposal of the Government as Reserve Forests.

Section 4 notification.

Steps to be followed for the notification U/S 4.

- The land to be reserved for notification under 16 as Reserve Forest will be selected and demarcated by the District Forest Officer with the aid of village survey maps.
- The District Forest Officer will send draft notification under Section 4 of Tamil Nadu Forest Act, 1882 to the District Collector for transmission to the Principal Chief Conservator of Forests.
- The District Collector has to process the draft notification and send to the concerned Conservator of Forests for transmission to the Principal Chief Conservator of Forests with his recommendation and remarks.

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- The Government will approve the notification and shall be published declaring the intension to notify the land as Reserve Forests.

- Appoints the Special Tahsildar (Forest Settlement) as ex-officio to be the Forest Settlement Officer to exercise the powers under clause (c) of the said section in respect of the said area.

- Also appoints the personal assistant to Collector as ex-officio to hear the appeals under section 14 against the orders under section 11, 12 & 13.

Section 16 notification.

Steps to be followed for the notification U/S 16.

Section 6 proclamation

- After notification under section 4, the Forest Settlement Officer will issue proclamation under section 6 of Tamil Nadu Forest Act, 1882 for publication in the District Gazette.

- Which has to be approved by the District Collector and send it for publication in the District Gazette.

Sub-division of Survey Field if required.

- When the Forest Settlement Officer allowing any claims under section 11, 12& 13 of Tamil Nadu Forest Act, 1882, then the areas have to be sub-divided and excluded from section 16 notification for which the District Collector / District Revenue Officer has to issue sub-division orders and change in the connected Revenue records.

Preparation of Notification

- After completion of all the procedures laid down from Section 6 to 15 of the Tamil Nadu Forest Act 1882, the Forest Settlement Officer send draft notification under Section 16 to the District Forest Officer.

- The same will be send by the District Forest Officer to the District Collector for transmission to the concerned Conservator of Forests with recommendation and remarks for approval of the Government to notify the area as Reserve Forest.

General

- As the District Collector is the head of the district administration and controlling authority of the Forest Settlement Officer will have to conduct review on Forest Settlement Works with District Forest Officer / Revenue Officials along with Forest Settlement Officer to ensure better protection of Forested areas of Revenue Department and other Government lands.

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3. FOREST DENOTIFICATION

The process of diversion of the forest for non-forestry purposes in India is governed by the Forest (Conservation)Act, 1980. The Act was promulgated by the Government of India in order to check deforestation and to provide for the conservation of forests and maintain overall ecological balance.

The Forest (Conservation)Act, 1980 mandates that a prior approval needs to be sought from the Central Government to use any forest land for non-forest use, to de-reserve it from its reserved forest status. This prior approval is known as forest clearance.

Forest (Conservation) Act, 1980 is a unique piece of legislation, and a regulatory mechanism that reflects the collective will of the nation to protect its rich biodiversity and natural heritage and that permits only unavoidable use of forest land for various developmental purposes. Since 1980, Rules and Guidelines have been framed for diversion of forest land for non-forestry purposes. Since its inception, the Act has facilitated developmental activities like construction of power projects, irrigation projects, roads, railways, school's hospitals, rural electrification, telecommunication, drinking water facilities, mining etc. on forest lands and checked the indiscriminate diversion of pristine forest areas.

Procedures for Denotification of Forest Land:

Procedure for Conversion of Forest land for non-Forest purpose

For getting clearance under Forest Conservation Act 1980:

"User Agency" means any person, organization or Company or Department of the Central or State Government making a request for diversion or de- notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

Stage I approval: (Undertakings of the user agency)

1. User agency has to file an application through online (Parivesh portal **https://parivesh.nic.in**) with necessary details of the project / undertakings.

Project details:

I. Short narrative of the proposal and project/scheme for which the forest land is required.

II. Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.

III. Cost of the project.

IV. Justification for locating the project in forest area.

V. Cost-benefit analysis (to be enclosed).

VI. Employment likely to be generated.

VII. Purpose-wise break-up of the total land required.

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VIII. Details of displacement of people due to the project, if any:

1. Number of families.
2. Number of Scheduled Castes/Scheduled Tribe families
3. Rehabilitation plan (to be enclosed)

IX. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).

X. Details of Certificates/documents enclosed as required under the instructions.

2. User agency has to enclose a certificate obtained from the District Collector about non-availability of non-forest land for the project. Also, a certificate that no Scheduled Tribes are replaced due to diversion of forest land has to be uploaded.
3. The proposal in full shape, will be forwarded to DFO.
4. After field inspection, DFO will record his/her recommendation with necessary details and forward it to Conservator of Forest.
5. Conservator of forest will record his/her recommendation and forward the proposal to nodal officer of forest, PCCF.
6. The PCCF forward the proposal along with recommendation of nodal officer to State Government.
7. User agency has to
   - hand over the land for Compensatory Afforestation (CA) to Forest department i.e., Double the time of land to be diverted if the extent of proposed forest land exceeds 1 Hectare.
   - deposit compensatory afforestation cost along with the maintenance and protection of plantation
   - deposit the net present value of forest land diverted as per the orders of Honorable Supreme Court of India.
   - demarcate the land to be diverted from forest boundary by erecting concrete pillars (Cost to be borne by the user agency).
   - Upload the map of the land to be diverted (prepared using DGPS Survey) along with co-ordinates.

Sl.No.	Extent of forest land to be diverted	Authority to divert land
1	a. Less than 1 Hectare (for the benefit of non-Tribal)	The State Government.
	b. Less than 1 Hectare (for the benefit of Tribes)	District Forest Officer under Forest Rights Act, 2006.
2	c. Upto 40 Hectare	Regional Office (MoEF), Chennai
3	d. More than 40 Hectare	Government of India (MoEF), New Delhi

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Stage II approval: (Financial Implications)

1. In cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority in the State Government stating that land identified for CA will be transferred and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.
2. After fulfilling the conditions in stage I by the user agency, a compliance report will be sent to Government of India for getting stage II final approval.
3. The Government of India will accord stage II final approval after reconciliation of funds deposited by the user agency with State CAMPA account
4. After getting orders from the State Government, permission will be issued by the DFO to the user agency.

Other important rules to be followed as per Forest Settlement Act:

- All proposals involving **clearing of naturally grown trees** in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the form of Management Plans/ Working Plans to the Additional Principal Chief Conservator of Forests (APCCF) of the concerned Regional Office of the Ministry of Environment and Forests.
- Felling proposals as per the working plan/working scheme received from the State Governments/UT administrations shall be placed before the Regional Empowered Committee (REC) of the concerned Regional Office of this Ministry for examination and advise to the Regional Office on the issue.
- In the following cases, cost of plantation (including ten years maintenance)of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation: (a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation, (b) Diversion of forest land up to one hectare.
- For clearing of trees planted by Forest Dept., permission of PCF has to be obtained.
- Any diversion of forest land for non-forest purpose is only a “right to use” granted to the User Agency without any change in ownership and legal status of the forest land. As such, the diverted forest land cannot be mortgaged or reassigned or subleased by the User Agency.

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- ❖ If a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been obtained unless and to the extent permitted by 40 the FC Rules or guidelines issued thereunder.

(1) The Central Government shall refer every proposal, complete in all respects, received by it under sub rule (3) of rule 6 including site inspection report, wherever required, to the Committee for its advice thereon.

(2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub rule (1), namely

(a) Whether the forest land proposed to be used for nonforest purpose forms part of a nature reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;

(b) Whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydroelectric project;

(c) Whether the State Government or the other authority has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose, and

(d) Whether the State Government or the other authority undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof.

(3) While tendering the advice, the Committee may also suggest any conditions or restrictions on the use of any Forest land for any nonforest purpose, which in its opinion, would minimize environmental impact.

The Central Government shall, after considering the advice of the Committee tendered under rule 7 and after such further enquiry as it may consider necessary, grant approval to the proposal with or without conditions or reject the same within 60 days of its receipt.

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LEGAL VIEWS

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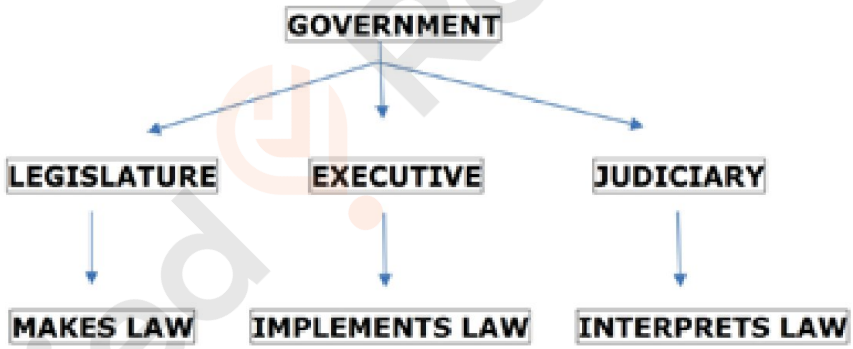
1. PREAMBLE:

'Montesquieu' is the principal source of the theory of separation of powers which is implemented in many constitutions throughout the world. He was a French Judge and political philosopher. He analysed the separation of powers systematically and scientifically. He states that "When the legislative and executive powers are united in the same person, or in the same body of magistrates there can be no liberty; because apprehension may arise; lest the same monarch or senate should enact tyrannical laws, to execute them in tyrannical manner.

Again, there is no liberty if the judicial power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were joined to the executive power, the judge might behave with violence and oppression".

In India based on doctrine of Separation of powers, the framers of Indian Constitution have adopted that the governmental function must be based on a tripartite division of legislature, executive and judiciary. The three organs should be separate, distinct and independent in its own sphere so that one does not intrude to others territory.

Functions of the Government:



Legislative Functions:

The chief functioning of legislature is to enact laws and basis for the functioning of two organs, the executive and judiciary. Until and unless laws are enacted, there can be no implementation and application and interpretation of laws.

Executive Functions:

The organ that implements the laws enacted by the legislature and enforces the will of the state. It is the administrative head of the government.

The part of the executives are President / Governors, President/ Ministers including Prime/Chief Minister.

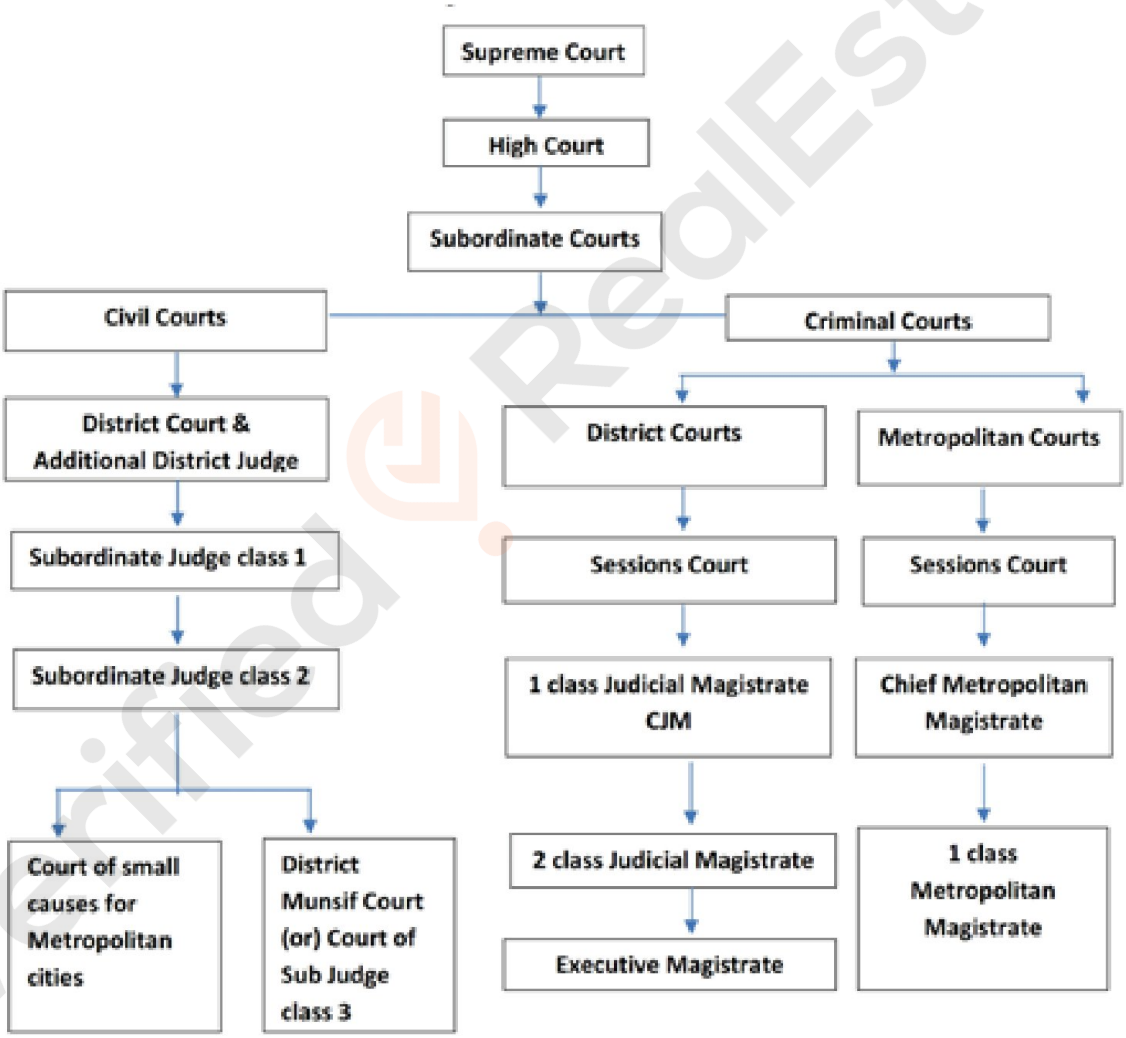
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Judiciary Functions:

The judiciary is an important part of the Indian government, and it is responsible for interpreting and applying the law, settles disputes and administers justice to all the citizens. It is the watch dog of democracy and also the guardian of the Constitution.

The judiciary has a hierarchical structure, with the Supreme Court at the top followed by the High Courts, and then the lower courts i.e., District and other sub-ordinate courts. The judiciary also has a number of other functions, such as providing legal advice to the government and hearing appeals from lower courts.

HIERARCHY OF COURTS IN INDIA



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Jurisdiction:

The jurisdiction of civil courts can be divided on the basis of subject matter, pecuniary, Territorial and nature of work (Original or appellate).

Pecuniary Jurisdiction: Section 15 – 22 of the Civil Procedure code decides forum for the institution of Civil Courts in India.

1) **District Courts**

a)	District Munsif Court	Up to One Lakh
b)	Sub Judge	One Lakh – 10 Lakh
c)	District Courts	The value Exceeding 10 Lakhs without any limitation.

2) **Metropolitan (Chennai city) Courts:**

a)	Small Causes court	Value upto Rs.20,000
b)	**City Civil Courts**	
	1. Assistant Judge	20,000 – 10,00,000
	2. Principal Judge	10,00,000 upto 1 crore

3) **High Court:**

Value more than 1 crore. Appeals from subordinate courts lie before High Court.

Territorial Jurisdiction: Section 16 to 20 of C.P.C deals with Territorial jurisdiction of a court. Whereas Section 16 to 18 relates to immovable property and Section 19 deals with suit for compensation for wrongs to persons and movable property. Section 20 of C.P.C is residuary provision and cover all cases not falling under Section 16 to 19.

Territory of a court is decided after taking into account several factors; They are:(in case of immovable property)

a) If the suit is with regard to recovery, rent, partition, sale, redemption, determination of right of immovable property it shall be instituted in the court within the local limits of whose jurisdiction the property is situated. b) Immovable property situated within the jurisdiction of different courts. In such case the suit may be instituted in any court within the local limits of whose jurisdiction any portion of the property is situated.

c) where there is a dispute in business, agreement or any kind of civil disputes except matrimonial matter; then the suit may be instituted either in a place where the defendant resides or carries on business or in a place where the cause of action has arisen, i.e. where the dispute or wrong took place.

Section of 9 of C.P.C deals with the jurisdiction of Civil Court in general; it says that the courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their contingence is either expressly or impliedly barred

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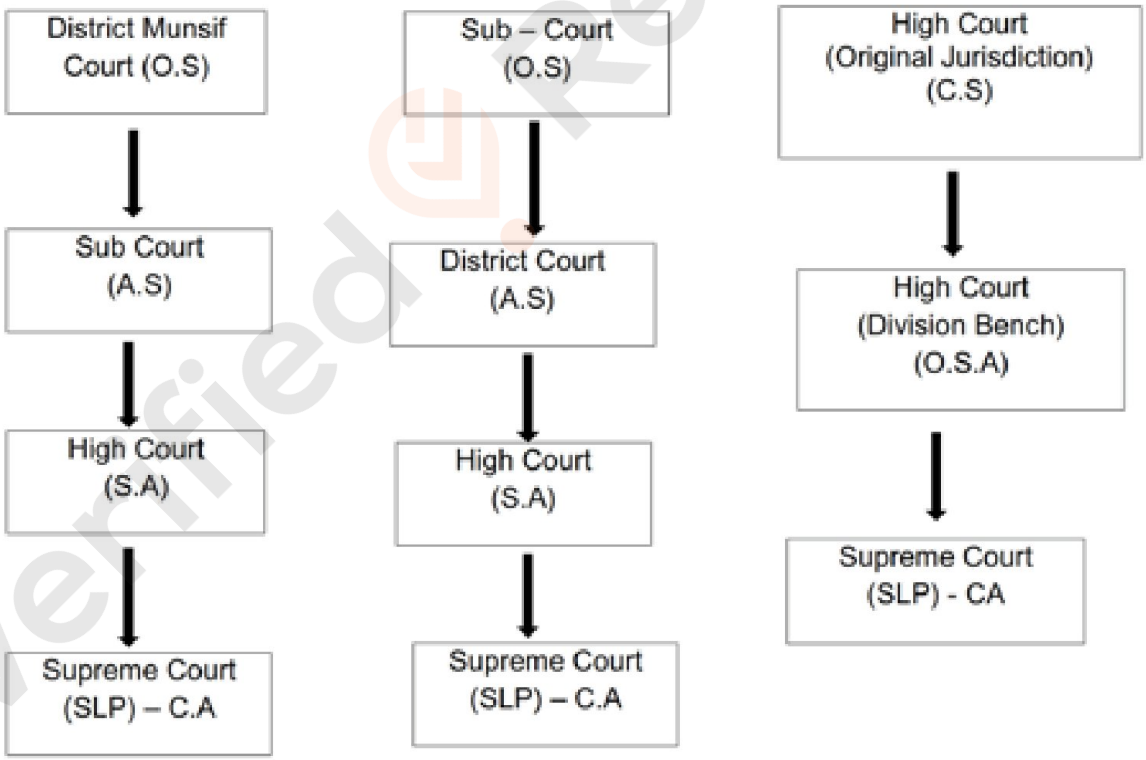
Laches

Laches is a legal maxim that supports the person who is aware of their legal right, pointing to denying access to those who are careless in filing a suit in due time. It will not provide any help to the applicants who delayed their filing unreasonably. The ***doctrine of laches*** is used by the courts to deal with **an inordinate delay that is occurring in filing a petition or complaint**. The courts will not help the person who sleeps over their rights but help those who are aware of their rights. A claim of laches requires the following components:

- a delay in bringing the action;
- a delay that is unreasonable;
- that prejudices the dependant

Court Proceedings:

HIERARCHY OF COURTS IN FILING CIVIL SUITS



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2. CIVIL COURT JURISDICTION

For filing Suits – Every suit or a proceeding shall be instituted through presentation of a plaint or a petition, before the appropriate court.

Plaint under section 26 & order 7 rule 1 of CPC:

Step 1- Draft copy of plaint along with the original documents relied upon by the plaintiff should be filed along with the plaint.

To file the documents at later stage required permission from court under order 7 rule 14 of CPC

Step 2 - Taking plaint on file and registration of the case

Step 3 – Service of Summon to the Defendants – u/s 28 of CPC

Step 4 – Appearance of Parties

Step 5 – Filing of Written Statement by the Defendant(s) – under order 8 rule 1 of CPC

Step 6 – Filing Additional Written Statement – under order 8 rule 9 of CPC

Step 7 – Filing of Documents under order 8 rule 1 & 2 of CPC, the original documents filed in plaint and written statement with a proof affidavit before settlement of issues to be filed)

Step 8 – Framing of Issues by the court under order 14 rule 4 of CPC.

Step 9 – Settlement u/s 89 & under order 10 rule 1 – A of CPC. (Through Arbitration, conciliation, mediation, judicial settlement or Lok Adalat)

Step 10 – List of Witnesses under order 16 rule 1 of CPC to give evidence or to produce documents.

Step 11 – Trial of the Suit

Step 12 – Judgement

Step 13 – First Appeal u/s-96 and under order 41 rule 9 of CPC – Appeal in same court to avoid delay and the court shall direct to the respective appellate court.

Step 14 – Second Appeal can be filed before High Court on a Substantial question of law u/s 100 of CPC

Step 15 – Special Leave Petition to Supreme Court.

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Institution of Suit –

Every suit shall be instituted in the court of the lowest Jurisdiction competent to try it.

Parts of Plaint:

Cause title, Statement of Plaintiffs case and claim, Limitation, Cause of Action & Jurisdiction, Valuation of Suit & Court fees, Relief Claimed, Verification, Description of Schedule of Property, List of Documents, Address of Parties.

Injunction Petition:

An Interlocutory Application should be filed along with plaint with supporting Affidavit for grant of Interim Injunction.

Affidavit:

It is a written statement sworn before a person having authority to administer an oath. Every affidavit shall be instituted in the case, matter or appeal for which it is sworn.

Written Statement:

After service of summon the defendant enters appearance and files Written Statement. Limitation to file WS is minimum of 30 days and maximum upto 90 days on discretion of the court.

It includes Cause title, Address for service, Defence including claims for set off or counter claim, if any, Prayer, Verification, List of Documents.

First Appeal:

The Appeal lies from the original decree passed by the court including the decree passes ex-parte. The appeal should be on question of law from a decree. Additional evidence can be adduced during appeal.

For filing: –

Memorandum of Appeal with court fees, Certified copy of decree, Certified copy of the Judgement, Memo of Appearance or Vakalat, Process Memo, Appeal Notice Form 2, Memo of Grounds, Stay Petition with Affidavit.

Second Appeal: A Second Appeal can only be entertained if it involves a question of law and the question of law so involved is substantial. No second appeal lies to the cases wherein the subject matter of the original suit is less than three thousand rupees.

Limitation – Must be filed within 90 days from the date on which the First Appellate Authority decision was actually received by the Appellant.

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Civil Miscellaneous Appeal (CMA):

On the orders of any Interlocutory Applications, the aggrieved person may prefer an appeal as per section 94 and detailed under order 43 rule 2 and section 104 of CPC. CMA against EA in EP in OS for delivery of possession can be filed.

Civil Revision Petition (CRP) –

Section 115 of CPC and Article 227 of Constitution - A Revision Petition is an application made to a High Court to correct the mistakes made by the courts subordinate to it, as the High Court has power to supervise the works of the subordinate court under its jurisdiction. Limitation is 90 days from the date of decree or order sought to be revised.

Caveat Petition: –

Section 148 – A and order 52 of CPC. Meaning "let a person beware" – the petition is filed to safeguard the interest of the person against whom an order is expected to be passed. Caveat can be filed in Appeals, Executions or in any other connected matters, in such cases no order can be granted before serving notice to the caveator. Validity of Caveat petition is only for 90 days.

Execution Petition

'Execution' means implementation or enforcement of the order or Judgement or order passed by the competent Court. A Decree means conclusiveness, or an operation of a Judgement and the execution of a Decree is complete when the decree-holder gets satisfied as to its enforcement against the Judgement-debtor i.e., receiving of the awarded amount or property.

To take the benefit of a decree, execution proceedings – an Application under Order XXI of the Code of Civil Procedure, 1908 (CPC) must be filed before the appropriate court/authority within 12 years from the date of Decree.

Provisions on Execution:

- Sections 36 to 74, 144, 146 & 148 Code of Civil Procedure and Order 21.
- Chapter XVI Rules 205 to 285 of Civil Rules of Practice.
- Articles: 125 to 129, 134 to 137 of Limitation Act.

Jurisdiction of Execution:

As per Section 37 of Code of Civil Procedure, the decree can be executed by the court which passed the decree and as per section 38 of Code of Civil Procedure, the court to which the decree is transferred, have jurisdiction to entertain the Execution Petitions.

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Procedure Of Filing Application for Execution

Step 1 - Filling of Application

Where a decree needs to be executed, an application is placed before the executing court. The application must be in writing, signed and verified by the decree holder or any other person authorized.

The application must be accompanied by name of parties, case number, date of decree, amount so decided and certified copy of decree.

Step 2 - Examination of Application by Court

When a court receive an application, it is the duty of court to see that the application so filed comply with rules 11-14 of Order XXI

Step 3 - Admission of Application

The court may admit the application if it complies with the Rules 11-14 and other conditions required by law. If it lacks anything, the court may return the application for the rectification of the defects.

Step 4 - Hearing of Application Under rules 105-106 of Order XXI, the court may hear the grievances related to execution. The convenient mode to execution is chosen.

Step 5 - Issuance of Notice to Execute

The notices are issued under Rule 22 to show cause if

- Execution is filed after 2 years of actual decree
- Execution is made against legal representatives
- Execution is to be made in case of reciprocating territory
- Execution is to be made against insolvent person
- Execution is to be made against surety
- Execution is to be made by assignee or transferee of decree holder
- Execution is of money decree and arrest is to be made for the purpose.
- Execution is made for enforcing the order of LAOP Awards.

Step 6 - Deciding the Mode

The decree holder is allowed to choose the mode to execution if no mode has been expressly put forth in the decree. The court has to choose from the following modes to execute:

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- Sale and attachment
- Attachment without sale
- Arrest and detention
- Appointment of receiver
- Any other available mode

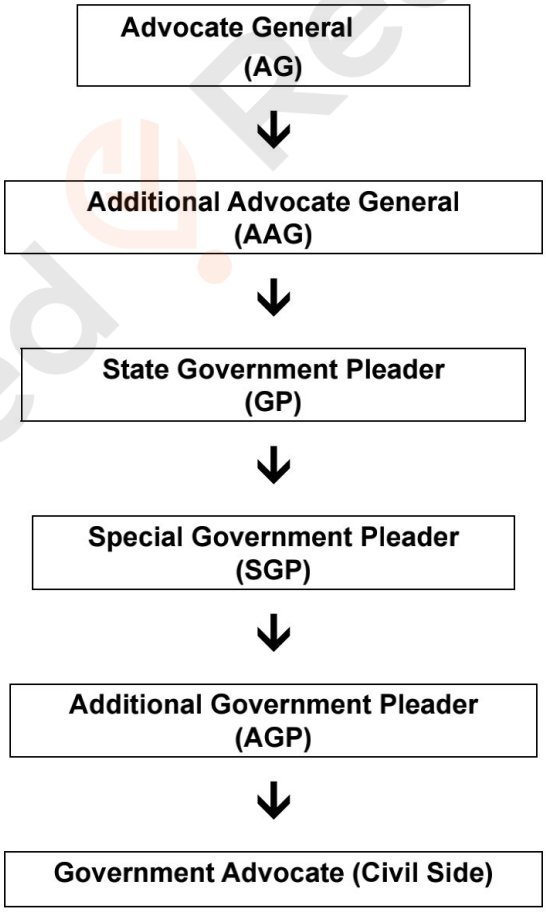
Step 7 - Stay on Decree

If the Judgement debtor shows reasonable ground to stay execution of decree under rule 26, the execution is stayed. The reasonable ground includes appeal to higher court or at times error on face of decree.

Step 8 - Issuance of Order to Execute the Decree

The court after due enquiry if is satisfied, issues appropriate direction to take necessary action in order to execute the decree.

PUBLIC LAW (DEPARTMENT) OFFICERS



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Duties and Responsibilities

(a) To give advice to the Government upon such legal matters, and to perform such other duties of a legal character, as may from time to time, be referred or assigned to him by the Government of Tamil Nadu.

(b) To appear, whenever required, in the High Court of Madras and its Madurai Bench/ National Green Tribunal/ Central Administrative Tribunal/ Debt Appellate Recovery Tribunal/ Supreme Court on behalf of the Government of Tamil Nadu in cases (including suits, writ petitions, appeal and other proceedings) in which the Government of Tamil Nadu is concerned as a party or is otherwise interested.

(c) To discharge such other functions as are conferred on a Law Officer by or under the Constitution or any other Law for the time being in force.

3. HIGH COURT JURISDICTION

Appellate Side (Civil Appellate Side) –

Memorandum of Appeal signed by Appellant or his pleader. It shall set forth concisely and under distinct heads, the grounds of objection to the decree appealed from without any argument or narrative with grounds.

An appeal is filed in delay above 90 days then an application under order 41 rule 3 -A of CPC to condone delay should be filed.

Stay of Execution of decree in suit an application under order 41 rule 5 of CPC with supporting affidavit to be filed.

Translation and Printing form to be enclosed.

Original Side Jurisdiction –

The Jurisdiction of Original Side are

- Ordinary Original Civil Jurisdiction,
- Testamentary and Intestate Jurisdiction and
- Admiralty Jurisdiction.

Original Civil Jurisdiction – The Civil Suits, Company petitions & applications, insolvency petitions, original petitions, Suit u/s 92 of CPC, etc can be filed.

Pecuniary Jurisdiction – Suits to a value of above one crore can only be filed on the Original Side of High Court.

Original Side Appeal (Appellate Jurisdiction) – Appeals from decrees of Civil suit/ Orders in

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Application decided by single Judge, under order 36, rule 1 of original side rules r/w clause 15 of Letter Patents Act. Limitation to appeal is 30 days.

Testamentary and Intestate Jurisdiction: Testamentary Jurisdiction relates to passing of property to the beneficiaries as per Will whereas Intestate Jurisdiction relates to property devolving as per succession Acts.

Admiralty Jurisdiction:

Issues relating to ships at sea, captains, Passenger ships, cargo ships and other charges are within this jurisdiction. There are sixty rules under order XLII of the original side rules of Madras High Court.

Writs (Special Original Jurisdiction)

Article 226 – Power of High court to issue certain Writs.

Every High Court shall have power, to issue any person or authority for including appropriate cases, to the Government, or for the enforcement of any rights conferred by Part III and for any other purpose. The power which is delivered to this clause is to issue direction, order or writ to any government, authority or any person which exercised by the High Court in relation to the cause of action either they are wholly or partly.

Article 32 - Remedies for enforcement of rights conferred by this Part

The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part (Fundamental Rights) is guaranteed and the Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part. Hence Writs can be filed under Article 32 for violation of Fundamental Rights/ Article 226 for violation of Constitutional Rights before Supreme Court & High Court.

Factors Guiding the Discretion:

a) **Locus Standi** - Right to bring an action or to be heard before a court.

b) **Alternative Relief** - Remedies sought in a lawsuit in various or alternative forms.

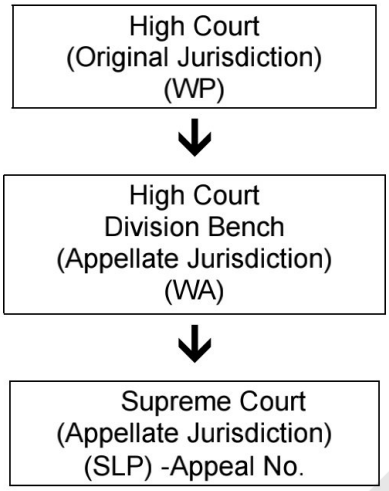
c) **Res Judicata** - A case that has been decided.

d) **Questions of the Fact** - An issue that involves resolution of a factual dispute or controversy.

e) **Laches** - A defense to time barred equitable action that restrains recovery by the plaintiff because of the plaintiff's undue delay in seeking relief.

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HIERARCHY OF COURTS IN FILING WRIT:



Nature of Writs:

I. **Habeas Corpus -** Literally meaning to have the body, this writ is considered to be the "bulwark of individual liberty" against illegal and unjustifiable detention. It can be filed by any person on behalf of the other person and can be issued against both public authorities and private individuals.

II. **Prohibition -** It is issued by the court prohibiting the judicial or quasi-judicial authority from continuing the proceedings if such authority has no power or jurisdiction to decide the case. This extraordinary prerogative of the court is basically preventive in nature.

III. **Mandamus** - By mandamus is meant an order that is passed by a superior court and in which that court orders a lower court or a government agency or any public authority to do or refrain from doing any act which is otherwise in conformity with law.

IV. **Quo Warranto -** It is an order, literally meaning "by what authority", in which the court asks the ground (qualifications etc) on which a public servant has been appointed.

V. **Certiorari -** It is a command to an inferior court or Tribunal or a body acting in judicial capacity or quasi-judicial to transmit the records of a cause or matter pending before them to the superior court, when the inferior court or Tribunal or a body acting in judicial capacity or quasi-judicial capacity acts in excess of authority or in disregard of the principles of Natural Justice.

VI. **Certiorarified Mandamus** - It is a merger of two Writs viz., Certiorari and Mandamus. Certiorari could only quash the order and therefore Mandamus is required to direct rectification of defect or for suitable direction.

VII. **Mandamised Certiorari -** The functions of Declaration and Injunction were combined in the writ known as Mandamised Certiorari. A declaration as to the invalidity of the impugned

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act together with consequential relief by way of injunction restraining the respondent from asserting any rights under the enactment will be the appropriate reliefs to this kind of combined relief writs.

Public Interest Litigation (PIL):

Litigation filed in a court of law, for the protection of "Public Interest", such as Pollution, Terrorism, Road safety, Constructional hazards, Encroachment in Government Lands, etc., Any matter where the interest of public at large is affected can be redressed by filing a Public Interest Litigation in a court of law. PIL is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of public at large and has the power given to the public by courts through judicial activism. However, the person filing the petition must prove to the satisfaction of the court that the petition is being filed for a public interest and not just as a frivolous litigation for self-publicity.

Matters which are entertained under PIL are:

a. Bonded Labour matters
b. Neglected Children
c. Non-payment of minimum wages to workers and exploitation of casual workers
d. Atrocities on women
e. Environmental pollution and disturbance of ecological balance
f. Food adulteration
g. Maintenance of heritage and culture
h. Encroachment in Government Lands

Filing of Writ Petitions:

Affidavit of Writ Petitioner (Stating Facts, Question of law and Grounds), Writ Petition, Impugned Order, Writ Miscellaneous Petition for stay of the impugned order and typeset. Followed by – Counter Affidavit of the Respondent(s), Vacate Stay Petition and typeset.

Writ Appeal (Appellate Jurisdiction): – Clause 15 of Letter Patent Act.

An appeal before a Higher Judge on which a judge of a lower court has passed an order/ decision of single judge, and such an order/decision passed is unsatisfactory to the aggrieved person filing the appeal otherwise called as Letter Patent Appeal (LPA). Limitation to file is 90 days from date of receipt of the copy of the order.

LPA is intra-court appeal in High Court and inter-court appeal in Supreme Court i.e., judgement/order passed under Article 226 of Constitution is appealable as LPA and judgement/ order passed under Article 227 of Constitution is non appealable under this category.

For Filing of Writ Appeal:

Affidavit of the Writ Appellant, Memorandum of Grounds of Appeal, Stay Petition, Certified copy of the single bench order/decree.

Article 227 – Power of Superintendence over all courts by the High Court.

High Court manages all other court and tribunals in relation to its exercises. Without prejudice to the generality of the foregoing provisions, the High Court may call for returns from such courts make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts and prescribe forms in which books, entries, and accounts shall be kept by the office of any such court.

Contempt of Court:

Contempt means wilful disobedience to any judgement, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.

Contempt Petition (Original Civil Jurisdiction):

Under article 215 of the Constitution read with section 11 and 12 of the contempt of courts act, 1971. Article 129 says that the Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for the contempt of itself. It is supplemented by Article 142(2) which inter alia, deals with the investigation and punishment of the contempt of the Apex Court.

4. SUPREME COURT JURISDICTION

(A) Appellate Jurisdiction – Appeals permitted under the Constitution are under

Article 132 for Civil, Criminal or other proceedings, if High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution.

Article 133 for Civil Proceedings of High Court if High Court certifies that the case involves a substantial question of law, general importance and in its opinion the said question needs to be decided by the Supreme Court.

Appeal by Special Leave - Article 136 provides that the Supreme Court in its discretion grant Special Leave to appeal from any judgement, decree, determination, sentence or order in any case or matter passed or made by any court or tribunal in the territory of India except the Court or tribunal constituted by or under any law relating to armed forces.

Statutory Appeals – Section 19(1) (b) – of Contempt of Courts Act,1971 - Provides for an appeal to the Supreme Court, as a right, from any order or decision of Division Bench of a High Court in exercise of its jurisdiction to punish for contempt.

(B) Original Jurisdiction

Writs under Article 32 of the Constitution.

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Original Suits - Under Article 131 grants exclusive jurisdiction to the SC in any disputes between Government of India and one or more states/ Government of India and any state or states and one or more other states on the other side/ between two or more states – question of which extent or existence of a legal right depends.

Transfer of Cases – Under Article 139 a (1) & (2) of the Constitution and Section 25 of CPC.

(C) Advisory Jurisdiction – renders to the President and Public Service Commission.

REVIEW – Article 137 provides that subject to provisions of any law and rules made under Article 145 the SC has the power to review any judgement pronounced or order made by it.

Under Supreme Court Rules, 1966 – Petition to be filed within 30 days from the date of judgement or order and as far as practicable, it is to be circulated without oral arguments, to the same bench of Judges who delivered the Judgement or order sought to be reviewed.

CURATIVE PETITION: After dismissal of a review petition under Article 137, the SC may entertain a curative petition and reconsider its judgement/order in exercise of its inherent powers in order to prevent abuse of its process, to cure gross miscarriage of justice and such a petition can be filed only if a senior Advocate certifies that it meets the requirements of this case.

ABBREVATIONS

A or Appln – Application	M.P – Miscellaneous Petition
AAO – Appeal Against Order	O.S – Original Suit
Arb. Case – Arbitration Case	O.P – Original Petition
A.S – Appeal Suit	R.A – Review Application
C.A – Civil Appeal (Supreme Court)	S.A – Second Appeal
CMA – Civil Miscellaneous Appeal (Appeal Against Appealable Order)	S.L.P – Special Leave Petition
CMSA - Civil Miscellaneous Second Appeal	T.A – Transfer Application
CMP – Civil Miscellaneous Petition	R.C – Reference Case
CRP – Civil Revision Petition	R.C.P – Reference Case Petition
Cont. A – Contempt Application	W.P.M.P–Writ Petition Miscellaneous Petition
Cont. P – Contempt Petition	W.V.M.P – Writ Vacating Miscellaneous Petition
E.A- Execution Application	W.P – Writ Petition
E.P – Execution Petition	WA – Writ Appeal
E.P.D. No – Execution Petition Diary No	C.S – Civil Suit
HCP – Habeas Corpus Petition	Tr. CMP- Transfer Civil Miscellaneous Petition
IA – Interlocutory Application	WMP – Writ Miscellaneous Petition
IP – Insolvency Petition	WAMP – Writ Appeal Miscellaneous Petition
LAOP – Land Acquisition Original Petition	V.C.M.P – Vacating Civil Miscellaneous Petition
LPA – Letters Patent Appeal	

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5. MODEL FORMATS

a. MODEL FORM OF AFFIDAVIT IN WRIT

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

(Under Article 226 of the Constitution of India)

W.P. No. ..... of 20...

(Name and Address)

……Petitioner

Vs.

1. (Name and Address)

2. (Name and Address) ….Respondents

Affidavit of Thiru ……...

I, (Name of the Petitioner) son of Thiru …… Hindu, aged about.....years, residing at ..... do hereby solemnly affirm and sincerely state as follows: -

1. I am the Petitioner herein and well acquainted with the facts of the case.

2. I submit that I am filing this Writ Petition challenging the orders of the first respondent issued in No.....dated.

3. (Here narrate the facts briefly in chronological order of events.)

4.

5.

6.

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GROUNDS

1.

2.

3.

4.

I submit that the first respondent may at any time, execute the said order. If the order is executed, I may be put to irreparable loss and injury. Therefore, it is prayed that this Hon'ble Court may be pleased to stay the operation of the order No.....dated..... of the first respondent pending disposal of the main Writ Petition.

Therefore, it is prayed that this Hon'ble Court may be pleased to issue a writ of certiorarified mandamus or any other appropriate Writ or order or direction calling for the records in respect of the Order No.... dated..... issued by the first respondent, quash the same and direct the respondent..... and pass such further order or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.

Solemnly affirmed at....., Petitioner

and signed his name in my presence, Before me

on this the.....day of..... Advocate

Followed by SYNOPSIS – Brief of the Case

LIST OF DATES AND EVENTS – Chronological order of connected dates and Events of the case.

TYPE SET – Serial No./ Date / Particulars or Documents / Page No.

Page No :

Correction :

Initial. :

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b. MODEL FORM OF WRIT PETITION

Memorandum of Writ Petition under Article 226

of the Constitution of India

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Writ Petition No……of 20...

(Name and full address)

...Petitioner

Vs.

(1. ...Name and full address)

(2....Name and full address)

...Respondents

PETITION FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. The petitioner herein is Thiru..... son of ..... Hindu, aged about. years, residing at No…….

The address of the petitioner for service of all notices and processes is that of his Counsel Thiru .....at……..

2. The first respondent herein is Thiru..... (Give the full address).

The second respondent herein is Thiru.....give the full address).

The addresses of the respondents for service of all notices and processes are the same as stated above.

3. For the reasons set out in the affidavit filed herewith, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Certiorarified mandamus or any other appropriate writ or order or direction in the nature of writ of Certiorarified Mandamus calling for the records in respect of this order No.....dated...issued by the first respondent to quash the same and to direct the respondent..... to pass s such further order or other orders as this Hon'ble Court deems fit and proper in the circumstances of the case and render justice.

Dated at..... on this..... day of ..... 20....

Counsel for petitioner

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c. MODEL FORM OF STAY PETITION

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.M.P. No..... of 20...

in

W.P. No. .....of 20...

(Name and address of the Petitioner)

...Petitioner

Vs.

(Name and address of the Respondents)

...Respondents

STAY PETITION

For the reasons stated in the accompanying affidavit filed in support of the main Writ Petition, it is prayed that this Hon'ble Court may be pleased to stay the operation of the order No..... dated.....passed by the first respondent pending disposal of this Writ Petition and pass such further order or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

Dated at..... on this.....day of .....20...

Counsel for petitioner.

Verified by RedEstate™

d. MODEL FORM OF COUNTER AFFIDAVIT IN WRIT PETITION

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

(Under Article 226 of the Constitution of India)

W.P. No. ..... of 20...

(Name and Address)

.....Petitioner

Vs.

1. (Name and Address)

2. (Name and Address) .... Respondents

Counter Affidavit of Thiru .....

I, (Name of the Respondent) son of Thiru ..... Hindu, aged about.....years, residing at/ holding office at ..... do hereby solemnly affirm and sincerely state as follows: -

1. I am the Respondent herein and well acquainted with the facts of the case.

2. I submit that I am filing this Affidavit on behalf of the 2nd Respondent.

3. (Here narrate the facts briefly in chronological order of events.)

4.

5.

6.

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GROUNDS

(Denial of Grounds)

1.

2.

3.

4.

Therefore, it is prayed that this Hon'ble Court may be pleased to vacate the stay in W.P. No..... dated..... passed by this Hon'ble Court.

Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the Writ Petition as against the Respondents and render justice.

Solemnly affirmed at....., Petitioner

and signed his name in my presence, Before me

on this the.....day of..... Advocate

Followed by SYNOPSIS – Brief history of the Case

LIST OF DATES AND EVENTS – Chronological order of connected dates and Events of the case.

TYPE SET – Serial No./ Date / Particulars or Documents / Page No.

Page No :

Corrections :

Initial. :

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MODEL FORM OF VACATE STAY PETITION

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.M.P. No..... of 20...

in

W.P. No. .....of 20...

(Name and address of the Petitioner)

... Petitioner

Vs.

(Name and address of the Respondents)

... Respondents

VACATE STAY PETITION

For the reasons stated in the accompanying Counter affidavit filed in support of the main Writ Petition, it is prayed that this Hon'ble Court may be pleased to vacate the interim stay granted in W.P. No.....dated..... and pass such further order or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

Dated at..... on this.....day of .....20...

Counsel for Respondent.

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MEMORANDUM OF GROUNDS OF WRIT APPEAL

(UNDER CLAUSE 15 OF THE LETTERS PATENT)

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

(APPELLATE JURISDICTION)

W.A. No. OF 20….

Against

W.P. No. of 20….

1. (Name and Address of the Appellant)

2. (Name and Address of the Appellant)

….. Appellants /Respondents

-Vs-

(Name and Address of the Respondent)

……. Petitioner/ Respondent

1. The address for service of all notices and process on the appellants is that of its counsel **M/s. …… office at** ……

2. The Address for service of all notices and process on the respondents is as stated above.

3. The Appellants above named begs to prefer this Memorandum of Writ appeal under Clause 15 of the Letters Patent against the Judgement of the Learned Judge Hon`ble Justice …… dated. …… in Writ Petition No…… of 20… on the following amongst other grounds, which are taken without prejudice to one another.

GROUNDS

a. It is respectfully submitted that the order of the Learned Judge is contrary to law and opposed to the facts of the case.

b. It is submitted that the Interpretation by the learned judge……

c. It is submitted that the Learned Judge erred in holding that the impugned order is barred by limitation.

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d. ……

e. ……..

f. It is submitted that the writ petitioners have further remedy before the …… against the order and adequate alternate remedy of appeal against the appropriate forum hence the writ petitions ought to have been dismissed, as held by the Supreme Court and various High Courts on the ground of alternate remedy.

For all the above said reasons, it is respectfully prayed that this Hon`ble Court may be pleased set aside the order of the Learned Judge made in Writ Petition No. ……. of 20…. dated …… and allow the Writ Appeal and pass such further or other orders as may be deemed fit and proper and thus render justice.

Dated at Chennai on this …… day of ……20….

APPELLANTS COUNSEL FOR APPELLANTS

MEMO OF VALUATION

Value of the Writ petition	:	Incapable
Court Fee Paid	:	Rs.2,000/-
Value of the Writ Appeal	:	Incapable
Court Fee Paid	:	Rs.2,000/-

Dated at Chennai on this …… day of …….20…

COUNSEL FOR APPELLANTS

Followed by SYNOPSIS – Brief history of the Case

LIST OF DATES AND EVENTS – Chronological order of connected dates and Events of the case.

TYPE SET – Serial No./ Date / Particulars or Documents / Page No.

Page No :

Corrections :

Initial. :

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(APPELLATE JURISDICTION)

CMP No. of 20..

In

W.A. No. of 20..

1. (Name and Address of the Appellant)

2. (Name and Address of the Appellant)

..... Appellants / Respondents

-Vs-

(Name and Address of the Respondent)

..... Petitioner/ Respondent

DISPENSE WITH PETITION

For the reasons stated in the affidavit filed in support of the above writ Appeal, it is respectfully prayed that , this Hon'ble Court may be pleased to dispense with the filing of the original of the order dt..... in W.P. No..... of ..... and thus render justice.

Dated at Chennai on this ..... day of ..... 20....

COUNSEL FOR PETITIONERS/APPELLANTS.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(APPELLATE JURISDICTION)

CMP No. of 20…

In

W.A. No. of 20…

1. (Name and Address of the Appellant)

2. (Name and Address of the Appellant)

….. Appellants /Respondents

-Vs-

(Name and Address of the Respondent)

……. Petitioner/ Respondent

STAY PETITION

For the reasons stated in the affidavit filed in support of the above writ Appeal, it is respectfully prayed that, this Hon'ble Court may be pleased to grant interim stay of the operation of the order dt… in W.P. No…….. of 20… pending disposal of the above Writ Appeal and thus render justice.

Dated at Chennai on this …… day of …….. 20…..

COUNSEL FOR PETITIONERS/APPELLANTS

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MODEL FORM OF CONTEMPT PETITION

Format of Contempt Petition for High Court Under Section 11 and 12 of the Contempt of Courts Act 1971.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CONTEMPT JURISDICTION

CONTEMPT PETITION NO._____/20__

IN

WRIT PETITION NO_____ OF ___20__

AB ...Petitioner

Vs

CD ...Respondent

CONTEMPT PETITION ON BEHALF OF THE PETITIONER UNDER ARTICLE 215 OF THE CONSTITUTION READ WITH SECTION 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971 FOR INITIATING CONTEMPT PROCEEDINGS AGAINST THE ABOVE-NAMED ALLEGED CONTEMNORS FOR NON-COMPLIANCE OF THE Judgement/ORDER DATED _____ OF THIS HON'BLE COURT IN THE AFORE-MENTIONED CASE.

The Petitioner above most respectfully submits as under:

1. Petitioners above named are filing the instant contempt petition seeking initiation of contempt proceedings against the above named alleged contemnors for wilfully disobeying the specific directions of this Hon'ble Court issued vide order dated ____ , in W.P.C No. ___ of ____ captioned as _____ Vs _____ wherein this Hon'ble Court came to the conclusion that the ___ and the __ had clearly fallen foul of the ban imposed under the _____ Act, 1976 as. A copy of the Judgement dated _____ passed in WP No. ____ of ____, is annexed as **Annexure A** (Pg_____). Alleged Contemnor/Respondent herein is the _____ who has failed to take action against the offenders even after 9 months of passing of the said Judgement of this Hon›ble Court.

2. This Hon'ble Court vide Judgement dated _____, while interpreting the _____ Act _____ gave two directions to the alleged Condemn on. They were:

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This direction was to be complied within a period of six months from the date of the Judgement.

3. Special leave petitions in this regard were filed by both the parties. Despite the fact that there was no interim relief granted by the apex court on the SLPs filed by _____ and _____, the alleged condemner has remained in non-compliance with the above cited Judgement of the Hon'ble Court.

4. On _____, the apex court had disposed of the two SLPs with the following direction. "Learned Counsel for the petitioners state, that they have been instructed to withdraw these petitions. Dismissed as withdrawn". Thus, the Judgement of this Hon'ble Court has become final and binding. A copy of the said order passed in Special Leave Petitions (being SLP(C) ____/____ & SLP(C) ____/_____) filed by the _____ and the _____ before the Hon'ble Supreme Court is annexed at **Annexure B**. (Pg _____).

4. The _____ was required to comply with the Hon'ble High Court Judgement dated _____ within six months. The Petitioners addressed letters to the _____ seeking compliance with this Court's Order dated _____. Copies of the relevant letters is annexed at **Annexure C**. (Pg _____).

5. It is submitted that the order dated ____ has not been complied yet.

6. Since, there has been wilful disobedience on the part of the respondent in compliance with the impugned order; respondent is liable for contempt of the court and contempt proceedings should be initiated against the respondent.

PRAYERS

In view of the above it is most respectfully prayed that his Hon'ble Court may graciously be please to: -

i) Initiate contempt proceeding against the alleged contemnor for wilfully and deliberately disobeying the Judgement dated _____ of this Hon'ble Court passed in the Writ Petition (Civil) ____ of ___.;

ii) Pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Dated at ……. on this …… day of …… 20…..

COUNSEL FOR PETITIONERS/APPELLANTS

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

CONTEMPT JURISDICTION

CONTEMPT PETITION NO._____/20__

IN

WRIT PETITION NO_____ OF ___20__

AB

...Petitioner

Vs

CD

...Respondent

AFFIDAVIT

I, _____ S/O _____ R/O _____ do hereby solemnly affirm and declare as under:

1. That I am the Petitioners of the instant Contempt Petition and being conversant with the facts and circumstances of the case, am competent to swear this Affidavit.

2. That the accompanying Contempt Petition has been drafted under my instructions, the contents of which are true and correct on the basis of records maintained by me. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION:

I, the above-named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at ..... on this ____ day of _____, 20__

DEPONENT

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MODEL FORM OF COUNTER AFFIDAVIT CONTEMPT PETITION

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CONTEMPT JURISDICTION

CONTEMPT PETITION NO._____/20__

IN

WRIT PETITION NO_____ OF 20__

AB ...Petitioner

Vs

CD ...Respondent

AFFIDAVIT FILED BY THE RESPONDENT

I, (Name of the Respondent) son of Thiru …… Hindu, aged about.....years, residing at/ holding office at ..... do hereby solemnly affirm and sincerely state as follows:-

1. I am the Respondent herein and well acquainted with the facts of the case.
2. I submit that at the outset I tender my unconditional apology, if this Hon'ble Court comes to the conclusion that I have disobeyed its orders. At no point of time I have disobeyed the orders of this Hon'ble Court or any other Court.
3. I submit that this Hon'ble Court has passed an order in WP…….of 20…… dated ……..
4. I submit that …… (Extract Para of direction in the order)
5. I submit that …… (Reasons for non-compliance of the order)
6. ……
7. ……
8. In view of the above submissions this Hon'ble Court comes to a conclusion that I have committed any act of contempt, then I once again tender unconditional apologies for the same and I humbly pray to accept my apologies and purge me from the contempt proceedings.
9. In the circumstances stated above I pray this Hon'ble Court may be pleased to take note of the fact of compliance of the orders passed by the Hon'ble Court and hence pass necessary orders for closing the contempt petition and thus render justice.

Solemnly affirmed at....., Petitioner

and signed his name in my presence, Before me

on this the.....day of..... Advocate

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MODEL FORM OF CIVIL MISCELLANEOUS APPEAL

(APPEAL AGAINST APPEALABLE ORDER)

Memorandum of Civil Miscellaneous Appeal

under section ….. of the Land Acquisition Act 1894

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(Civil Appellate Side)

C.M.A. No..... of 20...

against

E.P. No. of 20...

In

L.A.O.P. No ……. of 20….

(On the file of the..... Court, Chennai)

AB

... Appellant/Petitioner

Vs.

1. CD

2. EF

...Respondents/Respondents

I. APPELANT: AB, son of ……. Hindu, aged about ……years, residing at ……..

The Address for service of all Notices and Processes on the Appellant is that of his counsel M/S.…….. Advocates, at.……

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II. RESPONDENT: (1) CD, at……

(2) EF, at ……

The Address for service of all notices and processes on the respondents are the same as stated above.

III. The Appellant above named begs to prefer the above Memorandum of Grounds of Civil Miscellaneous Appeal against the Judgement and Decree dt…… E.P. No. made in of 20... by his Honour the learned Fast Track Court Judge cum..…… Judge on the following among other:

GROUNDS

1. The Judgement and decree of the Court below in so far as it is against the Appellant is contrary to law, weight of evidence and probabilities of the case.

2. (other grounds)

IV. Therefore, it is prayed that this Hon'ble Court may be pleased to call for the records of the Fast Track Court and set aside the decretal order and Judgement passed on in E.P. No..... of 20... in L.A.O.P No…… of 20…..by the... Fast Track Court Judge cum Judge……., and thus render justice.

MEMO OF VALUATION

Dated at..... on this..... day of ..... 20.....

Counsel for petitioner

Verified RealEstate ™

MODEL FORM CIVIL REVISION PETITION

Memorandum of Civil Revision Petition under

section 115 of C.P.C.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Side)

C.R.P. No. of 20...

against

I.A. No. of 20...

in

O.S. No..... of 200...

(On the file of..…… Judge at.....)

AB

…Petitioner/Petitioner / Plaintiff

Vs.

CD

…Respondent/Respondent /Defendant

The petitioner above named submits as follows:

I. PETITIONER: The petitioner is son of Thiru ..... Hindu, aged about..... years residing at.....

The address for service of all notices and process on the petitioner is that of his advocate M/S. ……

Advocates, having their office at.....

II. RESPONDENT: The respondent is son of ……Hindu, aged about..... years residing at.....

The address for service of all notices and process on the respondent is as stated above.

III. The Revision Petitioner above named begs to prefer this Memorandum of Civil Revision Petition against the order and decretal order in I.A. No. ... of 200... in O.S. No. ..... of 20... dated..... passed by..... Judge at the suit on the following among grounds:

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GROUNDS

(1) The Order of the court below is against the law and probabilities of the case. (2) The order of the court below causes gross injustice and irreparable injury to the petitioner.

(3) The courts below have acted in the exercise of its jurisdiction illegally and with material irregularity.

(4) The courts below exercised their discretion perversely upon wrong principles which has caused serious prejudice to the petitioner.

(5)……

IV. Therefore it is prayed that this Hon'ble Court be pleased to allow this revision petition, set aside the order and decretal order of the court below and thus render justice. may

Dated at ..... on this…… day of..... 20...

MEMO OF VALUATION

The value of the suit	
O.S. No..... of 20... is	Rs. ….
Court Fee paid thereon……	Rs. ….
The value of I.A. No.	
of 20...	Incapable of valuation
Court Fee paid thereon	Rs…..
The value of the Civil	
Revision Petition is	Rs. 2,00,000
The Court Fee paid thereon under	
Sch. II, Art.11(0)	
of T.N.C.F.& S.V. Act, 1955	Rs. 200

Dated at..... on this day of…… 20…

Counsel for Petitioner

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MODEL FORM CIVIL REVISION PETITION UNDER

ARTICLE 227 OF THE CONSTITUTION

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Appellate Side)

C.R.P. (P.D.) No.… of 20…

against

I.A. No.… of 20...

in

O.S. No….. of 20...

(On the file of ..... Judge at……)

AB ...Petitioner / Petitioner / Plaintiff

Vs.

CD ...Respondent / Respondent / Defendant

The petitioner above named submits as follows:

I. PETITIONER: The petitioner is the son of Thiru Hindu, aged about ..... years residing at

The address for service of all notices and processes on the petitioner is that of his advocate M/S.……

Advocates, having their office at

II. RESPONDENT: The respondent is the son of……Hindu, aged about. years residing at ……

The address for service of all notices and processes on the respondent is as stated above.

III. The appellant above named begs to prefer this Civil Revision Petition under Article 227 of the Constitution of India against the order and decretal order, dated…… passed in I.A. No. Judge at. of 200.... in O.S. No. of 200... by the …… and the following among other grounds:

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GROUNDS

(1). ……

(2). ……

(3). ……

(4). ……

(5). ……

IV. Therefore, it is prayed that this Hon'ble Court may be pleased to call for the records of the lower Court and set aside the order and decretal order dated passed in I.A. No..... of 20... in O.S. No..... of 20... by the..... ..... Judge at and allow this Civil Revision and thus render justice.

Dated at on this..... day of 20...

Counsel for petitioner

MEMO OF VALUATION

Value of the suit O.S. No. of 20..... is	Rs...
The Court Fee paid thereon...	Rs…
Value of I.A. No. ..... of 20.....	Incapable of valuation
The Court Fee paid thereon.....	Rs…
Value of the Civil Revision Petition is	Incapable of valuation
The Court Fee paid thereon under	Rs. 500/-
Sch. II, Art.11(r)(ii) of T.N.C.F.& S.V. Act, 1955	

Dated at..... on this.....day of .....20...

Counsel for Petitioner

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MODEL FORM VERIFIED PETITION TO CONDONE

THE DELAY IN REPRESENTATION

Memorandum of Civil Miscellaneous Petition

UNDER ORDER. II, R.4(20) of A.S. Rules

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

C.M.P. No..... of 20...

In

S.A.S.R. No..... of 20..

In

A.S. No. of 20...

(On the file of the..... Judge of ..... at.....)

AB ....Petitioner/Appellant

Vs.

CD ....Respondent/Respondent

VERIFIED PETITION UNDER ORDER. II, R.4(20) OF A.S. RULES

It is submitted that the above Second Appeal in S.A.S.R. of 20... was filed on ..... The office after scrutiny returned No. the case bundle for certain compliances. The above case bundle have been re-presented on or before ..... The case bundle was mixed up with other case bundles and was unable to trace out in time to re-present the same. It has been traced out only on ..... There is a delay of days in re-presenting the above case. The delay is neither wilful nor wanton but due to the above said bona fide reasons. If the delay is not condoned it would cause great hardship and loss to the appellant.

Under the above circumstances, it is prayed that this Hon'ble Court may be pleased to condone the delay of ..... days in re-presenting the above case and thus render justice.

Verified at .... on this..... day of..... 20....

Counsel for petitioner / appellant

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MODEL FORM OF PETITION FOR STAY OF EXECUTION

Memorandum of Civil Miscellaneous Petition

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

C.M.P. No. of 20...

in

S.A. No..... of 20..

(on the file of the of 20... Judge of ..... at.....)

AB ...Petitioner / Petitioner

Vs.

CD ...Respondent / Respondent

Petition For Stay of Execution Under Order XLI, Rule 5 of C.P.C.

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to grant stay of the execution of the decree of the learned subordinate Judge of dated in O.S. No. of 20... and confirmed by the learned ..... District Judge of..... at in A.S. No. of 20... pending disposal of the above second appeal and render justice.

Dated at ..... on this day of. 20...

Counsel for petitioner / appellant

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MODEL FORM OF PETITION TO RAISE ADDITIONAL GROUNDS

Memorandum of Civil Miscellaneous Petition

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

C.M.P. No. of 20...

in

S.A. No..... of 20...

(on the file of the..... Judge of at.....)

AB ...Petitioner/Petitioner

Vs.

CD ...Respondent/Respondent

Petition UIO. 41, R.2 of C.P.C. r/w. O.II, R.4(22)
of A.S. Rules to raise additional grounds

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to permit the petitioner to raise the additional grounds in the above Second Appeal.

Additional Grounds

1. ……
2. ……

Dated at ..... on this..... day of ..... 20....

Counsel for petitioner/appellant

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MODEL FORM PETITION TO REVIEW

(Cause Title)

Petition for review UNDER ORDER. 47, Rls. 1 & 2 r/w. S.114 of C.P.C.

---

1. The appellant is son of ....., Hindu, aged about..... years residing at……

2. The address for service of all notices and process on the appellant is that of his advocate Thiru M..... Advocate, having his office at ……..

3. The respondent is son of ……., Hindu, aged about……. years residing at……..

4. The address for service of all notices and process on the respondent is as stated above.

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to review the order dt..... in S.A. No..... of 200... on the file this Hon'ble Court and thus render justice.

Dated at... on this..... day of..... 20...

Counsel for petitioner

MODEL FORM PETITION TO FIX A DATE/ADVANCE HEARING

(Cause Title)

Petition to fix a date / advance hearing U/S 151 of C.P.C.

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to fix a date/Advance hear in the above Writ Appeal and thus render justice.

Dated at... on this..... day of..... 20...

Counsel for petitioner

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MODEL FORM PETITION FOR CLARIFICATION OF ORDER

(Cause Title)

Petition for Clarification of Order U/S 151 of C.P.C.

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to clarify the order dated ……in WP.No……of 20…. and thus render justice.

Dated at... on this..... day of..... 20...

Counsel for petitioner

MODEL FORM PETITION FOR EXTENSION OF TIME

(Cause Title)

Petition for Extension of Time

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to extend the time limit prescribed in order dated ……in WP.No……of 20…. for a further period of …… months/weeks and thus render justice.

Dated at... on this..... day of..... 20...

Counsel for petitioner

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MODEL FORM PETITION TO CAVEAT

Memorandum of Caveat Petition

under section 148-A & O. 52 of C.P.C.

IN THE HIGH COURT OF JUDICATE AT MADRAS

(Appellate Side)

A.S.No. of 20...

against

O.S.No..... of 20...

(On the file of the District Court..... at .....)

AB

...Caveator(s)

Vs.

CD

...Expected Applicant
Petitioner/Respondent

The address of the Caveator for service of notice within the jurisdiction of this Court is .....

The address of the applicant/petition or expected appellant / petitioner for service is.... Let nothing be done in the above matter without notice to the Caveator.

The Caveator abovenamed undertakes to forthwith serve a notice of the Caveat by Registered Post with acknowledgment due on the applicant petitioner or expected appellant/petitioner and file proof of such service.

Dated at ..... on this..... day of..... 20...

Counsel for Caveator .... Caveator

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SLP FORMAT UNDER ARTICLE 136 OF THE CONSTITUTION TO BE FILED IN SUPREME COURT OF INDIA AGAINST Judgement OF HIGH COURT.

Special Leave Petition against order or Judgement of High Court can be filed in Supreme Court under Article 136 of the Constitution. Format of SLP is:

SYNOPSIS AND LIST OF DATES

That the present Special Leave Petition is being filed by the Petitioners impugning the final order/ Judgement dated _____ passed by the Division Bench of the Hon'ble High Court of Madras in Writ Appeal No. _____ of _____, titled ____ & Ors V. __ & Ors, whereby the Division Bench has reversed the detailed and landmark decision of the Single Judge which had held that land acquisition was a colourable exercise of power.

(Brief facts of the case and Judgement)

The Hon'ble Division Bench of High Court of _____ passed common order in WA.No ……. of 20….. dated ……. against various Writ appeals and allowed the Writ Appeals filed by the Respondents herein.

Hence the present SLP

Verified RedEstate™

IN THE SUPREME COURT OF INDIA

[SCR XXI RULE 3(1)(a)]

CIVIL APPELLATE JURISDICTION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (C) NO._____ OF 20__

(Arising out of the final Judgement and order dated ___ passed by the Hon'ble High Court of Madras _____ in Writ Appeal No. _____ of 20….)

IN THE MATTER OF:

	In High Court	In Supreme Court
Government of ___	Respondent	Petitioner No. 1
Versus		
ABC	Petitioner No. 1	Respondent No.1

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION ON BEHALF OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition has been filed under Article 136 of the Constitution of India against the Judgement and final order dated _____ passed by the Division Bench of Hon'ble High Court of Madras in Writ Appeal No. ___ of ____ whereby the appeal filed by the contesting respondents herein against the Judgement of the Ld. Single Judge were allowed.

2. QUESTIONS OF LAW:

A. Whether the……?

B. Whether……?

3. DECLARATION IN TERMS OF RULE 3(2):

That no other Petition seeking leave to Appeal has been filed by the Petitioner against the final Judgement and order dated _____ passed by the Ld. Division Bench of High Court of Madras in Writ Appeal No. __ of __ .

4. DECLARATION IN TERMS OF RULE 5:

That the Annexures filed with the Present Petition are true copies of the pleadings/ documents forming part of the records before courts below.

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5. GROUNDS:

That the present special leave to Appeal is being filed on the following, amongst other, grounds without prejudice to each other;

a). Because the Division Bench of the Hon'ble High Court failed to appreciate that ……

b). ……..

c). ……..

6. GROUNDS FOR INTERIM RELIEF

That the Petitioners have a good case on merits and that there are fair chances of success in the matter before this Hon'ble Court.

a). ……

b). ……

7. MAIN PRAYERS:

In view of the facts and circumstances as mentioned above, it is most humbly prayed that this Hon'ble Court may graciously be pleased to;

i. Grant Special Leave to Appeal against the order passed by the Division Bench of the Hon'ble High Madras in Writ Appeal No. ____ of ___, titled State of ____ & Ors V. ____ & Ors

ii. Pass such other or any further order(s) as may be deemed fit and appropriate by this Hon'ble Court in the facts and circumstances of the present case.

8. INTERIM PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:

a) stay the impugned Judgement dated _____ passed by the passed by the Division Bench of the Hon'ble High Madras in Writ Appeal No. ____ of ___, titled State of ____ & Ors V. ____ & Ors

b) pass such other and further orders as this Hon'ble Court may deem fit and proper in the interests of justice.

FILED BY:

Advocate for the petitioner

Drawn By:
Drawn on:
Filed on:
New Delhi

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6. CCMS & LIAISONING WITH THE LAW OFFICERS

Liaison with the Law Officers

In normal parlance, Liaison means establishing rapport with the authorities with whom you want to get your work done. It is necessary for each and every Department/ Officer/ Authorised/ Concerned person to build rapport with the Law officers for the sake of handling the case(s) effectively and also to ensure that the following aspects are adhered to at applicable point of time:

1) To ensure that the GPs have taken notice in open court or the Dept- allotted GP have appeared on behalf of the department.

2) To ensure that the GPs who have taken notice, have received the papers in the court hall itself from the petitioner Advocate.

3) To check up whether the matter is posted for filing counters, once Notice is taken by the GP (in certain cases, the GPs in open court will take notice on behalf of Advocate General & AAGs)

4) To expedite & ensure that the officers/ Supdts /Assts prepare para wise remarks to be followed with the draft counter

5) To arrange for meeting the GPs & getting draft counter vetted by the GP, and then, through GP office, filing fair CA direct in court or through section.

6) To make arrangements for filing of any documents questioned by the writ petitioner & insisted by the court, once the Counter is filed.

7) To ensure that in the above situation, the GPs file Additional Counter Affidavit with typed set of papers.

8) To ensure filing status reports as sought for in many cases by the Hon'ble judges even after filing the counter.

9) To ensure filing 'vacate stay ' petition with counter affidavit as in a few cases the court may grant stay at the admission stage itself.

10) To ensure tracking - down very closely the hearing dates of cases after filing of counter, additional counter and stay petition if any .

11) To ensure compliance with orders in the specified time limit if any & filing , in cases of court order like "disposed of" with direction for the government.

12) To ensure filing " Compliance report on particular date " as insisted in some cases by the court & to be aware of the fact that if the above court directions are not complied with on time, then the petitioner will move contempt petition.

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13) To ensure that in such contempt petitions, the GPs who take up the WP, appears again on behalf of Govt or AAG may be referred to.

14) To ensure filing of "Dispense with the appearance" in such contempt cases, to avoid the officials appearing before & being present in the court hall.

15) To ensure fling of deletion petitions in case of being non respondents to the case.

16) To ensure filing of impleading petition if any

17) To file status / compliance reports in all applicable cases / suo-moto impleading of officers.

18) To ensure seeking adjournments if any wanted & ensuring of such adjournment (short or long) obtained by the Govt. Pleaders

19) To ensure preparing & submission of inputs, pleading points and documents to the GPs.

20) To ensure that in cases of "disposed" cases, necessarily follow up action like passing of orders on merits within time in observance of principles of Natural Justice & in accordance with law.

21) To ensure, in such disposal cases, filing of such requisite replies for the court directions with no let up.

22) To ensure filing of counter as sought for by the court for the contempt by way of an Affidavit.

23) To move Writ Appeal before the Division Bench only after obtaining legal opinion / consultation with the GPs once the writ petition is disposed of, if it is ascertained that any valid grounds exist and which has not been taken.

24) To file review or revision in certain cases as insisted by the GPs if any error exists on the Judgement or any facts left out.

25) To file "condone delay" petition, specifying the reasons for the delay & the number of days delayed, in case of any delay in WA filed by the department.

26) To ensure filing of order copy downloaded from net along the "dispense with" petition, in case the original order copy of the writ petition is not available.

27) To take steps for filing of SLP after obtaining legal opinion to protect the interest of govt, if WA Judgement is not in favour of Govt

28) In cases of non-compliance of time bound orders, the officials / parties to the cases, are left to face contempt proceedings.

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CCMS - Court Case Monitoring System

Court Cases Monitoring System (CCMS) facilitates Departments /Officers to manage and monitor court cases pending in High Court of Madras. It can provide latest information about any pending case of any point of time. CCMS helps the departments/officers to track the cases, prepare cause-list well in advance, maintain complete history of the case including follow-up action taken part from other activities. CCMS can generate a number of MIS reports including query-based reports based on given parametric values.

The Object of CCMS software is to maintain/ manage the CASES effectively and to limit the hardships in maintaining the physical case papers.

A) LOGIN: Each Department(s)/HoD(s) are provided with Login credentials in order to Monitor/Update the Case details in the CCMS on regular intervals and the Role-based logins can be created for the different users and related services can be easily offered to them.

B) CASE UPDATE : The Department/ Officer is required to check/monitor the present stage of each case allotted to his/her Department and to ensure that necessary reply of the Department is filed before the Hon'ble court, in form of Counter Affidavit/ Status Report/ Compliance Report, (whichever is applicable) as advised by the Government Pleaders in each and every pending cases in CCMS and once the Counter Affidavit/ Status Report/ Compliance Report is filed in Court Registry, in turn the Court Registry on receipt of it, shall provide Diary number/ USR number for reference, therefore the concerned Department/ Officer is required to follow up with the Law officers to obtain the USR Number & Date and ensure that the same is updated in the CCMS without fail.

And in case, if the Case is Dismissed/ Disposed with a direction to the Department/ Officer, it is the duty of the concerned Department/Officer to comply with the directions of the Hon'ble Court within time and ensure that the *Action Taken Report/ Compliance Report* is updated in CCMS without fail.

C) CLOSURE : Once the USR number and date is upload in the CCMS for the pending cases, then such case will be removed from the CCMS mechanically and on the other hand, if the case is Dismissed/ Disposed off, and for such cases, the concerned Department/ Officer is required to upload/ update the ATR report/ Compliance Report in CCMS, subsequently the said case will be removed from the CCMS and again it will not appear in the CCMS Actionable list, unless and until a fresh Case filed by the Litigant.

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7. FREQUENTLY ASKED QUESTIONS – APPEAL EXAMINERS SECTION

1. What are the documents to be filed in the typed set ?

It should contain all the relevant papers neatly typed i.e., copy of plaint, written statement, copy of petition, affidavit in I.A., I.A. And the order/Judgement, Decree, copy of grounds and any other relevant papers as the counsel feels necessary.

2. Court fees to be affixed in the Vakalat?

In Vakalat Court fee of Rs.10/- advocate welfare fund stamp for Rs.30/- and Advocate clerk welfare fund stamp of Rs.2/- to be affixed.

3. What is the time limit to file cases before this Hon'ble Court?

It differs from case to case but generally 90 days for the appeals or revision filed against the order of the lower court. But no time limit for CRPs filed under Article 227 of constitution of India and 30 days for the Appeal from the orders of the High Court.

4. What is the procedure for a third party to challenge a Judicial Order?

The third party has to obtain leave from this Hon'ble Court to challenge the order passed by a lower Court.

5. How to categorise the CRP cases as PD or NPD?

Depending upon the pendency and disposal of the suit PD/NPD will be marked in CRPs.

6. Who can attest the affidavits and vakalats?

Affidavits and vakalats intended for use on the Appellate Side of the Court may be attested by any person authorised under the rules to attest a vakalatnama.

7. How to categorise the cases as single or Bench?

Depending upon the value of the appeal single/bench will be marked. If the value is Rs.15,00,000/- and above, the matter will be posted before the Hon'ble Division Bench in AS and CMAs

8. Who can take returned case bundles on behalf of the counsel on record?

Juniors and registered advocate clerks of the counsel on record can take the returned bundles.

9. Provision of laws for CMA, AS, SA, CRP, CMSA & Miscellaneous Petitions <u>Main Cases:-</u>

First Appeal (AS)

(a) U/s 96 of CPC

(b) 54 of Land Acquisition of ActSecond Appeal (SA)

(c) Under Section 100 of CPC (No SA will be in the suit for recovery ofmoney if it is 25,000/- and below

(d) Under Section 13 of Tamil Nadu Land Acquisition for HarijanWelfare if the amount by prescribed authority >50,000/-

CMA

(a) 82(2) of ESI Act

(b) 47(10) of the Stamp Act

(c) Sec 104 and 43(1) of CPC

(d) Sec 30(1) of Workmen's Compensation Act.

CMSA

(a) Under Order 21 Rule 58(4) of CPC

(b) 21 Rule 103 of CPC

(c) Under Section 115 of CPC

(d) Article 227 of Constitution of India

(e) Under Section 25 of Tamil Nadu Building (Lease & Rent Control Act)

STA

(a) 51 (1) of Tamil Nadu Estates (Abolition and conversion into Ryotwari Act)

(b) 46(1) of Tamil Nadu inam Estates (Abolition and conversion intoRyotwari) Act

(c) 32 (1) of Tamil Nadu Leaseholds (Abolition and Conversion into Ryotwari Act)

(d) 30 (1) TN minor inams (Abolition and conversion into Ryotwari Act)

10.Whether xerox copies can be filed in the typed set?

Clean typed copies alone can be filed in the typeset

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Miscellaneous petitions: -

Sl.No.	Nature of Petition	Provision of law	Limitation
1	Condone delay in filing Revision	U/s 5 of limitation Act	As per the Act
2	Condone delay in filing Appeal	Sec 5 of Limitation Act r/w O.41 R3A of CPC	
3	Condone delay in representationof Revision, Appeal or petition	O.II R4 (20) of rules O.IV R.9(4) of AS rules r/w sec.148 of CPC	If it is 90 days & less ifmore than 90 days
4	Condone delay in payment of deficit court fee	O.II R.4(19) of AS rulessec. 149 of CPC	If 90 days & less If more than 90 days
5	Dispense with Carbon Copy of Judgement or decree	Sec.151 of CPC	
6	Dispense with Carbon Copy of Judgement on the ground that such copy was filed in the connected case	O.II R.4(15) of Rules	
7	Dispense with production of printed copies of Judgement	O.II R4(16) of AS Rules.	
8	To permit the petitioner to use the common typed set for one SR if filed in another SR	O.II R4(12) of AS Rules.	
9	For leave to file appeal as an indigent person	O.44 R.1 of CPC	60 days (130A) of limitation Act.
10	For stay	AS Sec 151 of CPC	
11	For stay of execution of decree	O.41 R.5 of CPC	
12	To vacate stay	Sec 151 of CPC	
13	For injunction	O.39 R 1 & 2 CPC	
14	To vacate injunction	O.39 R.4 of CPC	
15	To appoint receiver	O.40 R.1 of CPC	
16	To discharge the receiver	Sec 151 of CPC	
17	For directions	Sec 151 of CPC	
18	To raise additional ground	O.41 R.2 of CPC	

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19	To receive additional documents	O.41 R.27 of CPC	30 days
20	To set aside the order of dismissal for non-appearance of Appellant	O.41 R.19 of CPC	30 days
21	To set aside an exparte decree or to rehear an appeal heard exparte	O.41 R.21 of CPC	
22	To implead or to strikeout parties	O.1 R.10(2) of CPC	
23	To bring on record Legal Representatives (LRS) of deceased appellant	O.22 R.3 of CPC	90 days from the date of death
24	Bring on Record LRS of deceased respondent	O.22 R.4 of CPC	90 days from the date of death
25	To set aside the abatement	O.22 R.9(2) of CPC	150 days from the date of death
26	C/d in filing set aside abatement	U/s 5 of limitation Act	>150 days
27	To appoint guardian for minors	O.32 R.3(4) of CPC	
28	To appoint court guardian	O.32 R.3(10) of CPC	
29	To declare major and discharge guardian	O.32 R.12(2) of CPC	
30	To transpose the respondent	O.23 R.1(A) of CPC	
31	To appoint a commissioner	O.26 R.9 of CPC	
32	To review Judgement	O.47 R(1) of CPC r/w 114 of CPC	30 days
33	To amend Judgement, decree or order if any clerical or arithmetical mistakes found	Sec 152 CPC	
34	To pass a decree in terms of compromise	O.32 R.7 of CPC	
35	To pass a decree in terms of compromise if the petitioner is minor	O.23 R.1 of CPC	

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36	To fix an early date	U/s 151 of CPC	
37	To revoke Vakalat	OIII R.5 r/w O II R4 (3) of AS rules.	
38	To amend the plaint	O VI R.17 of CPC	
39	Set aside the order of dismissal by plaintiff by defendant	O 9 R.7 of CPC O 9 R.9 of CPC O 9 R.13 of CPC	30 days from the date or order/knowledge
40	To order Substituted service	O.II R.4(10) of AS rules r/w OVR. 20 of CPC	
41	To withdraw and transfer the case from one court to another	Sec 24 of CPC	
42	Direct to refund of full Court fees	U/s 66(1) of Tamil Nadu Court Fees (TNCF) & suits valuation Act.	
43	Refund of half of Court fees	66(2) of TNCF Act	
44	Refund of fee paid by mistake or inadvertence	70 of TNCF Act	
45	To restore copy Application	O.XII R.7 of AS Rules	
46	To return the admitted documents in pending cases	O XIII R.9 CPC r/w O II R.4 (14) of AS rules	
47	Condone the defect in the affidavit	O II R.4 (26A) of AS rules.	

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8. EXECUTIVE MAGISTRATES: POWERS & RESPONSIBILITIES

Criminal Procedure Code (Cr.PC) is the main legislation on procedures for administration of substantive Criminal law. By virtue of certain provisions in Cr.PC, the Executives are vested with the powers of magistrates. The functions exercisable by the Executive Magistrates by virtue of powers conferred on than under Cr.PC may be executive, administrative or judicial. Such important sections of Cr.PC are as discussed below.

Section 20:	(Executive Magistrates) State Govt. providing for Executive Magistrates.
Section 21:	(Special Executive Magistrates) Special Executive Magistrates for particular area & specific purpose.
Section 22:	Local jurisdiction of Executive Magistrates.
Section 23:	Sub ordination of Executive Magistrates to DM excepting ADM; but the DM may make certain allocation of business to the ADM.
Section 44:	Arrest for any offence committed in the presence of Magistrates.
Section 61- 69:	relating to Summons viz. Form, mode of service, other procedures.
Sections 107 to 110:	Commonly called as 'Security Sections'.
Section 107:	Obtaining bond for keeping peace in cases of threat to public tranquillity & suspicions about wrongful acts to disturb public peace.
Section 108:	Obtaining bond from persons disseminating seditious matters; in order to prevent offences under sections of IPC 124A, 153A, 153 B, 295A, 292A.
Section 109:	Bond for good behaviour from suspected persons who conceal their presence & plan to commit cognizable offences.
For section 107 - 109 cases:	Bond not exceeding 1 year, with or without surety.
Section 110:	obtaining bond for good behaviour from habitual offenders- those indulging in theft, robbery, forgery, kidnapping, abduction, mischief, extortion; stolen property offences; offences under Drugs Act, FERA, Adulteration of food Act, Essential Commodities Act, Untouchability Act; offences relating to counterfeiting money & Bank notes. For this sec, bond not exceeding 3 years; With surety.
Section 111:	Order to be made under section 111.

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Special Executive Magistrates:

Section 129: Dispersal of unlawful Assembly by use of civil force (not by armed forces) - unlawful & causing disturbance to public peace & L & O.

Section 130: Dispersal by Armed forces (a little force may be used & a little injury may be caused). The eldest & senior Officer may be engaged as Exe. Magistrate - trouble making leaders be arrested & handed over to the police for custody).

Executive Magistrates: Section 133 (Public Nuisance): Conditional order for removal of nuisance - to regulate obstruction in public path, rivers & Channels - order on cases of nuisance due to running of specific professions, - to prevent fire accidents, stampede - to stop, regulate & strengthen building constructions, fencing required in respect of wells, borewells - destruction of dangerous animals - if objections raised, order as to show cause why it be not implemented on a specific date.

Section 134: Service of summons.

Section 135: Obedience from the receivers of summons. & their replies (show cause)

Section 136: To invoke section 188 of IPC inflicting punishment for disobedience & attendee's refusal to give reply - procedure when existence of public right is denied - individual denial without adducing any reliable evidence.

Section 138: taking evidence.

Section 139: To direct local investigation & examination of an expert -

Section 140: Instructions & guidelines for such experts - with allocation of expenditure.

Section 141: CrPC 133 order to be made absolute due to disobedience- orders for obedience within specific period- invoking IPC sec 188 to award punishment for disobedience.

Section 141(3): no suit, if done in good faith.

Section 142: Injunction order pending enquiry - in order to prevent damage to the public.

Section 143: Executive Magistrate may prohibit any repetition / continuance of public nuisance - order against any individual also.

Sub Div. Magistrate: Section 144: Power to issue order in urgent cases of nuisance & apprehended danger....to protect human life, health or safety ... to maintain public tranquillity - nuisance may be of a riot or affray. Order to any individual, group in an area to abstain from certain act - order with reference to certain property...For ensuring immediate prevention & speedy remedy.

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Section 144 A:	Power to prohibit carrying arm in procession, mass drill or mass training with arms.
Section 145:	(Dispute as to Immovable Property) On receipt of police report reg disputes over land & water- to find out in whose possession the said property is prior to the dispute - orders for his custody & possession till final enquiry & disposal. If property is perishable, order for sale & encashment- proceeds to be handed over after final enquiry.
Section 146:	cases of non-determination over possession - attachment till civil court orders - appointment of receivers - receivers appointed by the court.
Section 147:	Dispute concerning right of use of land or water
Section 174 (1):	Police to inquire & report on suicide, unnatural death etc -
Section174(3) & Sec 174 (4):	inquiry & inquest by the Executive Magistrate (SDM).
Section 176:	after police enquiry, the SDM to inquire into the cause of death.

As per 2005 Amendment, enquiry mandatory; reference to post mortem within 24 hours.

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REGISTRATION PROCEDURES

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REGISTRATION PROCEDURES

Registration and our lives

Human beings entered into endless agreements and transactions with thier fellow beings to run the social life smoothly. Some of them were needed to be informed to the Head of the Clan or State or Government whichever was the accepted form of society he agreed to live in. Some transactions were mandatorily informed and some were not mandated by the Authority but when the individual felt that the deed needed future recognition he kept the transaction informed to the Authorities concerned. Expansion of human movement and transactions with unknown people, expansion of economy and the increased money value involved along with increased human errands made the space for laws like, The Registration Act 1908 which came into effect from 01.01.1909.

Registration is placement of a transaction in the form of a document as a public record to declare the transaction to the World and the Government is preserving such records by charging stipulated fees. Hence by this process, the Government is obliged to give information through the available records to the people so as to enable them to ascertain the legal rights and obligations arising through a deed to a particular property so that they can safeguard themselves from fraud and forgery.

Every human being may have to visit a Registration office for one reason or the other viz.,

- For registration of documents pertaining to immovable or movables or for certain other miscellaneous documents.
- Registration of Marriages
- To get the extracts of Birth & Death certificates
- For registration and updation of Societies, Chits and Partnership Firms.
- To get Encumbrance certificates or certified copies relating to properties.

Compulsory and Optional Registration of Documents:

Must Register :

- Land related transactions
- Building related transactions
- These are Immovable Properties

Optional to Register :

- Cash, Jewels and Vehicle related transactions
- These are called Movables Properties

Exception :

- Even if it contains clause with Land or Building a “Will” “Lease within a year” documents are optionally registrable

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What to know before I Purchase a land?

Like every human is identified with a name, Surname, place he belongs to, land also has it's unique identity. Every land can be identified by a unique ID which has a combination of taluk, village, survey number and sub-division numbers.

Caveat emptor

This is a Latin phrase which roughly means "Let the Buyer Beware" in English. It is the responsibility of the buyer to be aware of what he is buying

SD-Subdivision

By knowing these details one can obtain and verify following land records maintained by various departments.

Title of the Property has to be verified by the Purchaser before deciding to purchase a property. It is to be verified by scrutinizing the registration and revenue records of the property concerned. When title is acquired by inheritance, cross-checking has to be done with the related death and legal heir certificates.

From among other details, property ownership details can be scrutinized from the following records.

Encumbrance certificate (EC):

This is the certificate that contains history of transactions of any immovable property. By providing registration district, village, survey number and subdivision details, one can obtain the details of all the transactions that happened during the selected period. EC can be applied online for the digitalized period and QR coded and digitally signed EC will be delivered to the user login. EC for manual period can be obtained from the Sub Registrar Office (SRO) concerned. The period for which digitized records available in any given SRO is available online in the relevant application page. Encumbrance Certificate from the year 1975 onwards can be freely downloaded from the Registration Department website **https://tnreginet.gov.in**

FAQ: Encumbarance Certificate says **Nil Encumbarance certificate**. Does that mean I can go ahead and purchase?

Ans: It only means, there are no transaction registered during the given period on said property. Other aspects of rights need to be verified

Essential parts of EC:

- Document Number
- Date of Registration
- Nature of transactions
- Village of Property

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- Survey Number & Subdivision
- Name of the parties involved
- Transactions made
- Extent and details of the property

EC can be downloaded through 'E' services as follows :

GO: • E-services – Encumbrance certificate – view EC - EC

Input: • Zone - District - Sub registrar office

• EC Start date - End date

Input : • Survey number and Subdivision

• Captcha code - submit Download the PDF Generated. That is EC

EC is like an index to the various transactions with details of Document number, Nature of document, Name of the parties to the document, date of Registration along with property details in a nutshell.

Certified Copies:

Registration Department preserves all the registered documents from 1865. Certified Copy of any registered document can be obtained by applying online. QR coded and digitally signed Certified Copy will be delivered to the user login. By scrutinizing the Certified Copy, the legal rights of the owner of the property, pathway right etc., can be ascertained. Transactions relating to immovable property is maintained in Book 1, movable property is maintained in Book 4 and will documents are maintained in Book 3.

FAQ : The Seller says, No previous document is available for the property and it is inherited through generations. How to verify the title?

Ans: Verify the EC for a time period that you feel necessary. Patta / Chitta should be in the proposed seller's name. This can be verified in the given website for free. QR code check also available.

GO: • User login - E-Services – Certified Copies – Apply CC

Input: • Sub registrar office - Document number - Year - Book number

Input: • Type of Document (Regular document for normal transaction)

• Captcha code - submit Download the PDF Generated. That is CC

Patta / Chitta :

This record has the details of the person who is enjoying the property and is paying the land tax, along with details of extent of the land and the nature of the land etc. This can be freely downloaded from the website https://eservices.tn.gov.in

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FMB and Village map:

FMB (Field Measurement Book) are maps of a particular survey number with dimensions. From this length and breath of a property, its location, extent etc can be found out. FMB and Village map can be downloaded at free of cost from the website https://eservices.tn.gov.in.

FAQ : Do you know the inheritance of a property from a deceased person is not common to all?

Ans: Who all will inherit and shares of every person inherits the property is decided according to deceased person's personal law.

FAQ : Can I purchase 100 acres of agricultrual land?

No, you are allowed to hold 15 standard acres as per TN Land Reforms (Fixation of Ceiling on Land) Act, 1961.

FAQ : What are other things to be verified which affects ownership of a property

1. Adverse possession of property by others

2.Lands assigned by Government with conditions

3. Temple lands

4. Wakf board lands

5. Government land etc

Now that verification of ownership been done, here is how we go about the process of registration.

Deed Registration and Title Registration.

- The deed registration system, in its simplest form provides for execution of a written conveyance deed by the parties in respect of a transaction in property and registration of this deed with some designated authority. The most important feature of deed registration system is that registration is only the evidence of a transaction and does not confirm transfer of title in favour of transferee. The purchaser has to look the history of a property through many deeds to know the title holder. If he got the property from the correct title holder, then only he would get title.

Acts concerned for registration of documents

The Registration Act, 1908 prescribes the procedure for registration of documents. The Act, lists the documents to be registered compulsorily and optionally. All the documents except will and lease less than one year with respect to immovable property has to be registered compulsorily. Section 34 of the Act mandates the registering officer to enquire and satisfy

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

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(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

So, ownership of the property is not verified by the registering official. Even the Government lands, Hindu Religious Lands, Wakf board lands, Bhoodan Lands were earlier registered by the registering officers. Only on 08.12.1998, a circular has been issued banning registration of the Government lands. The G.O 150 Commercial Taxes Department dated 22-9-2000, although withdrawn as per Hon'ble HC judgment, it is a first step in prohibition of Registration of Government lands, Hindu Religious and Charitable Lands, Wakf Board lands and Bhoodan Lands. Later, Tamil Nadu Government passed Section 22A in Registration Act, 1908 to prohibit registration of above documents.

Verification of ownership has first been mandated through a circular of Inspector General of Registration No. 18339/C1/2012 dated 25-4-2012. To curtail fraudulent registration, original previously registered document is being verified. If previous original document is lost, the seller has to produce not traceable certificate from police as well as paper publication in this regard. If the property is ancestral one, then the owner of the property has to produce patta, tax receipt etc to prove ownership. Further, Encumbrance Certificate upto10 days before the registration is being verified during registration.

Since, all the above documents are being verified by the registering officers based on executive instruction in order to give legal backup to the above verification, the Government have inserted Rule 55A after due process and notified it in the Official Government Gazette Extraordinary No.SRO A-16/(a)/2022 on 05.09.2022. The inserted Rule 55A of the Registration Rule act as a deterrent against impersonation and fraud in registration of immovable properties and brings propriety in the registration process in safeguarding the interest of innocent original owners and purchasers.

Relation ship certificate is being issued by the Tashildars. But, while registering documents, it is verified that as per their personal law, the required legal heirs are executing the document. Hindus, Sikhs, Jains and Bhuddists are covered by Hindu Succession Act 1956, Muslims are covered by Shariat Act, and Indian Christians are covered by Indian Succession Act, 1925.

The Transfer of Property Act 1882 contains specific provisions regarding what constitutes a transfer and the conditions attached to it. It came into force on 1 July 1882. Transfer of property is defined under Section 5 of the Transfer of Property Act, 1882. It refers to an act done by a living person conveying property to one or more person or by himself or by one or more living persons in the present or the future. Living people include a company, an association, or body of individuals whether incorporated or not.

How do we know which registrar office we register our documents?

Name of the Sub Registrar office is already present in previously registered document, encumbrance certificate. Still want to confirm the latest change in jurisdiction if any? Search in https://tnreginet.gov.inon the Home page as seen below

Effect of non-registration of documents required to be registered:

No document that require to be compulsorily registered, if unregistered shall be received as evidence of any transaction affecting such property or conferring any power or right and any document if duly registered, shall take effect as regards the property comprised therein against every unregistered document relating to the same property.

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1. FAQ:

- Should I really register the document?
- Why cant I just get it signed from the seller and keep it?
- Stamp duty 7%, Registration fee 4% of the value? Should I spend it? I will avoid.
- Can i get a Power of attorney registered from the seller? thereby i spend less in terms of stamp duty and registration fees.

2. FAQ: Seller signs document with me and kept unregistered. Then he decides he will register the same property in favour of someone else. Which is legal?
Ans : of course the registered one!

3. FAQ: Seller signs unregistered sale document with me. He didnt break the promise he has given to me. He passes away, his legal heirs are registering the document now. Is it legal?
Ans : of course it is legal!

4. FAQ: Seller signs Power of Attorney to me. Then he signs sale document favouring someone else. Who gets the right over the property?
Ans : The one with sale document.

5. FAQ: Seller signs Power of Attorney to me. Then he cancels the same. How can he do that?
Ans : With the POA he didnt pass the rights over the property. He just appointed an agent in other words helper. He can decide anytime to do his job himself and cancel the agent appointed.

6. FAQ: Seller signed Power of Attorney to me instead of sale deed. He didnt break his promise, nor his legal heirs even after his death. I'm in the peaceful possession. Can I sell the property now?
Ans : No You can't. No title can be passed through the PoA.Once the principal is dead, PoA becomes nulland void automatically.Power will not bind the legal heirs of the principal

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Some type of transactions or deeds:

1. Sale:Sale is transfer of ownership of a property for valid consideration. 7 % Stamp Duty and 4 % Registration Fee have to be paid on the market value of the property. To avoid undervaluation of documents, Department maintains guideline values. If the value stated in the document is less than the guideline value, then after registering the document the registering officer shall send the document to the Special Deputy Collector (Stamps) / District Revenue Officer(Stamps)for determination of market value of the property.
2. Gift and Settlement: Transferring property without any consideration is called Gift. If it is done for settling property out of love and affection, it is called settlement. Though in a Settlement, property is transfered with immediate effect, a settlor may still retain his life interest in the property, with recitals to that effect, if he wishes.
3. Power of Attorney: A person who gives power is “Principal”, who receives the power is “Agent”. Through this deed the Principal may appoint an Agent, when he is sick, unable to attend to sub-registrar office, or is away for some reason, to perform the duties delegated through the power deed, on his behalf. Through this document, no right is transferred and the Power deed loses its validity either on cancellation or on the demise of the Principal. When a document is executed by Agent on behalf of the Principal and is presented for registration, Life certificate for the Principal is mandated.
4. Lease: In this deed, property owner would lease the property to a person who needs it for his use for a certain period for consideration which is normally paid periodically.
5. Partition: Mostlyon the intestate demise of a title owner, to distribute property amongst his legal heirs or for distribution of property amongst joint owners, Partition deeds are employed.
6. Release: Mostly to relinquish the share of one legal heir or joint property holder to another legal heir or another joint property holder, release deeds are employed.
7. Adoption Deed: Through this deed the lawful adoption is recorded.
8. Will: This is a testamentary document by which one bequeaths his properties to any person/(s) of his choice. Will deed would come into effect only after the death of the testator. The testator has the right to cancel or alter the Will during his life time. A person may execute any number of Wills but only the last Will shall come into effect on his demise.

Must Know:

Settlement are two types. Settlement of Absolute rights. Settlement retaining Life time interest of settlor Will can be cancelled and modified.

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Though Optionally registered documents are legally valid, Registration of the same rules out any fraud or forgery or even iota of doubt over the validity

General Power of Attorney is not a sale. It is just an appointment of Agent as the principal is unable to attend the duties prescribed

If a person resides outside India, still he can execute power of Attorney which can be attested by either notary public or vice counsel in the embassy of India. It can be adjudicated in India for paying stamp duty.

Transaction alienating minor's property even when done by natural guardian, needs a court permission

Pre Registration Process and Registration Process:

Do I hire a anybody to prepare document?

Cash transaction is allowed?

Seller is sick. Can he come to office?

Previously Registered deed is missing.

Agent is signing the document what to do?

Preparation of document:

Document can be prepared by the parties themselves. Model draft deeds are available in both English and Tamil in the website https://tnreginet.gov.in. Further, a facility is available to prepare document in STAR 2.0 module in which users have to fill in executant, claimant, Property and other available details to create a document automatically. Help of licenced document writer or advocate may also be taken for preparing documents.

Immovable property of proposed transaction should be described clearly with details such as current Survey number along with subdivisions if any, old survey number, extent conveyed, four boundaries, plot number, GPS measurements etc.

The document has to be written/typed in a sheets of paper and signed. A document is to be regarded as "executed" once the parties have signed the document. Two witnesses who were present at the time of execution also need to sign the document.

One can prepare the document himself online, manuals of which is available in



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Payment of consideration to the seller by purchaser by way of cash more than Rs. 20,000/- is not allowed as per Income Tax Act. It can be paid by demand draft, online, cheque etc. Even for paying Stamp Duty, Registration fee and every other fees online payment only allowed.

Documents needed for Registration:

- Duly executed deed: As regards sale deeds, it is mandatory for the claimants also to sign the deed and appear before the registering officer for registration.
- For sale deeds, value exceeding Rs.10,00,000/- furnishing either PAN number or Form 60 statement is mandatory.
- Details of payment of Stamp Duty, Registration Fee and related charges.
- Original ID card for executant, witnesses and claimant (for sale deeds) has to be produced before the Sub Registrar for verification. The photocopy of such ID card has to be attached with the original document. Only Aadhaar card, PAN card, Voter ID card, Driving Licence, Passport and Ration card shall be accepted.
- Copy of approval or regularisation order issued by either Chennai Metropolitan Development Authority or Directorate of Town and Country Planning needs to be attached when the property is a new house site formed out of agricultural lands.
- Original previous registration deed. If it is lost, then non-traceable certificate issued by the Police Department supported by advertisement given in any of the daily newspaper.
- Encumbrance Certificate atleast for the period, since the seller therein, purchased the property.
- If owner of the property is no more and if the document is being executed by his legal heirs, then death certificate of the title holder and legal-heir certificate.
- Documents executed by Power Agent ought to be supported with Life certificate of the Principal.

Registration:

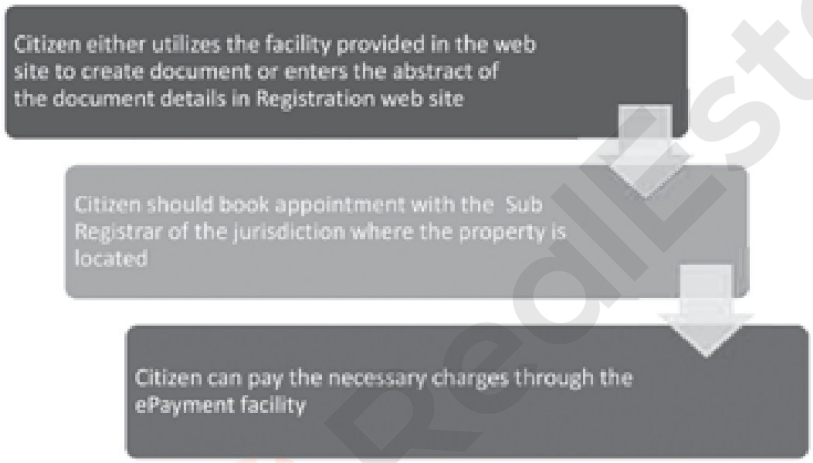
The documents affecting immovable property shall be presented for registration within 4 months of execution without fine (and within another 4 months with fine) in the office of the Sub-Registrar within whose jurisdiction the whole or some portion of the property to which such document relates is situate in the State of Tamil Nadu. Provided Power of Attorney document alone may also be presented for registration in the office of the Sub-Registrar within whose jurisdiction the principal ordinarily resides. Any document pertaining to a property situated in Tamil Nadu, if registered outside the State of Tamil Nadu shall be deemed to be null and void. Wills may presented for registration irrespective of jurisdiction and time frame.

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During registration the parties to the document need to establish their identity with a valid government approved photo identification cards like aadhar, voter id, driving license etc to the satisfaction of the Registering Officer. Further, two witnesses should endorse before the Registering Officer, as identifying witnesses .

Sick people, Persons in Jail, persons exempted from personal appearance in Court and women exempted to appear in public by tradition can avail Private Residence registration by paying prescribed fee. On special urgency, holiday registration facility is also available.

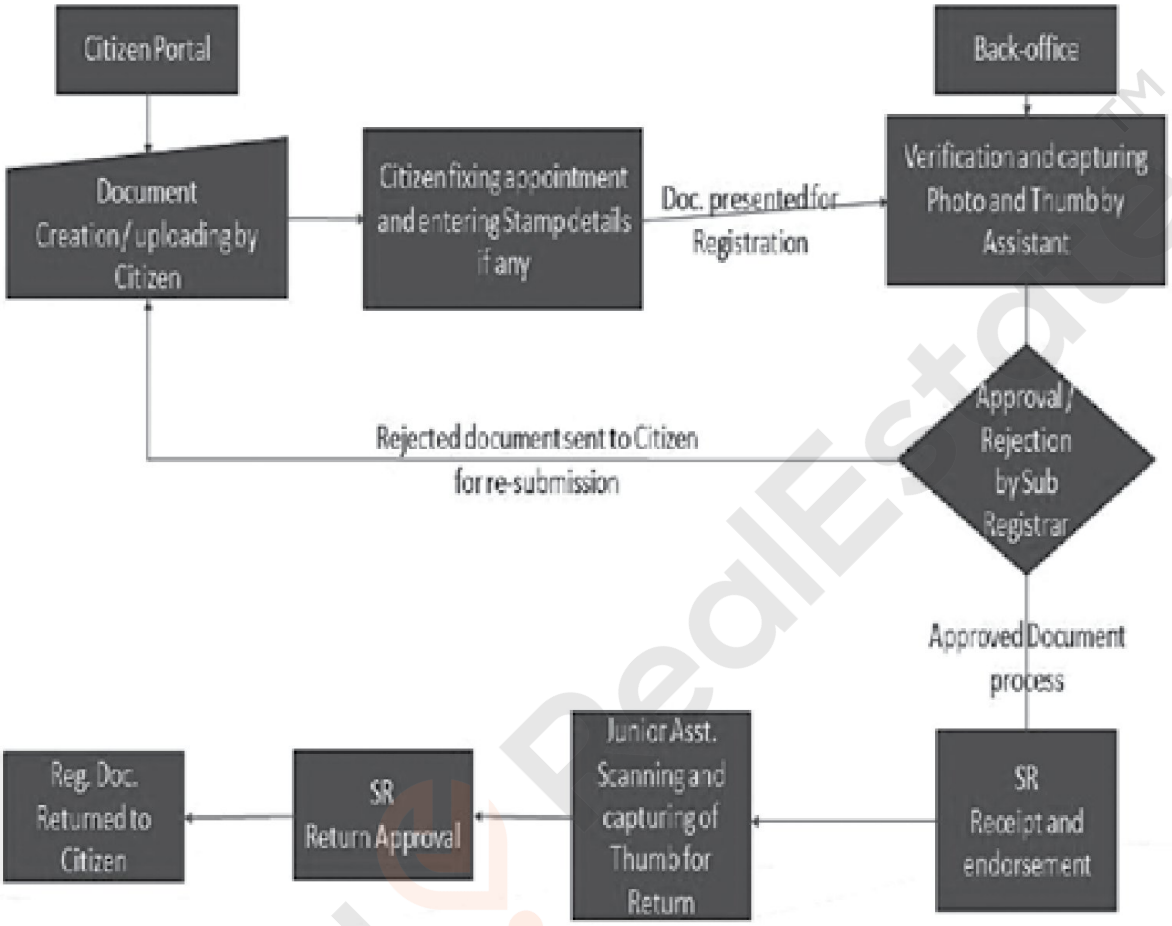
Process of Registration is as illustrated below :



1. Documents shall be presented in the office with required relevant records to the Registering Officer.
2. After due verification of the property details, Biometric and Photo of the parties to the document shall be captured.
3. If any discrepancy is found in the submitted details, Registering officer may reject the document registration stating the relevant reason. In such cases the document can be re-presented after due rectification/ correction.
4. On being satisfied with the execution and the relevant details the Registering Officer shall generate receipt and endorsement (printing of photo and Thumb).
5. Citizens shall affix their signature against the name in the generated endorsement
6. Two identification witnesses also must affix their signature in the endorsement
7. The document shall be scanned and the thumb impression of the person authorized to take back the document shall be obtained.
8. Registering officer shall return the document to the person concerned.

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As Explained in Every step.



Office Process without citizen

After registration, the claimant shall do name change in the relevant records in other Departments like revenue, local body and TANGEDCO.

STAR (Simplified and Transparent Administration of Registration) Project:

STAR Project was launched first in the year 2000, by simplifying the century old registration process by computerisation. This significantly reduced the time of process of registration for the public. Encumbrance certificates and certified copies which took several days were made available in few minutes of search. Documents were scanned and preserved in softcopies. In the year 2018, STAR 2.0, a modified version has been implemented.

The application STAR 2.0 eliminates the need for office visits except for document registration. Document can be created by user using software by entering executant, claimant and property details. Appointment for registration can be booked. The portal shows required Stamp Duty and Registration Fee and this can be paid online. Status of service applied is being

sent by SMS. Encumbrance Certificate and Certified Copies can be applied online and are being delivered online with QR code and digital certificate. Further, EC's can be freely downloaded from portal for the period from 1975 onwards. Registered marriages can be searched from portal.

My mobile number is not given while preparing document in STAR 2.0 Application. Is that ok?	**NO**
Person who prepares the document is asking for my bank details and OTP. Is that ok?	
I'm using a middle man's help to present the document and return of document. Is that ok?	
Middle man / someone in office demands bribe. Should I yield?	

Enabling registration of certain documents by electronic means on online mode :

To enable certain types of instruments to present in electronic form, Registration Act 1908 has been amended vide Tamil Nadu Act No 24/2022 in respect of Sections 32, 52 and 69 of Registration Act 1908 and this Act has come in to force with effect from 12.09.2022.

This Act has paved the way for introducing registration of documents through online mode by electronic means in this Department.

As a first step, the online registration has been introduced for the following nature of documents:

1. Agreement relating to Deposit of Title Deeds to obtain loan from Bank and other financial institutions.
2. Receipt Deed executed by Bank and other financial institutions after repayment of loan.
3. Rental agreement relating to residential purposes having rental or lease period upto five years.

Through the implementation of the said System, Citizens need not physically visit Sub Registrar offices for submission and Registration of the above mentioned documents. Citizen can execute the document by electronic means through online from their home itself, their identity verified by comparing the finger print with Aadhaar database maintained with UIDAI and sent to the concerned Sub Registrar office and can get the document registered through online by electronic means.

eSign in online services:

Certificate like Encumbrance Certificates, Marriage Certificate Extracts, Certified Copies of registered documents, Society Registration Certificate, Partnership firm registration certificate, Marriage extract etc are provided through online by affixing Aadhaar enabled eSign

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of registering officers eliminating physical touch points. Users can download these certificates at their convenient place and time through their login.

Application for patta transfer

STAR 2.0 of Registration Department and Tamil Nilam of Revenue department have been integrated through API and applications for patta transfer for not involving sub division cases and involving sub division cases are being sent online, once the registration of document is over. Sub division fee is collected by the registering officer for the cases involving sub division. The STAR 2.0 software itself classifies application as not involving sub division cases and involving sub division cases by comparing with the transferred extent and extent of that particular survey number. With respect to villages 5 % deviation is allowed and within that the transferred extent tallies with the extent of the survey number it is classifies as not involving sub division cases and sent to concerned VAO login. 12 % deviation is allowed with respect to Urban areas. Involving sub division application is being sent to concerned surveyor login.

With respect to Natham survey numbers physical form 6 application for transfer of patta is being sent, every week to the tashildars by the concerned Sub Registrars since, the Natham survey numbers are not computerised.

With respect to not involving sub division cases, if seller name is found in patta, automatic patta transfer option is selected by the registering officers and in Tamil Nilam software the patta is automatically transferred to the name of purchaser.

Patta transfer application is being sent to the following documents.

1. Sale (Conveyance)
2. Exchange
3. Partition
4. Release
5. Gift
6. Settlement

Patta transfer application is not being sent to the following documents since through these deeds, the transfer of property do not takesplace.

1. Power of Attorney
2. Will
3. Mortgage
4. Lease
5. Sale Agreement
6. Unregistered Sale, Release etc

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Since, Will come into force after the life time of the testator, the patta has to be transferred after the life time of the testator. Further, as per Indian Succession Act, 1925, if the property lies within the original jurisdiction of Madras High Court, the probation of Will is mandatory except for Christians. So, patta has to be changed after the probation of the Will, if the property lies within the original jurisdiction of Madras High Court.

If the property lies outside , the original jurisdiction of Madras High Court, although it is not mandatory to probate a Will, it is better to ask for probation of Will, if the Will is not registered. Since, many of the unregistered Wills are found to be created after the death of the testator.

Oral partition is valid as per Hon'ble Supreme Court Judgment but the concerned has to proved the oral partition by way of some documentary evidence like patta, tax receipt etc.

Prohibition of Government land registrations

In order to automatically curb registration of Government lands, Temple lands, Wakf board lands and other prohibited lands at the entry level itself, a software module has been created. The module compares the Government / HR & CE/ Wakf board land details in Tamil Nilam software of revenue department in real time and the survey number is marked as belong to the above category, STAR 2.0 software of registration department automatically prohibits registration of these properties. This module will help in safeguarding Government land, land of local bodies, water bodies, Hindu Religious and Charitable Institution, Wakf board etc.

Besides a separate module to add prohibited land details has been created. If the prohibited properties like PACL properties, KalaimagalSabha properties, Hindu Religious and Charitable Institution, Wakf board etc is entered in portal, it will show the prohibition and will not allow to book token. This facility in addition to providing the prohibited land details to purchaser, will enable to safeguard the prohibited properties from registration.

District Revenue Officers (Stamps) / Special Deputy Collectors (Stamps)

The District Revenue Officer (Stamps) / Special Deputy Collector (Stamps) is fixing market value to the documents of conveyance, exchange, gift, release of benami right and settlement referred by the registering officer under Section 47(A)(1) of Indian Stamp Act, 1899. The registering officer refers the registered documents to them if the stated value in the documents is less than the prevailing market value. The District Revenue Officer (Stamps) / Special Deputy Collector (Stamps) following the procedures laid down under the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968 determines the correct market value of the property. If the purchaser / executant pays the deficit stamp duty for the value determined by the District Revenue Officer (Stamps) / Special Deputy Collector (Stamps), the document will be returned by the registering officer after collecting deficit registration fee. If the purchaser / executant do not pay the deficit stamp duty for the value determined by the District

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Revenue Officer (Stamps) / Special Deputy Collector (Stamps), then action will be taken under Revenue Recovery Act to collect the deficit stamp duty. Besides interest at the rate of 1 % per month for the entire period of default will be collected if the deficit amount is not paid within two months of the order.

There are 11 District Revenue Officer (Stamps) / Special Deputy Collector (Stamps) offices spread throughout the State. The details are given as below:

Sl.No	District Revenue Officer (Stamps) / Special Deputy Collector (Stamps)	Name of the office
1	District Revenue Officer (Stamps)	Chennai Coimbatore
2	Special Deputy Collector (Stamps)	Cuddalore Kanchipuram Madurai Salem Thanjavur Tiruchirappalli Tirunelveli Vellore Virudhunagar

Any registrant aggrieved by an order of District Revenue Officer (Stamps) / Special Deputy Collector (Stamps), may prefer appeal under Section 47A(5) of Indian Stamp Act, 1899 to the Inspector General of Registration.

The Chief Controlling Revenue Authority cum The Inspector General of Registration may suo-motu revise, modify or set aside the order passed by District Revenue Officer (Stamps) / Special Deputy Collector (Stamps) under Section 47A(6) of Indian Stamp Act 1899, if such order is prejudicial to the interest of the revenue.

Under Section 47A(10) of Indian Stamp Act, 1899 the registrant may appeal to the High Court against the order passed by the Inspector General of Registration under Section 47A(5) and 47A(6) of Indian Stamp Act, 1899.

Market Value Guidelines Committee

Section 47 AA was inserted in Indian Stamp Act, 1899 by Tamil Nadu Act, 13 of 2008 which came into force from 1-6-2010. The section 47 AA empowers State Government to constitute a valuation committee under the chairmanship of Inspector General of Registration. The Valuation Committee frames policy, methodology and administers the market value guidelines in the State. In addition to that, at the district level, the sub-committees headed by respective District Collectors are constituted. The sub-committees are functioning under the Valuation Committee and shall follow procedures prescribed by the Valuation Committee.

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Sub Committees are empowered to increase the market value guidelines and Valuation Committee is empowered to reduce the market value guidelines on the recommendations of the sub-committees.

The guideline value is fixed for survey numbers and streets for rural and urban areas respectively. The guideline value is available in the department website https://tnreginet.gov.in

Rationalisation of Guideline value

Market value guidelines was revised based on recommendations of sub committees from 01.04.2012. However Valuation Committee reduced market value guidelines by 33% uniformly throughout the State with effect from 09.06.2017.

Market value of properties tends to either increase or decrease over a period of time. This will create anomaly in the market value guidelines. So, to rectify the anomalies and to fix correct market value guidelines the Government issued orders for constitution of a 'Guideline Value Rationalization Committee'. This high level committee will be guided by the steering committee headed by the Honorable Minister for Commercial Taxes and Registration. The recommendations of high level committee will be placed before the Valuation Committee as well as sub-committee for approval and implementation.

While reducing the guideline value by 33 per cent with effect from 09-06-2017, the registration fee was increased from 1 per cent to 4 per cent for the deeds of sale, gift, exchange and non-family member settlement. Since, the market value has risen steeply, as an interim measure, the Government has decided to revise the guideline value to the rates prevailing till 8-6-2017 and to reduce the registration fee to 2 per cent for deeds of sale, gift, exchange, and non-family settlements.

Real time verification of Identification using Aadhar

Aadhaar authentication of the registrant's finger prints during registration of documents has been enabled. Besides, the KYC information of registrant also being made available from UIDAI database and getting printed in endorsement. This facility curtailed impersonation drastically. If finger prints do not match due to old age, finger cut etc, facility to compare the iris of the executants with Aadhaar database is also available. Although this aadhaarAuthendicationfacility is consent based, most of the executants come forward to use this facility as two identifying witnesses are not insisted for people who avail this facility required.

Empowering the District Registrars to order cancellation of a forged and fraudulent document

Earlier ordinary people were forced to approach jurisdictional Civil Courts to cancel any fraudulent and forged registration.

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Hence, to mitigate the sufferings of such persons a bill was passed in the Tamil Nadu Legislative Assembly to bring suitable amendments in Registration Act 1908 to order for cancellation of any fraudulent and forged registration. The Bill was obtained the assent of the Hon'ble President of India.

Accordingly Section 77-A and 77-B has been inserted in Registration Act 1908 including some other Sections through Tamil Nadu Act No.41/2022 to empower the District Registrar or the Inspector General of Registration to order for cancellation of a forged and fraudulent document either suomotu or upon complaints received in this regard with regard to documents registered in violation of Section 22 A and Section 22B.

Moreover the amendment empowers the Government to take up the appeals against the original orders ofthe Inspector General of Registration and the Inspector General of Registration has been empowered to enquire the appeals against the orders of District Registrar in this regard.

This Act has come in to force with effect from 16.08.2022. Through the implementation of the above Act, persons who have been affected by the fraudulent or forged registration on their properties can represent to the respective District Registrar for redresses of their grievance without the need for approaching the jurisdictional Civil Courts.

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TOWN AND COUNTRY PLANNING - LAYOUT APPROVAL PROCEDURES

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TOWN AND COUNTRY PLANNING -
DTCP LAYOUT APPROVAL PROCEDURES

Approval of layout by Town and Country Planning Department.

Application: For layout approval, application received in the respective District Town and Country Planning office online vide portal **https://www.onlineppa.tn.gov.in,** processed and approval accorded online by the District officer. **Checklist** of documents to be provided along with the application is attached.

Power delegation: Upto 5 acres in urban areas and upto 10 acres in rural areas, the district officer would grant layout approval by himself. Above these limits he would release the layout plans only after obtaining prior concurrence of the Director.

Procedure: Drawing showing the road and OSR pattern of the layout is communicated to the applicant first for gifting the roads an OSR to local body. Final layout drawing with plot pattern is released to the applicant after receipt of the gift deed.

Extract of Act provisions:

The Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) published vide TNGG-Part IV-Section-2 dated. 29.11.1972 and subsequent amendments made therein then and there.

Section 2 (13).- 'development" means the carrying out of all or any of the works contemplated in a regional plan, master plan, detailed development plan or a new town development plan prepared under this Act, and shall include the carrying out of building, engineering, mining or other operations in, or over or under land, or the making of any material change in the use of any building or land.

Section 47-A.- Development of land in an area other than planning area.- (1) Any person intending to carry out any development on any land in an area other than planning area shall make an application in writing to the local authority for permission in such form and containing such particulars and accompany such documents as may be prescribed.

(2) The local authority shall before according permission under subsection (1), shall obtain the prior concurrence of the Director and shall also collect such fees at such rate as may be prescribed:

Provided that in the case of wet lands, the prior concurrence of the Collector of the District concerned is necessary.

(3) The Collector shall give his prior concurrence to the local authority under sub-section (2), upon fulfillment of such guidelines as may be prescribed.

Section 48 - Restrictions on buildings and lands, in the area of the planning authority.- On or

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after the date of the publication of the resolution under sub-section (2) of section 19 or of the notice in the Tamil Nadu Government Gazette under section 26, no person other than any State Government or the Central Government or any local authority, shall, erect any building or make or extend any excavation or carry out any mining or other operation, in, on, over or under any land or make any material change in the use of land or construct, form or layout any work except with the written permission of the appropriate planning authority and in accordance with the conditions, if any, specified therein.

Section 49- Application for permission.- (1) Except as otherwise provided by rules made in this behalf, any person not being any State Government or the Central Government or any local authority intending to carry out any development on any land or building on or after the date of the publication of the resolution under sub-section (2) of section 19 or of the notice in the Tamil Nadu Government Gazette under section 26, shall make an application in writing to the appropriate planning authority for permission in such form and containing such particulars and accompanied by such documents as may be prescribed.

(2) The appropriate planning authority shall, in deciding whether to grant or refuse such permission, have regard to the following matters, namely:-

(a) the purpose for which the permission is required;

(b) the suitability of the place for such purpose;

(c) the future development and maintenance of the planning area.

(3) When the appropriate planning authority refuses to grant a permission to any person, it shall record in writing the reasons for such refusal and furnish to that person, on demand, a brief statement of the same.

Section 50.- Duration of permission.- Every permission for development granted under section 49 shall remain in force for a period of eight years from the date of such permission:

Provided that the appropriate planning authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period for such time as it may think proper; but such extended period shall, in no case, exceed three years:

Provided further that any expiry of permission shall not bar any subsequent application for fresh permission under this Act.

Extract of Rule provisions:

Tamil Nadu Combined Development and Building Rules, 2019

(Published vide TNGG-Extraordinary - No.43, dt.4.2.2019).

Rule 47: Layout and sub-division Rules.— (1) This rule seeks to ensure access to plots by way of roads and private passages, creating hierarchy of roads depending on the road length

and intensity of developments in the area and also to provide adequate linkages to the existing roads and further to provide proper circulation pattern in the area, providing required recreational spaces such as parks or playgrounds, and providing spaces for common amenities such as schools, post and telegraph offices, fire stations, police stations etc.

a. The minimum width of the public street or road on which the site abuts or gains access shall be 7.00m. for residential layout developments and 9.0m. for industrial layout developments. For subdivisions, the minimum width of the passage or public streets or road on which the site abuts or gains access shall be as required for different uses and types of developments.

b. The minimum width stated above shall be the existing width of the road and not the street alignment prescribed.

(2) When layout site abuts a National or State Highway or Bye Pass Road, a Service Road of having a minimum width of 7 m shall be provided which shall include 1m wide median having width of 0.5m to 1.0m and to a height of 0.30m to 0.45m separating the main road from the service road. There would not be any necessity to obtain an NoC from the National or State Highway authorities for any such layout development.

(3) The width of the streets or roads and passages in the layouts or subdivisions or amalgamations shall conform to the minimum requirements given below:

(a) **Residential developments**.—

Description (1)	**Minimum width (2)**	**Remarks (3)**
A. Passage (i) In Economically Weaker Section areas and continuous building areas: a) For single plot b) For two to four plots	 1.0metre 1.5metre	 The passage will remain private
(ii) When it is intended to serve upto two plots and length of the passage does not exceed 40 metres.	3.0 metres	The passage will remain private
(iii) When it is intended to serve up to four plots and length of the passage does not exceed 80 metres.	3.6 metres	-Do-
(iv) When it is intended to serve up to ten plots and length of the passage does not exceed 100 metres.	4.8 metres	-Do-

B. Streets and Roads		
(i) Streets of length does not exceeds 120 metres	7.2 metres	All streets shall become public
(ii) Streets of length more than 120 meters but below 240 metres	10.0 metres	All streets shall become public
(iii) Roads of length more than 240 metres but below 400 metres	12.0 metres	All streets shall become public
(iv) Roads of length between 400 metres to 1,000 metres	18.0 metres	All streets shall become public
(v) Roads of length more than 1000metres	24.0 metres	All streets shall become public

Note

(1) In case of layout the minimum extent of plot shall be 32 sq.mts. for EWS and 72 sq.mts. for other category of plots.

(2) Minimum width of the road within a layout that is extendable to the adjacent land parcels shall not be less than 9 m in width.

(3) The length of the road shall be measured from junction to junction till the road is connected to another road of higher width.

(b) Industrial Development

Description (1)	Minimum width of passage (2)	Remarks (3)
(1) When it is intended to serve only one plot and length of the passage does not exceed 100 metres	5.0 metres	The passage will remain private
(2) When it is intended to serve two to five plots and the length of the passage does not exceed 120 metres	7.2 metres	The passage will remain private
(3) When it is intended to serve more than 5 plots	12.0 metres	The street shall become public.

Note:

Not withstanding anything contained above the competent authority reserves the right to revise layouts proposed by the applicant and applied for sanction in order to provide for better or adequate linkages and proper circulation pattern considering local conditions etc.

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(3) Cul-de-sacs can be provided when their length does not exceed 60 metres. At the closed end, they shall be provided with a turnaround area of 9m. x 9m. or provisions for reversing cars satisfying standards.

(4) Splay:-

A splay at the intersection of two or more streets or roads shall be provided subject to the minimum dimensions given below:

Sl. No	When the narrower road is of width	Min. splay
1	Upto 12.0m.	1.5m. x 1.5m.
2	More than 12m. Upto 30.5m	4.5m. x 4.5m.
3	More than 30.5m.	6.0m. x 6.0m.

(5) Reservation of land for recreational purposes in a layout or sub-division for residential, commercial, industrial or combination of these uses shall be as follows.

Extent of layout (1)	Reservation (2)
For the first 3000 square metres	Nil
Between 3000 square metres and 10,000 square metres	10 per cent of the area excluding roads or in the alternative he shall pay the guideline value of equivalent land and excluding the first 3000 square metres as per the valuation of the registration department. "No such area reserved shall measures less than 100 square metres with a minimum dimension of 10metres."
Above 10,000 square metres	10 per cent of the area excluding roads. It is obligatory to make the reservation and no equivalent land cost in lieu of the same is acceptable.

(a) The land for community recreational purposes shall be restricted to ground level, in a shape and location to be specified by the competent authority. The land so reserved shall be free from any construction by the layout owner or developer.

(b) The building and use of land shall conform to the conditions that may be imposed while sanctioning the layout. The space set apart for commercial, institutional, industrial or other uses shall be used only for the purpose set apart. However conversion of the use of these non-residential use sites can be considered and decided on its merits when it is proved by the developer that demand for the same does not exist.

(c) Structures for watchman's booth, gardener's instrument room, public toilet and police booth for the purpose of maintenance and toilets may be permitted with total floor area not exceeding 5 percent the total OSR area in one place.

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(d) Public Parking lot may be permitted in basement below the OSR.

(e) Rain water harvesting water tanks and STP may be permitted below the OSR.

(6) (a) The space set apart for roads (except those which may remain private) and the 10% area reserved for recreational purposes shall be transferred to the Local Body free of cost through a registered gift deed before the actual sanction of the layout. The exact mode of conveyance should be consistent with the relevant enactment and regulations.

(b) In cases of industrial estates developed by Government department or agencies including joint venture; the competent authority reserves the right to allow them to retain the spaces set apart for roads and the recreational spaces as parks or play grounds and maintain them for the purposes to the satisfaction of the competent authority.

(c) The competent authority reserves the right to reserve space for recessed bus stops as part of the road space in the layouts exceeding 2 hectares, where found necessary on public interest and this part of the road space also be transferred free of cost as stated in the clause (a)above.

(7) One per cent of layout area excluding roads, additionally, shall be reserved for "Public Purpose" in all layouts. Within the above ceiling 0.5% of area shall be transferred to the Local Body and 0.5% of area shall be transferred to the TANGEDCO or the local body (free of cost) through a registered gift deed before the actual sanction of the layout.

(8) In cases where the extent of the residential layout exceeds 10,000 sq.m. (1 hectare) ten per cent of layout area (excluding roads) shall be developed as EWS plots and the owner or developer or promoter shall sell these plot only for this purpose. Amalgamation shall be permissible in those cases of Economically Weaker Section plots in areas other than Corporations and Municipalities after a period of three years. In such cases of amalgamation, the planning parameters for Economically Weaker Section areas shall not apply.

(9) When the area of land proposed for subdivisions is 20 hectares or more the competent authority may reserve at least 3 percent of the total area for commercial purposes.

(10) The cost of laying improvements to the systems in respect of road, water supply, sewerage, drainage or electric power supply that may be required as assessed by the concerned authority, namely, the local body and Tamil Nadu Electricity Board, shall be borne by the applicant.

(11) Notwithstanding anything stated above, layouts for EWS housing, site and services schemes, and Slum improvement may be approved subject to certain conditions as may be stipulated by the Competent Authority.

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TOWN AND COUNTRY PLANNING DEPARTMENT

Government of Tamil Nadu

Check list [under Tamil Nadu Combined Development Building Rules (TNCDBR), 2019] for enclosures of applications relating to **LAYOUT OR SUB-DVISION.**

(This same checklist is also applicable for layouts in areas falling under the purview of Hill Area Conservation Authority – HACA).

PART – I - To be provided by the applicant

1.	Name of the Applicant	
2.	Address for communication	
3.	Mobile No.	
4.	Landline Telephone No.	
5.	Fax No.	
6.	e-mail id.	

7.	Print out of acknowledgement slip generated for on-line application submission made.
8.	Application for permission for site approval in Form A as per Annexure-I of TNCDBR, 2019 duly filled in.
9.	Form of undertaking in Form C as per Annexure-III of TNCDBR, 2019 duly filled in for the provisions as applicable for the layout development.
10.	Copy of documents (sale deed/lease deed/power of attorney) self-attested by the applicant. Additionally, in case of unapproved sub-division, copies of documents including connected parent documents having transaction since 1.1.1980 in case of urban areas (corporation, municipality, town panchayat). In case of rural areas (village panchayats), it shall be since 29.11.72 assessing the requirement of Open Space Reservation(OSR).
11.	Affidavit of undertaking specifying the following in case of lands bearing survey number other than Town Survey Number: (i) No Government/poromboke land involved, (ii) No land acquisition proposed by any Govt. Department, (iii) Site not covered under Land Ceiling Act, 1978, (iv) Site not covered under Land Reforms Act, 1961.

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12.	Copy of revenue records viz., FMB/ Town Survey sketch, Patta, 'A' Register copy, Permanent Land Record (PLR)/Town Survey Land Record (TSLR) in owners' name
13.	Upto date Encumbrance certificate in original obtained not prior to 30 days from the date of submitting application. Additionally, in case of unapproved sub-division, EC having transaction since 1.1.1980 in case of urban areas (corporation, municipality, town panchayat). In case of rural areas (village panchayats), it shall be since 29.11.1972 for assessing the requirement of Open Space Reservation(OSR).
14.	FMB/Town Survey sketch, Adangal/ 'A' register extract/ TSLR for the access road abutting the site. In the event of sub-division for qualifying road not being incorporated in the FMB skech, in such cases, road width certificate about ownership, maintenance, type, width of access road should be obtained from the Executive Officer, Town Panchayat or Commissioner. In case of rural local bodies, certificate to be obtained from the Block Development Officer (BDO) of Block Panchayats / Village Panchayat as the case may be, who would issue such certificate based on the Road Register maintained by the local body.
15.	If the site lies within a distance of 30m from Railway property boundary, then NOC of Railways department.
16.	For allocation of plots for residential use within 30m radius from the boundary of burial/ cremation ground, an affidavit of undertaking about availability of piped water supply facility.
17.	No plot for construction of a structure can be permitted within a distance of 300m from the boundary of a quarry/stone crusher. However, if the quarry/stone crusher is claimed as abandoned, then a certificate from the local body or licensing authority to that effect.
18.	Legal opinion (in original) on the land ownership by Government Pleader/ Additional Government Pleader/ Special Government Pleader/ Government Advocate/ Public Prosecutor/ Advocate on panel of a local body/ Advocate on panel of any Nationalised Bank.
19.	Affidavit of undertaking by the applicant about the ownership of land clearly stating the document-wise extent of each survey number of land.
20.	Name, Registration number of the registered professional engaged for the project along with a copy of registration certificate. Registered professional to be engaged - Registered Developer (RD) and Registered Architect (RA) or Registered Engineer (RE) or Registered Town Planner (RTP).
21.	Key plan as prescribed in Rule 8(1)(i)
22.	Topo plan as prescribed in Rule 8(1)(ii)
23.	Site plan as prescribed in Rule 8(1)(iii)

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24.	Tentative layout plan prepared adhering to prescriptions given under Rule 8(1)(iii)
25.	If the site lies in: Regulated area as notified by ASI, area under sterilized zone of nuclear installation area, CRZ, Civil Aviation and Defence area regulation zone then NOC of the authority concerned.
26.	**If the site lies in the area falling under the purview of HACA, then following shall also be submitted:**
	NOC from the District Forest Officer
	NOC from the Executive Engineer (Agricultural Engineering)
	NOC from Assistant Director/ Deputy Director of Geology and Mining department of the respective district.
	NOC from the Registered Developers
	Contour plan of the site

PART – II: Details to be given by the Member Secretary/ RDD/RAD while forwarding applications to head office.

(Originals of the details as received from the applicant vide Part - I of this checklist shall be forwarded to head office. While forwarding the proposal, running page number shouild be given and total number of pages to be correctly indicated in the covering letter).

1.	Specific remarks about the type, ownership and width of access road, after duly measuring it on ground.
2.	Specific recommendation of Member Secretary/RDD/RAD and under which rule/Act, the permission of the Director/Government is required.
3.	Site inspection remarks and specific recommendation of the Member Secretary/RDD/ RAD including details of features of the site and its surroundings like tower line crossing, water body crossing, surrounding developments etc.
4.	Copy of extract of Caution register entry & details of court case, if any
5.	Specific remarks in respect of applicability of regulations under ASI notification, hill area, heritage structure influential area, sterilized zone, CRZ, satellite town etc.

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ANNA ADMINISTRATIVE STAFF COLLEGE

"Mahizhampoo"

163/1, P. S. Kumarasamy Raja Salai (Greenways Road),

Raja Annamalaipuram, Chennai – 600 028.