LAND REFORMS

Assignment

Of Ceiling Surplus Land

[Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965]

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Disposal of Surplus

Surplus acquired under the Act are to be disposed under TNLR (DSL) Rules, 1965 either –

- by assigning lands to eligible persons as per rule 5.

or

- by retaining for the benefit of public under rule 13

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Procedures to be followed in assigning lands:

- ✓ AA to enter the particulars of surplus in a Register in **Form A** (Rule 3)
- ✓ AA to invite applications by publishing notice in **Form B** (Rule 4)
- ✓ Form B shall be published in Village Chavadi, by beat of tom-tom, affixture in the notice boards of O/o DRO, RDO. Taluk Office, PUC, Panchayat or Municipality, AD Welfare (Rule 4)
- ✓ Applications for assignment in **Form C** should be filed within 30 days from the date of publication of B notice in the Village. (Rule 7)

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Persons eligible for assignment (Rule 5)

i. A person cultivating land as on 15.2.70 and completely dispossessed of land

ii. A person whose extent is reduced below 3 acres/1 ½ acres of wet land held by him as Cultivating tenant by virtue of the provisions of the Act.

iii. Landless agricultural labourer belonging to SC/ST

iv. A member of Armed Forces

v. A repatriate from Burma or Sri Lanka

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Persons eligible for assignment (Rule 5)

vi. Landless agricultural labourer other than SC/ST

vii. A cultivating tenant who is holding less than 3 acres of dry land or one and half acres of dry land.

viii. A co-operative farming society, the members of which are landless agricultural labourers

Rule 5(2)– Total extent of land together with the extent of other land already held by such person shall not exceed 3 acres of dry or one and half acre of dry land.

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Procedures to be followed in assigning lands:

i. AA to publish notice in **Form D** fixing date of enquiry. [Rule 8(2)]

ii. AA to conduct enquiry and the enquiry be conducted by an officer of Revenue Dept. not below the rank of RI. [Rule 8(3)]

iii. AA to pass orders of assignment [Rule 8(4)] in the light of enquiry conducted under rule 8(3).

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Procedures to be followed in assigning lands:

- ✓ AA to issue **E notice** specifying the amount to be paid as land value. [Rule 8(5)]
- ✓ The value of the land shall be 12 times the annual value as determined as per Schedule III [Rule 6(1)]
- ✓ The assignee has the option to pay land value in a lump sum or in 20 equal instalments with interest at 5% p.a. on the outstanding instalments.

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Procedures to be followed in assigning lands:

- ✓ On payment of land value, the Deed in **Form F** (F Patta) will be executed in favour of assignee.
- ✓ Sub division records has to be prepared and sanctioned by Assigning Authority.
- ✓ Possession of land assigned has to be handed over to assignees.

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Procedures to be followed in assigning lands:

- ✓ *If assignee dies after execution of Form F but before 20 years of conditional period-*
  - ➢ the assignment may be transferred to in favour of eligible legalheir. [Rule 8(6)(a)]
  - ➢ if none of the legalheir are eligible, the land shall revert to the Govt. [Rule 8(6)(c)]

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Conditions of Assignment (Rule 9)

- Shall not sold or otherwise alienate before the expiry of 20 years [9(1)(i)]
- The land assigned to SC/ST shall not be alienated to any person other than SC/ST
- To pay land value in full
- Assignee shall engage himself in direct cultivation of land assigned [9(1)(iv)]

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Vestiture of land in assignee:

- **Rule 9(1)(iii)(a)**

The land will vest absolutely in the assignee only –

after the value of the land and buildings and trees thereon is paid in full; or

after the expiry of a period of 20 years from the date of assignment

whichever is later.

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Extension of conditional period:

- The conditional period was originally 10 years
- The period of condition was extended from 10 to 15 years vide G.O. (Ms) No. 1358, Revenue dated 21.6.79
- The period of condition was further extended from 15 to 20 years vide G.O. (Ms) No. 1713, Revenue dated 12.11.1987.

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Resumption of assigned land for public purpose:

- **Rule 9(1)(iii)(b)**

  If at any time before the expiry of 20 years the land is required for any public purpose, the assignment shall be modified or cancelled and the land shall be resumed by the Government.

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Reservation of surplus land for public purposes

- **Rule 13**

Government have powers to retain portion of surplus land for the benefit of public.

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Rule 13

Surplus Land can be retained for public purposes if surplus lands are -

- not feasible for cultivation
- contiguous to any RF
- lying within the limits of or adjacent to, Town Panchayats, Municipalities and Corporations
- lying within or near urban areas

If surplus land is required for public purposes, the requisitioning body / department has to apply to Government for reservation u/s 13 with consent to pay the land value fixed by Government.

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➢ Appeal provisions

Category	Authority	Rule
Against orders of AA	DRO – Land Tribunal	10
Against orders of District Revenue Officer - LT	Land Commissioner	11(3)
Against orders of LC	Government	11(4)

- Land Commissioner may on own motion within 5 years from the date of orders of assignment, set aside, revise, cancel orders of assignment if he is satisfied that the order was grossly inequitable. [11(3)(a)]

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Suo motu revisionery powers of Land Commissioner

- Land Commissioner, if satisfied that –
  - there has been material irregularity in the procedure or
  - that the order was passed under mistake of fact or owing to fraud or
  - misrepresentation or
  - that the assignee is not eligible for assignment,

  may exercise such powers without any limit of time.

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