Abstract

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

Revenue Department, Land Disposal Wing, LD5(2) Section

G.O.(Ms) No. 136

Dated 25.04.2017
ஹேவிளம்பி வருடம், சித்திரை 12
திருவள்ளுவர் ஆண்டு 2048

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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 - Eg. Land Transfer could be done in the name of Collector (Development) rather than complicating with the Chairman, DRDA or Chairman, Mathi.

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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 non commercial 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 SDAT. 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.

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

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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, $(1.12)^{14}$ 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.

revised rates of as below

Hence, the monetary powers may be approved as suggested below i.e. with a five fold 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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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 Kanniyakumari and Perambalur 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 or 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 accept the recommendation of the Principal Secretary/Commissioner of Land Administration and accordingly order to issue the following guidelines to streamline the procedure to be adopted in the proposal for land alienation and land transfer.

i) Lands required by fully owned State Government agencies/ bodies like DRDA, Constituent University Colleges, SDAT etc., for non

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purpose, may be transferred to the respective departments der which these Agencies / Societies are functioning.

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

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

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

4. This order issues with the concurrence of Finance Department, vide its U.O. RC/ACS(F)/P/17, dated 24.3.2017.

(BY ORDER OF THE GOVERNOR)

CHANDRA MOHAN. B,
SECRETARY TO GOVERNMENT.

Principal Secretary and Commissioner of Land Administration
auk, Chennai-5.
e District Collectors.

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Section Officer

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