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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 I (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.

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Read Also

3. From the Special Commissioner and Commissioner and Land Administration Letter No. K4/6972/2005, 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 I/2005-6, dated 3.5.2006.
5. From the Commissioner of Land Administration letter No. K4/6972/2005, dated 8.6.2006 and D.O. letter dated 21.8.2006, 27.12.2006 and 3.10.2006.
6. Government letter No. 10254/SS I (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 3.1.2008, 23.5.2008.

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ORDER

The Special Commissioner and Commissioner of Land Administration in his references 3rd, 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 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.

//True Copy//

Superintendent.

Verified Regd Mark