



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

சுபகிருது வருடம், சித்திரை 27,
திருவள்ளூர் 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.

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.

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4. The Committee recognized that Land Exchange is the preferred mode of disposal of land 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 porambores such as small water bodies, varies, odais, 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 provisions 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.

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 norms 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)

- 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 porambores are in a block having access to an Major District Road, the exchanged patta land must have access to an 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.

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.

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, Chennai-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.

//Forwarded by order//

K. V. Radha
Section Officer 10.5.22

10.05.22

