

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

TAMILNADU

India

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

### Act 1240 of 1965

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Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 Published vide Notification No. G. O. MS. NO. 3266, Revenue, dated 25th November 1965 - S.R.O. No. A-1240 of 1965 G. O. MS. NO. 3266, Revenue, dated 25th November 1965 - S.R.O. No. A-1240 of 1965. - In exercise of the powers conferred by sub-section (1) of section 94 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), the Governor of Tamil Nadu hereby makes the following rules, the same having been approved by the Legislature, as required by the proviso to the said sub-section:-

#### 1. Short title.

- These rules may be called the Tamil Nadu Land Reforms Disposal of Surplus Land) Rules, 1965.

#### 2. Definition.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961);(b)[ "Appellate authority" means any Revenue Officer not below the rank of Revenue Divisional Officer authorised by [Land Commissioner] [Substituted by G. O. Ms. No. 1358, dated the 21st June 1979.] by notification to exercise the powers conferred on, and to discharge the duties imposed upon, the appellate authority under these rules, for such area as may be specified in the said notification;](bb)[ "Assigning authority" means any Revenue Officer not below the rank of Tahsildar authorised by [Land Commissioner] [The words 'Land Commissioner' were substituted by G. O. Ms. No. 2103, dated the 28th December 1982.] by notification to exercise the powers conferred on, and to discharge the duties imposed upon, the assigning authority under these rules, for such area as may be specified in the said notification;](c)"Form" means a form appended to these rules;(d)"landless

agricultural labourer" means a landless person, whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land;(e)[ \*\*\*] [Omitted by G.O. Ms. No. 5267, dated the 29th August 1973.](f)"Section" means a section of the Act;(g)[ "direct cultivation" means cultivation mainly by one's own labour or by the labour of the members of his family supplemented by hired labour on wages payable in cash or in kind in times of special need such as transplantation and harvest.] [Inserted by G. O. Ms. No. 1358, dated the 21st June 1979.]

### **3. Register of surplus land.**

(1)The [Assigning authority] [The words 'assigning authority' substituted by G.O. Ms. No. 1358, dated the 21st June 1979.] shall maintain a register of surplus land in Form A.(2)As soon as may be after the publication of the notification under sub-section (1) of section 18, the assigning authority shall enter the particulars of the surplus land acquired by the Government under that notification and situated within his jurisdiction, in the register.(3)If the surplus land is situated outside the jurisdiction of the assigning authority, he shall communicate the particulars of such land to the assigning authority in whose jurisdiction such land is situated.(4)On receipt of the particulars, the assigning authority in whose jurisdiction such land is situated shall enter the particulars of such land in the register in Form A maintained by him and shall intimate the serial number in the register and the date of entry therein to the assigning authority from whom he received the particulars of such land.

### **4. Assigning Authority to invite applications for assignment of surplus land.**

- The [assigning authority] [The words 'assigning authority' substituted by G.O. Ms. No. 1358, dated the 21st June 1979.] shall invite applications for the assignment of surplus land and, for this purpose, shall publish a notice in Form B in the following manner, namely:-(i)by affixture in the village chavadi or if there is no village chavadi in some other conspicuous public place in the village or town in which the land referred to in the notice is situated;(ii)by beat of tom-tom in the said village or town;(iii)by affixture on the notice boards of the offices of the District 1 Revenue Officer, Revenue Divisional Officer, assigning authority and Tahsildar concerned and of the office of the Panchayat Union Council, Panchayat or Municipality, within the jurisdiction of which the land is situated.

### **5. [ Eligibility for assignment of surplus land and the maximum extent to be assigned. [Substituted by GO. Ms. No. 5267, dated the 29th August 1973.]**

(1)The following persons and societies shall be eligible for assignment of surplus land and shall be entitled to preference, in the order given below:-(i)[ A person who has been cultivating the land as on the date of the commencement of the Act and who is completely dispossessed of the land, which is declared surplus as a result of the provisions of the Act:]Provided that the person should not have surrendered the lands subsequent to the date of the commencement of the Act;(ii)[\*\*\*] [Omitted by G.O. Ms. No. 1358, dated the 21st June 1979](iii)A person whose extent of holding is reduced below [three acres] [The words 'three acres wet land' substituted by G.O. Ms. No. 715, dated the 24th

March 1980.] of dry land or one and a half acres of wet land held by him partly as cultivating tenant and partly as owner or wholly as cultivating tenant by virtue of the provisions of the Act;(iv)A landless agricultural labourer belonging to Scheduled Caste or Scheduled Tribe who contributes his own physical labour or that of any member of his family in the cultivation of the land;(v)[ A person who is, or who has been, a member of the Armed Forces including, the persons who had served in the Indian National Army or the Ex-Assam Rifles Personnel or any para-military force and members of Armed Forces, who retired or were disbanded before the 26th January 1950, and dependents of the persons of the above mentioned categories, killed in action, namely, wife, widowed mother, minor sons and minor daughters. The servicemen not killed in action, but disabled and alive, can get surplus lands in their own names;] [Substituted by GO. Ms. No. 1358A dated the 21st June 1979.][(V-A) A repatriate from Burma or Sri Lanka who is likely to contribute his own physical labour or that of any member of his family in the cultivation of the land and who has brought to India assets not exceeding Rs. 10,000 (Rupees ten thousand only) in value;] [Inserted by G.O. Ms. No. 1358, dated the 21st June 1979.](vi)A landless agricultural labourer other than the landless agricultural labourer referred in clause (iv) who contributes his own physical labour or that of any member of his family in the cultivation of the land;(vii)A cultivating tenant who is holding land which is less than [three acres of dry land or one and a half acres of wet land in extent;] [The words 'three acres wet land' substituted by G.O. Ms. No. 715, dated the 24th March 1980.](viii)[Omitted by G.O. Ms. No. 1358, dated the 21st June 1979.](ix)A co-operative farming society, the members of which are , landless agricultural labourers, provided that the extent of land assigned to the society together with the land, if any, already held by the society does not exceed the ceiling area.(2)The total extent of land that may be assigned to any person referred to in clauses (i) to (viii) of sub-rule (1) together with the extent of other land, if any, already held by such person or if such person is a member of a family, by such family shall not exceed Three acres of dry land or one and a half acres of wet land:[Provided that in the case of any person falling under clause (i) or (iii) of sub-rule (1), the extent assigned or the total extent of his holding and the extent assigned, as the case may be, may exceed the above limit by a margin not exceeding half an acre of dry land or quarter acre of wet land wherever such assignment in excess over the limits is unavoidable for practical reasons.] [Added by G O. Ms. No. 56, dated the 12th January 1983.]]

## **6. Liability of the assignee to pay value for the surplus land assigned and value for the building and trees thereon, if any.**

- [(1) The assignee shall be liable to pay value for the surplus land assigned. The value shall be twelve times the net annual income from the lands of annual value of the land as determined under paragraph 3 of Part 1 of Schedule III to the Act.] [Substituted by GO. Ms. No. 2864, dated the 29th October 1981.](1-A) Notwithstanding anything contained in sub-rule (1), the value for the surplus land assigned to landless agricultural labourers shall be twelve times the annual value of the land as determined under paragraph 3 of Part I of Schedule III to the Act.] [Inserted by GO. Ms. No. 1816, dated the 23rd October 1989.](2)The assignee shall also be liable to pay such value for the buildings and trees, if any, on the surplus land assigned, as may be fixed.(3)[ The value for the surplus land and for the buildings and trees thereon, if any, shall, at the option of the assignee, be payable in a lump sum or in equal annual instalments not exceeding twenty with interest at the rate of five per cent per annum on the outstanding instalments:] [Substituted by GO. Ms. No. 889, dated the 25th

April 1969.] Provided that the assignee shall be entitled to pay, at any time, any sum in excess of the annual instalments and such excess shall be adjusted towards the subsequent instalment or instalments. (4) [ If the assignee had been in possession of the land prior to the assignment, either on account of having been a tenant under the erstwhile land owner or having been put in possession as lessee by the Government, the assigning authority may give effect to the assignment from the date of vesting of the land with the Government only if the assignee agrees to pay the land value from that date. The amounts collected by way of rent under rule 23 or 23-A of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules, 1962 with reference to section 18-F for the period between the date of vesting of the land with the Government and the date of actual assignment shall be adjusted against such land value instalments of principal and interest as determined:] [Added by G.O. Ms. No. 2864, dated the 29th October, 1931.] Provided that this provision will be applicable only on initial payment of such amount as may be specified by the assigning authority and on execution of an undertaking by the assignee for payment of the overdue, instalments on or before the date or dates specified by the assigning authority.

## **7. Applications for assignment of surplus land to be made to the [Assigning authority.] [The words 'assigning authority' substituted by G.O. Ms. No. 1358, dated the 21st June 1979.]**

- Applications for the assignment of surplus land shall be in Form C and shall be presented within thirty days from the date of publication of the notice under rule 4, in person to the [assigning authority] [The words 'assigning authority' substituted by G.O. Ms. No. 1358, dated the 21st June 1979.] within whose jurisdiction the land is situated or sent to him by registered post: [Provided that the assigning authority may, in his discretion, allow further time not exceeding fifteen days for presenting any such application if he is satisfied that the applicant had sufficient cause for not presenting the application within the period specified in this rule.] [Added by G.O. Ms. No. 1358, dated the 21st June 1979.]

## **8. [ Procedure on receipt of applications. [Substituted by G.O. Ms. No. 1358, dated the 21st June 1979.]**

(1) As soon as may be after the expiry of the time allowed for the presentation of applications for the assignment of surplus land, the assigning authority shall prepare a list of all the applications received. (2) The assigning authority shall, then, publish a notice in Form D in the manner prescribed in rule 4, and fix a date for conducting an enquiry. (3) On the date fixed for 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. The officer conducting such enquiry shall also give an opportunity to the applicants and objectors, if any, to be heard during such enquiry. (4) [ The assessing authority shall, then, consider the respective claims of the applicants and pass necessary orders in the light of enquiry conducted under sub-rule (3). If the appointment for assignment of the surplus land in Form "G" is a male member and if there is a female member in his family, the assignment of the surplus land shall be ordered in favour of the female member of the applicant in the following order:-] (i) if the applicant has a wife, the assignment of the surplus land shall be

ordered in the name of the wife;(ii)if there is no female member in the family of the applicant, the assignment shall be ordered in favour of the other female members in the family of the applicant (i.e.) to the dependent widowed sister or dependent widowed mother; and(iii)if there is no female member in the family of the applicant, the assignment shall be ordered in favour of the applicant (male member).The order passed by the assigning authority shall be communicated not only to all the applicants and objectors, but also to the female member, who have not applied for assignment of the surplus land including the female member who has got assignment of the land in her favour.(5)After passing orders under sub rule (4), the assigning authority shall I issue to the assignee a notice in Form E specifying the amount which the I assignee has to pay as value of the land and of the buildings and trees I thereon, if any, the number of instalments in which he can pay it, if he desires 1 to pay it in instalments instead of in a lump-sum, the amount of each instalment, the date on which each instalment is payable every year and the rate of interest payable on the outstanding instalments. The land value specified in the notice is provisional and is liable for revision, if the amount payable to the landowner in respect of the land in question is revised by, or on the order of any competent authority. The notice shall specify accordingly. The notice shall also direct the assignee to remit into the treasury, either the full amount payable, or at his option the first instalment thereof, and to produce the treasury challan, on a specified date, before the assigning authority. After the challan is produced, the assigning authority shall take action to get the deed of assignment in Form F executed by the assignee. At the time of execution of deed of assignment in Form F the assignee shall nominate, in writing, one of his legal heirs who is otherwise eligible for assignment, as the person in whose favour the assignment shall stand transferred in the event of his death before the expiry of the time limit prescribed in clause (i) of sub-rule (1) of rule 9.(6)(a)If an assignee dies after the execution of the deed of assignment in Form F, but before the expiry of the time limit prescribed in clause (i) of sub-rule (1) of rule 9, the assignment made in his favour shall stand transferred in favour of the legal heir nominated by such assignee under sub-rule (5) 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;(b)On such transfer of the assignment in favour of a legal heir of the deceased assignee, the provisions of these rules, shall apply as if it were an assignment made under sub-rule (4);(c)If none of the legal heirs of the deceased assignees are eligible for assignment or are not willing to take up the land on assignment, the land shall revert to the Government.(7)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 thereon, such amount shall be treated as paid by the legal heir in whose favour the assignment is transferred.]

## **8A. [ Computation of period. [Inserted by GO. Ms. No. 1358, dated the 21st June 1979.]**

- The periods mentioned in rules 7 and 8 shall be counted from the last date of publication referred to in rule 4.]

## 9. Conditions of assignment.

- [(1)] [Rule 9 renumbered as sub-rule (1) by G.O. Ms. No. 1358, dated the 21st June 1979.] The assignment of land shall be, subject to the following conditions, namely:-(i) [The land assigned shall not be sold or otherwise alienated [before the expiry of the period specified in sub-clause (a) of clause (iii) below:] [Substituted by G.O. Ms. No. 1358, dated the 21st June 1979.] Provided that the lands may be hypothecated to Government under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883) or the Agriculturists Loans Act, 1884 (Central Act XII of 1884) or to a Co-operative Institution or a scheduled bank authorised by the Government for affording credit to the agriculturists under the schemes of institutional financing agricultural credit as security for loans obtained for improvements to the lands: Provided further that, at any later date, the lands assigned to a member of the Scheduled Caste or Scheduled Tribe shall not be sold to any person other than a member of the Scheduled Caste or Scheduled Tribe, as the case may be.](ii) [If the land has been assigned, subject to the payment of value of the land and buildings and trees thereon in instalments,, (a) the first instalment shall be payable before the execution of the deed of assignment; (b) the second and subsequent instalments of land value shall be payable on the 10th February of every succeeding year [xxx] [Substituted by No. 1358, dated the 21st June 1979.]; (c) in the event of default in the payment of an instalment, the amount of the instalment shall be recovered as an arrear of land revenue; (d) in the event of default of the payment of two consecutive instalments, the amount already paid shall be liable to be forfeited to the Government and the land shall be liable to be resumed; and (e) if in any year, due to adverse seasonal conditions, the land revenue in respect of the land is remitted or suspended, the recovery of the instalment payable in that year and of the instalment payable in subsequent years shall be postponed by one year.](iii) [(a)] [Renumbered as sub-clause (a) by G.O. Ms. No. 1358, dated the 21st June 1979.] The land will vest 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.] [The words 'in full or after whichever is later' substituted by G. O. Ms. No. 271/87, dated the 12th November 1987.](b) [Inserted by G.O. Ms. No. 1358, dated the 21st June 1979.] [If at any time before the expiry of the period specified in sub-clause (a) above,] [The words 'if at any time .... sub-clause (a) above' substituted by G.O. Ms. No. 271/87, dated the 12th November 1987.] the land assigned is required for any public purpose, the assignment shall be modified or cancelled and the land shall be resumed by Government. In such cases [the annual value fixed under Schedule III of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961),] [The words 'the annual value (Tamil Nadu Act 58 of 1961)' substituted by G. O. Ms. No. 391, dated the 14th March 1985.] for use of the land from the date of assignment to the date of resumption by Government and the loans and advances, if any, granted for the improvement of the land on the security of the land will be recoverable from the assignee. Subject to adjustment of such dues, the assignee shall be entitled to refund of the instalments of land value paid by him and reimbursement of the cost of any permanent improvement effected or any structure such as wells, buildings, etc., erected on the land at his own expense for agricultural purposes or for his own residence.(iv) The assignee shall engage himself in the direct cultivation of the land assigned: [Provided that this condition shall not be applicable to persons referred to in rule 5(l)(v) and persons who are physically or mentally disabled, women including widows, and old persons who have no dependents or family members to do cultivation on their behalf.] [Added by G.O. Ms. No. 1358, dated the 21st June

1979.](v)The assignee shall pay, on the due dates, the land revenue assessment, cesses and local taxes in force, from time to time, in respect of the land assigned, with effect from the year in which the assignment is sanctioned.(vi)All sums due to the assignor by virtue of the assignment shall be recoverable from the assignee and his properties, movable and immovable, under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864), as if such sums were arrears of land revenue or in such other manner as the assignor may deem fit.[(vi-a) The assignee shall pay the difference of the land value and interest thereon if the amount payable to the land owner in respect of the land is revised by or on the orders of the Land Tribunal, High Court, Land Commissioner or other authority competent to make such revision.] [Inserted by G.O. Ms. No. 1358, dated the 21st June 1979.](vii)The assignee shall abide by such other conditions as are [Applicable to the assignment of Government waste lands and as may be specified in the order of assignment.] [The words 'applicable to' substituted by G.O. Ms. No. 1358, dated the 21st June 1979.](2)[ Where any violation of the conditions of assignment as prescribed in sub-rule (1) or in the deed of assignment in Form F is noticed, the assigning authority shall cancel the assignment:] [Added by G.O. Ms. No. 1358, dated the 21st June 1979.]Provided that no such cancellation shall be ordered without giving the assignee an opportunity to make his representation.

## **10. [ Appeals. [Substituted by GO. Ms. No. 1358, dated the 21st June 1979.]**

(1)Any person aggrieved by the orders of the assigning authority under sub-rule (4) of rule 8 may, within thirty days from the date of such order, appeal to the appellate authority. In computing the period of thirty days, the day on which the order appealed against was pronounced or communicated and the time required for obtaining a certified copy of that order, shall be excluded. On all copies issued, the date of the order, the date of communication, the date of application for copy and the date on which the copy was ready for delivery shall be entered. The Court-fee payable in respect of an appeal shall be one rupee:Provided that the appellate authority may, in his discretion, allow further time not exceeding thirty days for the filing of any such appeal if he is satisfied that the appellant had sufficient cause for not preferring the appeal within the period specified in this rule.(2)No appeal shall be admitted unless accompanied by certified copies of the order or orders appealed against.(3)On receipt of an appeal, the appellate authority may, after giving the parties a reasonable opportunity of being heard, pass such orders as he deems fit.(4)The orders in appeal shall be communicated to the parties concerned.]

## **10A. [ [Inserted by GO. Ms. No. 1232, dated the 27th July 1984.]**

(1)Any person aggrieved by the orders of the assigning authority under sub-rule (2) of rule 9 may, within thirty days from the date of such order, appeal to the appellate authority. In computing the period of thirty days, the day on which the order appealed against was pronounced or communicated and the time required for obtaining a certified copy of that order, shall be excluded. On all copies issued, the date of the order, the date of communication, the date of the application for copy and the date on which the copy was ready for delivery shall be entered. The Court-fee payable in respect of an appeal shall be one rupee:Provided that the appellate authority may, in his discretion, allow further time not exceeding thirty days for the filing of any such appeal if he is satisfied that the appellant had sufficient cause for not preferring the appeal within the period

specified in this rule.(2)No appeal shall be admitted unless accompanied by certified copies of the order or orders appealed against.(3)On receipt of an appeal, the appellate authority may, after giving the parties a reasonable opportunity of being heard, pass such orders as he deems fit.(4)The orders in appeal shall be communicated to the parties concerned.(5)If in a case where no appeal has been presented under rule 10-A, at any time within five years of the date of the order passed under rule 9 (2), the appellate authority is satisfied that there has been a material irregularity the procedure or that the order was grossly inequitable or that it was passed under a mistake of fact, he may set aside, cancel or in any way modify order.]

## **11. [ Revision. [Substituted by G.O. Ms. No. 1870, dated the 8th September 1969.]**

(1)The order of the Assigning authority, if no appeal is presented, or of the [Appellate authority] if an appeal is presented, shall subject to the provisions of sub-rules (2) to (6), be final.(2)If in a case where no appeal has been presented under rule 10, at any time within three years of the date of the order of assignment, the [Appellate authority] [The words 'appellate authority' substituted by G.O. Ms. No. 1358. dated the 21st June 1979.] is satisfied that there has been a material irregularity in the procedure or that the order was grossly inequitable or that it was passed under a mistake of fact or owing to fraud or misrepresentation or that the extent assigned together with other lands, if any, held by the assignee (other than a co-operative society) was in excess of [three acres of dry land or one and a half acres of wet land,] [The words 'three acres wet land' substituted by G.O. Ms. No. 715, dated the 24th March 1980.] he may set aside, cancel or in any way modify the order.(3)[ The Land Commissioner may, at any time, of his own motion, within a period of five years from the date of the order of assignment or the date of the order of the appellate authority, as the case may be, set aside, cancel, revise or in any way modify the order of assignment or the order of appeal or revision or issue such directions as he may deem fit, if he is satisfied that the order was grossly inequitable. If he is satisfied that there has been a material irregularity in the procedure or that the order was passed under a mistake of fact or owing to fraud or misrepresentation or that the assignee is not eligible for assignment or that the extent assigned together with other lands, if any, held by the assignee or the members of his family other than a co-operative society exceeds the limits specified in sub-rule (2) of rule 5, he may exercise such powers without any limit of time. He may also issue such directions as he may deem fit even while the proceedings are in progress before the assigning authority or the appellate authority.] [Substituted by G.O. Ms. No. 391, dated the 14th March 1985.](4)[ The Government may, at any time, within one year, from the date of the Land Commissioner's order under sub-rule (3) [xxx] [Substituted by GO. Ms. No. 1358, dated the 21st June 1979.] set aside, cancel or in any way modify the order of the Land Commissioner, if they are satisfied that the order was grossly inequitable or there has been a material irregularity, in the procedure, or where it was passed under a mistake of fact or owing to fraud or misrepresentation.(5)The authorities competent to pass orders in revision under this rule may also grant stay, pending orders in revision.](6)No order under this rule shall be passed without giving an opportunity to the assignee of being heard.]



## **12. [ Substituted by G.O. Ms. No. 391, dated the 14th March 1985.]**

In the event of the modification or cancellation of an assignment, the land assigned shall be resumed from the assignee, either in part or in full, as the case may be, and, on such resumption, the assignee shall not be entitled to an amount for any improvement effected by him on the land. The value of the land, buildings and trees thereon paid by him may, at the discretion of the assigning authority, be refunded to him, in part or in full. The assignee shall be liable for payment, for each year of occupation, an amount equal to the annual value as calculated in the manner specified in Part I of Schedule III to the Act and ten per cent of the value of trees, structures and fixtures thereon determined: Provided that where the land was such that it could not be cultivated without considerable work and expenditure and also the land was left fallow during any period, the amount may be waived for that period. The assignee shall also be liable for damages, if any, caused by him to the land. The amount for the occupation and the damages shall be recovered from him by deduction from the value of the land, buildings and trees thereon paid by him, and if the amount for the occupation and the damages exceed the value of the land, building and trees thereon paid by him, such excess shall be recovered from him, as if it were an arrear of land revenue.]

## **13.**

Nothing in these rules shall be deemed to affect the power of the Government to retain such portion of the surplus land acquired by the Government as is necessary for the benefit of the public.

## **14. [ Assignment of land. [Added by G. O. Ms. No. 59, dated the 7th January 1981 and substituted by No. 101, dated the 20th January 1989.]**

(1) Notwithstanding anything contained in these rules, the lands held by a sugar factory and acquired by the Government as surplus lands may be assigned to the landless agricultural labourers if such lands are not required by the Government on collection of market value, provided that the lands held by such landless agricultural labourers after such assignment do not exceed the ceiling limit specified in sub-rule (2) of rule 5. (2) The assignment of land under sub-rule (1) shall be, subject to the following conditions, namely:-(a) The assignment shall be modified or cancelled if it is found that the extent assigned to the assignee is in excess of the limits prescribed in the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) or the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, as the case may be. (b) In the event of the modification or cancellation of the assignment, as aforesaid, the land assigned shall be resumed from the assignee, in part or in full, as the case may be, and on such resumption, the assignee shall not be entitled to any amount for any improvement effected by him on the land, but the value of the land, buildings and trees thereon paid by him may, at the discretion of the Government, be refunded to him, in part or in full. The assignee shall also be liable for the damages, if any, caused by him to the land and the amount for the damages shall be recovered from the assignee by deduction from the value of the land, buildings and trees thereon paid by him and if the amount for the damages exceeds the value of the land, such excess shall be recovered from him as if it were an arrear of land revenue. (c) All sums found due to the Government under, or by virtue of the order of assignment,

shall be recovered from the assignee and his movable and immovable properties under the provisions of the Tamil Nadu Revenue Recovery Act, 1854 (Tamil Nadu Act II of 1864), as if such sums were arrears of land revenue, or in any other manner as the Government may deem fit. (d) The annual assessment on the land shall be liable to periodical revision on resettlement. (e) The land assigned shall not be sold or otherwise alienated before the expiry of twenty years from the date of assignment. The land assigned to a member of Scheduled Caste or to a member of Scheduled Tribe shall not be alienated to any person other than a member of the Scheduled Caste or Scheduled Tribe, as the case may be: Provided that the land may be mortgaged to Government under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883) or the Agriculturists Loans Act, 1884 (Central Act XII of 1884) or to a co-operative institution or a Scheduled bank authorised by the Government for affording credit to the agriculturists under the schemes of institutional financing of agricultural credits, as security for loans obtained for meeting cost of assignment and improvement to the lands. (f) (i) The Government will give an interest subsidy of 5 per cent on the loans raised by the assignee towards the cost of assignment. (ii) The repayment of the loan with interest will be guaranteed by the Government. (g) The assignee shall engage himself in direct cultivation of the land assigned: Provided that this condition shall not be applicable to persons referred to in rule 5(1)(v) and persons who are physically or mentally disabled, women including widows and old persons who have no dependents or family members to do cultivation on their behalf. (h) The assignee shall pay, on the due dates, the land revenue assessment, cesses and local taxes, in force, from time to time in respect of the land assigned, with effect from the year in which the assignment is sanctioned. (i) The assignee shall pay the difference of the land value and the interest thereon, if the amount payable to the land owner in respect of the land is revised by, or on the orders of, any competent authority. (3) The assignment shall be liable to be cancelled in case of violation of (any of the conditions of assignment referred to in sub-rule (2).]

## 15. [ Sale of land. [Added by GO. Ms. No. 192, dated the 6th September 1988.]

- Any surplus land referred to in sub-section (4) of section 94-A may be sold under these rules, on collection of market value, to any person, whose holding after such purchase does not exceed the ceiling limit.] Form A [See rule 3(1) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965] Register of Surplus Land Acquired by Government under the Tamil Nadu Land Reforms (Fixation Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) Name of the district: Name of the taluk: Number and name of the village:

Serial numbers	Date of entry in the register	Survey number	Extent	Classification	Assessment	Boundaries
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			A. C.		Rs. P.	
Date of publication of notification under	Details of building (Kachcha or pucca)	Details of trees) fruit of timber trees or young ones)	How disposed of, with particulars of the person to whom assigned and the	Value of the land and of the buildings and trees thereon, if any to be collected		Remark

section18 (1)	masonrywells (in use or not in use) tube wells (in use)	number and other details of the papersrelating to the disposal of the land.	from the assignee; how the valuewas arrived at and the manner of collection		
(8)	(9)	(10)	(11)	(12)	(13)

Form B[See rule 4 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965]Notice  
Inviting Applications for Assignment of Surplus Land Acquired under the Tamil Nadu Land  
Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961)(1)It is hereby notified  
that the land specified in the Schedule below, which has been acquired by the Government under  
sub-section (1) of section 18 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961  
(Tamil Nadu Act 58 of 1961), is available for disposal under section 94 of the said Act and the rules  
made thereunder; Any person desiring to apply for the assignment of the land may present his  
application in Form C or send it by registered post to the assigning authority within thirty days from  
the date of the publication of this notice in.village/town where the land is situated.(2)The following  
persons and societies shall be eligible for the assignment of land and shall be entitled to preference  
in the order given below:-(i)A person who has been cultivating the lands as on the date of the  
commencement of the Act and who is completely dispossessed of the land, which is declared as  
surplus as a result of the provisions of the Act:Provided that the person should not have surrendered  
the land subsequent to the date of the commencement of the Act;(ii)A person whose extent of  
holding is reduced below three acres of dry land or one and a half acres of wet land held by him  
partly as cultivating tenant and partly as owner or wholly as cultivating tenant by virtue of the  
provisions of the Act;(iii)A landless agricultural labourer belonging to Scheduled Caste or Scheduled  
Tribe, who contributes his physical labour or that of any member of his family in the cultivation of  
the land;(iv)A person who is, or who has been a member of the Armed Forces including persons,  
who have served in the Indian National Army or the Ex-Assam Rifles Personnel or any Para-military  
force and members of the Armed Forces who retired or were disbanded before the 26th January  
1950 and dependents of the persons of the above mentioned categories killed in action, namely,  
wife, widowed mother, minor sons and minor daughters. The servicemen not killed in action, but  
disabled and alive, can get surplus land in their own names;(v)A repatriate from Burma or Sri Lanka  
who is likely to contribute his own physical labour or that of any member of his family in the  
cultivation of the land and who has brought to India assets not exceeding Rs. 10,000 (rupees ten  
thousand only) in value;(vi)A landless agricultural labourer other than a landless agricultural  
labourer referred to in item (iii) above, who contributes his own physical labour or that of any  
member of his family in the cultivation of the land;(vii)A cultivating tenant who is holding land  
which is less than three acres of dry land or one and a half acres of wet land in extent;(viii)A  
co-operative farming society, the members of which are landless agricultural labourers:Provided  
that the extent of land assigned to the society together with the land, if any, already held by the  
society does not exceed the ceiling area.(3)The total extent of land that may be assigned to any  
person referred to in items (i) to (viii) in paragraph 2, together with the extent of other land, if any,  
already held by such person, or if such person is a member of a family, by such family, shall not  
exceed three acres of dry land or one and a half acres of wet land.(4)The assignment shall be subject

to the conditions contained in Appendix I to the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965. Form C[See rule 7 of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965]Application for Assignment of Surplus Land under Section 94 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961)

**1. Name and address of the applicant.**

**2. Particulars of the land applied for.**

District	Taluk	village	Survey number	Extent	Classification	Assessment	Boundaries
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
				A.C.	Rs.	P	

**3. Particulars of the land, if any, already held by the applicant and the other members of his family.**

District	Taluk	village	Survey number	Extent	Classification	Assessment	Boundaries
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
				A.C.	Rs.	P	

**4. To which of the categories specified in paragraph 2 of Form B does the applicant belong ?**

**5. If he claims to belong to category (i) in paragraph 2 of Form B. -**

(a)how long has he been cultivating the land ?(b)has he executed lease deeds ?(c)is he registered in the Record of Tenancy Rights ?(d)has he surrendered the land subsequent to the date of the commencement of the Act and, if so, when and why ?

**6. If he claims to belong to category (iii) in paragraph 2 of Form B. -**

(a)to which community does he belong ?(b)means of livelihood.....(c)average income per month.....(d)will he be able to cultivate the land contributing his own physical labour or that of any member of his family ?

**7. (a) If he is person other than a dependent, falling under category (iv) specified in paragraph 2 of Form B. -**

(i)his position in the Armed Forces, the Indian National Army, the Ex-Assam Rifles personnel or any Para-Military Force;(ii)period of service in the Armed Forces, the Indian National Army, the Ex-Assam Rifles Personnel or any Para-Military Force;(iii)the date of discharge and reasons thereof, if he had been discharged;(iv)present means of livelihood.(b)If he is a dependent as referred to in category (iv) in paragraph 2 of Form B,---(i)the name of the person killed in action;(ii)the position

he held in the Armed Forces, the Indian National Army, the Ex-Assam Rifles Personnel or any Para-Military Force at the time of his death;(iii)the date of his death in action;(iv)the relationship of the applicant to the person referred to in sub-paragraph (1) above;(v)how is the applicant supporting himself after death of the serviceman?(vi)if employed, details.....

**8. If he is a person claiming under category (v) in Paragraph 2 of Form . -**

(a)is he a repatriate from Burma or Sri Lanka?(b)what is the value of assets brought by him to India from Burma or Sri Lanka?(c)his present means of livelihood and income;(d)assistance secured by him for rehabilitation;(e)will he be able to cultivate the land by contributing his own labour or that of any member of his family?

**9. If he is a person claiming under category (vi) specified in paragraph 2 of Form B. -**

(a)means of livelihood-(i)income from agricultural labour;(ii)other sources.(b)will he be able to cultivate the land by contributing his own physical labour or that of any member of his family.

**10. If he is a person claiming under category (vii) specified in paragraph 2 of Form B -**

(a)the extent of land held-(i)as owner in terms of ordinary acres and standard acres;(ii)as tenant in terms of ordinary acres and standard acres;(b)will he be able to cultivate the land by contributing his own labour or that of any member of his family.

**11. (a) What is the extent of land, if any, held by (i) applicant (ii) parents (iii) members of the family of the applicant in terms of ordinary acres and standard acres ?**

(b)Number of members in the family of the applicant (relationship and age may be furnished).

**12. Total annual income of the applicant Rs.**

(a)From lands cultivated as owner/tenant;(b)From agricultural labour;(c)From other sources (Details should be given for each such source).Total

**12.**

-A. Total annual income of the other members of the family of the applicant.

Details of the other members of the family cultivated as	From lands	From agricultural	From other sources (Details of occupation likeprofession in	Total
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of the applicant	owner/as tenant	labour	Government Services, public under takings, etc, employment in private undertakings, companies, etc. business, etc. should be given for each such source of income)	
(1)	(2)	(3)	(4)	(5)
(1) Spouse (name to be specified)	Rs.	Rs.	Rs.	Rs.
(2) Minor sons	Name to be specified			
(a)...	(")			
(b)...	(")			
(c)...	(")			
(3) Unmarried daughters.				
(a)...	(")			
(b)...	(")			
(c)...	(")			
(4) Minor grandsons.				
(a)...	(")			
(b)...	(")			
(c)...	(")			
(5) Unmarried granddaughters.				
(a)...	(")			
(b)...	(")			
(c)...	(")			

Total

Note. - If the number of minor sons, unmarried daughters, minor grandsons and unmarried granddaughters exceeds the numbers for which space has been allotted above, additional sub-items shall be added, under the corresponding category.

### 13. Postal address of the place of the normal residence of the applicant j

### 14. Other particulars (any other particulars) which the applicant desires to furnish should be furnished here.

Signature of the applicant. Declaration I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief, true and correct. I also declare that I have

read and understood the conditions of assignment specified in Appendix I appended to the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 and annexed to this application and I shall abide by the conditions. Signature of the applicant Form D [See rule 8(2) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965] Notice of Enquiry Under Rule 8(2) The following list of applications for assignment of surplus land is hereby published for general information.

## 2. The applications will be enquired into on (date) at (Place).

The applicants are hereby requested to appear before the enquiry officer on the said date.

Serial number	Name and address of the applicant	District	Taluk	village	Survey number	Extent	Classification	Assessment	Boundaries	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
								Rs. P.		

Place:

Dated: Assigning authority.

Form E [See rule 8(6) of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965] Notice To The Assignee of Surplus Land under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) With reference to his application, dated for assignment of surplus land, Thiru is informed that it is proposed to assign to him the land, the details of which are given below: Name of the district: Name of the taluk: Number and name of the village:

Survey number	Extent	Classification	Assessment	Boundaries	Date of publication of notification under section 18 (1)	Details of building (Kachcha or pucca) masonry wells (in use or not in use) tube wells (in use)	Details of trees (fruit or timber trees or young ones)	Value of the land and of the buildings and treesthereon, if any to be collected from the assignee; how the value was arrived at
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
								Rs. P.

The value of the land and of the buildings and trees thereon amounting to Rs.....(in figures and words), is payable either in one lump sum or in twenty equal annual instalments of Rs.....(in figures and words). Where the value is paid in instalments, the amount outstanding after the payment of each instalment will bear interest of five per cent per annum. The first instalment shall be payable before the execution of the deed of assignment. The second and subsequent instalments of land value shall be payable on the 10th day of February of every succeeding year. Accordingly, Thiru is hereby directed to remit into the treasury at.....either the entire value or, at his option, the first instalment thereof and to produce the treasury chalan before the assigning authority,.....on.....(date)at.....(time)in..... (place). Thiru is hereby informed that he will be required to execute a deed of assignment in Form F on the above date. Thiru.....is also informed that the land value specified above is provisional and liable for revision if the amount payable to the land owner in respect of the land is revised by or on the orders of the Land Tribunal, High Court, Land Commissioner or other authority competent to make such revision. Station: Date: Signature and designation of the assigning authority. Form F [See rule 8(6) of the Tamil Nadu Land Reforms (Disposal of Surplus Land Rules, 1965)] Deed of Assignment of Surplus Land Under Section 94 of The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) This deed of assignment made on the day of in the year one thousand nine hundred and between the Governor of Tamil Nadu (hereinafter referred to as "the assignor") of the one part and Thiru..... (here enter name, age, address, etc.) (hereinafter referred to as 'the assignee') of the other part; Whereas the assignee has applied for the assignment, and the assignor has sanctioned the assignment in favour of the assignee, of the lands mentioned and described in the Schedule hereunder written; Now these presents witness and it is hereby mutually agreed as follows: - In consideration of the sum of Rs.....(here enter the amount in figures and words) being the value of the said lands and of the buildings and trees thereon, remitted into the treasury by the assignee. OR In consideration of the sum of Rs.....(here enter the amount in figures and words) being the first instalment of the value of the said lands and of the buildings and trees thereon remitted into the treasury by the assignee and of the payments to be made under clause 2 below.

**1. The assignor both hereby demise unto the assignee by way of assignment, all the lands mentioned and described in the Schedule hereunder written, to hold the same permanently and for ever.**

**2. The assignee shall pay the balance of the value of the said land and of the buildings and trees thereon in equal annual instalments, each instalment amounting to Rs.....(here enter the amount in figures and words) together with the interest, at five per cent per annum on the amount outstanding. The payments are due on the 10th day of February of every succeeding year during the next years, commencing with the year 20.... and shall be paid into the treasury to the credit of the State Government.**



**3. The assignee shall pay the difference of land value and the interest thereon, if the amount payable to the land owner in respect of the land is revised by, or on the orders of, any competent authority.**

**4. The deed of assignment shall be subject to the conditions specified in Appendix I appended to Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 which is annexed to the deed and shall form part of this deed.**

## Schedule

Name of the district. Name of the taluk. Number and name of the village.

Survey number	Extent	Classification	Assessment	Boundaries	Date	Details of building (Kachcha or pucca) masonry wells (in use or not in use) tube wells (in use)	Details of trees( fruit or timber trees or young ones)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Rs. P.

In witness whereof Thiru.....the assigning authority, acting for and on behalf, and by order and under the direction of the Government of Tamil Nadu and Thiru.....the assignee, have hereunto set their hands the day and year first above written. Signed, sealed and delivered by the above named Thiru ..... assigning authority (the assignor), In the presence of (witnesses) (1)(2) Signed by the above named Thiru.....(the assignee) In the presence of (witnesses) (1)(2) [Appendix 1]  
[Appendix was added by G. O. Ms. No. 1358, dated the 21st June 1979 and amended by G. O. Ms. No. 715, dated the 24th March 1980, G. O. Ms. No. 391, dated the 14th March 1985, G. O. Ms. No. 271/87, dated the 12th November 1987.] Conditions of Assignments of Surplus Lands

**1. The assignment shall be liable to be modified or cancelled, if it is found that it was made under a mistake of fact or owing to misrepresentation or fraud or that there was an irregularity in the procedure. The assignment shall also be modified or cancelled if it is shown that the extent assigned to the assignee is in excess of the limits prescribed in the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) or the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965, as the case may be.**

**2. In the event of the modification or cancellation of an assignment, the land assigned shall be assumed from the assignee, either in part or in full, as the case may be, and, on such resumption, the assignee shall not be entitled to an amount for any improvement effected by him on the land. The value of the land, buildings and trees thereon paid by him may, at the discretion of the assigning authority, be refunded to him, in part or in full. The assignee shall be liable for payment, for each year of occupation, an amount equal to the annual value as calculated in the manner specified in Part 1 of Schedule III to the Act and ten per cent of the value of trees, structures and fixtures thereon determined:**

Provided that where the land was such that it could not be cultivated without considerable work and expenditure and also the land was left fallow during any period, the amount may be waived for that period. The assignee shall also be liable for damages, if any, caused by him to the land. The amount for the occupation and the damages shall be recovered from him by deduction from the value of the land, buildings and trees thereon paid by him, if the amount for the occupation and the damages exceeds the value of the lands, buildings and trees thereon paid by him, such excess shall be recovered from him, as if it were an arrear of land revenue.

**3. All sums found due to the Government under, or by virtue of the order of assignment, shall be recovered from the assignee and his properties, movable and immovable under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864) as if such sums were arrears of land revenue, or in any other manner as the Government may deem fit.**

**4. The annual assessment on the land shall be liable to periodical revision at resettlement.**

**5. The Government reserves the right to levy ground rent, in lieu of assessment, if the land or a portion thereof is used for a no. - agricultural purpose and such ground rent shall be liable to revision, from time to time, in accordance with the rules in force.**

**6. The land assigned shall not be sold or otherwise alienated before the expiry of the period specified in paragraph 8 below and not even thereafter in respect of lands assigned to a member of Scheduled Castes or to a member of Scheduled Tribes except to other members of the Scheduled Castes or to the member of the Scheduled Tribes, as the case may be:**

Provided that the land may be hypothecated to Government under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883) and the Agricultural Loans Act, 1884 (Central Act XII of 1884), or to a co-operative institution or a scheduled bank authorised by the Government for affording credit to the agriculturists under the scheme of institutional financing of agricultural credits as security for loans obtained for improvements to the lands.

**7. Where the value of the land and buildings and trees thereon is payable in instalments. -**

(a)The first instalment shall be payable before the execution of the deed of assignment;(b)The second and subsequent instalments of the land value shall be payable on .the 10th day of February of every succeeding year;(c)In the event of default in the payment of an instalment, the amount of the instalment shall be recovered as an arrear of land revenue;(d)In the event of default in the payment of two consecutive instalments, the amount already paid shall be liable to be forfeited to the Government and the land shall be liable to be resumed; and(e)If in any year, due to adverse seasonal conditions, the land revenue in respect of the land is remitted or suspended, the recovery of the instalment payable in that year and of the instalments payable in subsequent years shall be postponed by one year.

**8. Subject to the conditions of this deed, the land will vest absolutely in the assignee only after the value of the land, 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. If any land assigned under these rules is required for any public purpose before the recovery of the last instalment of land value due from the assignee, the land may be resumed by the Government. In such cases, the annual value as fixed under Schedule III of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1979 (Tamil Nadu Act 11 of 1979), for use of the land from the date of assignment, to the date of resumption by Government and the loans and advances, if any, granted for the improvement of the land or on the security of the land will be recoverable from the assignee. Subject to adjustment against such dues, the assignee shall be entitled to refund of the instalments of land value paid by him and reimbursement of the cost of any permanent improvements effected or any structure such as wells, buildings, etc. erected on the land at his own expense for agricultural purposes or for his own residence.**

**9. The assignee shall engage himself in direct cultivation of the land assigned:**

Provided that this condition shall not be applicable to persons referred to in rule (1)(v), and persons who are physically or mentally disabled, woman, including widows and old persons who have no dependants, or family members to do cultivation on their behalf.

**10. The assignee shall pay, on the dates, the land revenue assessment, cesses, and local taxes in force, from time to time, in respect of the land assigned, with effect from the year in which the assignment is sanctioned.**

**11. The assignee shall pay the difference of the land value and the interest thereon, if the amount payable to the landowner in respect of the land is revised by, or on the orders of, any competent authority.**

**12. The assignment shall be liable to be cancelled in case of violation of any of the conditions of assignment.**

**13. The assignee shall abide by such other conditions as may be imposed under rule 9.**