

**GOVERNMENT OF PUDUCHERRY  
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT**

---

Dated: 12.09.2019

**Standard Operating Procedures to deal with Land dispute/Land grab cases**

**Objective:**

To give standardise procedures to be followed in disposing the petitions, reduce the discretion of officials and ensure timely disposal.

**Land dispute/land grab**

Illegal occupation of private property (plot / house /land) or attempt made for such occupation with criminal intention **by a third party** without any legal rights by the way of coercion / trespassing are treated as Land Grab.

**Types of Land grab**

- unauthorized possession of land without documents (Forceful Possession)
- usurping neighbours land / plot (Boundary disputes)
- Creation of forged document, fake document, parallel document (Duality of documents)
- Re-registration of altered layouts

**Administrative set up to deal with land dispute cases**

Administrative Advisory Committee has been constituted with following composition vide. G.O.Ms.No.104 dt.16.11.2007 of the Department of Revenue and Disaster Management to enquire into the land dispute matters and advice the parties

- |  |                 |
|--|-----------------|
| ➤ Tahsildar, Taluk Office or<br>Deputy Tahsildar, Sub-Taluk Office | Chairman        |
| ➤ Sub Registrar concerned  | Member          |
| ➤ Taluk / Sub-Taluk Surveyor                                       | Member          |
| ➤ The Station House Officer concerned                              | Special Invitee |

### **The procedures to be followed**

#### **Role of Police**

1. As per the existing Government orders, the Police Officers have very limited role in land disputes and hence Police Officers including Station House Officers (SHO) should not call for documents and resort to negotiation or mediation over the disputes on possession/title etc., of the properties.
2. Land disputes being civil in nature, SHOs shall refer all such disputes to the concerned Advisory Committee, headed by Tahsildar/Deputy Tahsildar within 24 hours. Meanwhile advise the parties to maintain status quo until the matter disposed by the said committee.
3. If required, to ensure peace, law and order, appropriate petitions be filed by SHOs, before the Court of Sub Divisional Magistrate under Section 107 or /and Section 145 of Cr.Pc to pass suitable orders.

#### **Role of the Committee**

1. The Taluk level Advisory Committee shall conducted enquiry on the petitions received directly or forwarded from Police or other authorities. Enquiry Notice shall be issued to the parties concerned within 3 working days and the first Enquiry shall be fixed not later than 15 days of receipt of the petition. Notice shall be served properly well in advance. The committee shall endeavour to dispose the cases as expeditiously as possible shall not be more than the period of 45 days. The time frame shall not apply to the cases which does not have proper details of the counter petitioner and supporting documents.
2. The committee shall periodically conducted enquiry based on the number of cases. The cases requiring the presence of SHO/Sub Registrar shall be fixed once in a week. District Registrar/Superintendent of Police concerned shall co ordinate for this purpose and to ensure participation of Sub Registrar/SHO or their representatives in the hearing.

3. After giving adequate opportunities of hearing to the parties, verification of documents of both sides and on verification of field status if required, the Chairman of the committee shall pass necessary advisory proceedings within the time frame. The assistance of Police shall be taken for field verification if required.

4. Copy of the decision of the Committee shall be sent to the District Magistrate/ Sub Divisional Magistrate / in addition to SHO and Sub Registrar concerned.

5. The chairman of the committee shall maintain a register in respect of all land dispute petitions received with details of parties and particulars of the lands under dispute in the format as per annexure I. Property details of all disputed cases shall be communicated to the Sub Registrar concerned for information. Monthly report on the disposal of the petitions in the format as per annexure II shall be submitted to the District Magistrate and Sub Divisional Magistrate.

#### **Role of Sub Divisional Magistrate**

1. With respect to procedure under Section 145 Cr.Pc and also in cases of any outbreak of Law and Order, the parties would be bound down under Section 107 Cr.Pc also in this regard the Superintendent of Police/Station House Officer concerned shall submit report for any imminent breakdown of law and Order to SDM.

#### **Role of Sub Registrar**

1. The Sub Registrar shall furnish the certified copies of documents or encumbrance certificates whenever required by the committee for cross verification purpose on timely basis.

2. The Sub Registrar shall take steps to maintain a record of dispute cases to prevent registration of parallel documents and further encumbrances on the disputed property.

### **Role of District Magistrate and Senior Superintendent of Police (Law & Order)**

1. The District Magistrate and Senior Superintendent of Police (L&O) can have a monthly review meeting with respect to the disposal of the land grab cases and the number of FIRs filed based on the findings of the Committee.
2. To review and suggest the circumstance under which action under the PPASA Act 2008 shall be initiated by police.
3. The District Magistrate and Senior Superintendent of Police (L&O) can create a Robust mechanism in addressing the grievances considering the maximum petitions being received.
4. Wide publicity of the timelines can be created to the General Public by way of affixing the same at the Police Stations, Taluk Offices, Sub Registrar Offices, and all the public offices.

### **Role of Director of Prosecution**

1. The Government Pleaders to update any cases filed in the civil court with regard to the land dispute under 145 proceedings of SDM court.
2. The Government Pleaders shall get the details from the SDM concerned and represent well in the Court

### Various scenarios and specific SOP

S No	Scenario	SOP
1	In disputed property where civil case is pending before the competent court	To be advised to seek remedy through Competent Court.
2	Allegation of disturbance to the property by another person, where Injunction Order is passed by Court in favour of the petitioner	Petitioner to be advised to represent the fact before the Competent Court. Meanwhile both parties advised to maintain status quo and not to involve in Law and Order issue.
3	Disputes involving in Free Patta (LGR)	Parties be advised to approach the Director of Survey or Director of ADW as applicable.
4	When parallel documents exist for same property executed by same person.	The sellers to be enquired properly to ascertain the criminal intention before issuing advise to the parties.
5	When multiple sales in a layout reported and also dispute in Plot number.	Enquiry to be made in detail by giving opportunities to all the sellers to ascertain the actual Plot number.
6	When demarcation of property is required to ascertain the veracity of the dispute where court case is pending.	The parties to be advised to get it done through advocate/court commission.
7	When boundary dispute reported.	Petitioner to be advised to demarcate the property at first instance to ascertain the facts before taking up for enquiry.
8	Dispute between land owner	If it involve non payment of rent

	and Tenant.	the party to be advised to approach DCR concerned. If it involves vacating the tenant then advised to approach Rent Court for remedy
--	-------------	--

### WORK FLOW FOR LAND DISPUTE/LAND GRAB PETITIONS

