

LAND REFORMS

Declaration of Surplus

***Procedures to be followed
if person held lands
as on
6.4.1960 / 15.2.1970***

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How to arrive surplus from one's holdings

- i. Section 8 - Land owner to file return in Form II containing particulars of land holdings.
- ii. Section 9(2)(a) – If landowner failed to file return, AO to gather information from field staff.
- iii. Section 9(2)(b) - AO to furnish information obtained to landowner and after due opportunity, to pass order under section 9(2)(b).
- iv. Before passing order to declare surplus, the AO to take into account the following exemption, exclusions, etc.
(a model work out is shown for better clarify)

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		in Std acres	
A	Total holdings as per revenue accounts / as per regd. instruments etc.		200.000
B	Less:		
	(i) Exclusion u/s 3(22)	4.000	
	(ii) Exemption u/s 73(vi) –Plantation as on 15.2.70	20.000	
	(iii) Exemption u/s (vii) – Topes, Orchards as on 1.7.59	20.000	
	(iv) Exemption u/s 73(viii) – Fuel trees as on 15.2.70	5.000	
	(v) Extent permitted by Land Board u/s 31 (maximum 20% of total extent of plantation)	4.000	
	Total deductions		53.000
C	Less: Ceiling area (if it is dry assessed Rs.1.25 and below per acre)		60.000
D	Surplus		87.000

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Stages in the declaration

- ✓ Order u/s 9(2)(b)
- ✓ Draft statement u/s 10(1)
- ✓ Order u/s 10(5)
- ✓ Final statement u/s 12
- ✓ Govt. issue order notifying the surplus
- ✓ Notification u/s 18(1)

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Stages in the declaration

Order u/s 9(2)(b) –

- ✓ Preliminary order
- ✓ Showing only the quantum of surplus.

Appeal lies before the Land Tribunal – the DRO u/s 78

Appeal time – 30 days

[If no appeal or appeal rejected, to take forward to published Draft statement u/s 10(1), otherwise to act as per order of Land Tribunal.]

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Stages in the declaration

Draft Statement u/s 10(1)

- ✓ shall be in Form 6 [Rule 12(1)]
- ✓ shall be published in [Rule – 12(2)]
 - Tamil Nadu Government Gazette
 - Published copy to be affixed in the notice board of AO, Taluk office, BDO's office, RDO's office and Village Chavadi.

Appeal lies before the Authorised Officer u/s 10(5)

Appeal time – 30 days

[If no objection or objection rejected, to take forward to published final statement u/s 12, or otherwise to pass order u/s 10(5).]

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Stages in the declaration

Order u/s 10(5)

- ✓ AO to determine surplus after considering objections filed by landowner u/s 10(5)

Appeal lies before the Land Tribunal – DRO u/s 78

Appeal time – 30 days

[If no appeal or appeal rejected, to take forward to final statement u/s 12, otherwise to act as per orders of Land Tribunal.]

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Stages in the declaration

Final Statement u/s 12

- ✓ shall be published in Form 9 [Rule 17(1)]
- ✓ shall be published in the manner specified in Rule 12(2) –
(i.e as like in draft statement)

Revision lies before the Land Commissioner –u/s 82

Appeal time – 60 days

[If no revision petition or revision petition is rejected, to take forward to published notification u/s 18(1), otherwise to act as per orders of Land Commissioner.]

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Section 13 -

Exclusion of certain land from calculation of ceiling area [Section 13(1)]

- ✓ AO to exclude
 - ❖ the land in respect of which any question of title is pending before court, Land Tribunal, etc.,
 - ❖ the land in respect of which any request for grant of permission u/s 31 is pending before Land Board.

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Section 14 -

Amendment to final statement in certain lands

- ✓ After the final disposal of suit relating to question of title of any land / after the Land Board decided on the request for grant of permission u/s 31 excluded u/s 13(1), the AO to –
 - ❖ amend the final statement already published u/s 12
 - ❖ where no such final statement, published, to prepare a final statement u/s 12.

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Stages in the declaration

Section 15

AO can rectify –

bonafide or clerical or arithmetical mistakes crept in the final statement by passing an order u/s 15.

AO cannot invoke Section 15 for passing of order on merits

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Stages in the declaration

Notification u/s 18(1)

- ✓ shall be published in Form 12 [Rule 20]
Government to approve and publish the notification through Commissioner of Land Reforms.
- ✓ shall be published in every village or town in which the land is situated

Revision lies before the Land Commissioner –u/s 82

Appeal time – 60 days

[If no revision or revision rejected, to take action to assign the lands or otherwise to act as per Land Commissioner's order.]