

**THE PONDICHERRY LAND GRANT RULES, 1975**

**GOVERNMENT OF PONDICHERRY**  
Revenue department  
(G.O.Ms.No.91, dated 4th August, 1975)

**THE PONDICHERRY LAND GRANT RULES, 1975**

The Lieutenant Governor, Pondicherry, hereby makes the scheme and formulates the following rule for the grant of lands at the disposal of the Government :-

**CHAPTER- I**

**PRELIMINARY**

**Short title, extent and commencement**

1. (1) These rules may be called the Pondicherry Land Grant Rules, 1975.
- (2) They shall extend to the entire Union territory of Pondicherry.
- (3) These rules shall be subject to the provisions of Pondicherry Municipalities Act, 1973 and Pondicherry Villages and Commune Panchayat Act, 1973.
- (4) They shall come into force at once.

**Definitions**

2. In these rules unless the context otherwise requires.-

- (a) "agriculture" means-
  - (i) horticulture; or
  - (ii) raising of crops, grass or garden produce;
- (b) "Deputy Collector (Revenue)" includes the Sub Collector or Assistant Collector or any other gazetted officer specially conferred the powers of the Deputy Collector under these rules.
- (c) "ex-serviceman" means a former member of the Armed Force in the Union not being a person who has ceased to be a member of the Armed Forces as a result of his being duly dismissed or discharged after a Court martial or on account of bad character or as a result of desertion or who has not been attested;
- (d) "Family" in relation to a person means, such person and if married wife or husband as the case may be and dependent children and grand children of such person ;
- (e) "form", means a form appended to these rules ;
- (f) "goldsmith" means a goldsmith who has been affected by the operation of any provisions of the Gold control Act 1968 or rules framed thereunder;
- (g) "Government" means the government of Pondicherry.
- (h) "Landless person" means a person who owns no land or who hold a total extent of less than half hectare of land of dry, or a total extent of quarter hectare of wet, irrigated or garden land.

**Explanation** - In the case of joint family holdings, the share of each member should be ascertained to decide whether or not the person is a landless person within the meaning of the above definition.

(i) "non-valuable land" means land other than valuable and specially valuable land'

(J) "Personal cultivation" means cultivation on one`s own account by his own labor or by the labor of any member of his family or by servants on wages payable in cash or kind (but not in crop share) or by hired labor under his own supervision or the personal supervision of any member of his family;

(k) 1[" poor" person means a person with a family whose monthly income does not exceed Rs. 2000]

(l) "reserved lands" means lands earmarked as being required or likely to be required for special purpose, in regard to which an entry may be made in the prohibitive Order Book and all other lands are unreserved lands,

(m) "resident" in relation to land means a person who lives or owns land or house in the village in which the land is situated irrespective of whether he lives in the village or not;

(n) "Scheduled caste" mean the scheduled castes in relation to the Union Territory of Pondicherry as specified in the Constitution (Pondicherry) Scheduled Caste Order, 1964;

(o) "Specially valuable land" means-

(i) Land which is registered as wet under or is likely to be brought under irrigation from a Government source or irrigation deriving its supply from a major irrigation system for which capital and revenue, accounts are kept;

(ii) land which is registered as wet under or is likely to be brought under irrigation from Government source of irrigation which does not derive its supply from a major irrigation system for which capital and revenue accounts are kept:

(iii) land irrigable or likely to be brought under irrigation from an irrigation project under execution at the cost of the Government;

(iv) land which has a special value by reason of its being in a large village;

(v) land at the disposal of the Government included within the limits of towns which is not disposed of as building site;

(vi) any other land which the Collector may, for special reason, consider to be specially valuable; or

(vii) lands in the proximity of towns.

(p) "Tahsildar" means a Tahsildar in charge of a Taluk and include a Deputy Tahsildar of a Sub-Taluk or a Deputy Tahsildar appointed specially for the purposes of these rules;

(q) "Towns" includes a place-

(a) which has a distinctly urban character such as that of a market town: or

---

1. Substitution vide E.O.G No.8 , dated 12-03-2003.

(b) which has a population of not less than 5,000 inhabitants residing in houses more or less contiguous, not in scattered collections as hamlets; or

(c) such other places as may be notified from time to time as "town" by the Collector in the Official Gazette for this purpose; and

(r) "valuable land" includes dry land, the estimated value of the land is Rs.1,000 or more per hectare, wet land or irrigated or garden land.

## CHAPTER II

### GRANT OF ASSESSED WASTE LANDS NOT BEING RESERVED

#### Persons eligible for grant of land for agricultural purpose.

3. (1) Subject to the restrictions and conditions specified in this Chapter, Government assessed waste lands may be granted on assignment for agricultural purposes to a person;-

(i) who is a citizen of India and a native of the Union territory of Pondicherry and who has attained the age of eighteen;

(ii) who is a landless and poor person; and

(iii) who is either a bona fide agriculturist cultivating the land personally or has bona fide intention to take up personal cultivation; <sup>1</sup>[ or

(iv) who is a person serving in the Indian Army, Navy, Air Force or Border Security Force; or

(v) who is an Ex-serviceman; or

(vi) who is a Freedom Fighter; or

(vii) who is the widow of a person specified in clauses (iv) and (vi) above ]<sup>1</sup>

Provided that the extent of land granted shall not, together with the land, if any, already owned by the grantee without the limit specified in rule 4.

2. Notwithstanding anything contained in sub rule (1), any person may be granted the land adjacent or close to the land already held by him on collection of market value, if such land is, in the opinion of the authority assigning the land, required for better enjoyment or better cultivation of the land so held;

Provided that in no case, such grant shall exceed, in the case of wet, irrigated or garden land, 10 ares and in the case of other dry land 20 ares.

---

1. Amended vide G.O.Ms.No.10, dated 27-09-1988

### **Maximum extent that can be granted to a person.**

4. Subject to the proviso contained in rule 3 (i), the maximum extent that can be granted to a person under this chapter for agricultural purposes shall be half hectare of dry land or quarter hectare of wet, irrigated or garden land assuming one hectare of wet, irrigated or garden land to be equal to two hectares of dry land.

### **What lands may be assigned and what may not**

5. Only land, the assignment of which is unobjectionable shall be assigned. Such lands may be assigned to individuals whether they are in isolated bits or in compact blocks. Lands acquired for communal purposes shall not be assigned. Grazing ground porambokes shall not be assigned unless there is sufficient grazing ground to serve the needs of cattle. Tank bed lands should on no account be assigned without consulting the appropriate technical officer. Lands close to village sites which are likely to be required for communal purposes or necessary for the purpose of extension of house sites should not be assigned. Such lands may be included in the Prohibitory Order Book wherever necessary after obtaining the orders of the Collector. Land once entered in the Prohibitory Order Book shall not be deleted without the specified sanction of Collector.

### **Classification of lands to be assigned**

6. Only lands which are assessed to land tax can be assigned. If not assessed it shall first be transferred to assessed waste by the orders of the Collector. The land should be surveyed and demarcated and boundaries fixed before possession is given to the grantee. The charges incurred for such survey and demarcation shall be recovered from the grantee unless he is exempted by Government by general or special order.

### **Special provisions for safeguarding the interest of the Government**

7. When a road runs through the land applied for a width of at least 20 metres should be set apart for the road. Similarly, when the bank of an irrigation work runs through or near the land, the extent of land required to allow a margin of 20 metres along the foot of the embankments should be set apart if the irrigation work is an important one such as a main canal, a main distributary or a main drainage channel. In the case of subordinate or minor distributaries or minor drains, a margin of 7 metres will be sufficient. If a stream runs through or near the land, a margin of not less than 10 metres on either bank should, as a general rule, be reserved and registered as poramboke. In all such cases, the opinion of the P.W.D. should always be obtained prior to passing order on assignment.

### **Authority competent to assign the land**

8. The Deputy Collector (Revenue) shall be the authority competent to assign lands in his jurisdiction subject to the maximum specified in rule 4 and cases falling beyond his scope shall be referred to the Collector for orders.

Provided that WHERE specially valuable land is to be granted free or where land in compact blocks exceeding 20 hectares of valuable land or 40 hectares non-valuable land prior sanction of the Government shall be obtained.

### **Order of Priority**

9. (1) Subject to the provisions contained in sub-rule (2) the land available for disposal in any village shall be assigned observing the following order of priority :-

- <sup>1</sup>[(i) war wounded disabled person having disability 50% and above.
- (ii) war widow whose husband died while on active service in war operations.
- (iii) widow of an ex-serviceman who has no source of income/pension.
- (iv) Unemployed ex-serviceman receiving no pension.
- (v) unemployed ex-serviceman receiving pension.
- (vi) ex-serviceman self employed/employed in Government / private sector;
- (vii) serving personnel of the Indian army, Navy, Air Force and Border security Force or their widows.
- (viii) exservicemen released on own request on compassionate grounds.]
- (ix) landless poor Harijans.
- <sup>2</sup>[(x) freedom fighters or their widows.]
- (xi) repatriates from Burma and Ceylon.
- (xii) goldsmiths displaced on account of Gold Control Act or Rules.
- (xiii) other landless poor persons.
- <sup>3</sup>[xiv] Persons with disabilities as defined under the Persons with Disabilities [Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996]

Provided that in respect of cases falling under <sup>1</sup>[categories (i) to (viii)] of this sub-rule, recipients of sena medals and other gallantry awards in military service will be given preference over others in the respective categories.

(2) (i) A person, who is otherwise eligible for assignment under this chapter, who has occupied the land whether with or without permission and has expended a material amount of labor or money in clearing the land of woods, shrubs or prickly pear or otherwise be fitting it for cultivation or improving it or holds trees on the land under the tree tax system or who has been using the water of a well in the land for cultivation has preference over others. Such a person should, if there is no other objection, be given the option of getting it assigned under this chapter. If he fails to apply in spite of the notice, he will forfeit all his claims to preference and action will be taken to evict him;

Provided that this concession will not apply in the case of encroachments made after the coming into force of these rules.

- (ii) As between the persons having analogous and equitable considerations, the first applicant shall have preference.
- (iii) As between a resident and a non resident, other considerations being equal, the resident shall have priority.
- (iv) As between non resident applicants inter se, preferential claims will be determined in accordance with the above principles.

---

1. Substituted vide G.O.Ms.No. 9, dated 16-05-1977 published in Gazette No. 24 dated 14-6-1977  
 2. Amended vide G.O.Ms.No. 10 dated 27-9-1988.  
 3. Insertion vide E.O.G. No. 31 dated 31-6-1999.

- (v) When there are two or more applicants for the same land and the Deputy Collector (Revenue) is unable to decide which of them has the best claim, he may order the right of occupying the land to be sold by public auction to the highest bidder subject to confirmation by the Collector. He will nominate the Tahsildar or Deputy Tahsildar as selling officer in each case. Any person may bid at such auction. The following condition of sale should be provided in the sale notice along with the usual conditions :-

“that the auction purchaser shall deposit at the time of purchase, a sum equal to 15% of the purchase, and such deposit is liable to forfeiture should the remainder be not paid within 30 days from the date of sale.”

### **Procedure for grant of land**

10. (1) Any person who is eligible for grant of lands for agricultural purposes under this chapter shall make an application in writing to the Tahsildar in Form I giving the full particulars required therein and such applications shall bear a Court Fee stamp of 25 paise.

<sup>1</sup>[Provided that no court fee shall be levied on applications submitted by persons belonging to Scheduled Caste, Scheduled tribes and persons in active military service]<sup>1</sup>

(2) Immediately on receipt of the application, the Tahsildar shall cause the particulars of the application to be entered in a Register which shall be in Form 2 in his office.

(3) The Tahsildar shall, either direct or through the Revenue Inspector, refer it to the Karnam for report. On receipt of the application, the Karnam shall enter it in the register in Form 3, publish the fact of application in the village by beat of “tom-tom” and post a notice of it in Form 4 in his office and on the land applied for, for 15 days. At the end of the period he should prepare a memorandum in triplicate in Form 5 ( and send it to the Tahsildar without delay together with the notice in Form 4 which should be signed by the Karnam and attested by two literate residents for the village. The memorandum in Form 5) should be accompanied by an illustrative sketch in triplicate showing the position and classification of the land applied for and of the lands surrounding it, as also the position of the maintainable survey marks with a certificate of the Karnam appended to the sketch as to the number of Survey marks for which value has to be recovered from the applicant. Such stones should be marked in the sketch in a distinctive way by entering them in red ink or ringing them.

(4) Columns 1 to 17 of the Memorandum in Form 5 should be filled in by the Karnam and it shall be signed by both the Karnam and the Revenue Inspector. In Column 5, the land should be described as wet or dry. In column 12, it should be explained why a right of way is required, whether to allow access to cultivable unassigned land or for what other purpose. If an irrigation channel or the embankment of an irrigation work or a stream does not run through the land, but merely adjoins it, its distance from the land should also be reported.

In Column 13 should be included the names of all persons who have applied for the land or have objected to its grant to the applicant or occupier. The Karnam and the Revenue Inspector will be held responsible for the correct filling up the memorandum. When the submission of the memorandum is delayed beyond 20 days from the publication of the notice in Form 4 cause of the delay should be explained in the remarks column by the Revenue Inspector.

(5) On receipt of the memorandum report in Form 5, the Tahsildar shall scrutinise it with the least possible delay and if he is satisfied that the applicant is eligible for the grant of the land applied for, fill up columns 18 and 19 of the memorandum setting out in brief the reasons for overruling the objections if any or giving in preference if there are more than one application and submit the entire records with his specific recommendations for orders of the Deputy Collector (Revenue). The value of trees should be calculated and foil of Form should accompany the report. He should also inspect the land and send a copy of his inspection notes with his report.

---

1. Amended vide G.O.Ms.No. 18 dated 10/2/76

(6) Where the land applied for is not available for grant or the Tahsildar is satisfied that the applicant is not eligible for grant of the land applied for, he may submit his report to the Deputy Collector (Revenue), who shall accordingly inform the party.

(7) On receipt of the report of the Tahsildar, the Deputy Collector (Revenue), if he is satisfied that the applicant is eligible for the grant, pass orders in Column 20 of the memorandum and return the entire records to the Tahsildar retaining one of the triplicate copies for his office record. The Tahsildar shall immediately on receipt of such order, forward one copy of the memorandum to the Karnam who will thereupon fill in Column 21 and carry out the orders and note special conditions, if any, in village accounts under the attestation of the revenue Inspector. It should also be communicated at once by the Tahsildar to all the parties concerned and Form 7 should be issued to the grantee. The orders should be carried out simultaneously in the Taluk set of village accounts and a similar report from the Revenue Inspector should be obtained and placed before the file is finally closed by the Tahsildar.

(8) The Tahsildar should record a certificate, whenever the grant of land is recommended, to the effect that the order of priority specified in rule 9 has been observed.

### **Eviction of unauthorized occupation**

11. Persons in unauthorized occupation of any land to the assignment of which they are not eligible are liable to be evicted at any time and shall be so evicted before proceedings are taken to assign the land to a person eligible for assignment. No proceedings for the disposal of such a land shall be taken till the unauthorized occupant is evicted.

### **Conditions of grant**

12. (1) The assignment of land to individuals shall be subject to the following conditions in addition to such other special conditions as the assigning authority may wish to impose:-

(i) the assignment is liable to cancellation if it be found that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud or in excess of the limits of authority delegated to the assigning officer by the rules in this Chapter or there was an irregularity in the procedure;

(ii) in the event of the cancellation of the assignment either an appeal or in revision, the assignee shall not be entitled to compensation for any improvements that he may have made to the land;

(iii) the land shall not be sold or alienated for a period of ten years from the date of assignment; but may be hypothecated to Government for the purposes of securing a loan or to a Cooperative Society, or to a scheduled bank authorized by the Government for affording credit to the agriculturists;

(iv) the land shall be brought under cultivation within a period of three years from the date of assignments;

Provided that the aforesaid period may, for valid reasons, be extended by the Deputy Collector (Revenue) ;

(v) the assignee and his heirs shall engage themselves in personal cultivation;

(vi) if the land is used for casuarina plantation, no pits or ponds shall be excavated nor such plantations irrigated by pots within 200 metres of any natham (habitation) and all pits and ponds excavated beyond the above limits, shall be filled up as soon as the plants watered therefrom are three years old;

(vii) the annual assessment on the land shall be liable to periodical revision at resettlement;

(viii) the land or a portion thereof should not be put to non-agricultural use except with the previous sanction of the Government;

(ix) the land shall be subject to all general taxes and local rates payable by law or custom ;

(x) the existing and customary rights of Government and the public roads and paths and rivers, streams and channels running through or bounding the land, and the right of Government to a share in mines and quarries subjacent to the said land are reserved and are in no way affected by the grant. Government also reserve to themselves or to persons authorized by them the powers necessary for the proper working of the minerals such as the full and free liberty and right of ingress, egress and regress, etc.;

(xi) the Government shall be at liberty to resume the land within a period of ten years from the date of grant, if any default is made in the payment of land revenue due on the land;

(xii) for contravention of any of the above conditions the grant shall be liable to be cancelled and resumed to Government free from all encumbrances by the authority granting the land;

Provided that before cancelling the grant, the grantee shall be afforded with an opportunity of being heard.

(2) All Conditions to which the land is assigned or sold would be specified in Form 7 or in the order of assignment by sale in Form B. The notice of sale in Form 9 should be used for notifying such sales.

### **Registering**

13. On receipt of a copy of the memorandum in Form 5 containing the orders of the Deputy Collector, the Karnam should at once register the name of the assignee as entitled to a patta assigning the last Folio Number or any vacant folio number in the "Matrice" (record of rights) and effect consequential changes in corresponding accounts with the Karnam including the Adangal. If the order is set aside on appeal or revision, the Karnam should make necessary corrections in the village set of records on receipt of such orders. All such corrections should be scrutinised and attested with dated initials of the Revenue Inspector quoting the original order Number or appeal or revision order number and date against each. Similarly the Taluk set of records should be corrected and attested under the dated initials of the Tahsildar or the Deputy Tahsildar.

### **Value payable for the land**

14. (1) No land value shall be collected for the assignment made, under this chapter, of non-valuable or valuable lands, provided that the assignment is within the extent specified in rule 4.

(2) Land value at market rate shall be levied for all other cases;

<sup>1</sup>[Provided that the land granted in respect of cases falling under categories (i) to (viii) and (X) of sub rule (1) of Rule 9, for bona fide rehabilitation purposes shall be free of land value irrespective of their income or status and irrespective of the land being non-valuable or specially valuable.]

<sup>2</sup>[ Provided further that in the case of persons with disabilities mentioned under category (xiv) of sub-rule (1) of rule 9 as defined under the Persons with Disabilities ( Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, only 50% of the market value shall be charged]

---

1. Substituted vide E.O.G.No.33 dated 29-09-1987

2. Insertion vide E.O.G.No. 31 dated 29-06-1999.

(3) In the case of Assessed Waste, market value should be determined with reference to the rate prevailing on the date of receipt of application for assignment, and in the case of porambokes, with reference to the rate prevailing on the date of transfer to Assessed Waste;

Provided that where the applicant is an unauthorized occupier who has spent a considerable amount of money and labor on the land, the market value should be fixed at the value of the land prior to its improvement.

(4) Notwithstanding anything contained in sub-rules (1) and (2), where the land is very valuable, the Collector or the other officer authorized by him in this behalf may sell such land by public auction.

### **Disposal of tree growth on lands**

15. Lands on which there are large groups of Palmyra, date-palms, fruit trees or valuable timber trees, whether growing spontaneously or cultivated should usually not be assigned; but should be retained in the hands of the Government for forest or abkari purpose.

### **Payment for standing trees, wells and buildings**

16 (1) The value of trees standing on the land except those proved to have been planted by him should be recovered from the successful applicant before final orders are passed. The assigning authority is allowed the discretion to collect either the market value or the value specified in the Schedule appended to these rules. The scale shall be applied by the Revenue Inspector who, under the general supervision of the Tahsildar, will be responsible for counting and measuring the trees and assigning them to the proper species. If the applicant is unwilling to pay the valuation the trees may be put in auction subject to the condition that the auction purchaser shall cut and remove them within a specified time. Before doing so, the assigning officer should weigh the advantages of the trees standing on the land being cut in the interest of growing more food-vis-a-vis the interest of Vana Mohatsava and pass orders on merits in each case. If for this or for any other reason it is not considered desirable to put the trees to auction or if the applicant's case is a deserving one the assigning authority may collect tree value at rates lower than specified in the Schedule or market rate. In very special cases, tree value may be remitted altogether. In either case the assigning authority should record the reasons therefor in writing. The power to order sale by auction, to reduce the valuation or to remit the payment in very special cases may be exercised by the Deputy Collector (Revenue) when the value is Rs. 100 or less and by the Collector where the value is more than 100, and not more than Rs.200. All other cases must be referred to the Government for order.

(2) The value of any buildings, wells, etc., should also be collected except the case of such as are proved to have been constructed by the applicants or his ancestors. If the wells, building and other structures will not be useful for agricultural purposes and cannot in any way be profitably used without further investment the cost to be paid for such structures shall not exceed 50% of the market value.

(3) The sum calculated under this rule shall be paid by the person concerned before assignment is ordered in his favor.

### **Fasli from which assessment is payable**

17. (1) Subject to the provisions contained in the following sub-rules, assessment is payable for the fasli in which the assignment is made unless otherwise specially ordered by the Collector.

(2) If the whole or any portion of the land assigned had remained unoccupied for a continuous period of 5 faslis immediately preceding the fasli in which the land is assigned, no assessment shall be collected for the whole or such portion of the land as \_\_\_signed, as the case may be, for a period of

3 faslis commencing from the including the fasli in which the assignment is made. Assessment shall be collected thereafter as usual.

(3) If however, the land assigned or a portion thereof has been under occupation for a period of 3 faslis or more within the period of 5 faslis aforesaid, assessment shall be collected for the whole or portion of the land assigned, as the case may be, for the fasli in which assignment is ordered. Assessment shall be collected thereafter as usual.

(4) Where the land assigned or a portion thereof has been under occupation for only two faslis during the period of 5 faslis aforesaid, assessment shall not be collected for the land or for such portions, as the case may be, for the fasli in which the land is assigned, but shall be collected thereafter as usual.

(5) Where the land assigned or a portion thereof has been under occupation for only one fasli during the period of 5 faslis aforesaid assessment shall not be collected for the land or for such portion, as the case may be, for the fasli in which the land is assigned and for the next succeeding fasli, but shall be collected thereafter as usual.

(6) Notwithstanding anything contained in sub rules (1) to (5), in cases where the assignee is not the occupier himself, and where the assignment has been made so late in a fasli year that the assignee was not able to raise even a single crop before the commencement of the next kist season, assessment shall be payable only for the faslis commencing from and including the fasli in which the assignment was made.

(7) Where Government water is taken for the irrigation of the land, irrigation cess shall be charged and collected in accordance with the rules in force, irrespective of the concession provided above in the matter of collection of assessment.

#### **Reservation of customary rights, etc.,**

18. The existing customary rights of Government and the public in roads and paths and rivers, streams and channels, running through or bounding the land granted under the rules in this Chapter, and the right of Government to a share in mines and quarries subjacent of the said land are reserved and are in no way affected by the grant. The Government also reserve to themselves or the proper working of the minerals such as the full and free liberty and right of ingress, egress and regress etc., subject to the payment of rendering of compensation to these surface owner for all damages that he may sustain by the exercise such rights.

#### **Specially valuable lands which could be disposed of and the conditions for disposal in each case**

19 (1) Specially valuable lands of the kind referred to in sub-clauses (ii) and (iv) of clause (o) of rule 2 may be reserved for the schedule castes but those referred to in sub-clause (i), (iii) and (vii) thereof should not be so reserved. Lands in the proximity of towns coming under sub clause (vii) should be sold in public auction. Whenever it is proposed to dispose of a specially valuable land falling under sub-clauses (ii) and (iv) to (vi) as have not been reserved for Schedule Castes, the Deputy Collector (Revenue) should first consider the application from landless and poor persons. If there are no non-valuable lands available for assignment to such landless poor applicants and if in the opinion of Deputy Collector (Revenue) , the landless poor applicants are otherwise deserving some concession, he should take action to assign the land in favor of the landless poor applicants as indicated below with the sanction of the Collector;

(a) Where the land is likely to be cultivated by the assignee and his family with or without any additional hired labor and not transferred to outsiders, the Deputy Collector (Revenue), may, in his discretion, recommend assignment of lands to landless and poor persons and arrange to collect the

market value at once without auction or arrange to collect the amount in easy installments in deserving cases. In such cases, title to the land will vest in the assignee only after all the installments have been duly paid to the Government and until the, assignee's position will be that of a licensee. In default of payment of any installment, the Government will be entitled to terminate the licence; the licensee shall thereupon cease to have any manner of right to or interest in the land and the Government shall have absolute right to deal with the land as they think fit and no compensation or refund can be claimed by the assignee or those claiming through or under him. Pattas should be issued only after the entire land value is collected. If the assignee is landless and poor person and is an unauthorized occupier who has spend a considerable amount of money and labor on the land, the market value should as far as possible be fixed at the value of the land prior to its improvement. The conditions specified in sub rule (iii) to (v) of rule 12 shall not apply to case where valuable land is assigned to a landless poor person on collection of market value whether in one lump sum or in instalment. But in such cases the other conditions of assignment shall apply and the assessment for the land shall be payable from the fasli in which it was assigned.

(b) Only when there are no landless poor applicants deserving of the concession mentioned above, should there land, be sold in public auction or at market rate whichever is advantageous to Government. Notwithstanding the above instructions , in very exceptional cases where very small extent of land may be required for rounding off or ryots holding or for sinking of wells, etc., such cases should be specially reported to Government for orders.

### **Reservation and assignment of land to scheduled castes**

20 (1) The assignment of specially valuable land reserved for Scheduled castes should ordinarily be made on collection of market value. The Government reserves the right to assign such lands free of land value. The form of notice to be given to the public in the case of contemplated private sale is contained in Form 4.

(2) Sales of land coming under sub-clauses (iii) of clause (o) of rule 2, after reserving a sufficient extent for the purposes specified in rule 19 may be held at any time when it becomes apparent that the present or prospective value derived from the project has stimulated a demand for land but the sanction of the Government should be obtained before notifying such sales. The restrictions on the disposal of land of this description by sale in auction or by private sale do not apply to the assignment of land which from its situation can never be irrigated from the project. Such land, if specially valuable by reason of its inclusion in sub-clauses (i) , (iv), (vi), (v) and (vi) of clause (o) of rule 2 , shall be assigned under the rules applicable to these classes; if not specially valuable, it may be assigned by the competent authority under ordinary rules.

(3) Sales of land falling under sub clauses (v) of clause (o) of rule 2 should be subject to the liability to pay ground rent which will be liable to revision in accordance with the rules in force at the time of the revision) in lieu of assessment if and when the site or a portion of it is used for building purposes.

(4) In respect of all disposals of land under this chapter, whether by auction or private sale or free of market value, notice of proposed disposal in the appropriate form should be published.

### **Disposal of land in villages likely to be affected by an irrigation project**

21. The disposal of land in villages notified by Government as likely to be affected by an irrigation project, the execution of which at the cost of State is under contemplation or of land notified by the Government as likely to be required for grant in exchange for land to be acquired for such projects should not be absolute but the assignment should be made under this chapter subject to the condition that Government may resume the land at their pleasure at any time until the original assignment is declared absolute by them and that when the assignment is made absolute, the current market value (less any amount collected as land value at the time of conditional assignment ) will be collected from the assignee. If the conditional assignee refuses to pay the market value of the land as fixed

by the Government, the land shall be resumed and sold in public auction. In event of resumption of the land, the purchase money or such share of it is proportionate to the area resumed, if the original assignment had been made after collecting land value, will be repaid. The Government will not, however be liable to pay compensation for any improvement which may be effected on the land before resumption. The liability to resumption and the absence of liability to pay compensation should be distinctly stated in the order of assignment and in the sale notification if the lands are sold. The sales may be conducted by the Tahsildar or Deputy Tahsildar and the authority according sanction to sell, shall in each case nominate the selling officer. The sales shall be subject to confirmation by the Deputy Collector (Revenue). A permanent register in Form 10 should be kept in the village and in the Taluk Office of all lands conditionally assigned.

Assignment of lands to persons to whom the lands have been leased temporarily.

22.(1) Where, before the commencement of these rule, agricultural lands have been leased temporarily to any person for purposes of cultivation, and all the conditions of the lease have been complied with, such lands may be granted to the lessee under the provisions of this chapter, subject to the restriction contained in rule 4.

(2) Where after the coming into force of these rules, lands have been leased temporarily for cultivation and the lessee has fulfilled all the terms of the lease, such land may be granted to the lessee on payment of the price fixed or free of land value as the case may be, in accordance with the provision of this chapter.

Provided that where the land leased out is in excess of the extent specified in rule 4, only the extent within that limit shall be assigned and the balance shall be assigned to others under this chapter

### **Cancellation of grant**

23. Any grant of land made under this chapter shall be liable to be cancelled and the land resumed by the authority which granted it where the grant has been obtained by making false or fraudulent representations or is contrary to the rules in this chapter;

Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard.

### **Appeal and revision**

24 (1) From every original decision in assignment cases passed by the Deputy Collector, one appeal shall be allowed, provided that it be made within 30 days of the date on which the original decision was pronounced or communicated, if it be on the order of Deputy Collector to the Collector, and within 45 days if it be from the Collector to the Government. In computing the period of limitation, the day on which the decision appealed against was pronounced or communicated and the time requisite for obtaining a copy of that decision shall be excluded. On all copies issued shall be entered the date of the decision or communication, the date of application for copy, the date on which the copy was ready for delivery and the date on which the appeal time expires. Appeal to the Collector should be stamped with a Court fee label to the value of Rs.1.50 p ., and an appeal o the Government should be stamped with a Court fee label of Rs. 2.50 p. Any appellate authority may admit an appeal even after the expiry of the period of limitation provided he is satisfied that the appellant had good and sufficient causes for not presenting the appeal within such period.

(2) (a) The order of the authority making the assignment, if no appeal is presented, or the appellate authority, if an appeal is presented is final, and no second appeal shall be admitted, But if at any time within three years of the original or appellate decision, the Collector, or as the case may be, government is satisfied that,

- (i) there has been a material irregularity in the procedure; or
- (ii) the decision was grossly inequitable; or
- (iii) it exceeded the power of the officer who passed it; or
- (iv) it was passed under a mistake of fact, or owing to fraud or misrepresentation; may set aside; cancel or in any way modify the decision. He or it may also grant stay, pending orders in revision.

(b) No application, for revision will ordinarily be entertained after the expiration of 30 days from the date on which the decision or order sought to be revised was received by the applicant. Revision petitions to the Collector should be stamped with a Court fee liable of Rs.1.50 and those to the Government should be stamped with a Court fee liable of Rs.2.50.

(3). No appeal or revision petition should be admitted unless accompanied by certified copy of order or orders already passed in the case. No order should be reversed or modified adversely to the respondent without giving the respondent a notice to show cause against the action proposed to be taken adversely to him. The order in appeal should invariably be communicated in writing and free of charge to the parties concerned.

(4) In the event of the cancellation of the assignment on appeal or on revision or on resumption for breach of conditions the assignee shall not be entitled to compensation for any improvement that he may have made to the land.

(5). Any superior authority revising an order of a subordinate officer declining to assign a piece of land may (1) take a original proceedings for assignment or (2) direct that the land shall be assigned under this chapter by the officer whose order is set aside.

### **Exemption**

25. Notwithstanding anything contained in these rules, the Government may, on its own accord, or on the recommendation of the Collector, if it is of the opinion that in the circumstances of an case, or classes of cases it is just and reasonable to relax any of the provisions of these rules, it may by order direct such relaxation, recording the reason for such relaxation, subject to such conditions as may be specified in the order and thereupon lands may be granted in such a case or classes of cases in accordance with such direction.

### **Maintenance of registers and files.**

26. Files of memoranda in Form 5 and the register of Conditional assignments in Form 10 shall be maintained by the village Karnam while a register in Form 2 should be kept in the Taluk Office. It will be the duty of the Tahsildar to have the village files and registers examined and compared with Taluk register periodically and submit to the Deputy Collector for scrutiny during annual inspection of his office. It shall be the duty of the Deputy Collector (Revenue) to examine how far these rules have been observed and to take necessary action if there is any departure or serious lapses of the rules.

### **Assignment of lands to others**

27. Persons who are not eligible for assignment of lands free of cost under this chapter whether as a land less and poor person or ex-serviceman etc., shall be eligible for assignment of valuable lands which are available for disposal by the in public auctions or by private sale on collection of market value subject to provision contained in this chapter. The disposal of valuable lands to such persons shall be governed by the following special provision besides the ordinary provisions contained in the foregoing rules namely :-

(i) Lands which bare in proximity of town and which in due course of time are likely to become apart of town extension schemes shall be treated as specially valuable land and shall, except as provided above, be sold in public auction. Other valuable lands shall be disposed of either by sale in public auction or by private sale on collection of market value, whichever course is advantageous of Government.

(ii) The extent of valuable land that may be assigned in each case shall be limited to half hectare of dry and quarter hectare of wet or irrigable dry land.

(iii) Where a valuable land is assigned by sale in public auction or by private sale on collection of market value, the above special conditions shall not apply, but the assignment shall be subject to the usual conditions and assessment shall be liable for the fasli in which the land was assigned.

### **Assignment to foreigners**

28. No land belonging to Government shall be assigned or sold under this chapter to any person other than a citizen of India except with the previous sanction of the Government. Every assignment or sale to such foreigner shall be subject to the condition that if the land is alienated without the sanction of government in favour of any person other than a citizen of India , the grant shall there-upon become null and void.

### **Assignment to company, association or society**

29. No application for assignment or lease of Government land under this chapter or under any other chapter in this rules shall be entertained from a company, association or a society is a company within the meaning of that word in section 3(1) of the Companies Act, 1956 (central Act 1 of 1956), or has been registered under the Societies Registration Act, 1860(central Act 21 of 1860), the Religious Societies Act, 1880(central Act 1 of 1880), the Pondicherry Co operative Societies Act, 1972 (No. 7 of 1972), Multi Unit Co operative Societies Act, 1942 (central Act 6 of 1942), the Insurance Societies Act, 1938 (central Act 4 of 1938), The Indian Trade Unions Act, 1926(central Act 16 of 1926) or by an Act of Parliament or of the State Legislature in the Union of India.

### **Assignment for Casuarina Plantations**

30. Where the land assigned or sold is used for casuarina plantations no pits or ponds shall be excavated nor shall such plantations be irrigated by pots within 200 metres of any village sites; and all pits and ponds excavated beyond the above limits shall be filled up as soon as the plants watered therefrom are three years old except such as may be required for purposes of re-plantation. A breach of any of these conditions will render the assignment or sale liable to be cancelled without payment of any compensation.

## **CHAPTER-III**

### **GRANT OF UNASSESSED, PORAMBOKES AND RESERVED LANDS**

#### **Assignment of porambokes and reserved lands**

31. The grant of any land registered as poramboke or entered in the accounts as reserved or of any lands specified in the following rules in this chapter is prima facie objectionable. If the Tahsildar received the application for grant and if its assignment is forbidden, he should summarily reject the application. If he thinks that the land can be assigned, he should publish, in the manner specified in rule 10 (3) , the proposal to assign it and also give intimation to the concerned local authority. If there is no objection to its assignment, he should submit the proposals to the Collector through the Deputy Collector (Revenue) to transfer it to the head "assessed land" . If the Collector refuse the sanction

the transfer, the Tahsildar should reject the application and inform the party. The Collector, if he sanctions the transfer, should fix the assessment to be charged which will ordinarily be the assessment on similar land in the neighborhood, but he can exercise his discretion in the matter. The Deputy Collector (Revenue) should then deal with the application in the manner specified in Chapter II.

### **Assignment of poramboke lands adjoining village sites**

32. Before assigning for cultivation poramboke lands adjoining village sites, care should be taken to ascertain whether the lands are required by the inhabitants.

### **Water course porambokes**

33. Great care should be taken to preserve the margins of canals, channels and streams.

### **Lands in the vicinity of aerodrome or landing ground**

34. No land lying within a belt of 200 metres from the limits of an aerodrome or landing ground shall be assigned. All such lands should be transferred to poramboke if they are not already so registered and entered in the prohibitory order book.

### **Grant of salt marsh lands for reclamation**

35. Salt land or land occasionally overflowed by salt water which is not required or likely to be required for salt manufacturers, be leased for purposes of reclamation by the Collector on the following terms:-

(a) Free of rent for the first 5 years;

(b) On payment of rent at the rate of 2 rupees per hectare for the next twenty years on the total area so issued whether reclaimed or not;

(c) After the expiry of thirty years, the lease may be continued in the case of reclaimed lands at the rate which they should be assessed to land revenue from time to time if they were subject to survey settlement; and in the case of unreclaimed lands, if any, at the average rate for reclaimed lands;

(d) No rent shall be levied for any portion used for the public roads.

(e) if the reclamation is not carried on with the diligence within two years from the date of lease or if half the area is not reclaimed so as to be in a state fit for use for agricultural purposes at the end of five years, or any land area reclaimed as aforesaid is not maintained in a state fit for use for agricultural purposes, the lease shall be liable to cancellation at the discretion of the Collector.

Provided that the lessee shall have, during the first ten years, the right to relinquish any area which he cannot reclaim;

(f) If the land reclaimed is used for non agricultural purpose, the rent shall be liable to be revised in accordance with these rules even though the periods specified above have not expired.

### **Lands in the vicinity of railway stations**

36. Lands situated within three hundred metres of a railway station should not be assigned except with the previous sanction of the Collector which should be obtained in each case; The Collector may

if he deems necessary consult the railway authorities. This does not, however, prevent the temporary assignment of such land for purposes of cultivation, which may be made by the Deputy Collector (Revenue). When there are more application than one and it is difficult to decide who has the best claim, the Deputy Collector (Revenue) may sell by public auction the right to cultivate the land for one year or more. Temporary assignment will be subject to the expressed condition that no buildings of any kind shall be erected by the grantee or the land and that Government shall be at liberty to take possession of its one month`s notice without payment of compensation save for standing crops. These instructions apply not only to assessed land but also to all large including village site, which is or may become land at the disposal or Government by relinquishment, escheat etc. All such lands should be registered “reserved” in the village accounts

#### **Lands containing minerals, quarries etc.**

37. Lands containing valuable minerals or quarries of building stone etc must not be assigned.

#### **Lands within the flood banks of rivers**

38. The lands within the flood banks of rivers should not be assigned but should be leased out by auction for any period not exceeding ten years.

#### **Tank bed lands**

39. Tank bed lands should on no account be assigned without consulting the Public Works Department.

#### **Grazing ground poramboke**

40. Grazing ground poramboke shall not be assigned unless there is sufficient grazing ground available to serve the needs of cattle.

### **CHAPTER IV**

#### **GRANT FOR TEMPORARY OCCUPATION OF GOVERNMENT LAND FOR AGRICULTURAL PURPOSES**

##### **Grant of land at the disposal of the Government for temporary occupation for agricultural purposes**

41. All lands at the disposal of the Government including the lands of the following category can be leased out for temporary occupation for specific periods and for agricultural purposes :-

- (a) lands escheated to the Government,
- (b) lands bought in by the Government,
- (c) unobjectionable encroachment,
- (d) padugai lands,
- (e) lands acquired for public purposes but no longer required for the purpose for which they are required,
- (f) railway lands,
- (g) lands in the vicinity of railway stations.

### **Periods of occupation and authority competent**

42 (1) The period for which such temporary occupation may be sanctioned must be determined carefully in each case with reference to the nature of the proposed occupation and the consideration whether and when the land is likely to be acquired by the Government for any other purposes.

(2) The Collector shall be competent to sanction the lease;

Provided that where the market value exceeds Rs. 3,000 or where the period of lease exceeds ten years, the orders of the Government shall be obtained.

### **Conditions of grant**

43. The grant in each case should be embodied in the order in the form given to Form II which suitable modifications. The period to be specified in condition 22 of the form shall normally be one month for periods of grant upto one year, two months for periods of grant upto two years and three months in other cases.

### **Encroachment on road margins**

44. In cases of encroachments on margins or roads, where the occupation may be permitted on lease, the Revenue department will grant the lease in consultation with the Public Works Department.

### **Renewal of leases**

45. Renewal of lease can be sanctioned only by the authority competent to sanction lease in the first instance.

### **Levy of assessment and charge for water**

46. The annual charge for the occupation shall be the assessment fixed already in the case of assessed land. If it is not an assessed land, it shall bear the same assessment as it borne by similar land in the vicinity. Such assessment shall be liable to revision from time to time in accordance with the rules in force at the time of such revision. Water cess will be leviable in addition in accordance with the rules in force from time to time.

## **CHAPTER V**

### **DISPOSAL OF TANK BED LANDS**

#### **Tank poramboke and water spread to be shown in the village maps and registers**

47 (1) All lands liable to submersion when a tank is full should remain registered as "tank poramboke" as long as the tank is maintained. The actual extent of the water spread of each tank at full tank level should be shown in colour wash in the Karnams and Tahsildars copies of the Village maps and against every field so shown, whether it occupied or not, the entry "waterspread of tank" should be made in the settlement register and adangal account. Against every unoccupied field or sub division so registered, the further entry "tank poramboke" should be made if the field is not already shown as such; and in the case of occupied fields the actual extent of the waterspread of each tank at full tank level should be made in the register against such sub divisions in view of their being transferred to tank poramboke as soon as they revert to Government at a revenue sale or by relinquishment or otherwise. Whenever in consequence of improvement repairs to a tank its waterspread area in-

creases, the records, mentioned above should be revised accordingly. It is a the duty of the Karnam to see that the maps and registers mentioned above area kept upto to date and that no waterspread land transferred to "tank poramboke" is assigned.

(2) Though the lands lying between the full tank level and the maximum water level need not be shown as such in the village maps and though the entry "waterspread" need not be made against them in the register, such lands should be dealt with in the same manner as lands within the full level of the tank in the mater of assignment of unoccupied lands and transfer to a tank poramboke of occupied lands reverting to Government.

### **Disposal of tank beds**

48 . When a tank is removed from the list of irrigation sources and the ayacut thereunder transferred to dry or registered under some other source the lands in the bed of the tank should be laid out into convenient plots of not less than one fourth of a hectare each and sold by auction, subject to payment of the highest dry assessment if the land has been classified and assessed since the abandonment of the tank. It should be stipulated in the sale notice that the assessment is liable to alteration at any general revision of the land revenue settlement of the region, and that Government reserve to themselves the right to a share in mines and quarries subjacent to the lands and that Government reserve to themselves or to persons authorised by them the powers necessary for the proper working of the minerals such as the full and free liberty and right of ingress, egress and regress, etc., subjection to the payment or rendering of compensation to the surface owner for all damages Sales require the previous sanction of the Collector, The sales shall be held by the Tahsildar or Deputy Collector subject to confirmation by the Deputy Collector (Revenue) . The Collector shall in each case nominate the selling officer.

## **CHAPTER VI**

### **GRANT OF SCATTERED TREES AND `TOPES`**

#### **Procedure when trees exist on tree tax**

49 (1) Lands containing trees on tree pattas should be treated like other lands at the disposal of Government, if their assignment is not objectionable and the tree pattadar should be treated as if he is a sivoijamadar in respect of lands on which the trees stand. If the assignment of the land on which the trees stand is unobjectionable, the land with the trees on it should ordinarily be disposed of under Chapter II. When assignment is made, the grant of the trees under the tree tax system should be cancelled.

(2) Before the order of assignment of the land is issued or the applicant is put in possession of the land, the value of the trees should ordinarily be recovered from him. If he will not pay the value , the trees should be disposed of in accordance with rule 16 of these rules.

(3) If the assignment of the land is objectionable, the trees themselves may be given under the tree tax system. The form in which the order of grant should be issued is that given in Form 12. The order of grant conveys to the grantee only the right to the usufruct of the trees and is liable to be cancelled if the land is at any time assigned. The ownership of the trees continues to vest in the Government the grantee shall no right to the trees if they fall and their value should be recovered from him if he fells or destroys them.

#### **Powers of Tahsildars and Deputy Tahsildars**

50 (1) Tahsildars and Deputy Tahsildars are empowered --

(i) to issue cancel and accept the relinquishment of grants of trees under the tree tax system;

(ii) to order the removal of trees held under the tree tax system from the concerned village account or the correction of the account for any of the following reasons;-

(a) that the trees have been sold or felled or are missing;

(b) that they are past bearing;

(c) that the land containing the trees has been assigned under these rules;

(d) that the trees stand on land other than that shown in the account not being private property; and

(iii) to confirm leases or annual sales of the usufruct of fruit trees belonging to Government on unreserved lands when the amount involved does not exceed Rs.100.

(2) When two or more persons apply for the same trees, preference, as a general rule, should be given in the following order :-

(i) to the individual who planted or reared the trees or to his heirs;

(ii) to the enjoyer of the trees when there is no evidence available concerning the planting or the repairing of the trees;

(iii) to a resident of the village in which the trees stand;

(iv) to the first applicant among the non residents.

(3) Tree tax should be collected at the following rates when the trees begin to bear fruits:-

Name of tree	Rate per tree per fasli Rs.
Jack	3.00
Tamarind	3.00
Mango	3.00
Coconut	3.00

### **Credit of tree revenue and tree value**

51. The revenue from trees should be credited to " Land Revenue".

### **Occasions for sale of trees**

52 (1) Occasions for sale of trees by Government will arise in the following cases :-

(a) When it is found desirable to cut down and remove trees standing on lands at the disposal of Government the most important cases of this kind will be provided by babul trees growing in tank beds when such trees are attaining maturity and it is desired to cut and sell them before they deteriorate;

(a) When it is found desirable to cut down and remove trees standing on lands at the disposal of Government the most important cases of this kind will be provided by babul trees growing in tank beds when such trees are attaining maturity and it is desired to cut and sell them before they deteriorate;

(b) when an applicant for land is unable or unwilling to pay the value of the trees standing on the land and it is decided that the trees may be disposed of separately by auction: and

(c) when isolated, wind fallen or withered trees on lands at the disposal of Government have to be disposed of.

(2) An estimate of the value of the trees to be sold should be obtained before the sale is ordered and such estimate communicated to the selling officer so that he may know what upset price he should adopt. The estimate is only for official use and should not be announced to the bidders or published for the information of intending bidders. Where the value of the trees is consideration the Collector may with advantage consult the Public Works Department, so that a reliable estimate of the value of the tree growth to be sold may be obtained.

(3) The form of notice of sale to be adopted when the estimated value of the trees offered for sale does not exceed Rs.200 is given in Form 13.

(4) If the estimate value exceeds Rs.200 the sale should be held under the orders of the Collector and subject to the conditions specified in the form of notice of sale prescribed in Form 14.

(5) It is open to the Deputy Collector to modify these conditions or to impose further special conditions, to suit individual cases. Such special conditions may prescribe restrictions regarding the trees that may be cut, whether the trees may be uprooted or should be cut flush with the ground, digging pits, or holes, etc.,

(6) Notices of sales should in all cases be given wide publicity, if the estimated value of the trees exceeds Rs.200 the notice of sale should also be published in the Official Gazette. The village Karnam will be responsible for the trees until they are delivered to the purchaser or otherwise disposed of. There should be no undue delay between the date of sale and the date of confirmation.

### **Power of officers to confirm sales**

53 (1) The power to confirm sales will be exercised by the Deputy Tahsildar or the Tahsildar when the estimated value of trees sold is Rs.100 or less and by the Deputy Collector (Revenue) when such value exceeds Rs.100 but is not more than Rs.200. Sales in all other cases should be subject to confirmation by the Collector. The estimated value or the value actually realised, whichever is higher, may be taken into account for the purpose of determining the authority competent confirm the sales.

(2) The power to confirm leases and sales in respect of minor forest produce will be exercised by the Deputy Tahsildar, the Tahsildar and the Deputy Collector (Revenue) as in the case of trees mentioned in sub rule (1).

## **CHAPTER VII**

### **GRANT OF BUILDING SITES**

#### **Authority competent to Grant building site**

54. The Collector, in towns and the Deputy Collector (Revenue) in villages shall be competent to grant building site under the rules in this chapter. The Deputy Collector (Revenue) may grant buildings sites after reserving certain percentage of the sites available for the members of the Scheduled Castes wherever necessary subject to all or any of the following conditions on payment of such

price as he may fix, or free. This applicant should be citizen of India and native of this Union Territory by birth or domicile for being eligible for assignment under this chapter.

### **Maximum extent which can be assigned**

55 (1) Portion of village site at the disposal of Government, not being land reserved for the common use of the villagers, may be granted for building purposes to bonafide applicants. The maximum extent to be assigned to any applicant for building houses should ordinarily be 1-1/2 ares in villages and 1 are in town.

(2) In assigning lands for house sites, care should be taken to see that land is not granted to persons already possessing enough land for their reasonable requirements and that preference is given to those who own no house site any where in the Union territory.

### **Procedure in dealing with applications**

56. The following procedure should be observed in dealing with applications for house sites :-

(i) Contents - Applicants for house site should be made in writing and should clearly specify the land required. The purpose for which it is wanted, i.e. whether for constructing a thatched, or a tiled or terraced building or for erecting a cattle shed and so on.

(ii) Officer to whom presented. - The applications may be presented either to the Tahsildar / Deputy Tahsildar in the first instance, or to the Deputy Collector (Revenue) direct.

(iii) Registry--village officers shall register applications in the order of date in a bound book in Form 15, the pages of which should be consecutively numbered.

(iv) Publication - The fact that an application has been made for a particular site shall be published in the village by beat of tom-tom and a notice in the form 16 posted up in the public place in the village and on the site applied for, for a period of 15 days. A copy of the notice shall also be sent to the Municipal Office if there is one for the village.

(v) Report - At the end of the period, a report in duplicate should be prepared and sent to the Tahsildar with out delay in Form 15 together with the notice which should be signed by the Karnam.

(vi) Duty of Karnams - The Karnam has no authority to grant house site. At the same time it is his duty to afford every assistance to a person requiring a house site not only in the selection of the site, but also in acquainting him with the manner in which formal applications is to be made and when a available site has been selected, the karnam will be held responsible for procuring without delay the necessary formal application. If the applicant is poor or illiterate and his application is made orally to the Karnam, It will at once be reduced in writing by the Karnam who will take the necessary action thereon.

(vii) Maintenance of registers and planning of sites available for assignment :-

In the interest of regular town planning, it is desirable the vacant areas in villages at the disposal of the Government should be laid out in suitable plots in advance and that the plots should be assigned in order. For this purpose. the Collector may, in villages for which he considers it necessary, prescribed the maintenance of lay out plans of sites available for assignment and a register showing the extent and situation of the sites already built upon those and those which are still available for building purposes. When prescribed, the lay out plans and register will be maintained in three parts and Form 17 and will be bound with the register of applications in form 15. Vacant sites should be laid out in plots of 1-1/2 ares in villages and 1 are in towns and arranged so as to give a regular line of street and, where possible, to leave a 10 meters street in front and a 3 meter lane behind.

The assignment should be made in regular order in accordance with the plan. The plans should be drawn up in consultation with the Senior Town Planner. One copy shall be kept in the taluk office, one copy with the Senior Town Planner and the other with the village, where they will be maintained. Before the lay out plans are sent to the Deputy Collector (Revenue), the Tahsildar should inspect the sites. The Deputy Collector (Revenue) also should inspect as many cases as possible. Entries in the taluk and village registers and the plans will be compared and checked every year. At the outset, each of the planned blocks of house sites in the unoccupied lay out sites described in Part 1 of Form 17 and the street and lanes in them should be demarcated at the cost of the Government. The cost of the stones planted by the Government will however, be recovered when the particular house site which is demarcated by the stones is assigned. Individual plots of house sites will be demarcated at the cost of the applicant as they are applied for and assigned.

(viii) Payment for standing trees, wells and buildings - If there are trees, wells or buildings on the sites applied for they should be disposed of in accordance with these rules.

(ix) Survey demarcation and other charges - The expenditure incurred in the demarcation of the land and in laying it out as house sites or providing roads therein or in otherwise fitting it for occupation together with the cost of any special staff employed for survey of the land when the work is too heavy for the regular staff shall be recovered proportionately from the parties to whom house sites are granted. Where a local body has incurred expenditure as aforesaid, the amount recovered on account thereof shall be credited to the local body concerned.

(x) Preparation of plotted sketches - Plotted sketches of the sites to be granted should invariably be prepared. Also measurements should be taken connecting the sites with any permanent or semi-permanent marks in the neighbourhood or union survey stones where they exist with a view to the site being located in the event of disputes. All these measurements should be entered in the plotted sketches which should form part of the assignment records.

(xi) Reference to village Karnams - Applications received by the Tahsildar direct should be referred to the village Karnam for report. The karnams should register them in the prescribed register publish the fact of the application in the manner prescribed and submit a report to the Tahsildar in the prescribed form.

(xii) Disposal - On receipt of the karnam's report and also the Tahsildar report and the remarks of the concerned local authority, the Deputy Collector (Revenue) should satisfy himself, after such enquiry as he may deem necessary that the assignment is unobjectionable. The land should be demarcated and also surveyed as soon as possible where this has not been done before. On completion of this work ground rent should be calculated.

(xiii) Communication of order - The Deputy Collector should dispose of every application by written order which should be communicated to all the parties concerned and to the Municipality and it should be clearly stated therein that in the event of the cancellation of the grant, either on appeal or in revision or in the event of reentry by the Government in accordance with the condition attached to the grant, the grantee shall not be entitled to compensation for any buildings that he may have constructed, or on other improvements that he may have made to the lands. The provisions as regards appeal and revision contained in Rule. 24 will apply to such orders. In passing orders the Deputy Collector (Revenue) may refuse applications for leave to build thatched houses in places where there is risks of fire.

### **Treatment of unauthorised occupation**

57. (i) Village - site not be appropriated without previous permission -

The Deputy Collectors (Revenue) will assert the prerogative of government by making it known in all villages that village - site cannot be appropriated without permission previously obtained.

(ii) Consequence of such appropriation - If any portion of the village site is appropriated without permission and if the occupation is considered to be objectionable, the provisions of relevant Act should be applied. If the occupant is found to be entitled to an allotment and the occupation is unobjectionable, the site may be formally, granted in accordance with the rules contained in rule 56 above and no penalty, or at the most, a merely nominal penalty, should be imposed unless special circumstances render the imposition of penalty desirable.

### **Extension of village - site**

58. When the existing village - site does not suffice for the needs of resident villagers or of registered holders and agricultural labourers, the Collector may extend the site by the transfer of assessed lands to poramboke. He may effect such transfers and additions on his own authority, except in the case of patta land which is not at the disposal of Government and which must be acquired under the Land Acquisition Act.

### **Collection of value**

59. For assignment of house-site under this chapter no land value shall be collected provided that grantee or any member of his family does not own any house or house site of his own any where in the Union territory <sup>1</sup>[and he is a person coming under any of the categories specified in sub rule (1) of the rule 9.]

Market value shall be collected in all other cases including where the extent to be assigned exceeds the ceiling prescribed in rule 55. Value of trees and structures should however be collected in all cases.

### **Procedure subsequent to the grant of house sites.**

60.(i) Register of grants - A register of housesites granted in each village shall be maintained in Tahsildars offices and by the village Karnams in Form 18. An extent of the orders passed in each case which should be entered in the appropriate columns of the register in Form 15 should also be copied in the appropriate columns of the duplicate copy of the Form 15 submitted by the village Karnams under rule 56 (v) before its transmission to them. Village Karnams should, in their turn copy out the necessary entries in the appropriate column in the registers in the Forms 15 and 18 maintained by them. A register of applications for house-sites shall also be maintained in the Tahsildar's office in Form 15 with slight modification.

(ii) *Form of order of assignment* - An order signed by the Deputy Collector (Revenue) himself in Form 19 or 20 as the case may be, shall be issued for all sites assigned; but Deputy Collector (Revenue) may impose any additional conditions, regarding lighting, ventilation and drainage. It should be clearly stated therein that in the event of the cancellation of the assignment either on appeals or in revision or in the event of reentry by the Government in accordance with the conditions attached to the grant, the assignee shall not be entitled to compensation for any buildings that he may have constructed on or other improvement that he may have made to the land. The grantee may also be required to execute an agreement binding himself to fulfil such conditions on pain of forfeiting the grant.

(iii) Right of re-entry. The right of re-entry, whether under the provision of the order of assignment or under those of any subsidiary agreement, should be enforced only under the orders of the assigning authority, may, as a matter of grace, give notice (a) to the grantee if he can be found and (b) in the Gazette.

---

1. Substituted vide G.O.Ms.No. 9 dated 16.05.1977.

*(iv) Extension of period prescribed for building*

The assigning authority may also, as a matter of grace and when special cause has been shown for such a concession, extend the period prescribed in conditions (2) of the order of assignment. Ordinarily the period should be made to commence so as to give the assignee a clear period of twelve months or six months, as the case may be, after the decision of any appeal that may be preferred against the order of assignment.

## CHAPTER VIII

### GRANT OF LAND FOR TEMPORARY OCCUPATION FOR NON-AGRICULTURAL PURPOSES

#### **Period of temporary occupation and authority competent to sanction grant.**

61 (1) The period for which temporary occupation of the property at the disposal of the Government may be sanctioned must be determined carefully in each case with reference to the nature of property and the consideration whether and when the property and the consideration whether and when the property is likely to be required by Government for any other purpose.

(2) The Collector shall be competent to sanction the lease under this Chapter.

Provided that where the market value exceeds Rs.3,000 or where the period of occupation exceeds ten years, he shall refer it for orders of the Government.

#### **Form of order of grant and the purposes for grant.**

62. The grant in each case should be embodied in an order in Form 21 with suitable modification on the land can be granted under this chapter for the following purposes, namely:-

<sup>1 & 2</sup> [(i) Recreation purposes with or without a pavilion or club houses;

(ii) Bridges and culverts whether permanent or temporary;

(iii) Bunks (for trade purposes);

(iv) Timber, firewood and other depots;

(v) Laying piped lines

(vi) Unobjectionable sub/soil encroachments on road margins and other Government porambokes;

(vii) Temporary occupation of Government land for performances by a touring cinema, circus or dramatic company;

(viii) Any other purposes which the Government may by notification in the Official Gazette, specify

(ix) Industries set up by the Government or Semi-Government organisations and government owned corporations which, in the opinion of the Government, will contribute to the economic development of the Union territory.

---

1. Amended vide G.O.Ms. No. 36 dated 07-04-92

2. Amended vide G.O.Ms. No. 83 dated 29-11-94

(x) Laying of approach road to other Government poramboke land. ]

### **Period of notice for revocation of grants**

63. In all these grants the period of notice to be given under conditions (20) in Form 21, by the assigning authority or by the grantee should be fixed carefully with reference to all the relevant circumstances and specified in the order. This period should not exceed the period of grant and subject to this, may normally be one month for periods of grant upto three months, two months for periods of grant upto six months, three months for period of grant upto a year and six months for longer periods of grant.

### **Grants to Clubs**

64. When it is proposed to grant to a club within the compound of a Government Office, the site as well as plans and estimates relating to any buildings, structures, badminton or tennis courts etc, which the club proposes to erect, should be approved by the Executive Engineer on behalf of the Government in order to ensure that such buildings, structures or courts, etc are in keeping with the lay out of the Government buildings. Copies of the plans of the site, buildings, etc as approved by the Executive Engineer should be submitted with the proposals for the grant. It should be made clear in the order of grant that the grant will be revocable at 24 hour notice. If officers other than Collectors are in charge of such compounds, they should address the Collector when a grant under this chapter is applied for.

### **Renewal of grant**

65. Renewal of grants under this chapter can be sanctioned only by the authority competent to sanction the grant in the first instance.

### **Levy of charge for the occupation**

66. The determination of the charges is left to the discretion of the authorities who are competent to sanction the grant. The following general principles should however be observed in fixing the rates of charges as far as possible.

(a) Recreation purpose :-

In the case of clubs consisting entirely of non/gazetted officers and of playgrounds required for educational institutions, nominal charges may be levied. In other cases except in Municipalities, the term assessment or ground rent on the site, or if the land has not been assessed, the land in the village or its neighbourhood should be charges. Special reasons should be given if any concessional treatment is recommended. Subject to the general concession indicated in favour of non gazetted officers and educational institutions a suitable table charge should be levied in respect of each grant.

(b) Trade purpose :- The full competitive rent should be levied as the charge for the occupation. By full competitive rent is meant the rent which the site would fetch in the open market if offered subject to the conditions stipulated by Government.

(c) Touring cinemas, circuses or dramatic companies - A reasonable fixed daily charge should be levied in accordance with the rates to be prescribed by the Collector. He should fix for each village and town the rates of charge per square metre that should be levied. The rates will depend upon the importance of the village or town and the situation of the Land. There are, in each village or town, particular sites in which entertainments are usually held. The Collector will fix the rates for each of these sites. When other sites are applied for, the Collector should be addressed for orders as to the rate to be levied.

### **Laying of Pipe Line**

67. A track rent should be levied on the scale specified below for laying of pipe lines :-

Rate	Minimum
10 paise per metre	Rs.2

### **Occupation of lands for unremunerative public or private purposes.**

68. The annual charge should be fixed at an amount not lower than the assessment or ground rent leviable on the land, subject to a minimum of Re.1

### **Leases on margin of roads.**

69. In cases of encroachments on margins of roads in charge of Public Works Department, where the occupation may be permitted on lease, full competitive rent should be collected irrespective of the purpose for which the occupation was made.