



ABSTRACT

Special Scheme – Regularization/Resettlement of encroachment in Corporation areas – Implementation of the scheme – Certain clarifications sought for by Districts – Framing guidelines – Orders issued.

Revenue & Disaster Management Department, Land Disposal Wing, [LD1(2)] Department

G.O.(Ms) No.800

Dated:28.12.2020

சார்வரி, மார்கழி 13
திருவள்ளூர் ஆண்டு 2051

Read:

1. G.O.(Ms).No.465. Revenue & Disaster Management Department, [LD1(2)] dated 27.11.2018.
2. G.O.(Ms).No.496, Revenue & Disaster Management Department, [LD1(2)] dated 24.12.2018.
3. G.O.(Ms).No.318, Revenue & Disaster Management [LD1(2)] Department, dated 30.8.2019.
4. G.O.(Ms).No.480, Revenue & Disaster Management [LD1(2)] Department, dated 11.09.2020.
5. The Commissioner of Land Administration, letter No.F3/11339/2018, dated 15.12.2020.

ORDER:

In the letter 5th read above, the Commissioner of Land Administration has stated that,

- i) In order to implement the Scheme of Regularization of housing encroachments in unobjectionable porambokes and to protect the objectionable porambokes by resettling the encroachers in that land and maintain for the purpose intended, Government have issued orders in G.O's 1st and 2nd read above. Subsequently a consolidated G.O. 3rd read above has been issued for implementing the above scheme and issued orders in the G.O. 4th read above extending the special scheme for another one year from 31.8.2020.
- ii) The detailed instructions have been given to Collectors for smooth and effective implementation of this scheme. Further, based on the minutes of the meeting held on 16.12.2020 under the Chairmanship of the Chief Secretary instructions and clarifications were issued to all District Collectors by the Commissioner of Land Administration.

iii) The guidelines issued in the G.O. 3rd read above regarding regularization of encroachments for the **areas other than Corporation** is detailed as below:-

a) Monetary limit

Tahsildar	Upto 1 lakh
RDO	1 lakh to 2.5 lakhs
Collector	2.5 to 5 lakhs
CLA	Above 5 lakhs

b) Extent of land to be assigned by regularization in Rural Areas - 3 cents and in Town Panchayat & Municipality- 2 cents

c) Further, if the encroachment is contiguous and above 25 cents then the land has to be handed over to Tamil Nadu Slum Clearance Board.

iv) The guidelines issued in the G.O. 3rd read above regarding regularization of encroachments in the **Corporation areas** is detailed as below:-

a) In para 4(ii) of G.O. 3rd read above it has once again been reiterated to enter the details of all encroached portion of porambokes in Corporation areas in G.L.R. based on the inspection and sent to Government through Commissioner of Land Administration as separate proposals for taking policy decision.

b) In this regard for relaxation of ban Government alone can exercise its powers.

v) In order to have a comprehensive view for the city or the sub-region of the city to ensure sustainable housing it has been instructed to send separate specific proposals through Commissioner of Land Administration for either regularizing in-situ the houses or for alienating the lands to Tamil Nadu Slum Clearance Board for building multi-storied houses in the unobjectionable poramboke areas, which have been encroached in order to accommodate both the encroachers in the same portion as well as the encroachers to be relocated from the objectionable porambokes.

2. The Commissioner of Land Administration has also stated that, there may be areas which are too small for implementing vertical development in which cases they may be regularized in-situ for such cases, now to simplify the process for regularization of encroachment in corporation areas, the Commissioner of Land Administration has proposed the following procedures delegating certain powers to the Collectors as done for Rural Area, Town Panchayat and Municipalities.

Guidelines for regularization of encroachment in corporation areas except Chennai and Chennai City Belt areas

i) Type of poramboke:-

No proposal should be sent for objectionable porambokes and present guidelines is only for unobjectionable porambokes.

ii) Total extent of encroachment:-

In regard to Municipality and Town Panchayat if the encroached portion is above 25 cents then the said land should be alienated to Tamil Nadu Slum Clearance Board for vertical development. In line with the above criterion, considering the scarcity and value of land in corporation limit, for Corporation area the above limit may be restricted to 15 cents. If any parcel of land more than 15 cents contiguously is encroached by housing or otherwise, than the land has to be handed over to Tamil Nadu Slum Clearance Board for vertical development to accommodate the same eligible encroachers as well as other eligible encroachers who have to be relocated from objectionable poramboke.

iii) Extent of land to be assigned by way of regularization in Corporation areas:-

In RSO 21, the extent for assignment has been prescribed as 1 cent. Considering the pathetic condition of the eligible encroachers and the value and scarcity of the lands in Corporation area, the area to be regularized may be retained as 1 cent (40 sq metre) per beneficiary. In case the encroachment exceeds 1 cent, the excess portion upto a further 1 cent can be assigned on collection of single market value. In no case a regularisation can be done for more than 2 cents including the free and on-cost portions.

iv) Eligibility:-

The income limit shall be Rs.3,00,000 per annum for the encroaching household. In case the income is higher than the limit, land upto 2 cents can be regularized upon collection of the market value of entire portion of the 2 cents. In no case more than 2 cents is to be assigned/regularized.

v) Procedure for regularizing the encroachment in unobjectionable porambokes in Corporation area:-

A District level committee shall be constituted with the following members

- 1) The District Collector,
- 2) Representative of Commissioner of Land Administration not below the rank of Joint Commissioner and above,
- 3) Corporation Commissioner,
- 4) District Revenue Officer,
- 5) If the land is vested with any other Department such department State Level Officer not below the rank of Joint Commissioner/Joint Director,
- 6) Superintending Engineer, Tamil Nadu Slum Clearance Board and
- 7) Members Secretary Town Planning Authority or Deputy Director Town & Country Planning as the case may be.

The above said Committee with all its members should inspect the land and examine the suitability and necessity of regularization of the encroachment on a case by case basis, while doing so the following factors should be taken into account.

- a) Overall housing development scenario in the city.
- b) Requirement of the land for any other future Government purpose.
- c) Suitability of the land parcel for building multi-storied apartments to accommodate the beneficiaries.
- d) Possibility of accommodating the present occupant/encroachers in any other suitable tenement developed by Tamil Nadu Slum Clearance Board/ Free HSD outside the city limit and belt area.
- e) Any other relevant factors.

vi) Monetary powers:-

The monetary powers to regularize the encroachment in Corporation area may be fixed as below:-

Tahsildar	Nil
RDO	Nil
Collector	Upto 5 lakhs
Government	Above 5 lakhs

In the cases where the land value is above 5 lakhs then based on the recommendation of above Committee proposals should be sent to Government through Commissioner of Land Administration for passing orders.

3. The Government after careful examination have decided to accept the proposal of the Commissioner of Land Administration accordingly issue orders for the delegation of certain powers shall be given to the District Collectors for following the guidelines for regularization of encroachments in corporation areas except Chennai and Chennai City belt areas.

i) Type of poramboke:-

No proposal shall be sent for objectionable porambokes and present guidelines is only for unobjectionable porambokes.

ii) Total extent of encroachment:-

In the Municipality and Town Panchayat if the encroached portion is above 25 cents then the said land should be alienated to Tamil Nadu Slum Clearance Board for vertical development. In line with the above criterion, considering the scarcity and value of land in corporation limit, for Corporation area the above limit shall be restricted to 15 cents. If any parcel of land more than 15 cents contiguously is encroached by housing or otherwise, than the land has to be handed over to Tamil Nadu Slum Clearance Board for vertical development to accommodate the same eligible encroachers as well as other eligible encroachers who have to be relocated from objectionable poramboke.

iii) Extent of land to be assigned by way of regularization in Corporation areas:-

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v) Procedure for regularizing the encroachment in unobjectionable porambokes in Corporation area:-

A District level committee shall be constituted with the following members

- 1) The District Collector,
- 2) Representative of Commissioner of Land Administration not below the rank of Joint Commissioner and above,
- 3) Corporation Commissioner,
- 4) District Revenue Officer,
- 5) If the land is vested with any other Department such department State Level Officer not below the rank of Joint Commissioner/Joint Director,
- 6) Superintending Engineer, Tamil Nadu Slum Clearance Board and
- 7) Members Secretary Town Planning Authority or Deputy Director Town & Country Planning as the case may be.

The above said Committee with all its members should inspect the land and examine the suitability and necessity of regularization of the encroachment on a case by case basis, while doing so the following factors should be taken into account.

- a) Overall housing development scenario in the city.
- b) Requirement of the land for any other future Government purpose.
- c) Suitability of the land parcel for building multi-storied apartments to accommodate the beneficiaries.
- d) Possibility of accommodating the present occupant/encroachers in any other suitable tenement developed by Tamil Nadu Slum Clearance Board/ Free HSD outside the city limit and belt area.
- e) Any other relevant factors.

vi) Monetary powers

The monetary powers to regularize the encroachment in Corporation area may be fixed as below:-

Tahsildar	Nil
RDO	Nil
Collector	Upto 5 lakhs
CLA	5 to 25 lakhs
Government	Above 25 lakhs

In the cases where the land value is above 25 lakhs then based on the recommendation of above Committee proposals shall be sent to Government through Commissioner of Land Administration for passing orders.

(By Order of the Governor)

**ATULYA MISRA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.**

To

The Commissioner of Land Administration,
Chepauk, Chennai-600 005.
All District Collectors/ District Revenue Officers.
All Departments of Secretariat, Chennai.

Copy to

The Hon'ble Chief Minister Office, Secretariat, Chennai.
The Hon'ble Deputy Chief Minister Office, Secretariat, Chennai.
The Finance Department, Secretariat, Chennai.
The Personal Assistant to Hon'ble Minister (Revenue & Disaster
Management and Information Technology), Secretariat, Chennai.
The Personal Assistant to Chief Secretary, Secretariat, Chennai.
The Private Secretary to Additional Chief Secretary to Revenue &
Disaster Management Department, Secretariat, Chennai.
Stock file / Spare Copy.

//Forwarded by order//

R. Balraj
Section Officer.
28/12/20