

In the wake of a real estate boom and rapid urbanisation, land grab is becoming a menace to residents across the state. Though the government has changed, the administrative mechanisms haven't. We ask that the government reform the registration laws and practices so that it becomes harder for criminals to steal property

THE ROAD AHEAD OF LAND GRAB

By Anandaraman | TNN

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Section 55 of Tamil Nadu Act says it is mandatory to register the sale deed. This is a source of revenue for the government. How can the government ensure that the registration process is clear and free from corruption? This is a source of revenue for the government. How can the government ensure that the registration process is clear and free from corruption?

As the land's revenue documents lie in the taluk office. "According to rules, every registration should be carried forward to the taluk office where the relevant documents need to be updated. But this is rarely done in practice," he said.

Also, it has been made mandatory for sub-registrar offices to include the POAs in encumbrance certificates (EC). The registration department has initiated moves to de-



Illustrations: Shinod Akkaraparambil

HOW LAND GRAB TAKES PLACE

- Land mafia forcibly encroaches land, claims possession without documents and refuses to vacate
- Real estate sharks identify "neglected" properties not monitored by owners — who may be in far away places or are NRIs — and take a certified copy of the document from registrar office and sell the property
- Criminals create fraudulent power of attorney showing that the land owner has authorised them to sell the land
- Land is sold and registered by impersonating the buyer
- Owners are forced to sell land for a song under threat and, sometimes, with the backing of the local police
- Same owner gives power of attorney for the land to more than one buyer
- Corrupt officials may give a false no-encumbrance certificate to the seller who can create legal opinion
- Land mafia creates forged documents for government land and sells it
- Within a family, documents are forged showing that some members have relinquished their claim, based on which land is sold
- In rural areas, syndicates or political leaders cut off water, let in sewage or burn crops to force owners to sell for a pittance

MONEY TREE

Registration dept's earnings

FINANCIAL YEAR	REVENUE (₹ in crore)
2000-2001	1,094
2001-2002	1,264
2002-2003	1,649
2003-2004	1,733
2004-2005	1,882
2005-2006	2,349
2006-2007	3,407
2007-2008	4,232
2008-2009	4,100
2009-2010	3,818
2010-2011	5,020

velop a software to electronically detect existence of POAs for properties. Till then, POAs will be entered manually as a footnote against

property records. But loopholes remain. Since POAs are registered in book IV in sub-registrar office records, they do not show up when a prospective buyer applies for an EC, says G Shyam Sundar, another lawyer. This means that the buyer may get a clean EC even if the seller has sold the land through a POA to another person.

In effect, this means that the buyer is purchasing property that has already been sold to others. "Only those transactions that are registered in book I in the sub-registrar office records (deeds for sale, settlement, release, gift, lease and mortgage) are reflected in ECs. Since buyers take the ECs issued by the registration department as final proof of clear title, land mafias well versed in rules and procedures easily manipulate the situation to cheat ordinary citizens," he says.

CRACKDOWN OPENS PANDORA'S BOX

TIMES NEWS NETWORK

Chief minister J Jayalitha seems to have triggered an avalanche of land grab complaints when she recently announced measures to combat the menace. Special police cells launched a few days ago to investigate land grab cases have already registered more than 500 complaints across the state. "Almost all district police units and city police commissionerates have formed these special cells and complaints are pouring in from the aggrieved public," said S George, additional director general of police, law and order.

About 300 land-related complaints are pending investigation with the central crime branch of Chennai city police, said a senior official. These cases involve properties worth ₹100 crore and expose a nexus of politicians, realtors and revenue and registration department officials, said the official. Many police officials have also come under adverse notice for encouraging the conduct of kangaroo courts in their offices.

George said, "Police have been instructed to keep away from civil disputes. Our drive is focused on putting an end to land grabbing, cheating and related criminal activities."

Another police officer describes a typical land grab. "Politicians, either ruling or opposite — whoever dominates in the locality — are usually the kingpin. They take the help of revenue officials and realtors," he says. "The realtor identifies the property owned by someone who lives far away. The politician collects the revenue details of the property and with a copy of it, the realtor forges the document. They impersonate the owner to prepare a fake document and register it in the name 'X'. The same property is sold to 'Y' and then a settlement will be prepared in the name of 'Z'. The power will be transferred from 'Y' to 'Z' allowing Z to sell the land. Once this is done, the land is ready to be sold to 'innocent' owners."

Land grab is truly a statewide problem. Police have reopened 372 cases of land grabbing in western Tamil Nadu alone. These cases had been kept in cold storage for long as leading politicians and influential persons were involved.

West zone IG K Vanniyaperumal told TOI that 13 among the total number of reopened cases were of land valued more than Rs five crore. There are 34 other cases in which the value of each of the usurped property would

range between ₹1 crore and ₹5 crore. "We have the mandate to ensure the return of each usurped property to its real owner," says Vanniyaperumal.

Thirty-six cases of land grabbing were reported in Villupuram district in the last three years, said district superintendent of police S Xavier Dhanraj.

In the central zone covering Tiruchi and surrounding districts, more than 100 complaints of land grabbing have been registered. "In each district falling within Tiruchi range, we have received about 15 to 20 complaints. All are in the enquiry stage," said Tiruchi range DIG A Amalraj.

Tiruchi city police commissioner E Ma Masanamuthu, said, "We have segregated the complaints into forceful occupation, forceful eviction and forgery."

The AGENDA

- Connect all registration offices and bring records to a centralised server to issue certificates online
- Establish fast track courts to quickly settle land grab cases

HOLDING THE FLAG HIGH

Lend some spark to this discussion on land grab and the need to provide security to property



The best way to prevent land grab is:

- Computerise land records and put them in the public domain, accessible over the internet so everyone knows who owns what
- Make the registration department responsible for forged documents and impersonation of identity of owners
- Crack down on any nexus between police, registration officials and politicians

SMS Type SO <space>Land-A/B/C<space>your views and name. SMS to 58888

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First PERSON G SHYAM SUNDAR IS A COUNSEL FOR 12 NATIONALISED AND PRIVATE BANKS FOR LOAN APPROVALS

'The law can be an asset'

As in the case of New Delhi, Tamil Nadu should make laws governing power of attorney (POA) more stringent so that people can execute a POA only to their kith and kin and not to others. It will force most buyers to do direct sale of registrations. It will also increase government revenue.

POAs should be registered for property transactions only in the jurisdictional sub-registrar offices.

To encourage more people to register sale deeds, stamp duty should be reduced to 4% from the present 8%. The centre had suggested this as a condition for releasing Jawaharlal Nehru National Urban Renewal Mission funds to states. Maharashtra and Delhi have already reduced stamp duty.

Revenue records of properties in corporations and municipalities should be computerised as has been done in the case of villages. Computerised pattas should have photographs of the property owners and the same should match with the ones used on registration deeds and the scanned photographs in the sub-registrar offices. A revenue official, known to the applicant, should certify the bona fides of the patta applicant.

It should be made the sub-registrar's responsibility to verify the authenticity of documents produced before him for registration. To facilitate this, necessary changes should be made in rule 55 of Tamil Nadu registration rules.

Sub-registrars should insist on sellers producing the latest computerised patta of the property in their names for registration of sale deeds.

Details of power of attorney transactions should be mentioned in encumbrance certificates.

The Chennai Metropolitan Development Authority and directorate of town and country planning should upload details of all approved residential layouts on their websites to help prospective buyers verify the legal background of properties. This will curb registration of unauthorised layouts.

Those who indulge in stock market frauds are barred from trading for seven years. Similarly, people, firms or companies indulging in land frauds should be barred from registering documents for purchase, sale or transfer of properties in the state for a minimum period of 10 years. This will have a big deterrent effect on land mafia.



LEGAL: ADVICE