

Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1989

TAMILNADU

India

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Act 41 of 1989

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Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1989(Tamil Nadu Act 41 of 1989)Statement of Objects and Reasons - By the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Special Provisions) Act, 1986 (Tamil Nadu Act 60 of 1986), cultivating tenants in the areas specified in the Schedule to the said Act were given relief in the matter of payment of arrears of rent which accrued due to a landlord before the 30th June 1985 and was outstanding on the date of the publication of the said Act, namely, the 19th September 1986, in five equal instalments without interest. The first instalment of the arrears of rent had to be paid on or before the 30th September 1986 and the last instalment thereof had to be paid on or before the 30th September 1988.2. During the year 1987, there was widespread severe drought in Tamil Nadu. During the year 1988, although there was favourable south-west monsoon, north-east monsoon failed. On account of failure of north-east monsoon, the cultivating tenants have not been in a position to pay the arrears in instalments referred to above. Due to non-payment of arrears of rent, the cultivating tenants are liable to be evicted on a large scale. The Government have, therefore, decided to protect the tenants from eviction from their holdings up to the 31st March 1990, for non-payment of rent accrued due on the 30th September 1986 and rent accrued due for the subsequent period up to the 20th February 1989 and, to stay applications and suits for eviction of a cultivating tenant who is in arrears of rent for the said period, so that the cultivating tenant will have time to pay the mid arrears till the 31st March 1990. The Government have also decided to restore possession of lands to cultivating tenants who had been evicted on or after the 1st October 1986, but before the date of the publication of the proposed Act in the Tamil Nadu Government Gazette, for non-payment of arrears of rent.3. The Bill seeks to achieve the above objects.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th AprilReceived the assent of the Governor on the 24th November 1989 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 29th November 1989.An Act to provide for the protection from eviction of cultivating tenants who are in ai rears with respect to the rent

payable to the landlords. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows:-

1. Short title, extent, commencement and duration.

(1) This Act may be called the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1989. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall be deemed to have come into force on the 1st day of October 1986 and shall remain in force up to and inclusive of the 31st day of March 1990. (4) Upon the expiry of this Act, the provisions of section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) shall apply as if this Act had then been repealed by a Tamil Nadu Act.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "cultivating tenant" means - (i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Protection Act; or (ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act; (b) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961); (c) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XV of 1955); (d) words and expressions used and not defined in this Act, but defined in the Tenants Protection Act or in the Public Trusts Act shall, have the meanings respectively assigned to them in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

3. Cultivating tenant not to be evicted on the ground that he is in arrear.

- During the continuance of this Act, - (i) no application under the Tenants Protection Act or under Chapter III of the Public Trusts Act shall be made by, or at the instance of a landlord or a public trust, for the eviction of a cultivating tenant from his holding or any part thereof on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be; (ii) no cultivating tenant shall be evicted from his holding or any part, thereof by or at the instance of the landlord or the public trust concerned, whether in execution of a decree or order of a Court or otherwise on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be. Explanation. - For the purposes of this section and sections 4 and 7, "rent" means rent accrued due on or before the 20th day of February 1989.

4. Stay of applications and suits for eviction of a cultivating tenant.

(a) All applications under the Tenants Protection Act or under Chapter III of the Public Trusts Act; and (b) all suits, proceedings in execution of decrees or orders and other proceedings, for the eviction of a cultivating tenant, on the ground that he is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be, and pending before a Revenue Divisional Officer,

an authorised officer, a Court or other authority, as the case may be, shall stand stayed.

5. Exclusion of time for limitation.

- In computing the period of limitation or limit of time prescribed for a suit or an application for the eviction of a cultivating tenant or an application for the execution of a decree or order for such eviction, the time during which he was protected by sections 3 and 4 from eviction shall be excluded. Explanation. - A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

6. Continuance of applications and suits and proceedings after the expiration of the Act.

- All applications for the eviction of a cultivating tenant under the Tenants Protection Act or under Chapter III of the Public Trusts Act, as the case may be, and all suits and proceedings stayed under this Act, shall, after the expiration of this Act, be proceeded with subject to the provisions of any law which may, then, be in force, from the stage which had been reached when the application, suit or proceeding was stayed.

7. Right to restoration of possession of evicted cultivating tenant.

(1) Any cultivating tenant who had been evicted from any land on or after the 1st day of October 1986, but before the date of the publication of this Act in the Tamil Nadu Government Gazette, on the ground that such cultivating tenant was in arrear with respect to the rent payable to the landlord or the public trust, as the case may be, shall, on application to the Revenue Divisional Officer, or the authorised officer, as the case may be within a period of three months after the date of such publication, be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the Tenants Protection Act or under the Public Trusts Act, as the case may be: Provided that the application may be received after the period of three months aforesaid, but before the expiry of this Act, if the applicant satisfies the Revenue Divisional Officer or the authorised officer, as case may be, that he had sufficient cause for not making the application within the said period of three months. (2) The provisions of sub-section (4) of section 4 of the Tenants Protection Act or, as the case may be, sub-section (2) of section 20 of the Public Trusts Act shall, so far as may be, apply to an application under sub-section (1).

8. Act to override other laws contract, etc.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, the Public Trusts Act, the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief), Act, 1980 (Tamil Nadu Act 15 of 1980), the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief), Act, 1980 (Tamil Nadu Act 16 of 1980), the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984), the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Special Provisions) Act, 1986

(Tamil Nadu Act 60 of 1986), the Code of Civil Procedure, 1908 (Central Act V of 1908), or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a Court or other authority.