

# **Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964**

TAMILNADU

India

## **Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964**

### **Act 31 of 1964**

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Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964 (Tamil Nadu Act 31 of 1964) Statement of Objects and Reasons - Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964 (Tamil Nadu Act 31 of 1964). - In the Kanyakumari district, transferred to this State from the former State of Travancore-Cochin by the States Reorganisation Act, 1956 (Central Act 37 of 1956), there are certain lands called Sreepandaravaka lands which belong to the Sree Padmanabhaswami Temple at Trivandrum. The lands are not assessed to basic tax but are assessed to a favourable assessment called Rajabhogam. In addition to the Rajabhogam payable to the Government, the tenants holding the lands pay rent, both in kind and in cash, to Sree Padmanabhaswami Temple. The Government have decided that the tenants of these lands should be relieved of their liability to pay rent to the Temple, that the lands should be converted into ryotwari subject to payment of ryotwari assessment to the Government and that the Government should suitably compensate the Temple for the loss of its rental income from the lands. This Bill seeks to give effect to this decision. 2. The provisions of the Bill are explained in the Notes on Clauses. Published in Part IV-Section 4, page 90 of the Fort St. George Gazette Extraordinary, dated the 25th March 1964; for report of the Select Committee, see Part IV-Section 3, pages 205-224 of the Fort St. George Gazette Extraordinary, dated the 17th July 1964. Statement of Objects and Reasons - Tamil Nadu (Transferred Territory) Thiruppuvaram Payment Abolition Act, 1964 (Tamil Nadu Act 32 of 1964). - In the Kanyakumari district and the Shencottah taluk of the Tirunelveli district, which district and taluk were transferred to this State from the former State of Travancore-Cochin by the States Reorganization Act, 1956 (Central Act 37 of 1956), thiruppuvaram is payable in respect of certain lands. Thiruppuvaram is an assignment of revenue or of rent, payable in money or in kind or in both, made in favour of any religious, educational or charitable institution, or individual and recognized by customary law as thiruppuvaram or entered as such in the revenue accounts. According to section 9 of the Travancore-Cochin Land Tax Act, 1955 (Travancore-Cochin Act XV of 1955), thiruppuvaram is

payable by the landholder in addition to the basic tax due to the Government. After the proposed ryotwari settlement of the transferred territory, it would be unreasonable to insist on the payment of thiruppuvaram in addition to the ryotwari assessment. The Government have, therefore, decided that the landholders should be relieved of the liability to pay thiruppuvaram and that the Government should suitably compensate the thiruppuholders for the loss of their income from thiruppuvaram. This Bill seeks to give effect to this decision.<sup>2</sup> The provisions of the Bill are explained in the Notes on Clauses. Published in Part IV-Section 3 of the Fort St. George Gazette Extraordinary, dated the 26th March 1964, page 111. Statement of Objects and Reasons - Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974). - The Kanyakumari Devaswom Board was constituted after the reorganisation of States as per the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959) for the administration, supervision and control over the Incorporated and Unincorporated Devaswoms and all their properties and funds, in the transferred territory, namely, the Kanyakumari district and the Shencottah taluk of the Tirunelveli district. There are four hundred and fifty eight Incorporated and thirty-two Unincorporated Devaswoms in the transferred territory. The Commissioner, Hindu Religious and Charitable Endowments has reported that there is no co-operation among the members of the Board and that as a result of this, the management of the Devaswoms suffers. The Government have now decided that the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) be extended to the transferred territory with a provision for the appointment of a single Board of Trustees consisting of not more than five members for the administration of the Devaswoms in the transferred territory and their properties and funds.<sup>2</sup> It is proposed to make provision in the Act for the appropriation of surplus funds of the religious institutions, also for the performance of Hindu marriages among Hindus who are poor or in needy circumstances, in addition to the purposes mentioned in section 36.<sup>3</sup> The Government have decided to appoint executive officers for the temples under the control of maths and that such executive officers should be under the control of the trustees of the maths.<sup>4</sup> The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 9th April 1974, page 153. Received the assent of the President on the 28th September 1964 and first published in the Fort St. George Gazette, dated the 18th November 1964. An Act to provide for the acquisition of the Sree Padmanabhaswami Temple in the Sreepandaravaka lands in Kanyakumari district and the introduction of ryotwari settlement in such lands. Be it enacted by the Legislature of the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] in the Twenty-third Year of the Republic of India as follows:

## **1. Short title, extent and commencement.**

(1) This Act may be called the Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1964. (2) It extends to the whole of the Kanyakumari district. (3) It shall come into force on such date as the Government may, by notification, appoint.

## **2. Definitions.**

- In this Act, unless the context otherwise requires-(1)"appointed day" means the date appointed by the Government under sub-section (3) of section 1;(2)"Assistant Settlement Officer" means an Assistant Settlement Officer appointed under section 5 and having jurisdiction;(3)"fasli year" means the year commencing on the first day of July;(4)"financial year" means the year commencing on the first day of April;(5)"Government" means the State Government;(6)"holding" means any Sreepandaravaka land held by a tenant;(7)"rent" means whatever is lawfully payable, in money or in kind or in both, to the Temple by a person for the use or occupation of any Sreepandaravaka land;(8)"Settlement Officer" means a Settlement Officer appointed under section 4 and having jurisdiction;(9)"Sreepandaravaka lands" means land not belonging to the temple;(10)"temple" means the Sree Padmanabhaswami Temple at Trivandrum;(11)"tenant" means a person who holds Sreepandaravaka lands on pattom, otti, jenmom, kudijenmom, danam or under any other tenure by whatever name called and includes his heirs, legal representatives and assigns;(12)"Tribunal" means a Tribunal constituted under section 7 and having jurisdiction.

## **Chapter II**

### **Vesting of Sreepandaravaka Lands in Government**

#### **3. Vesting of Sreepandaravaka lands in Government.**

- With effect on and from the appointed day and save as otherwise expressly provided in this Act-(a)all Sreepandaravaka lands shall stand transferred to the Government and vest in them free of all encumbrances and all enactment applicable to ryotwari lands in the Kanyakumari district shall apply to the Sreepandaravaka lands;(b)all rights and interests created by the temple in or over such land before the appointed day, shall, as against the Government, cease and determine;(c)the Government may, after removing any obstruction that may be offered, forthwith take possession of the Sreepandaravaka lands and all accounts, registers, pattas, muchilik, maps, plans and other documents relating to Sreepandaravaka lands which the Government may require for the administration thereof:Provided that the Government shall not dispossess any person of any Sreepandaravaka land in respect of which they consider that he is prima facie entitled to a ryotwari patta, pending the decision of the appropriate authority under this Act as to whether such person is entitled to such patta;(d)the temple and any other person whose rights stand transferred under clause (a) or cease and determine under clause (b) shall be entitled only to such rights and privileges as are recognised or conferred on him, by or under this Act;(e)the rights and obligations in Sreepandaravaka lands of the temple as such shall be extinguished;(f)any rights and privileges which may have accrued in any Sreepandaravaka land to any person before the appointed day against the temple shall cease and determine and shall not be enforceable against the Government or against the temple, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him, by or under this Act.

#### **4. Appointment and functions of Settlement Officers.**

- As soon as may be, after the publication of this Act in [the Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.], the Government shall appoint one or more Settlement Officers to carry out the functions and duties assigned to them by or under this Act.

#### **5. Appointment and functions of Assistant Settlement Officers.**

(1)As soon as may be, after the publication of this Act in [the Fort St. George] [Now the Tamil Nadu Government Gazette.], the Government may appoint one or more Assistant Settlement Officers to carry out the functions and duties assigned to them by or under this Act.(2)Every Assistant Settlement Officer shall be subordinate to the Settlement Officer and shall be guided by such lawful instructions as he may issue, from time to time; and the Settlement Officer shall also have power to cancel or revise, within such period as may be prescribed, any of the orders, acts or proceedings of the Assistant Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

#### **6. Powers of Control of the [Board of Revenue] [The Board of Revenue was abolished by the Tamil Nadu Act 36 of 1980. Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.].**

- The [Board of Revenue] [Board of Revenue was abolished by the Tamil Nadu Act 36 of 1980. Now, Commissioner of Land Administration, vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] shall have power-(a)to give effect to the provisions of this Act;(b)to issue instructions for the guidance of the Settlement Officers and Assistant Settlement Officers;(c)to cancel or revise, within such period as may be prescribed, any of the orders, acts or proceedings of the Settlement Officers.

#### **7. Constitution of Tribunals.**

(1)The Government shall constitute as many Tribunals as may be necessary for the purposes of this Act.(2)Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.(3)Each Tribunal shall have such jurisdiction as the Government may, by notification from time to time, determine.(4)Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit or when hearing an appeal.

### **Chapter III**

### **Grant of Ryotwari Pattas**

## **8. Grant of ryotwari pattas.**

(1)With effect on and from the appointed day, every tenant shall be entitled to a ryotwari patta in respect of the Sreepandaravaka land held by him on that day.(2)Where in respect of any Sreepandaravaka land, no person is entitled to a ryotwari patta under sub-section (1), and the land vests in the Government, the grant of ryotwari patta in respect of that land shall be in accordance with such rules as may be made by the Government in this behalf.

## **9. Determination of Sreepandaravaka lands in respect of which any person is entitled to ryotwari patta.**

(1)The Assistant Settlement Officer shall, subject to the provisions of sub-section (2), inquire into the claims of any person for a ryotwari patta under this Act in respect of any Sreepandaravaka land and decide in respect of which land the claim should be allowed.(2)(a)Before holding the enquiry under sub-section (1), the Assistant Settlement Officer shall give notice in the prescribed manner to the Tahsildar of the taluk in which the Sreepandaravaka land is situated, to the tenant concerned and to such other persons as may be prescribed.(b)The Assistant Settlement Officer shall also publish in the prescribed manner in the village in which the Sreepandaravaka land is situated, the notice referred to in clause (a) and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision.(3)Against a decision of the Assistant Settlement Officer under sub-section (2), the Government may, within one year from the date of the decision, and any person aggrieved by such decision may, within three months of the said date, appeal to the Tribunal:Provided that the Tribunal may, in its discretion, allow further time not exceeding two months for the filing of any such appeal.Provided further that the Tribunal may, in its discretion, entertain an appeal by the Government at any time if it appears to the Tribunal that the decision of the Assistant Settlement Officer was vitiated by fraud or by mistake of fact.

## **10. Vesting of buildings.**

(1)Every building which immediately before the appointed day, belonged to the temple and was then being used as an office in connection with the administration of the Sreepandaravaka lands and for no other purpose, shall vest in the Government, free of all encumbrances, with effect on and from the appointed day.(2)If any question arises whether any building falls or does not fall within the scope of sub-section (1), it shall be referred to the Government whose decision shall be final.Explanation. - In this section, "building" includes the site on which it. stands and any adjacent premises occupied as an appurtenance thereto.

## **Chapter IV**

## **Survey and Settlement of Sreepadam Lands**

## **11. Survey and settlement of Sreepandaravaka lands.**

(1) In respect of every Sreepandaravaka Land, survey shall be made and ryotwari settlement shall be effected in accordance with the provisions of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of laws Order, 1969, as amended by the Tamil Nadu Adaptation of laws (Second Amendment) Order, 1969.] (Transferred Territory) Ryotwari Settlement Act, 1964 (Tamil Nadu Act 30 of 1964) (hereinafter referred to as the Settlement Act), and with effect on and from the appointed day, clause (ii) of section 3 of that Act shall be deemed to have been repealed. (2) Nothing in sub-section (1) shall be construed—(i) as entitling any person to a ryotwari patta for any Sreepandaravaka land in respect of which he has not made any claim under section 9; or (ii) as empowering the appropriate officer or authority to re-open any decision made under section 9.

## **12. Liability to pay land revenue to Government.**

(1)(a) Every person who becomes entitled to a ryotwari patta under sub-section (1) of section 8 in respect of any Sreepandaravaka land shall, for each fasli year commencing with the fasli year in which the appointed day falls; and (b) every person who becomes to a ryotwari patta under the rules made under sub-section (2) of section 8 in respect of any Sreepandaravaka land shall, for each fasli year commencing with the fasli year in which such patta is granted, be liable to pay to the Government in respect of such land the ryotwari assessment under the Settlement Act and pending the ryotwari settlement under that Act be liable to pay land revenue at the rates specified in sub-section (2). (2) The rate of land revenue referred to in sub-section (1) shall be fixed by the prescribed authority and in so fixing, the prescribed authority shall have regard to the rate of assessment for the nearest ryotwari land of similar description and with similar advantages in the Tirunelveli district.

## **Chapter V**

### **Payment of Compensation**

## **13. Payment of tasdik allowance to the temple.**

(1) For every fasli year commencing with the fasli year in which the appointed day falls, the Government shall, subject to the provisions of sub-section (2), pay as compensation to the temple for all the rights and interests vested in the Government under this Act, tasdik allowance as calculated in the manner specified in the Schedule. (2) If the aggregate of the amounts specified in items 2 and 3 of the Schedule together with the amount of tasdik allowance payable to the temple under section 11 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] (Transferred Territory) Thiruppuvaram Payment Abolition Act, 1964 (Tamil Nadu Act 32 of 1964), is less than one lakh and fifty thousand rupees, the Government shall pay the difference to the temple, for every fasli year commencing with the fasli year in which the appointed day falls, and, for this purpose, the net tasdik allowance specified in item 3 of the Schedule shall be deemed to have been enhanced by such difference.

#### **14. Contribution towards maintenance of certain Devaswoms.**

- The Government shall pay annually a sum of eighteen thousand rupees to [the Board of Trustees constituted under clause (b) of sub-section (1) of section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)] [Substituted by the Tamil Nadu (Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).] for the administration, management and maintenance by the said Board of the Devaswoms specified in Part II of Schedule II of the said Act.

#### **15. Manner of payment of tasdik allowance.**

- The tasdik allowance payable annually under this Act shall be paid in cash and in one lump sum.

### **Chapter VI Appeals**

#### **16. Appeals.**

(1)Against any decision of the Tribunal under sub-section (3) of section 9, the Government may, within six months from the date of the decision, and any person aggrieved by any such decision may, within three months from the date of the decision, appeal to the Special Appellate Tribunal consisting of two Judges of the High Court nominated, from time to time, by the Chief Justice in this behalf: Provided that the Special Appellate Tribunal may, in its discretion, allow further time not exceeding three months for the filing of such appeal. (2)The members of the Special Appellate Tribunal shall hear the appeal on all points, whether of law or of fact. Where on any such point or points the members are divided in their opinion, they shall state the point or points on which they are so divided and such point or points together with their opinion thereon shall, then, be laid before one or more Judges nominated for the purpose by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points and on each such point, the decision of the majority of the Judges who have heard the appeal including those who first heard it shall be deemed to be the decision of the Special Appellate Tribunal. (3)The Special Appellate Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when hearing an appeal. (4)Every decision of the Special Appellate Tribunal and, subject to such decision, every decision of the Tribunal, shall be binding on all person claiming an interest in any land notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in any proceeding before the Tribunal or the Special Appellate Tribunal, as the case may be.

### **Chapter VII Miscellaneous**

## **17. Rent, Rajabhogam, etc., to cease to accrue.**

(1)The rent payable to the temple by any person in respect of any Sreepandaravaka land, shall cease to accrue with effect from the end of the financial year immediately preceding the appointed day.(2)The Rajabhogam payable to the Government by any person in respect of any Sreepandaravaka land shall cease to accrue with effect from the end of the fasli year immediately preceding the appointed day.

## **18.**

[This section was repealed by section 35 of the Tamil Nadu (Transferred Territory) Thiruppuvaram Payment Abolition Act, 1964 (Tamil Nadu Act 32 of 1964).]

## **19. Transitional provision in regard to certain liabilities.**

(1)All claims and liabilities enforceable immediately before the appointed day against the temple in respect of any Sreepandaravaka land shall, on or after that day, be enforceable against the tasdik allowance payable to the temple under this Act to the same extent to which such claims and liabilities were enforceable against the interest of the temple in the Sreepandaravaka land immediately before the appointed day.(2)No Court shall, on or after the appointed day, order or continue execution in respect of any decree or order passed against the temple against the interest it had in the Sreepandaravaka land and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the tasdik allowance payable to the temple.(3)No Court shall, in enforcing any claim or liability against the temple in respect of any Sreepandaravaka land, allow interest at a rate exceeding six per cent per annum simple interest for any period after the appointed day.

## **20. Collection of arrears.**

(1)On and after the appointed day, the temple shall not be entitled to collect any rent which accrued due to him from any person in respect of any Sreepandaravaka land before, and is outstanding on that day; but the Tahsildar of the taluk concerned shall, subject to the provisions of sub sections (3) to (5), be entitled to collect all such rent and any interest payable thereon together with any costs which may have been decreed, as if they were arrears of land revenue; and there shall be paid to the temple all amounts so collected after deducting (a) two and a half per cent on account of collection charges, (b) the arrears of amount, if any, due from the temple to the Government, and (c) the rent, if any, collected before the appointed day by the temple from any person in respect of the financial year in which the appointed day falls.(2)All amounts which the Tahsildar is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable.(3)Notwithstanding anything contained in sub-sections (1) and (2), all such arrears of rent as are referred to in sub-section (1) shall be deemed to be discharged, whether or not a decree has been obtained therefor, if such person -(a)has paid before the appointed day the rent due for the three financial years immediately preceding that day; or(b)pays to the Tahsildar within three years



of the appointed day and in not more than two instalments per year, an amount equal to the arrears of rent due for the three financial years immediately preceding the appointed day.(4)In any suit or proceeding pending on the appointed day for the recovery of any arrears of rent referred to in sub-section (1), the Court or authority concerned shall, upon proof by the person of the payment as specified in. clause (a) or clause (b) of sub-section (3) or upon deposit in the Court or before the authority of the amount equal to the arrears of rent for the three financial years immediately preceding the appointed day, dismiss the suit or proceeding.(5)If before the appointed day, any decree or order has been passed in any suit or proceeding for the recovery of any arrears of rent due from any person, in respect of any Sreepandaravaka land, which is inconsistent with the provisions of this section, the Court or authority concerned shall, upon proof of the payment as specified in clause (a) or clause (b) of sub-section (3) or upon deposit in the Court or before the authority, of the amount equal to the arrears of rent due from the person for the three financial years immediately preceding the appointed day and on the application of any person affected by such decree or order, whether or not he was a party thereto, vacate the decree or order:Provided that nothing contained in this sub-section shall apply to any suit or proceeding in which the decree or order has been satisfied in full before the appointed day.

## **21. Right of occupier not to be affected by temporary discontinuance of possession or occupation.**

- Where a person-(a)is entitled to the possession or occupation of any Sreepandaravaka land immediately before the appointed day, but has transferred his right to the possession or occupation thereof or has been temporarily dispossessed or deprived of his right to the occupation thereof; and(b)has not, on that day, lost his right to recover the possession or occupation of such land, he shall, for the purposes of this Act, and subject to the provisions thereof, be deemed to be in possession, or occupation, of such land:Provided that any lawful transferee of the right to the possession or occupation of such land shall, save as otherwise expressly provided in this Act, continue to have the same rights against his transferrer as he had immediately before the appointed day.

## **22. Res judicata.**

(1)The decision of a Tribunal or the Special Appellate Tribunal in any proceeding under this Act on any matter falling within its jurisdiction shall be binding on the parties thereto and persons claiming under them, in any suit or proceeding in a Civil Court, in so far as such matter is in issue between the parties or persons aforesaid in such suit or proceeding.(2)The decision of a Civil Court, (not being the Court of a District Munsif or a Court of Small Causes) on any matter falling within its jurisdiction shall be binding on the parties thereto and persons claiming under them in any proceeding under this Act before a Tribunal or the Special Appellate Tribunal in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

## **23. Limitation.**

(1)A copy of every decision or order in any proceeding against which an appeal or revision is provided for under this Act shall be communicated in such manner as may be prescribed.(2)For the purpose of computing the period of limitation in respect of any appeal or application for revision against any decision or order, the date of communication of a copy of the decision or order to the appellant or applicant shall be deemed to be the date of the decision or order.(3)The provisions of section 4 and sub-section (1) and sub-section (2) of section 12 of the Limitation Act, 1963 (Central Act 36 of 1963) shall, so far as may be, apply to any appeal or application for revision under this Act.(4)Where under this Act an appeal or application for revision may be preferred to any authority or officer within a prescribed period or within such further time not exceeding a specified period as may be allowed by such authority or officer, the further time aforesaid shall be computed on and from the expiry of such prescribed period computed in accordance with the provisions of sub-sections (2) and (3).

## **24. Finality of orders passed under this Act.**

(1)Any order passed by any officer, the Government or other authority or any decision of the Tribunal or the Special Appellate Tribunal under this Act in respect of matters to be determined for the purposes of this Act shall, subject only to any appeal, or revision provided under this Act, be final.(2)No such order or decision shall be liable to be questioned in any Court of law.

## **25. Jurisdiction of Courts barred in certain cases.**

(1)No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.(2)(a)No suit, prosecution, or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.(b)No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of the duties, or the discharge of the functions imposed by or under this Act.(c)No suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder after the expiry of six months from the date of the Act complained of.

## **26. Liability of person unauthorisedly occupying Sreepandaravaka land to forfeiture of crops, etc.**

- When, under this Act, any person is dispossessed of any Sreepandravaka land, any crop or other produce raised on the land and any building or other construction erected or anything deposited thereon shall, if not removed by him after such written notice as the officer who issued the order for dispossession may deem reasonable, be liable to forfeiture. Forfeiture under this section shall be adjudged by the said officer and any property so forfeited shall be disposed of in such manner as

that officer may direct.

## **27. Provision for Sreepandravaka staff.**

- Notwithstanding any law, custom or contract to the contrary, the following provisions shall apply in regard to the persons employed in the Sanketham Department immediately before the appointed day:-(1)The Government shall have power to terminate the services of any such person after giving him one calendar month's notice or paying him one month's pay in lieu of such notice.(2)Persons whose services are retained shall be governed by such rules as the Government may make in regard to them.

## **28. Power to make rules.**

(1)The Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)all matters expressly required or allowed by the Act to be prescribed;(b)the time within which a claim under section 9 may be made;(c)the procedure to be followed by the Tribunal, the Special Appellate Tribunal, authorities and officers appointed, or having jurisdiction under this Act;(d)the delegation of powers conferred by this Act on the Government or any other authority, officer or person;(e)the time within which appeals and applications for revision may be presented under this Act in cases for which no specific provision in that behalf has been made therein;(f)the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) to applications, appeals and proceedings under this Act;(g)the fees to be paid in respect of applications and appeals under this Act;(h)the transfer of proceedings from one Tribunal, authority or officer to another.(3)A rule made under clause (d) of sub-section (2) may provide for restrictions and conditions subject to which the power delegated may be exercised and also for control and revision by the delegating authority, either suo motu or on application, of the orders of the authority or person to whom the power is delegated.(4)(a)All rules made under this Act shall be published in the [Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.] and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall unless they are expressed to come into force on a particular day, come into force on the day on which they are published.(5)Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of [the Legislative Assembly] [Substituted for 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or notification or [Legislative Assembly agrees] [Substituted for 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

## **29. Power to remove difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty. (2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of [the Legislative Assembly] [Substituted for 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such order or [Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

## **30. Act to override contract and other laws, etc.**

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract.

## **31. The temple not liable to maintain certain Devaswoms.**

- With effect on and from the appointed day, the temple shall not be liable, to maintain the Devaswoms mentioned in Part II of Schedule II to the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] [Act 30 of 1959]) [Tamil Nadu Act 30 of 1959 now stands repealed by section 16 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).] and the right to administer the said Devaswoms by the Temple shall cease.

## **32. Amendment of [Tamil Nadu Act] [Substituted by Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] 30 of 1959.**

- In the [Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959)] [Tamil Nadu Act 30 of 1959 now stands repealed by section 16 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).]. (i) in section 24, the Explanation shall be added, namely:- Explanation. - The sum of eighteen thousand rupees paid annually by the Government to the Board under section 14 of the Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Act, 1963 shall

be deemed to be the funds of the Unincorporated Devaswoms mentioned in Part II of the Schedule II;(ii)in Schedule II,-(a)after the heading "List of unincorporated Devaswoms", the following sub-heading shall be inserted, namely: -"Part I";(b)the following Part shall be added, at the end, namely:-

## Part II – {

| - | Serial number and name of group | Name of Devaswom | - | (1) | (2) | - | 1. Bhoothapandy Group | 1. Ninar Edakkavudayar KanthanSastha,Anan-thapuram | - | 2. Nagercoil Group | 2. Puthugramam, Ramanamatam, BhoothathanPuthugramam, Therror. | - | 3. VetabannoorEswarakalathampuram,Vem-babannoor, Neendakara. | - | 4. Padmanabhapuram Group | 4. Sree Bhoothanathaswamy, Rajakkamangalam | - | 5. Thiruvidadkode, Alloor. | - | 6. Edamala Sastha, Alloor. | - | 7. Kannanthitta Sastha, Alloor. | - | 8. Cherithala Sastha, Alloor. | - | 9. Elangeri Kantan Sastha, Alloor. | - | 10. Erattapadi Sree Padmanabhaswamy and KalpakaPillaiyar, Alloor. | - | 11. Notchikulam Sastha, Colachel. | - | 4. Kuzhithura Group | 12. Pottetty Sankaranainar KulathuMahadevar,Killiyoor | }

## Schedule

(See section 13)The net annual tasdik allowance shall be calculated as follows:

|  | Rs.    |
|--|--------|
| 1. Estimated ryotwari assessment from allSreepandaravaka lands vested in the Government under this Act onthe basis of the ryotwari settlements, after deducting collectioncharges, and (b) Rajabhogam payable to the (a)Governmentimmediately before the appointed day in respect of the said land | 64,589 |
| 2. Amount of annual maintenance for the Devaswomsreferred to in section 14 to be payable to the KanyakumariDevaswom Board.   | 18,000 |
| 3. Net annual tasdik allowance payable to thetemple, that is to say, the difference between items (1) and (2)  | 46,589 |