

Tamil Nadu Patta Passbook Act, 1983

TAMILNADU

India

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Act 4 of 1986

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Tamil Nadu Patta Passbook Act, 1983(Tamil Nadu Act 4 of 1986)Received the assent of the President on the 24th January 1986 and published in Part IV - Section 2 of the Fort St. George Gazette Extraordinary, dated the 30th January 1986.An Act to provide for the issue of Patta Pass Book to holders of agricultural lands.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows: -

1. Short title, extent and commencement.

(1)This Act may be called the Tamil Nadu Patta Pass Book Act, 1983.(2)It extends to the whole of the State of Tamil Nadu.(3)It shall come into force on such date as the Government may by notification, appoint and different dates may be appointed for different areas and for different provision of this Act.Notes. - Except sections 5,9,15 and 73 came into force on the 1st day of April 1993. Sections 5, 9 and 15 came into force on the 1st day of March 1996.

2. Definitions.

- In this Act, unless the context otherwise requires, -(1)"agriculture" includes, -(a)horticulture;(b)the raising of crops, grass or garden produce;(c)the use by an agriculturist of land held by him, or part thereof, for grazing;(d)the use of any land for the purpose of raising manure crops;(e)dairy farming;(f)poultry farming;(g)livestock breeding;(h)growing of trees;and "agricultural" shall be construed accordingly;(2)"credit agency" means any individual, co-operative credit society by whatever name called, including a land development bank, a commercial bank, a private bank or any other agency the main object of which is to lend money;(3)"Government" means the State Government;(4)"land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes sub-servant thereto and is either assessed to land revenue in the State or is subject to a local rate assessed and collected by officers of the Government as such and includes horticultural land, forest land, garden land, plantations, but does not include house site;(5)"limited owner" means any person entitled to a life estate in any land and includes

persons deriving rights through him. Explanation. - A person who has a right to enjoy the land during his lifetime shall be deemed to be a limited owner notwithstanding that he has no power to alienate the land; (6) "owner" means any person holding land in severally or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government and includes a full owner or limited owner but does not include a mortgagee, lessee or a tenant; (7) "patta pass book" means the patta pass book issued under section 3; (8) "person" includes any company, firm, society or association of individuals, whether incorporated or not, or any private trust or public trust; (9) "registering authority" means the registering officer appointed under the Registration Act, 1908 (Central Act XVI of 1908); (10) "Tahsildar" means the Tahsildar having jurisdiction over the area in which the land is situated or any other officer of the Revenue Department not below the rank of Deputy Tahsildar authorised by the Government, by notification to exercise the powers conferred on, and discharge the duties imposed upon, the Tahsildar under this Act, for such areas as may be specified in the notification.

3. Issue of patta pass book.

(1) The Tahsildar shall issue a patta pass book to every owner in respect of land owned by him, on an application made by him in this behalf. Any application received under this section shall be acknowledged by the Tahsildar or any other officer authorised by him in this behalf. (2) A taluk shall be the unit for the issue of patta pass book. (3) (a) As soon as may be after the publication of the notification under subsection (3) of section 1 bringing this section into force in an area and before undertaking the work relating to the issue of the patta pass book, the Tahsildar shall publish a notice in each village in such area informing the public that patta pass book is to be issued under this Act to every owner and such owner shall apply for the issue of patta pass book as provided under this section. (b) The notice shall contain such further particulars and shall be published in such manner, as may be prescribed. (4) The application under sub-section (1) shall be in such form, shall contain such declaration and particulars, and shall be made in such manner and within such time, as may be prescribed. (5) In cases where no application has been made by any owner within the time-limit referred to in sub-section (4) in respect of any land, the Tahsildar shall, based on the entries made in the records available in his office, cause a notice to be served on the owner of the land concerned requiring him to furnish any information or produce any document for his inspection and also to make his representation, if any, in writing for making necessary entries in respect of the land concerned in the Register of Patta Pass Book maintained by him and for the purpose of issuing the patta pass book. (6) (a) Any owner on whom a notice has been served under sub-section (5) shall be bound to furnish or produce for the inspection of the Tahsildar within such time as may be specified in such notice or within such further time not exceeding thirty days as the Tahsildar may, in his discretion, allow, all such information or documents needed for making necessary entries in the Register of Patta Pass Book in respect of the land concerned or for the purpose of issuing the patta pass book, as may be within his knowledge or in his possession or power. (b) Where, any information is furnished or any document is produced in accordance with the notice under sub-section (5), the Tahsildar or any officer authorised by him in this behalf shall give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on such document a note under his signature stating the fact of its production and the date thereof. (7) On receipt of the application under sub-section (1) or on the basis of information obtained by the Tahsildar under clause (b) of

sub-section (6), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the persons having interest in the land to make their representations either orally or in writing. After considering the claims of the persons having interest in the land, the Tahsildar shall determine as to whom the patta pass book is to be issued and shall issue a patta pass book accordingly to the owner of the land concerned: Provided that in the case of any owner who has not made an application under sub-section (1) and in respect of whom a notice has been served under subsection (5), no patta pass book shall be issued by the Tahsildar, unless a declaration in the prescribed form is filed by the owner concerned before the Tahsildar: Provided further that in any case where the Tahsildar is satisfied that any person is not the owner of any land for which a patta pass book is applied for or claimed, he shall, for reasons to be recorded in writing, reject the application or claim, for the issue of a patta pass book in respect of such land. (8) The patta pass book shall be in such form as may be prescribed and contain the following particulars, namely: -(a) the survey number or sub-division number, extent and local name, if any, of the land; (b) the name and address of the owner; (c) such other particulars as may be prescribed. (9) While issuing a patta pass book under this section, the Tahsildar shall cause all the entries and particulars as contained in such patta pass book, to be made in the Register of Patta Pass Book maintained in the office of the Tahsildar for the purpose of record. The Register of Patta Pass Book shall be in such form and maintained in such manner, as may be prescribed. (10) The patta pass book shall be issued under this section on payment of such fees as may be prescribed.

4. Presumption of correctness of entries in the patta pass book.

- The entries in the patta pass book and the certified copy of entries in the patta pass book shall be presumed to be true and correct until the contrary is proved or a new entry is lawfully substituted therefor.

5. Making of entries of registration of alienation or transfer in the patta pass book.

(1) No document relating to transfer of any land by sale, gift, mortgage exchange, settlement or otherwise shall be registered by the registering authority, unless the patta pass book relating to such land is produced before such registering authority. (2) No document referred to in sub-section (1) shall be registered by the registering authority, unless the person liable to pay the registration fees also pays to the registering authority such fees as may be prescribed for making necessary entries relating to such transfer in the patta pass book. On the registration of such document and after making necessary entries in the patta pass book, the registering authority shall make a report of such registration, and also send a certified extract of the said entries to the Tahsildar. (3) On receipt of the certified extracts of the entries relating to such transfer, the Tahsildar shall cause necessary changes to be carried out in the Register of Patta Pass Book maintained by him and shall also cause necessary changes to be carried out in the patta pass book already issued under section 3, or as the case may be, issue a new patta pass book, after sub-division, if necessary, within such time and on collection of such fees, as may be prescribed.

6. Entries in the patta pass book to be prima facie evidence of title.

- The entries in the patta book issued by the Tahsildar under section 3 shall be prima facie evidence of title of the person in whose name the patta pass book has been issued to the parcels of land entered in the patta pass book, free of any prior encumbrance, unless otherwise specified therein.

7. Acquisition of rights to be reported.

(1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, or otherwise, or by decree or order of a Court or by order of the Government or other authority any right in or over any land as owner shall report in writing his acquisition of such right to the Tahsildar within three months from the date of such acquisition or within such further period, as may be prescribed, and the said officer shall give a written acknowledgment of the receipt of the report to the person making it: Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Tahsildar: Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the Tahsildar. Explanation. - A person in whose favour a mortgage is discharged or extinguished, acquires a right within the meaning of this section. (2) On receipt of report under sub-section (1), the Tahsildar shall cause necessary changes to be carried out in the Register of Patta Pass Book maintained by him and shall also cause necessary changes to be carried out in the patta pass book already issued under section 3, or as the case may be, issue a new patta pass book after sub-division, if necessary, within such time and on collection of such fees, as may be prescribed: Provided that, before causing any such change to be carried out or issuing such new patta pass book, the Tahsildar shall follow the procedure laid down in sub-section (7) of section 3.,

8. Certified copies.

- Application for certified copies of entries in the Register of Patta Pass Book may be made to, and such copies may be issued by, the Tahsildar, in such manner and on collection of such fees as may be prescribed.

9. Presentation of patta pass book before credit agency.

- Every owner of the land taking financial assistance or a loan from any credit agency on security of land, shall produce the patta pass book relating to his land to such credit agency. The credit agency shall cause the necessary entries being made in the patta pass book, giving particulars of such financial assistance or loan and the charge or mortgage created by the owner in respect of the land in the respective columns provided in the patta pass book, in such manner as may be prescribed. A copy of the extract of the said entries shall also be sent by the credit agency to the Tahsildar within such period as may be prescribed. On receipt of such copy of extract, the Tahsildar shall make the necessary entries of the grant of such financial assistance or loan and the creation of charge or mortgage in respect of the land held by such owner in the Register of Patta pass Book maintained by

him.

10. Modification of entries in the patta pass book.

(1) Where any person claims that any modification is required in respect of any entry in the patta pass book already issued under section 3 either by reason of the death of any person or by the reason of the transfer of the land or by reason of any other subsequent change in circumstances, he shall make an application to the Tahsildar for the modification of the relevant entries in the patta pass book. (2) An application under sub-section (1) shall contain such particulars, as may be prescribed, and shall be accompanied by the documents, if any, relied on by the applicant as evidence in support of his claim. (3) (a) Before passing an order on an application under sub-section (1), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing. If the Tahsildar decides that any modification should be made in respect of entries in the patta passbook, he shall pass an order accordingly and shall make such consequential changes in the patta pass book, as appear to him to be necessary, for giving effect to his order. (b) If the Tahsildar decides that there is no case for effecting any modification of the entries in the patta pass book, he shall reject the application. (c) An order under clause (a) or clause (b) shall contain the reasons for such order and shall be communicated to the parties concerned in such manner as may be prescribed.

11. Persons to furnish information.

(1) Any person whose rights or interests are required to be, or have been entered in any patta pass book under this Act shall be bound, on the requisition of the Tahsildar engaged in preparing or modifying the entries in the patta pass book, to furnish or produce for his inspection within such time as may be specified in such requisition or within such further time as the Tahsildar may, in his discretion allow, all such information or documents needed for the correct preparation or revision thereof as may be within his knowledge or in his possession or power. (2) Where any information is furnished or any document is produced in accordance with the requisition under sub-section (1), the Tahsildar or any officer authorised by him in this behalf shall give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on such document a note under his signature stating the fact of its production and the date thereof.

12. Appeal.

- Any person aggrieved by an order made by the Tahsildar under this Act may, within such period as may be prescribed, appeal to such authority as may be prescribed and the decision of such authority on such appeal shall, subject to the provisions of section 13, be final.

13. Revision.

- Any officer of the Revenue Department not below the rank of District Revenue Officer authorised by the Government, by notification, in this behalf for such area as may be specified in the

notification, may of his own motion or on the application of a party call for and examine the records of any Tahsildar or appellate authority within his jurisdiction in respect of any proceeding under this Act and pass such orders as he may think fit: Provided that no such order prejudicial to any person shall be made unless he has been given a reasonable opportunity of making his representation.

14. Bar of suits.

- No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any patta pass book that is maintained under this Act or to have any such entry omitted or amended: Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963); and the entry in the patta pass book shall be amended in accordance with any such declaration.

15. Certified copies of records to be annexed to plaint or application.

(1) The plaintiff or applicant in every suit or application, as hereinafter defined relating to land situated in any area to which this Act applies shall annex to the plaint or application a certified copy of an entry in the Register of Patta Pass Book or the patta pass book relevant to such land. (2) If the plaintiff or applicant fails to do so, for any cause which the Court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court and if such certified copy is not so annexed or produced, the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter with a certified copy annexed. (3) In this section, - (a) "suit" means a suit to which the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) apply; (b) "application" means an application, - (i) for the execution of a decree or order in a suit; (ii) for the filing of an agreement stating a case for the opinion of the Court under the said Code of Civil Procedure, 1908 (Central Act V of 1908); (iii) for the filing of an agreement to refer to arbitration under section 20 of the Arbitration Act, 1940 See [(Central Act 10 of 1940)] [now the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996).]; (iv) for the filing of an award under section 14 of the said Arbitration Act; (v) of any other kind to which the Government may, by notification, direct that this section shall apply; (c) an application shall be deemed to relate to land, if the decree or other matter with respect to which an application is made, relates to land.

16. Penalty for failure to furnish information.

- If any person fails to furnish any information or to produce any document requisitioned under subsection (5) of section 3 or under section 11 within the time specified in the requisition under that section or within the further time, if any, allowed by the Tahsildar under that section, he shall be punishable with fine, which may extend to, two hundred rupees.

17. Penalty for furnishing false information.

- If any person who is required to furnish any information under this Act, furnishes any information which he knows, or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees.

18. Cognizance of offences.

- No Court shall take cognizance of any offence punishable under this Act except on complaint in writing made by an officer authorised in this behalf by the Government.

19. Protection of action taken in good faith.

- No suit or other legal proceeding shall lie against any officer or authority for anything which is, in good faith, done or intended to be done in pursuance of this Act or any rule made thereunder.

20. Exemption.

- Nothing contained in this Act shall apply to any land owned by the Central Government or any State Government or any local authority.

21. Act to override other laws.

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

22. Power to make rules.

(1)The Government may make rules for carrying out the provisions of this Act.(2)All rules made under this Act shall be published in 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.(3)Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or the Legislative Assembly agrees that the rule should not be made, the rule 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.

23. Issue of patta pass book for house site.

(1)The Tahsildar shall issue a patta pass book to every owner in respect of the house site owned by him.(2)Save as otherwise provided in this Act, the provisions of this Act and the rules made

thereunder shall, so far as may be apply in relation to the issue of patta pass book for house site under this section, as they apply in relation to the issue of patta pass book for land under this Act.Explanation. - For the purposes of this section, -(a)"house site" means a plot of land held for building purposes, whether any building is actually erected thereupon or not, and includes the open ground or courtyard enclosed by, or adjacent to, any building erected thereupon, but does not include land as defined in clause (4) of section 2;(b)"owner" means any person holding house site in severally or jointly or in common either, as full owner or limited owner, but does not include a mortgagee, lessee or tenant;(c)"Patta pass book" means the patta pass book issued under this section.

24. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to them to be necessary or expedient for removing the difficulty:Provided that no order shall be made after the expiry of two years from the date of publication of this Act in the Tamil Nadu Government Gazette.(2)Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.