

Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1997

TAMILNADU

India

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Act 20 of 1997

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Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1997(Tamil Nadu Act 20 of 1997)Statement of Objects and Reasons. - Certain areas in this State have been affected by drought and floods in recent years and agriculturists have lost their crops and are unable to pay the lease rent. Hence, they face eviction for default in payment of lease rent.2. Certain cultivating tenants have made representations to the Government that they be given relief as they have suffered from successive natural calamities. Therefore, the Government have decided that the cultivating tenants be given some relief by postponing the collection of arrears of lease rent accrued due to the landlord on or before the 30th day of June 1996 and outstanding on the date of the publication of the proposed Act or rent payable for the each year ending with the 30th day of June 1997 or both for a period up to 30th June 1999 in the drought affected areas and flood affected areas in this State and that the tenants may not be evicted for non payment of the said lease rent amount during the period of postponement. It has also decided that the base rent for the faslis commencing from 1st July 1997 shall be payable in time and that the lease rent arrears now postponed shall become payable on 1st July 1999.3. The Bill seeks to give effect to the above decisions.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 31st April 1997.Received the assent of the President on the 22nd April 1997 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 25th April 1997.An Act to provide for the protection from eviction of cultivating tenants who are in arrears with respect to the rent payable to the landlord.Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-eighth Year of the Republic of India as follows:-

1. Short title, application, commencement and duration.

(1)This Act may be called the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1997.(2)It applies to all cultivating tenants in the drought affected areas and flood affected

areas.(3)It shall be deemed to have come into force on the 1st day of July 1996 and shall remain in force up to and inclusive of the 30th day of June 1999.(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)"drought affected areas" means the areas specified in Schedule I in this Act;(c)"flood affected areas" means the areas specified in Schedule-II to this Act;(d)"Public Trusts Act" means the Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961);(e)"Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955);(f)words and expression 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 section 4 and 7, "rent" means the total amount of arrears of rent accrued due to the landlord on or before the 30th day of June 1996 and outstanding on the date of the publication of this Act or rent payable for the fasli year ending with the 30th day of June 1997 or both.

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 authorized 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 decree or order for the eviction of cultivating tenant notwithstanding that any other relief is also granted by such decree or order.

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

- All application 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 other proceedings 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 July 1996 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 authorized 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 authorized Officer, as the 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 over ride 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 Mood Affected Areas Cultivating Tenants (Special Provisions) Act, 1986 (Tamil Nadu Act 60 of 1986), the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 28 of 1990), 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.

9. Power to amend Schedules.

- The State Government may, by notification from time to time, include any drought affected area or flood affected area in Schedule I or Schedule II, as the case may, be to this Act.

I

[See section 2(b) and 9]Drought-Affected AreasName of the District-

- 1. Chidambaranar**
- 2. Kanniyakumari.**
- 3. Ramanathapuram.**
- 4. Kamarajar.**
- 5. Tirunelveli-Kattabomman.**
- 6. Coimbatore.**
- 7. Pudukkottai.**
- 8. Tiruchirappalli-Perumbidugu Mutharayar.**
- 9. Karur-Dheeran Chinnamalai.**
- 10. Perambalur-Thiruvalluvar.**
- 11. Thanjavur.**
- 12. Pasumpon Muthuramalinga Thevar.**
- 13. Nagai Quaid-e-Milleth**

14. South Arcot Vallalar.

15. Salem.

16. Villupuram Ramasamy Padayachiar.

17. Thiruvannamalai-Sambuvarayar.

18. Madurai.

19. Dindigul Mannar Thirumalai.

II

[See sections 2(c) and 9]Flood Affected AreasName of the Districts

1. South Arcot-Vallalar.

2. Villiipuram-Ramasamy Padayatchiar.

3. Nagfii-Quaid-e-Milleth.

4. Thanjavur.

5. Tiruvarur-A.T.Pannecirselvam.

6. Thiruvannamajai'-Sambuvarayar.

7. Perambalur-Thiruvalluvar.

8. Tiruchirappalli Perumbidugu Mutharayar.

9. Anna.

10. M.G.R.