

Tamil Nadu Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1984

TAMILNADU

India

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Act 32 of 1984

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Tamil Nadu Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1984(Tamil Nadu Act 32 of 1984)Statement of Objects and Reasons. - There had been failure of monsoon in the years 1981-82 and 1982-83 in this State and the cultivating tenants were not, in position to pay the rent for the fasli year ending with the 30th June 1983 and for any previous fasli year. It was, therefore, considers necessary to give protection to such defaulting tenants from eviction on ground of default in payment of the said rent till the 15th January 1984. Accordingly, the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1983 (Tamil Nadu Act 26 of 1983) was enacted.2. Due to continuous failure of monsoon for the last two years I and followed by floods in December 1983 which caused severe damage to the crops raised in certain areas in this State, the cultivating tenants therein have been adversely affected. They would not be in a position to pay the arrears of rent for the fasli year ending with the 30th June 1983 and for any previous fasli year and also for the current fasli year ending with the 30th June 1984. As there would be spare of petitions before the Courts for realisation of arrears of rent after the 15th January 1984, it will not be possible for the cultivating tenants in the flood affected areas to pay all the past arrears of rent at once. It is, therefore, considered necessary that such defaulting tenants in the flood affected areas are protected till the 15th January 1985 from eviction on the ground of default in payment of the said rent.3. It is also proposed to restore possession of lands to such tenants who have been evicted on or after the 15th January 1984 and before the date of the publication of the proposed Act for default in payment of rent.4. The Bill seeks to achieve the above objects.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette, dated 19th March 1984.Received the assent of the President on the 6th August 1984 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated 9th August 1984.An Act provide temporary relief to cultivating tenants in the flood affected areas in the State of Tamil NaduWhereas by the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1983 (Tamil Nadu Act 26 of 1983), cultivating tenants in the State were given protection from eviction on the ground of arrears of rent;And Whereas the said Act, as in force only

up to and inclusive of the 15th day of January 1984; And Whereas there had been widespread flood causing loss of human lives, cattle and damage to property and standing crops in many areas; And Whereas the cultivating tenants are not in a position to pay the rent in the flood affected areas; And Whereas it is in the interests of the cultivating tenants that at the present time, the cultivating tenants be spared the distractions and expenditure involved in litigation launched by the landlords or public trusts; Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fifth Year of the Republic of India is follows:-

1. Short title, commencement and application.

(1) This Act may be called the Tamil Nadu Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1984. (2) It shall come into force at once and shall remain in force up to and inclusive of the 15th day of January 1985. (3) It applies to all cultivating tenants in the flood affected areas.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a) "agricultural land" means land used for agriculture or horticulture, not being land appurtenant to a residential building; (b) "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; (c) "flood affected areas" mean the areas specified in the Schedule to this Act; (d) "pay" with its grammatical variations, includes deliver; (e) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1361 (Tamil Nadu Act 57 of 1961); (f) "rent" means rent accrued due in respect of any agricultural land for the fasli year ending with the 30th day of June 1984 and for any previous fasli year and includes any amount or compensation accrued due for the said period, for the use and occupation of house property or any other immovable property; (g) "suit" or "application" shall include an appeal from a decree or order passed in a suit or application or an application for revision or review; (h) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955); (i) words and expressions based and not defined in this Act but defined in the Tenants Protection Act or in the Public Trusts Act shall have the meaning respectively assigned to them in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

3. Bar of suits and applications.

- During the continuance of this Act, -(i) no suit, for the recovery of rent shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of rent shall be, made, against any cultivating tenant in any Civil or Revenue Court. Explanation I. - "Suit" does not include a claim to a set-off made in a suit instituted by a cultivating tenant. Explanation II. - A suit shall be deemed to be a suit for the recovery of rent notwithstanding that, other reliefs are prayed for in such suit, and a decree shall be deemed to be a decree for payment of money passed in such suit notwithstanding that other reliefs are granted by such decree; (ii) 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, the ease may be;(iii)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.

4. Stay of proceedings.

(1)All further proceedings in suits and applications of the nature mentioned in section 3 in which relief is claimed against a cultivating tenant not, being proceedings for the amendment of pleadings or for the addition, substitution, or the striking off of parties, but otherwise inclusive of proceedings consequent on orders or decrees made in appeals, revision petitions, or applications for review, shall, subject to the next succeeding sub-section, stand stayed:Provided that in regard to property under attachment, the court may pass such, orders as it deems necessary for the custody or preservation, of the property or for the sale of such property if it is subject to speedy or natural decay, or, if in respect of it the expenses of custody or preservation are considered excessive.(2)On application made by the defendant or the respondent or by all the defendants or all the respondents, as the case may be, the stay effected by subsection (1) in a suit or application shall be dissolved and the suit or application shall be proceeded with from the stage which had been reached when further proceedings in the suit or the application were 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 recovery of rent or for the eviction of a cultivating tenant or an application for the execution of a decree or order for the recovery of rent or for such eviction, the time during which he was protected by sections 3 and 4 shall be excluded.Explanation. - A decree or order shall be deemed to be a decree or order for the recovery of rent or for 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 ease maybe, 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 staged which had been reached when the application, suit or proceeding was stayed.

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

(1)Notwithstanding anything contained in any judgement or decree or order of any court or other authority and subject to the provisions of this Act, every cultivating tenant who had been evicted from any land on or after the 16th day of January 1984, but-(i)before the date of the publication of this Act in the Tamil Nadu Government Gazette, in the case of such cultivating tenant in any flood affected area specified in the Schedule to this Act on the date of such publication; and(ii)before the date of the publication of the notification under section 10 in the Tamil Nadu Government Gazette, in the case of such cultivating tenant in any flood affected area included in the Schedule to this Act by such notification, 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, within, such period as may be prescribed 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.(2)The provisions of sub-section (4) of section 4 of the Tenants Protection Act or as the case may be, sub-section (4) of section 20 of the Public Trusts Act shall, so far as may be, apply to applications 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 or in the Public Trusts Act or in the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act 1980 (Tamil Nadu Act 15 of 1980) or in the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Reliefs Act, 1980 (Tamil Nadu Act 16 of 1980) or in 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 make rules.

(1)The State Government may make rules to carry out the purposes 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] [Substituted for the words 'both Houses of the Legislature' by 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 the words 'both Houses agree' by Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by Tamil Nadu Adaptation of Laws Order, 1987.] 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.

10. Power to amend Schedule.

- The State Government may by notification, from time to time, include any flood affected area in the Schedule to this Act.

Schedule

[See sections 2(c) and 10]

Name of the taluk	Name of the villages
1	2
South Arcot District	
Cuddalore	<ol style="list-style-type: none"> 1. Alapakkam. 2. Kambalimedu 3. Kayalpattu 4. Andaramulupalam. 5. Thanur. 6. Adinarayanapuram 7. Thecrthangiri. 8. Sirupalaiyur. 9. Kundiyamallur. 10. Ayikuppam. 11. Sadakondampattu 12. Anukkampatti 13. Kothavacheri. 14. Kalgunam. 15. Melapudupettai. 16. Boothambadi. 17. Adoor Agaram. 18. Guruvappa pettai
Chidambaram	All Villages.
Kattumannarkoil	All Villages.
Virudhachalam	<ol style="list-style-type: none"> 1. Puduillavaraasampattu 2. Aziz Nagar. 3. Otimodu. 4. Pevuvavambur. 5. M. Pavalangudi. 6. Kattiyanallur.

Vanur

7. Perundurai.
8. Keelamaagalam.
1. Vilvanatham.
2. Appiliampaltu.
3. Kaluperumbakkam.
4. Koluvari.
5. Karattai.
6. Aruvadai.
7. Komadipet.
8. Kayalmedu.
9. Sithalapakkam.
10. Kilapakkam.
11. Venkaram.
12. Nallamur.
13. Thalakkauikuppam.
14. Devanandal.
15. Olagapuram.
16. Uppuvelur.
17. T. Parankani
18. Kumalampet
19. Peruvur.
20. Pudukuppam.
21. Sadacherri.
22. Konjiisiangalam

Thanjavur District

- | | |
|---------------------|--------------|
| 1. Thanjavur | All Villages |
| 2. Thiruvaiyaru | All Villages |
| 3. Orathanad | All Villages |
| 4. Kumbakonam | All Villages |
| 5. Thiruvidamarudur | All Villages |
| 6. Papanasam | All Villages |
| 7. Valangajman | All Villages |
| 8. Mayiladuthurai | All Villages |
| 9. Tharangambadi | All Villages |
| 10. Sirkali | All Villages |
| 11. Nagapattinam | All Villages |
| 12. Tiruvarur | All Villages |

13. Nannilam	All Villages
14. Kodavasal	All Villages
15. Mannargudi	All Villages
16. Needamangalam	All Villages
17. Tiruthuraipoondi	All Villages
18. Vedaranyam	All Villages
19. Patcukottai	All Villages
20. Peravurani	All Villages
Pudukkottai District	
Kulathur	1. Velathupatti.
	2. Irundirappatti.
	3. Thirunaliyur
	4. Kattakudi.
	5. Mangadevanpatti.
	6. Odungaupatti.
	7. Valamangalam.
	8. Andakullam.
	9. Killanur.
	10. Kunnandarkoil.
	11. Minnatura
	12. Moottampattu.
	13. Sathininatti.
	14. Seerangapatti
	15. Themmavur.
	16. Thennangudi.
	17. Uchani.
	18. Vathanakkottai.
	19. Veerakkadi.
	20. Lakshmanapatti.
	21. Mathur.
	22. Perambur.
	23. Narthamalai.
	24. Ammachahdram.
	25. Vellanur.
	26. Shathiyamangalam.
	27. Melur.
	28. Thodaiyur.

Aranthangi

29. Muthukkadu.
30. Poongudi.
31. Pakkudi.
32. Kongudipatti
1. Amarasimandrapuram.
2. Kodivayal.
3. Mannugudi
4. Vijayapuram.
5. Ambalpuram.
6. Pidarikadu.
7. Subramaniapuram.
8. Koohanur.
9. Rayanavayal.
10. Arasarkulam West.
11. Mangalandu.
12. Gopalpuram.
13. Bhramanavayal.
14. Nilaiyur.
15. Egaperumalur.
16. Adalaikalabairavapuram
17. Karaikadu,
18. Eganivayal.
19. Thedakki.
20. Athani North.
21. Mavalitiganondai.
22. Thirunellivayal.
23. Thinayakudi.
24. Dkaramarajnwayal.
25. Thiruvappadi.
26. Kalagamangalarn.
27. Vettanur.
28. Pangayathangudi.
29. Singavanam.
30. Thalikottai.
31. Potivayal.
32. Karakkottai.
33. Ommalkanavaysil.

34. Kambarkoll.
 35. Vinaitheerthagopalapuram.
 36. Nagudi.
 37. Arunachalapuram.
 38. Kalakkudi
 39. Manavenallur
 40. Kokkumootai.
 41. Kadaiedaiyathur.
 42. Karavaval.
 43. Keelkudi.
 44. Kandichaakadu.
 45. Vellattumangalam.
 46. Meivayal
 47. Ammanjakki.
 48. Bramamvayal.
 49. Ncervilangulam.
 50. Edaiyathur.
 51. Memangalam.
 52. Kundagavayal.
 53. Mangudi.
 54. Vellavari.
 55. Sathanandal.
 56. Ramasamipuram.
 57. Balakrishnapuram
 58. Ayingudi.
 59. Neivelinathapuram.
 60. Ncivathali.
 61. Morpanaikadu.
 62. Vettanur II.
 63. Maiigalanadu West
 64. Arasarkulam East
 65. Athani South
1. Pilaviduthi.
 2. Theethanividuthi.
 3. Rangianviduthi.
 4. Kalandiranpaltu.
 5. Sengamedu.

Alangudi

6. Thiruppakkovil.
7. Odappaviduthi.
8. Kattathi.
9. Kaliyaranviduthi.
10. Kilangadu.
11. Mudalipatti.
12. Pappapatti.
13. Kallumadai.
14. Regunalhapuram
15. Keerathur.
16. Thatlamanaiipatti.
17. Peyadipatti.
18. Banduvakottai.
19. Karuppattipatti.
20. Athiratwiduthi.
21. Valengondanviduthi
22. Eohanvidutlu.
23. Thirumanancheri.
24. Ilaikadividuthi
25. Pattathikkadu.
- 26 Kalabam.
27. Mangottai.
28. Neduvasal Melpathi
29. Pallathividuthi.
30. Pudukkottaividuthi.
31. Vadakadu.

Thirumavam

1. Ammankuruchi.
2. Nagarapattt.
3. Mullipatti.
4. Melathaniam.
5. Karalyur.
6. Karamangalam
7. Samuthiram.
8. Nedungudy.
9. Pud unilaivayal
10. Piliyavayal.
11. Valaramanickani.

	12. Agavayal.
	13. K. Rayavaram.
	14. Kumrnangudy.
	15. Kannankarankudi.
	16. Mirattuniiai.
	17. Perungudy.
Pudukkottai	1. Vagavasal.
	2. Sembattur.
	3. Puthambur.
	4. Kavinadu West.
	5. Kavinadu East.
	6. Adanakottai.
	7. Varappur.
	8. Sammattividuthi.
	9. Vadavalam.
	10. Perungalur.
Tiruchirappalli District	
Tiruchirappalli	All villages.
Lalgudi	1. Pullampadi.
	2. Kovandakurichi.
	3. Puthurpalayam.
	4. Alambadi.
	5. Virahalur.
	6. Madakkudi.
	7. V. Thuraiyur.
	8. Sirumarudur.
	9. Marudur.
	10. Keezhaperungavur.
	11. Nagar.
	12. Nerunchalakudi.
	13. Valadi.
	14. Poovalur.
	15. Manakkal.
	16. Thiramangalam.
	17. Adhikudi.
	18. Sathamangalam.
	19. Angarai.

	20. Siruthaiyur.
	21. L. Abizhekapuram.
	22. Natharoangudi.
	23. Alangudi Mahajanam.
	24. T. Kallikkudi.
	25. Komakkudi.
	26. Thinniyam.
	27. Keezhanpil.
	28. Mettuppatti.
	29. Sirumayangudi.
	30. Konnaikudi, hamlet of Jengamarajapuram.
	31. Mangammalpuram.
	32. Peruvalanallur.
	33. Ariyur.
	34. Agalanganallur Pandaravadai.
	35. Mummudisolamangalam.
Ariyalur	1. Kovil Esanal
	2. Manjamedu
	3. Thoothur.
	4. Villupanankurichi.
	5. Guruvadi.
	6. Elakurichi
	7. Oriyur.
Jayamkondam	1. Kulothunganalhir.
	2. Kattagavam.
	3. Thaluthalaimeedu.
	4. Angarayanallur.
	5. Kadambur.
	6. Sri Puranthan.
	7. Thenkatchi Perumal Natham.
	8. T. Palur.
	9. Kodamgudi.
	10. Edanganni.
	11. Kodalikiruppur
	12. Udayanatham. .
Perambalur	1. Arumbavur.

	2. Thondamanthurai.
	3. Vembavur.
	4. V. Kalathur.
	5. Pimbalur.
	6. Koodalur.
	7. Varagupadi.
Kulithalai	1. Nangavaram (North).
	2. Nangavaram (South).
	3. Sooriyanur.
Manapparai	1. T. Eraiypatti.
Chengalpattu District	
	1. Arampakkam.2.
	Senapudur.3.Rovalampedu.
Sriperumbudur	1. Thirumazhisai.
	2. Nemam.
	3. Kotiampakkam.
	4. Thirurnudivakkam.
	5. Kunnathur.
	6. Mangadu.
Ponneri	1. Thathamangi.
	2. Sirpanacheri.
	3. Athumanacheri Reddy Palayam.
	4. Atharaiya Mangalam.
	5. Anuppampattu.
	6. Medhur.
	7. Polur.
	8. Thevanampattu.
	9. Vanchivakkam.
	10. Adhanapudur.
	11. Perumpedu.
	12.Nallur.
	13. Thevanancheri.
	14. Purisampedu.
	15. Athipedu.
	16. Urakkadu.
	17. Sothuperumpedu.
	18. Tirunilai.

19. Poodhur.
20. Panchatti.
21. Minjur.
22. Ramareddipalayam.
23. Subbareddypalayam,
24. Krishnapuram.
25. Eliyampedu.
26. Sholavaram.
27. Erumaivettipalayam.
28. Athur.
29. Ankadu.
30. Siruniyam.
31. Vannipakkam.
32. Devadhanam.
33. Kaliapakkim.
34. Thottakadu.
35. Vayalur.
36. Idayanchavadi.
37. Vellaivayal Chavadi.
38. Kammarpalayam.
39. Kulathur.
40. Kamareddipalayam
41. Alinchivakkam.
42. Athupedu.
43. Jaganathapuram.