

# **Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948**

TAMILNADU

India

## **Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948**

### **Act 26 of 1948**

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Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act, 1948(Tamil Nadu Act 26 of 1948)Last Updated 22nd May, 2019Statement of Objects and Reasons - Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948). - In many estates in the Province of Madras, the rent levied by the landholder from his ryots is substantially in excess of the assessments charged by the Government on similar land in the neighbouring ryotwari area and is beyond the capacity of the ryots to pay. The zamindari system has perpetuated an assessment which has no relation to the productive capacity of the land. It has further led to loss of contact between the Government and the actual cultivator and has acted as a brake in regard to agricultural improvement. Most of the irrigation works in estates are in a state of disrepair. The complexities of the zamindari system have led to an immense volume of litigation. Many of the records in the offices of zamindars are indifferently maintained and the peasantry, most of whom are illiterate, are at the mercy of unscrupulous agents. Zamindari administration has rarely, if ever, been as efficient as administration in Government areas, There is thus acute discontent among estate ryots and there has been a good deal of agitation by them. The Government are convinced that the zamindari system in force in the Province has outlived its usefulness and should be abolished at the earliest possible date.Published in Part-IV-A of the Fort. St. George Gazette Extraordinary, dated the 13th September 1947 (page 26).Statement of Objects and Reasons - Madras Estates (Abolition and Conversion into Ryotzvari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951). - Section 54-B of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), provides that if the aggregate of the amounts of compensation payable in respect of all zamindari estates falls short of twelve and a half crores of rupees, an amount equal to the sum by which the aggregate so falls short should be distributed among the zamindari estates pro rata. The section, as it stands, refers only, to zamindari estates but not to under-tenure estates. Post-settlement under-tenure estates have always been regarded as part and parcel of the principal zamindari estates, and although they are placed in a separate category for the

purposes of this Act, the intention was clearly not to make them ineligible for the additional compensation provided for in section 54-B. It is, therefore, proposed to amend that section so as to make post-settlement under-tenure estates also eligible for additional compensation-See clause 2(i) of the Bill. Section 54-B(3) provides for the apportionment of the compensation payable under that section among the principal landholders and other persons referred to in section 42. This will include the creditors also, but as the claims of creditors will be settled and determined under section 42, it is proposed to make it clear that a creditor will not be entitled to apply for the payment of any portion of the sum deposited under section 54-B in respect of which his claim has been satisfied already-See clause 2(ii) of the Bill. Published in Part-IV-A of the Fort. St. George Gazette Extraordinary, dated the 24th August 1951. Statement of Objects and Reasons - Madras Estates (Abolition and Conversion into Ryotzvari) Amendment Act, 1952. - The compensation payable in respect of an estate taken over under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), has to be calculated with reference to the basic annual sum determined under the Act. In regard to and tenure estates, section 36 of the Act provides that the basic annual sum for a pre-settlement under-tenure estate shall be determined according to the formula prescribed for an inam estate and that for a post-settlement under tenure estate shall be the sum which will be arrived at as the basic annual sum according to the formula prescribed for a zamindari estate minus the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually by the landholder of the under-tenure estate immediately before the notified date to the landholder of the principal estate, including the value, of whatever was deliverable in kind annually. The basic annual sum calculated as aforesaid has worked out to be negative figures in respect of a large number of post-settlement under-tenure estates, with the result that these estates will not get any compensation at all. The intention underlying the Act, however, is that some amount by way of compensation would be paid in respect of every estate taken over under it. The Government have carefully considered the question and decided that a provision should be inserted in the Act to the effect that the deduction to be made on amount of the jodi, kattubadi, etc., aforesaid should in no case exceed one-half of the other amounts which go to make up the basic annual sum, as this will ensure the payment of some compensation to all under-tenure estates. The Bill amends section 36 of the Act accordingly. Published in Part IV-A of the Fort. St. George Gazette, dated the 22nd October 1952. Statement of Objects and Reasons - Madras Estates (Abolition and Conversion into Ryotzvari) (Amendment) Act, 1965. - The intention of the Legislature in passing the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, is for the repeal of the permanent settlement, the acquisition of the rights of the landholders in permanently settled and certain other estates on the introduction of ryotwari settlement in such estates. The Legislature did not want to decide the title and possession of the lands under the said Act. On the other hand the decision under the said Act can only relate to the nature and character of the lands for the purposes of that Act. So the rival claimants for the issue of patta can agitate their title and possession in a Court of law. This principle has been enunciated by the Madras High Court in a case reported in [1961] 1 MLJ 168.2. The Madras Act XXVI of 1948 gives power to the settlement authorities only to classify the lands either private or ryoti. But they have no power to classify the lands such as Government assessed waste, poramboke, water spread area, etc. Sometimes when the landholders or ryots failed to apply for the issue of patta, the lands have been classified as Government waste and entered as such in the settlement records. In such cases also the parties should be given a right to agitate their rights in Civil Courts. So an amendment to sections 15 and 64(c) is necessary in view

of a case reported in [ILR [1964] Mad].3. The Bill seeks to amend the principal Act to give effect to the above proposals. Published in Part IV-A, section 3 of the Fort. St. George Gazette, dated the 29th July 1965. Received the assent of the Governor-General on the 2nd April 1949 and first published in the Fort St. George Gazette, dated the 19th April 1949. An Act to provide for the repeal of the permanent settlement, the acquisition of the rights of landholders in permanently settled and certain other estates in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras', by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.], and the introduction of the ryotwari settlement in such estates. Whereas it is expedient to provide for the repeal of the Permanent Settlement, the acquisition of the rights of landholders in permanently settled and certain other estates in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras', by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.], and the introduction of the ryotwari settlement in such estates; it is hereby enacted as follows:-

## Chapter 1

### Preliminary

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

(1) This Act may be called the [Tamil Nadu] [Substituted for the expression 'Province of Madras', by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] Estates (Abolition and Conversion into Ryotwari) Act, 1948. (2) It extends to the whole of the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras', by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.], except the Presidency-town of Madras as it stood on the 1st day of July 1908, [xxx] [The words 'the district of Malabar' were omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.] and the portion of the Nilgiri district known as the South-East Wynaad. (3) It applies to all estates as defined in section 3, clause (2), of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by clause 3 of and the Schedule to, the Madras Adaptation of Laws Order, 1957.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.] Act I of 1908), except inam villages which became estates by virtue of the Tamil Nadu Estates Land (Third Amendment) Act, 1936 (Tamil Nadu Act XVIII of 1936). (4) This section and sections 2, 4, 5, 7, 8, [xxx] [The figure '9' was omitted by section 13(a) of the Tamil Nadu Estates (Supplementary) Act, 1956 (Tamil Nadu Act XXX of 1956), which came into force on the 3rd August 1957.] [58-A] [The figures and letter '58- A ' were 'inserted by section 2 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).], 62, 67 and 68 shall come into force at once; and the rest of this Act shall come into force in regard to any zamindari, under-tenure or inam estate, on such date as the Government may, by notification, appoint: [Provided that where the operation of any such notification has been stayed or interrupted by order of Court, the date from which the Government have been in uninterrupted possession of the estate shall be deemed to be the date so appointed.] [This proviso was added by section 2 of the

Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXIV of 1954) which was deemed to have come into force on the 19th April 1949.](5)[ The Government may, by notification, cancel or modify any notification issued under sub-section (4) in respect of any estate, but the cancellation shall not be deemed to affect the power of the Government under sub-section (4) again to extend the rest of this Act to that estate.(6)Where a notification is cancelled under sub-section (5), the rest of this Act shall be deemed never to have applied to the estate concerned, and every proceeding taken thereunder and pending in respect of such estate shall abate.] [Sub-sections (5) and (6) of section 1 were added by section 2 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).]

## 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(1)all expressions defined in the Estates Land Act shall have the same respective meanings as in that Act with the modifications, if any, made by this Act; .(2)"Director" means the Director of Settlements appointed under section 4;(3)"estate" means a zamindari or an under tenure or an inam estate;(4)"Estates land Act" means 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.] Estates Land Act, 1908 ([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 1 of 1908);(5)"Government" means the [State] [The word 'State' was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government;(6)"impartible estate" means an estate governed immediately before the notified date, by 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.] Impartible Estates Act, 1904 ([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 II of 1904);(7)"inam estate" means an estate within the meaning of section 3, clause (2) (d), of the Estates Land Act, but does not include an inam village which became an estate by virtue 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.] Estates Land (Third Amendment) Act, 1936 ([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 XVIII of 1936);(8)"landholder" includes (i) a joint Hindu family, where the right to collect the rents of the whole or any portion of the estate vests in such family; and (ii) a darmila inamdar;(9)"notification" means a notification published in the Fort St. George Gazette;(10)"notified date" in relation to an estate, means the date appointed by a notification issued under section 1, sub-section (4), as the date on which the provisions of this Act (other than sections 1,2,4,1 7,8, [xxx] [The figure '9' was omitted by section 13(a) of the Tamil Nadu Estates (Supplementary) Act, 1956 (Tamil Nadu Act XXX of 1956), which came into force on the 3rd August 1957.] [58-A] [The figures and letter '58-A ' were inserted by section 2 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).], 62,67 and 68) shall come into force in the estate [or where the operation of any such notification has been stayed or interrupted by order of Court, the date from which the Government

have been in uninterrupted possession of the estate] [Inserted by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954), which was deemed to have come into force on the 19th April 1949.] and the word "notified" shall be construed accordingly;(11)"prescribed" means prescribed by rules made by the Government under this Act;(12)"principal landholder" means the person who held the estate immediately before the notified date; and(a)in the case of an estate held by a joint Hindu family immediately before that date, means such joint Hindu family; and(b)in the case of an impartible estate, means the person entitle to the possession of such estate immediately before that date(13)"Settlement Officer", in relation to any estate or part of an estate means the officer appointed therefor under section 5, sub-section(i);(14)"Tribunal" means a Tribunal constituted under section 8 an having jurisdiction;(15)"under-tenure estate" means an estate within the meaning c section 3, clause (2)(e), of the Estates Land Act;(16)"Zamindari estate" means -(i)an estate within the meaning of section 3, clause (2)(a), of the Estates Land Act, after excluding therefrom every portion which is itself an estate under section 3, clause (2)(b) or (2)(e) of that Act; or(ii)an estate within the meaning of section 3, clause (2)(b) c (2)(c), of the Estates Land Act, after excluding therefrom every portion which is itself an estate under section 3, clause (2)(e), of the Act.

## Chapter II

## Consequences of Notification of Estate

### 3. Consequences of notification of estate.

- With effect on and from the notified date and save as otherwise expressly provided in this Act -(a)[the [Tamil Nadu] [This clause was substituted for the original clause (a) by section 3( o of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.] Estates Land (Reduction of Rent) Act, 1947 (Tamil Nadu Act XXX of 1947) [in so far as it relates] [Substituted for the words 'in so far it relates', by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).] to matters other than the reduction of rents and the collection of arrears of rent and the Tamil Nadu Permanent Settlement Regulation, 1802 (Tamil Nadu Regulation XXV of 1802), the [Tamil Nadu] [Substituted for the words 'in so far it relates', by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).] Estates Land Act, 1908 (Tamil Nadu Act I of 1908), and all other enactment applicable to the estate as such shall be deemed to have been repealed in their application to the estate.](b)the entire estate (including all communal lands; porambokes; other non-ryoti lands; waste lands; pasture lands; lanka lands; forests; mines and minerals'; quarries; rivers and streams; Substituted and were deemed always to have been [tanks and ooranies (including private tanks and ooranies) and irrigation works] [Substituted for the words 'tanks and irrigation works' by section 2 of the Tamil Nadu Estates (Abolition and Conversion into Ryotzvari) Amendment Act, 1974 (Tamil Nadu Act 49 of 1974). This amendment shall have effect notwithstanding anything inconsistent therewith contained 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 - vide section 5 of the said Act.]; fisheries and ferries), shall stand transferred to the Government and vest in them,

free of all encumbrances and the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864), the Tamil Nadu Irrigation Cess Act, 1865 (Tamil Nadu Act VII of 1865), and all other enactments applicable to ryotwari areas shall apply to the estate;(c)all rights and interests created in or over the estate before the notified date by the principal or any other landholder, shall as against the Government cease and determine;(d)the Government may, after removing any obstruction that may be offered, forthwith take possession of the estate, and all accounts, registers, pattas, muchilikas, maps, plans and other documents relating to the estate which the Government may require for the administration thereof:Provided that the Government shall not dispossess any person of any land in the estate in respect of which they consider that he is prima facie entitled to a ryotwari patta-(i)if such person is a ryot, pending the decision of the Settlement Officer as to whether he is actually entitled to such patta;(ii)if such person is a landholder, pending the decision of the Settlement Officer and the Tribunal on appeal, if any, to it as to whether he is actually entitled to such patta;(e)[ the principal or any other landholder and any other person, whose rights stand transferred under clause (b) or cease and . determine under clause (c), shall be entitled only to such rights and privileges as are recognized or conferred on him by or under this Act;] [This clause was substituted for the original clause (e) by section 3(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.](f)the relationship of landholder and ryot, shall, as between them, be extinguished;(g)[ any rights and privileges which may have accrued in the estate, to any person before the notified date, against the principal or any other landholder thereof, shall cease and determine, and shall not be enforceable against the Government or such landholder, and every such person shall be entitled only to such rights and privileges as are recognized or conferred on him by or under this Act.] [This clause was substituted for the original clause (g) by section 3(iii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.]

#### **4. Appointment and functions of Director of Settlements.**

- As soon as may be, after the passing of this Act, the Government shall appoint a Director of Settlements to carry out Survey and Settlement operations in estates and introduce ryotwari settlement therein. The Director shall be subordinate to the Board of Revenue.

#### **5. Appointment and functions of Settlement Officer.**

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

## **6. Managers of estates.**

(1)With effect on and from the notified date the Government shall appoint one or more persons to manage the estate.(2)Every manager shall be subordinate to the District Collector and shall be guided by such lawful instructions as he may issue from time to time; and the District Collector shall also have power to cancel or revise any of the orders, acts or proceedings of the manager.

## **7. Powers of control of the [Board of Revenue.] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.]**

- The Board of Revenue shall have power -(a)to give effect to the provisions of this Act and in particular to superintend the taking over of estates and to make due arrangements for the interim administration thereof;(b)to issue instruction for the guidance of the Director, District Collectors, Settlement Officers and managers of estates;(c)to cancel or revise any of the orders, acts or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal or of any managers; and(d)to cancel or revise any of the orders, acts or proceedings of the Director or of any District Collector, including those passed, done or taken in the exercise of revisional powers.

## **8. Constitution of Tribunals for certain purposes.**

(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 District Judge or Additional District Judge.] [This sub-section was substituted for original sub-section (2) by section 2(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).](3)Each Tribunal shall have such jurisdiction and over such estates or parts thereof, 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.] [Substituted for original sub-section (4) by section 2(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).]

## **9.**

- [\*\*\*] [Section 9 (as amended by Tamil Nadu Act XXXIV of 1954) and the heading thereto were omitted by section 13(c) of the Tamil Nadu Estates (Supplementary) Act, 1956 (Tamil Nadu Act XXX of 1956), which came into force on the 3rd August 1957.]Date of Creation of Under-Tenure Estate

## **10. Determination of date on which under-tenure estate was created.**

(1)The landholder of an under-tenure estate or any other person interested may, within three months from the notified date, or such further time [not exceeding two months] [Inserted by section 3(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).] as the appropriate Settlement Officer may, in his discretion allow, apply to him for a decision as to whether such estate was created before or after the date on which the principal estate was permanently settled:[Provided that in respect of an estate notified before the date of commencement of section 3 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958, the period of two months aforesaid shall be computed from the date of such commencement.] [This proviso was added by section 3(ii) by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).](2)The Settlement Officer shall then hear the parties and afford to them a reasonable opportunity of adducing all such evidence either oral or documentary as they may desire to, examine all such documents as he has reason to believe are in the possession of the Government and have a bearing on the claims before him and give his decision in writing.(3)[ (a) Against a decision of the Settlement Officer under sub-section (2), the Government may, within one year from the commencement of the [Tamil Nadu] [Substituted for original sub-section (3) of section 10 by section 5 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1954 (Tamil Nadu Act XXXIV of 1954).] Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954, or from the date of the decision, whichever is later, and any person aggrieved by such decision may, within two months from the said date, appeal to the Tribunal:Provided that the Tribunal may, in its discretion, allow further time not exceeding six months for the filing of any such appeal.(b)The decision of the Tribunal on any such appeal shall be final and not liable to be questioned in any Court of Law.](4)Unless the Settlement Officer, or where there is an appeal, the Tribunal decides that an under-tenure estate was created before the date on which the principal estate was permanently settled, it shall be regarded for the purposes of this Act as having been created after that date.(5)Where the principal estate is a temporarily settled zamindari or an unsettled palaiyam or jagir, all references to the date of the permanent settlement of the principal estate in the foregoing provisions shall be construed as references -(a)in the case of a temporarily settled zamindari, to the date of its temporary settlement; and(b)in the case of an unsettled palaiyam or jagir, to the 13th day of July 1802.

## **Chapter III**

### **Grant of Ryotwari Pattas**

## **11. Lands in which ryot is entitled to ryotwari pattas.**

- Every ryot in an estate shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of-(a)all ryoti lands which, immediately before the notified date, were properly included or ought to have been properly included in his holding and which are not either lanka lands



or lands in respect of which a landholder or some other person is entitled to a ryotwari patta under any other provision of this Act; and (b) all lands in his occupation immediately before the notified date, such lands having been in his occupation or in that of his predecessors-in-title continuously from the 1st day of July 1939: Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of July 1945 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land. Explanation. - No lessee of any land and no person to whom a right to collect the rent of any land has been leased before the notified date, including an ijaradar or a farmer of rent, shall be entitled to a ryotwari patta in respect of such land under this section.

## **12. Lands in zamindari estate in which landholder is entitled to ryotwari patta.**

- In the case of a zamindari estate, the landholder shall with effect on and from the notified date, be entitled to a ryotwari patta in respect of - (a) all lands (including lands) which, immediately before the notified date, (i) belonged to him as private land within the meaning of section 3, clause (10)(a) of the Estates Land Act, or (ii) stood recorded as his private land in a record prepared under the provisions of Chapter XI or Chapter XII of the said Act, not having been subsequently converted into ryoti land; (b) (i) all lands which were properly included or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder, by inheritance or succession under a will, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry from the date of such acquisition or the 1st day of July 1939, whichever is later and has been in direct and continuous possession of such lands from such later date; (ii) all lands which were properly included, or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, but not including purchase at a sale for arrears of rent, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock in the ordinary course of husbandry from the 1st day of July 1945 and has been in direct and continuous possession of such lands from that date; (iii) all lands [not being (i) lands, (ii) lands of the description specified in section 3, clause (16), sub-clauses (a), (b) and (c) of the Estates Land Act, or (iii) forest lands] which have been abandoned or relinquished by a ryot, or which have never been in the occupation of a ryot, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock in the ordinary course of husbandry from the 1st day of July 1939, and has been in direct and continuous possession of such land from that date. Explanation. - "Cultivate" in this clause includes the planting and rearing of topes, gardens and orchards, but does not include the rearing of topes of spontaneous growth. Government of Tamil Nadu Abstract Lands - Lands in Estates taken over under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 - Grant of Patta to persons in continuous possession and enjoyment - Orders passed: Revenue Department G.O. Ms. No. 1300 Dated 30.4.1971

## **1. G.O. Ms. No. 1501, Revenue, dated 8.7.1958 '**

**2. Govt. Memo. No. 68348/JI/63-3, Revenue, dated 19.9.1963**

**3. G.O. Ms. No. 1312, Revenue, dated 26.7.1967**

**4. G.O. Ms. No. 1925, Revenue, dated 3.11.1967**

**5. Govt. Memo. No. 41399/JI/68-2, Revenue, dated 16.7.1968**

**6. G.O. Ms. No. 641 Revenue, dated 28.2.1970**

In the G.O. first read above, the Government passed orders that landholders who could not apply for ryotwari patta in time under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu XXVI of 1948) (hereinafter referred to as the Act) but who would have got patta if they had applied in time, might be granted patta outside the scope of the Act, if they apply to the Collector of the District concerned. In the Memo second read above, the Government ordered that the vendees from the landholders might also be treated on the same basis as landholders. Subsequently in 1967, the Government passed orders in the G.O. third read above that the concession allowed to the landholders should be executed to the ryots also and that they should be granted patta outside the scope of the Act on the same basis as laid down in the first read above. Thus the existing orders provide for cases for the grant of patta to the landholders and ryots outside the scope of the Act in cases: -(i)Where the landholder or the ryot or the vendee would have got patta if he had applied in time under the Abolition Act but failed to make the application in time,(ii)Where the parties came into possession of better documentary evidence showing better title to grant of patta which were not available at the time when the applicants were heard by the appropriate authorities under the Act.(2)It has been brought to the notice of the Government that even after the implementation of the orders referred to above, there are yet a large number of persons who have been in continuous possession and enjoyment of the land for years together in estate, taken over under the Act. Such persons have not been granted patta either because they did not come under the eligible category for the grant of patta under the Act or under the orders of the Government referred to above. It has been represented that it will be a hardship if such persons who have been in continuous possession and enjoyment of their lands for years together are not granted pattas.

**3. The land in respect of which these persons have been in continuous possession and enjoyment have vest in the Government absolutely under the Act. The Government after careful consideration have decided that patta should be granted to such persons on the basis of such continuous possession and enjoyment of the land. The Government, therefore direct that such persons may be granted patta in accordance with the instructions given below: -**

(i) Any person who has been in continuous possession and enjoyment of any land in the estates taken over under the Act, may apply for the grant of patta in respect of such land. (a) to the Revenue Divisional Officers in cases where the extent of such land does not exceed 5 acres of wet or irrigable dry or 10 acres of dry lands; and (b) to the District Revenue Officer/Collector in all other cases. Persons whose claims have been rejected under the Act or under the orders referred to above, may also apply against this order, if such persons have been in continuous possession and enjoyment of the lands. (2) The Revenue Divisional Officer/District Revenue Officers/Collector may grant patta of such application after the usual enquiry and after satisfying himself that the applicant has been in continuous possession and Enjoyment of the land. (3) The extent of the land for which patta is to be granted either by himself or together with the lands already held by the applicant shall not exceed the ceiling limit fixed under the Tamil Nadu Land Reforms (Fixation of Ceiling on land) Act, 1961, as modified by the Tamil Nadu Land Reforms (Reduction of Ceiling on land) Act, 1970. (4) In cases where there are rival claims for the grant of patta in respect of the same land, the authority concerned may, in appropriate cases direct the portion to obtain a declaration from the Civil Court that they have been in continuous possession and enjoyment of the lands. (5) In respect of cases whose land has been classified during settlement as communal poramboke but on ground, it has been converted as dry or wet field and the applicant has been in continuous possession and enjoyment of the land, the appropriate authority may grant patta in respect of such land after following the prescribed procedure for changing the classification of the land. (6) Consultation with the settlement authorities before the grant of patta will not be necessary unless the Revenue Divisional Officer/District Revenue Officer/Collector is of the view that the matter required scrutiny from the settlement point of view. (7) No market value of the land shall be collected for the grant of patta under these orders. (8) Adequate publicity in the village and its neighbourhood shall be given by the appropriate authority about the proposal to grant patta under these orders. (9) The orders of the Revenue Divisional Officer/Collector as the case may be, granting or refusing to grant patta are subject to revision by the Board of Revenue (Settlement of Estates) Madras either suo motu or on application to be filed within sixty days of service of the order.

### **13. Lands in inam estate in which landholder is entitled to ryotwari patta .**

- In the case of an inam estate, the landholder shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of - (a) all lands (including lanka lands) which immediately before the notified date, (i) belonged to him as private land within the meaning of section 3, clause 10 (b) of the Estates Land Act, or (ii) stood recorded as private land in a record prepared under the provisions of Chapter XI or Chapter XII of the said Act, not having been subsequently converted into ryot land; and - (b) (i) all lands which were properly included, or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder, by inheritance or succession under a will, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, from the date of such acquisition or the 1st day of July 1945, whichever is later and has been in direct and continuous possession of such lands from such later date; (ii) all lands which were properly included, or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, including purchase at a sale for arrears of rent, provided that the landholder has cultivated such lands himself, by his own

servants or by hired labour with his own or hired stock, in the ordinary course of husbandry from the 1st day of July 1945 and has been in direct and continuous possession of such lands from that date; (iii) all lands [not being (i) lanka lands, (ii) lands of the description specified in section 3, clause (16), such sub-clauses (a), (b) and (c) of the Estates Land Act, or (iii) forest lands] which have been abandoned or relinquished by a ryot or which have never been in the occupation of a ryot, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, from the 1st day of July 1945 and has been in direct and continuous possession of such lands from that date. Explanation. - "Cultivate" in this clause includes the planting and rearing of topes, gardens and orchards, but does not include the rearing of topes of spontaneous growth.

#### **14. Lands in an under-tenure estate in which landholder is entitled to ryotwari patta.**

- The grant of a ryotwari patta to a landholder in respect of lands in an under-tenure estate shall be regulated in accordance with the provisions of- (a) section 13, if it has been decided under section 10 that such estate was created before the date of the permanent or temporary settlement of the principal estate or the 13th day of July 1802, as the case may be; and (b) section 12, in other cases.

**14A. [ Ryotwari patta not to be granted in respect of private tank or oorani. [This section was inserted and deemed always to have been inserted by section 3 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1974 (Tamil Nadu Act 49 of 1974). This provision shall have effect notwithstanding anything inconsistent therewith contained 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. See section 5 of the said Act.]**

(1) Notwithstanding anything contained in this Act, no ryotwari patta shall be granted in respect of any private tank or oorani. (2) Any ryotwari patta granted in respect of any private tank or oorani under this Act before the date of the publication of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1974, in the Tamil Nadu Government Gazette, shall stand cancelled, and for purposes of compensation under this Act, the private tank or oorani shall be deemed to be land in respect of which neither the landholder nor any other person is entitled to ryotwari patta under this Act.]

#### **15. Determination of lands in which the landholder is entitled to ryotwari patta under foregoing provisions.**

(1) The Settlement Officer shall examine the nature and history of all lands in respect of which the landholder claims a ryotwari patta under section 12, 13 or 14, as the case may be, and decide in respect of which lands the claim should be allowed. (2) [ (a) Against a decision of the Settlement Officer under sub-section (1), the Government may, within one year from the date of

commencement of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954), or from the date of the decision, whichever is later/and any person aggrieved by such decision may, within two months from the date, appeal to the Tribunal:] [This sub-section was substituted for sub-section (2) of section 15 by section 6 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954).] Provided that the Tribunal may, in its discretion, allow further time not exceeding six 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 Settlement Officer was vitiated by fraud or by mistake of fact. (b) The decision of the Tribunal on any such appeal shall be final and not be liable to be questioned in any Court of Law.

## **16. Liability to pay assessment, etc., to Government.**

(1) Every person, whether a landholder or a ryot, who becomes entitled to a ryotwari patta under this Act in respect of any land shall, [for each fasli year commencing with the fasli year in which the estate is notified] [Substituted for 'with effect on and from the notified date 'by section 4 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956, deemed to have come into force on 19th April 1949).] be liable to pay to the Government such assessment, as may be lawfully imposed on the land. (2) If in respect of any such land, the ryot was liable immediately before the notified date to make any payment to the landholder otherwise than by way of rent, whether periodically or not, the ryot shall continue to make such payments as accrued on or after that date to the Government.

## **17. Ryotwari patta in service-tenure lands.**

(1) Where any land [(not consisting of an entire village)] [Inserted by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).] granted on service-tenure, whether to an individual or institution falls under section 3, clause (16)(c) of the Estates Land Act, then, [\*\*\*] [The words 'irrespective of whether such land consists of only a portion of a village or of one or more villages' were omitted by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).] -

## **Chapter IV**

### **Buildings in Estates**

## **18. Vesting of buildings situated in estates.**

(1) Every building situated within the limits of an estate, which immediately before the notified date, belonged to any landholder thereof and was then being used by him as an office in connection with its administration and for no other purpose, shall vest in the Government, free of all encumbrances, with effect on and from the notified date. (2) Every building so situated which, immediately before the notified date, belonged to any such landholder and the whole or principal part whereof was then in the occupation of any religious, educational or charitable institution shall also vest in the

Government free of all encumbrances with effect on and from the notified date: Provided that when such institution ceases to exist, the building shall revert to such landholder, or if he is dead, to his heirs or legal representatives. (3) Where any building so situated - (a) which belonged to any such landholder on the 1st day of July 1947; and (b) (i) which on that date was being used by him as an office in connection with the administration of the estate, and for no other purpose, or (ii) the whole or principal part whereof was on that date in the occupation of any religious, educational or charitable institution has, after the 1st day of July 1947 and before the notified date, been sold or made a gift of, by the landholder, or ceased to be used by him as an office as aforesaid, or ceased to be in the occupation of such institution, the value of the building shall be assessed by the Tribunal in such manner as may be prescribed; and the Tribunal shall pay to the Government such value from out of the compensation deposited in its office under section 41, sub-section (1). (4) Every building other than a building referred to in sub-sections (1), (2) and (3) shall, with effect on and from the notified date, vest in the person who owned it immediately before the date; but the Government shall be entitled [for each fasli year commencing with the fasli year in which the estate is notified] [Inserted by the Tamil Nadu Estates (Abolition and Conversion into Ryotawari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956) which was deemed to have come into force on the 19th April 1949.] - (i) in every case, to levy the appropriate assessment thereon; and (ii) in the case of a building which vests in a person other than a landholder, also to the payments which such person was liable immediately before the notified date to make to any landholder in respect thereof, whether periodically or not and whether by way of rent or otherwise, insofar as such payments may accrue due on or after the notified date. (5) In this section, "building" includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto. (6) If any question arises whether any building or land falls or does not fall within the scope of sub-section (1), (2), (3), (4) or (5), it shall be referred to the Government whose decision shall be final and not be liable to be questioned in any Court of Law. (7) Any person holding a mortgage or charge on any building referred to in sub-section (1) or sub-section (2) shall, for the purpose of section 42, be a secured creditor and be entitled to priority over any person holding a mortgage or charge subsequently created by the landholder over any part of the estate.

## Chapter V

### Protection of Certain Rights and Enforceability of Certain Obligations

**19. [ Rights of persons admitted into possession of ryoti land for non-agricultural purpose. [Sections 19 and 19-A were substituted for original ones by Tamil Nadu Act XLIV of 1956 with effect from 19th April 1949.]**

- Where any person has been admitted into possession of any ryoti land by any landholder for a non-agricultural purpose, that person shall be entitled to remain in possession of the land subject however to the payment by him to the Government of the ryotwari or other assessment or the ground rent which may be imposed upon the land for each fasli year commencing with the fasli year in which the estate is notified: Provided that such transaction was not void or illegal under any law in

force at the time: Provided further that a person who has been admitted into possession of any ryoti land on or after the first day of July 1945 shall be entitled to no rights in respect of such land except where the Government otherwise direct.

## **19A. Persons admitted into possession of non-ryoti land how dealt with**

(1) Except where the Government otherwise direct, no person admitted by a landholder into possession of any communal land or forest or other land which is not a ryoti land, shall be entitled to any rights in, or to remain in possession of, such land: Provided that nothing contained herein shall apply to lands for which the landholder is entitled to ryotwari patta under section 12, 13 or 14. (2) A direction under sub-section (1) allowing any person to remain in possession of any such land may specify - (i) the assessment or ground rent payable to the Government on the land for each fasli year commencing with the fasli year in which the estate is notified, and (ii) such special terms and conditions including the period for which such person may remain in possession of the land as the Government may consider necessary in the public interest. Explanation. - In this section, "communal land" means any land of the description mentioned in section 3, clause (16), sub-clause (a) or sub-clause (b) of the Estates Land Act.]

## **20. [ Rights of certain lessees and others. [Substituted for the original section 20 by section 9 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.]**

(1) In cases not governed by any other provision of this Act, where on or after the 1st day of July 1945 but before the notified date, a landholder has created, by way of lease or otherwise, rights in any mines or minerals, quarries, fisheries or ferries, the transaction shall be deemed to be valid; and all rights and obligations arising thereunder, on or after the notified date, shall be enforceable by or against the Government: Provided that the transaction was not void or illegal under any law in force at the time and that any such right was created for a period not exceeding one year. (2) (a) Where any such right was created before the 1st day of July 1945 for a period exceeding one year, the Government may, if in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof. (b) The person whose right has been so terminated shall be entitled to compensation from the Government which shall be determined by the Board of Revenue in such manner as may be prescribed having regard to the value of the right and the period for which the right was created. The decision of the Board of Revenue shall be final and not be liable to be questioned in any Court of Law. (c) Where any such right created before the 1st day of July 1945 is not determined under this sub-section, the transaction whereby such right was created shall be deemed to be valid and all rights and obligations arising thereunder, on or after the notified date, shall be enforceable by or against the Government: Provided that the transaction was not void or illegal under any law in force at the time. (d) [\*\*\*] (3) The Government may, if in their opinion, it is in the public interest to do so, impose reasonable restrictions on the exercise of any right conferred under this section. Explanation. - Any rights granted in perpetuity shall cease and

determine and be dealt with under section 3(e) and not under this section.]

## **Chapter VI**

### **Survey and Settlement of Estates**

#### **21. Survey of estates.**

(1) Any estate or part thereof may be surveyed or, if it has been surveyed before the notified date, may be resurveyed, as if it were Government land, in accordance with the provisions for the survey of such land contained in 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.] Survey and Boundaries Act, 1923 ([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 VIII of 1923): Provided that any resurvey made under this sub-section may be limited to what is necessary for the introduction of the ryotwari settlement in the estate or part thereof. (2) The cost of the survey or resurvey, except so much thereof as is payable by the ryots or the landholder under the provisions of section 8 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.] Survey and Boundaries Act, 1923 ([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 VIII of 1923), shall be borne by the Government.

#### **22. Manner of effecting ryotwari settlement of estate.**

(1) The Settlement Officer shall effect a ryotwari settlement of the estate or part thereof, in accordance with a settlement notification framed and published by the Government for the purpose. (2) The said notification shall embody the principles adopted in making ryotwari settlements in ryotwari areas, and shall adopt - (a) the rates of assessment set out in the resettlement notification in force on the date of the passing of this Act, in the district in which the estate is situated, or (b) if more than one such notification is in force in the district, or if the estate is situated in more than one district, the rates set out in that one of those notifications, which the Government consider to be most appropriate to the case. (3) All rates of assessment imposed at a ryotwari settlement shall be liable to revision from time to time as laid down in the settlement notification referred to in sub-sections (1) and (2). (4) Neither the settlement notification nor any order passed in pursuance thereof shall be liable to be questioned in any Court of Law.

#### **23. Determination of land revenue before ryotwari settlement is brought into force.**

- The land revenue payable to the Government [for each fasli year commencing with the fasli year in which the estate is notified] [Substituted for 'with effect on and from the notified date' by section 10



of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.] shall, until a ryotwari settlement effected in pursuance of section 22 has been brought into force in the estate, be calculated as follows:-(a)In respect of any land held for the purpose of agriculture, not being private land, the land revenue shall be -(i)where the rent payable to the landholder immediately before the notified date has been determined under 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.] Estates Land (Reduction of Rent) Act, 1947 (Tamil Nadu Act XXX of 1947) the rent so determined; or(ii)where the rent has not been so determined, the rent which would have been payable to the landholder in respect of the fasli year in which the estate is notified; or(iii)where no rent was payable, the rent which would have been payable to the landholder immediately before the notified date, by a ryot holding similar land with similar advantages, in the neighbourhood:Provided that in cases falling under sub-clauses (i) and (ii), the land revenue in respect of the fasli year in which the estate is notified shall be the rent due to the landholder less any payment made to him before the notified date and authenticated in the prescribed manner:Provided further that in cases falling under sub-clause (ii), where after the rent has been determined under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947, it is found that the land revenue paid exceeds the rent so determined, such excess shall be adjusted towards the land revenue payable in the subsequent fasli year or years.(b)In respect of other lands, the land revenue payable shall be calculated at such rate or rates as the Government may, by general or special order, determine.

## **Chapter VII**

### **Determination, Apportionment and Payment of Compensation**

#### **24. Compensation how determined.**

- The compensation payable in respect of an estate shall be determined in accordance with the following provisions.

#### **25. Compensation to be determined for estates as a whole.**

- The compensation shall be determined for the estate as a whole, and not separately for each of the interests therein.

#### **26. Basic annual sum.**

- A sum called the basic annual sum shall first be determined in respect of the estate.

## Chapter VIII

### Basic Annual Sum for Zamindari Estates

#### 27. Component parts of basic annual sum in zamindari estates.

- In the case of a zamindari estate, the basic annual sum shall be the aggregate of the sums specified below: -(i)one-third of the gross annual ryotwari demand in respect of all lands in the estate (excluding lanka lands) in respect of which any person other than the landholder is entitled to a ryotwari patta, as ascertained under section 28, less the deductions specified therein;(ii)one-third of the gross annual ryotwari demand in respect of-(a)all lanka lands in the estate in respect of which a person other than the landholder is entitled to a ryotwari patta; and(b)all lanka lands which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands) to enable the levy thereon of ryotwari assessment, as ascertained under section 28, insofar as it may be applicable, less the deductions specified therein;(iii)one-third of the average net annual income derived from all lanka lands in the estate other than those -(a)in respect of which a ryot or the landholder is entitled to a ryotwari patta; and(b)which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands) to enable the levy thereon of ryotwari assessment, as ascertained under section 29, less the deduction specified therein;(iv)one-third of the average net annual miscellaneous revenue derived from all other sources in the estate specified in section 3, clause (b) but not including lands in respect of which the landholder is entitled to a ryotwari patta, as ascertained under section 30; and(v)the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually to the landholder of the estate immediately before the notified date, by the landholder of every inam village or under-tenure estate including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually.

#### 28. Computation of ryotwari demand and deductions therefrom.

(1)The gross annual ryotwari demand in respect of the lands referred to in section 27, clauses (i) and (ii), shall be the total of the ryotwari assessments imposed, in pursuance of a settlement effected under section 22, on the lands occupied by any person other than the landholder on the notified date.(2)The deductions referred to in section 27, clauses (i) and (ii) shall be -(a)five per cent of the gross annual ryotwari demand as computed above in respect of the lands referred to in the said clause (i) or (ii) as the case may be, on account of establishment charges, deficiencies in collection and the like; and(b)three and one-third per cent of such gross demand on account of the maintenance of irrigation works serving the estate:Provided that no deduction shall be made on account of the maintenance of irrigation works, if there is no such work serving the estate or if the landholder is under no legal obligation to maintain any such work serving the estate:Provided further that where the obligation of the landholder to maintain every one of the irrigation works serving the estate is shared by him either with the Government or with the landholder of some other estate, the percentage of deduction on account of the maintenance of irrigation works shall be reduced by such extent as the Government may deem reasonable.[Explanation. - For the purposes of

sub-section (1), the expression "ryotwari assessment", in respect of any land which has been registered as wet at the settlement referred to in that sub-section under an irrigation work belonging to, constructed or maintained by or on behalf of the Government, and which was liable to pay any water-cess under any law governing the levy of such cess in the [State of Tamil Nadu] [This Explanation was added by section 11 (ii) of the Tamil Nadu Act XLIV of 1956, with effect from the 19th April 1949.] for irrigation from the said work before the said settlement, shall be taken to be the appropriate assessment determined in the prescribed manner, which the land would bear in the absence of facilities for irrigation from the said work.]

## **29. Computation of income from lanka lands.**

(1)(a)The average net annual income from the lanka lands referred to in section 27, clause (iii), shall be the average of the net annual income derived by the landholder from such lands during a period of twenty complete fasli years immediately preceding the notified date, or where such lands have been in existence for a shorter period not being less than five complete fasli years immediately preceding the notified date, during the complete fasli years for which the lands have been in existence:Provided that where the particulars necessary to compute such average are not available for the full period or where the particulars available appear in material respect to be incorrect, the computation may be made in such manner as may be prescribed.(b)Where such lands have not been in existence for a period of five complete fasli years as aforesaid, their average net annual income shall be computed in such manner as may be prescribed.(2)The deduction referred to in section 27, clause (iii), shall be such amount as may be prescribed on account of remissions for bad seasons and the like, in the same manner as in the case of Government lanka lands.

## **30. Computation of net miscellaneous revenue.**

- The average net annual miscellaneous revenue from the sources referred to in section 27, clause (iv), shall be the average of the net annual income derived by the Government from such sources during the fasli year commencing on the notified date, if such date was the 1st day of July, or on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July in case ryotwari settlement is effected in that year or of the next two fasli years in other cases.

## **30A. [ A person deemed to be landholder in certain cases. [Inserted by section 5 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).]**

(1)For the purposes of sections 27,28,29 and 30 any person who had, immediately before the notified-date, any right or interest in any land in a zamindari estate as a landholder, shall be deemed to be a landholder of such estate.(2)The ryotwari assessments imposed on, and the miscellaneous revenue derived from, all lands in a zamindari estate in respect of which, any landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum.]

## Chapter IX

### Basic Annual Sum for Inam Estates

#### 31. Component parts of basic annual sum in inam estates.

- In the case of an inam estate, the basic annual sum shall be the aggregate of the sums specified below, less the deductions specified in section 35 : -(i)the whole of the gross annual ryotwari demand in respect of all lands in the estate (excluding lanka lands), in respect of which any person other than the landholder is entitled to a ryotwari patta, as ascertained under section 22 less the deduction specified therein;(ii)the whole of the gross annual ryotwari demand in respect of all -(a)lanka lands in the estate in respect of which a person other than the landholder is entitled to a ryotwari patta; and(b)lanka lands which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands), to enable the levy thereon of ryotwari assessment, as ascertained under section 32, insofar as it may be applicable, less the deduction specified therein;(iii)the whole of the average net income derived from all lanka lands in the estate other than those-(a)in respect of which a ryot or the landholder is entitled to a ryotwari patta; and(b)which in the opinion of the Government are sufficiently permanent (that is to say, similar to the permanent portions of Government lanka lands), to enable the levy thereon of ryotwari assessment, as ascertained under section 33, less the deduction specified therein;(iv)the whole of the average net annual miscellaneous revenue derived from all other sources in the estate specified in section 3, clause (b), but not including lands in respect of which the landholder is entitled to a ryotwari patta, as ascertained under section 34.

#### 32. Computation of ryotwari demand and deduction therefrom.

(1)The gross annual ryotwari demand in respect of the lands referred to in section 31, clauses (i) and (ii), shall be the total of the ryotwari assessments imposed in pursuance of a settlement effected under section 22 on the lands occupied by any person other than the landholder on the notified date.(2)From the gross annual ryotwari demand as computed above, there shall be deducted 3-1/2 per cent of such demand on account of the maintenance of [irrigation works serving the estate]: [Substituted for 'irrigation works in the estate' by section 12(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1956 (Tamil Nadu Act XLIV of 1956) which was deemed to have come into force on the 19th April 1949.]Provided that no such deduction shall be made, if there is no irrigation work serving the estate, or if the landholder is under no legal obligation to maintain any such work serving the estate:Provided further that where the obligation of the landholder to maintain every one of the irrigation works serving the estate is shared by him either with the Government or with the landholder of some other estate, the percentage of such deduction shall be reduced by such extent as the Government may deem reasonable.[Explanation. - For the purposes of sub-section (1), the expression "ryotwari assessment" in respect of any land which has been registered as wet at the settlement referred to in that sub-section under an irrigation work belonging to, constructed or maintained by or on behalf of the Government, and which was liable to pay any water-cess under any law governing the levy of such cess in the [State of Tamil Nadu] [This Explanation was added by section 12(ii) of the Tamil Nadu Estates (Abolition and

Conversion into Ryotwari) Amendment Act, 1956 (Tamil Nadu Act XLIV of 1956).] for irrigation from the said work before the said settlement, shall be taken to be the appropriate assessment determined in the prescribed manner, which the land would bear in the absence of facilities for irrigation from the said work.]

### **33. Computation of income from lanka lands.**

(1)(a)The average net annual income from the lanka lands referred to in section 31, clause (iii), shall be the average of the net annual income derived by the landholder from such lands during a period of twenty complete fasli years immediately preceding the notified date, or where such lands have been in existence for a shorter period not being less than five complete fasli years immediately preceding the notified date, during the complete fasli years for which the lands have been in existence:Provided that where the particulars necessary to compute such average are not available for the full period or where the particulars available appear in material respect to be incorrect, the computation may be made in such manner as may be prescribed.(b)Where such lands have not been in existence for a period of five complete fasli years as aforesaid, their average net annual income shall be computed in such manner as may be prescribed.(2)From the average net annual income as computed above, there shall be deducted such amount as may be prescribed on account of remissions for bad seasons and the like, in the same manner as in the case of Government lanka lands.

### **34. Computation of net miscellaneous revenue.**

- The average net annual miscellaneous revenue from the sources referred to in section 31, clause (iv), shall be the average of the net annual income derived by the Government from such sources during the fasli year commencing on the notified date, if such date was the 1st day of July, or on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July in the next fasli year in case the ryotwari settlement is effected in that year or of the next two fasli years.

### **35. Jodi, etc., to be deducted.**

- From the aggregate of the sums referred to in section 31, clauses (i) to (iv), ascertained as aforesaid, there shall be deducted -(a)the whole of the jodi, quit-rent or other amount, if any of a like nature, payable annually by the landholder to the Government; and(b)the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually by the landholder immediately before the notified date, to a landholder of some other estate, including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually:Provided that the amount deducted under clauses (a) and (b) shall in no case exceed one-half of the aggregate of the net amounts computed in accordance with sections 32 and 33.

**35A. [ A person deemed to be landholder in certain cases. [Inserted by section 6 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958), which was deemed to have come into force on the 19th April 1949.]**

(1)For the purposes of sections 31,32,33,34 and 35, any person who had, immediately before the notified date, any right or interest in any land in an inam estate as landholder, shall be deemed to be a landholder of such estate.(2)The ryotwari assessments imposed on, and the miscellaneous revenue derived from, all lands in an inam estate in respect of which, any landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum.]

## **Chapter X**

### **Basic Annual Sum For Under-Tenure Estates**

#### **36. Basic annual sum in the case of under-tenure estates.**

- In the case of an under-tenure estate, the basic annual sum shall, where it has been decided under section 10 that the estate was granted before the date of the permanent or temporary settlement of the principal estate or before the 13th day of July 1802, as the case may be, computed in accordance with the provisions of sections 31 to 35, both inclusive. In other cases, the basic annual sum shall be the sum as computed in accordance with the provisions of sections 27 to 30, both inclusive, less the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually by the landholder of the under-tenure estate immediately before the notified date to the landholder of the principal estate, including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually:[Provided that the total amount to be deducted as aforesaid shall in no case exceed one-half of the aggregate of the net amounts computed in accordance with clauses (i) to (iii) of section 27, read with sections 28 and 29] [Added by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1953 (Tamil Nadu Act IX of 1953).].

## **Chapter XI**

### **Scale of Compensation**

#### **37. Scale of compensation except in the case governed by section 38 .**

- The total compensation payable in respect of any estate shall, except in the case of compensation governed by section 38, be determined in accordance with the following scale: -(i)Where the basic annual sum does not exceed Rs. 1,000-30 times such sum.(ii)Where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000-25 times such sum or Rs. 30,000, whichever is

greater.(iii)Where the basic annual sum exceeds Rs. 3,000 but does not exceed Rs. 20,000-20 times such sum or Rs. 75,000, whichever is greater.(iv)Where the basic annual sum exceeds Rs. 20,000 but does not exceed Rs. 50,000-17= times such sum or Rs. 4,00,000, whichever is greater.(v)Where the basic annual sum exceeds Rs. 50,000 but does not exceed Rs. 1,00,000-15 times such sum or Rs. 8,75,000, whichever is greater.(vi)Where the basic annual sum exceeds Rs. 1,00,000-12-1/2 times such sum or Rs. 15,00,000, whichever is greater.

## Chapter XII

### Payments To Religious, Educational And Charitable Institutions

#### 38. Payment of tasdik allowance and additional compensation to institutions.

(1)Where an inam estate or part thereof was held immediately before the notified date by any religious, educational or charitable institution, the Government shall pay to the institution every year as a tasdik allowance -(a)in the case of an entire inam estate, the basic annual sum;(b)in the case of a part of an inam estate, such portion of the basic annual sum as may, on a calculation in the prescribed manner, be ascribed to that part.(2)Where the tasdik allowance so payable is less than the difference between -(a)the average net annual income derived by the institution from all sources in the estate or part as calculated in the prescribed manner during the five complete fasli years immediately preceding [the fasli year 1357] [Substituted for 'the notified date' by section 7 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958), which was deemed to have come into force on the 19th April 1949.] or during that portion of those fasli years in which the estate or part was held by the institution, and(b)the income as calculated in the prescribed manner which the institution may be expected to receive from the lands in respect of which it is entitled to a ryotwari patta, the deficiency shall be made good to the institution by the Government every year.(3)All amounts which accrued due to the institution during the period referred to in sub-section (2), clause (a), shall be taken into account, whether the amounts were actually collected or not:Provided that the value in money of anything deliverable in kind to the institution at any time during the period aforesaid shall, where any price has been fixed by the Government for the sale of such thing at such time in the area concerned, be calculated at such price.(4)Payment shall be made to the institution under sub-sections (1) and (2) so long as it exists.(5)[ Nothing contained in this section shall apply where any land (not consisting of an entire village) granted on service-tenure to the institution falls under section 3, clause (16)(c), of the Estates Land Act.] [Substituted for the old sub-section (5) by section 4 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).]

#### **38A. [ Payment of allowances by religious institutions. [Inserted by section 5 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).]**

(1)Where an inam estate or part thereof was held immediately before the notified date by an

individual on condition of rendering service to a religious institution, the individual shall, notwithstanding anything contained in this Act, be bound to render such service after the notified date, if he is required to do so by a written notice sent to him by the institution within such time as may be specified by the Government in this behalf.(2)Any such individual who renders the service on being required to do so by the institution as aforesaid shall be entitled to be paid by the institution every year such sum as may be fixed by agreement between the individual and the institution, and if no such agreement can be reached, such sum as may be fixed by the Board constituted under the Madras Hindu Religious Endowments Act, 1926 [(Madras Act II of 1927)], in accordance with such rules as may be made by the Government in this behalf:Provided that if the individual pays to the institution the amount of compensation paid to him under this Act, the institution shall, in lieu of the sum aforesaid, pay to the individual every year a sum equal to the aggregate of the amounts which would be payable by the Government under section 38, if the inam estate or part thereof was held immediately before the notified date by a religious institution.Explanation. - For the purposes of this section, "individual" means the person who would have held the inam estate or part thereof, if it had not vested in the Government under this Act.]

## Chapter XIII

### Determination of Basic Annual Sum and Total Compensation

**39. [ Determination of basic annual sum and of total compensation. [Any amount of compensation determined under this Act for an estate as a whole before the commencement of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1974 (Tamil Nadu Act 49 of 1974), viz., 11th November 1974, shall be re-determined in accordance with the provisions of this Act as amended by the said Amending Act.]**

(1)The Director shall determine in accordance with such of the foregoing provisions as may be applicable to the estate -(a)the basic annual sum in respect thereof; and(b)except in the case governed by section 38, also the total compensation payable in respect of the estate.(2)Any landholder or other person interested may, within such time as may be prescribed or such further time as the Director may in his discretion allow, apply in writing to the Director for a copy of the data on the basis of which he proposes to determine the basic annual sum.(3)On the receipt of such application, the Director shall furnish the data aforesaid to the applicant; and he shall also, before passing any order under subsection (1), give the applicant a reasonable opportunity of making his representations in regard thereto, in writing or orally.(4)A copy of every order passed under sub-section (1) shall be communicated to every landholder concerned, and also to every applicant under sub-section (2).[(4-a) (i) The Director may, at any time either suo motu or on the application of any person, review an order passed by him under sub-section (1) on any one or more of the following grounds, namely: -(1)that the said order is vitiated by any clerical or arithmetical mistake or error apparent on the face of the record, or(2)that subsequent to the passing of the said order, data for the better calculation of the basic annual sum have become available, or(3)that the said order requires to be modified in pursuance of the final order of any competent authority or



Court: Provided that the Director shall not exercise his powers under this subsection in respect of any estate, without giving every landholder concerned, and every applicant under this sub-section and sub-section (2), a reasonable opportunity of being heard.](ii)A copy of every order passed under this sub-section shall be communicated to the [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.], and also to every landholder concerned, and every applicant under this sub-section and sub-section (2).](5)Any person deeming himself aggrieved by an order made [under sub-section (1) or sub-section (4-a)] [Substituted for 'under sub-section (1)' by section 2(6) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1961 (Tamil Nadu Act 18 of 1961).] may, within three months from the date of the order or such further time as the Board may in its discretion allow, appeal to the [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.]; and the Board shall, after giving the applicant a reasonable opportunity of being heard, pass such orders on the appeal as it thinks fit.(6)The [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] may also in its discretion, at any time either suo motu or on the application of any person, call for and examine the record of any order passed, or proceeding taken, by the Director under this section, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding and pass such order in reference thereto as it thinks fit: Provided that the basic annual sum or the total compensation payable in respect of any estate shall not be altered by the Board without giving every landholder concerned and every person who has made an application under sub-section (2), a reasonable opportunity of being heard.[(6-A) Notwithstanding anything contained in sub-section (5) or sub-section (6), the [Board of Revenue] [This sub-section was inserted by section 13 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1956 (Tamil Nadu Act XLIV of 1956).] may, on application made to it by the Director or by any other person in that behalf, review any order passed by it under sub-section (5) or sub-section (6) if it is of the opinion that the said order is vitiated by an error in the decision on a point of law or by a mistake and may make such order on the application as it thinks fit: Provided that no application for review shall be granted by the [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] without previous notice to every landholder concerned, and the applicant, to enable them to appear and be heard in support of the order a review of which is applied for.](7)No order passed by the Director [under sub-section (1) or subsection (4-a)] [Substituted for 'under sub-section (1)' by section 2(b) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1961 (Tamil Nadu Act 18 of 1961).] shall be liable to be cancelled or modified except by the [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] as aforesaid or to be questioned in any Court of Law and no order passed by the [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G. O. Ms. No. 2675, Revenue, dated the 1st December 1980.] [under sub-section (5), (6) or (6-A)] [Substituted for 'under sub-section (1)' by section 2(b) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1961 (Tamil Nadu Act 18 of 1961).] shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any Court of

## Chapter XIV

### Manner of Payment

#### 40. Compensation, etc., to be paid in prescribed manner.

(1)The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under section 38, sub-sections (1) and (2), may be paid in such form and manner, and at such time or times, and in one or more instalments, as may be prescribed by rules made by the Government.(2)Such rules shall be subject to [the approval both of the State Legislative Assembly and of the State Legislative Council] [The words 'the approval both of the Provincial Legislative Assembly and of the Provincial Legislative Council' were substituted for the words 'the approval of the Provincial Legislative Assembly' by section 2(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950 (Tamil Nadu Act I of 1950).].Deposit and Apportionment of Compensation

#### 41. Compensation to be deposited in Office of Tribunal.

(1)The Government shall deposit in the office of the Tribunal, the compensation in respect of each estate as finally determined under section 39, in such form and manner, and at such time or times and in one or more instalments, as may be prescribed by rules made under section 40:[Provided that the Government shall be entitled to deduct from the amount to be deposited -] [Substituted by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Art XIIV of 1956), which was deemed to have come into force on the 19th April 1949.](a)the advance compensation referred to in section 54-A, sub-section (1);(b)all moneys, if any, still remaining due to them -(i)in respect of peshkash, quit-rent, jodi or other dues of a like nature, or(ii)in respect of any claim which was secured immediately before the notified date by a mortgage of, or a charge on, the estate or any portion thereof;(c)the whole or any portion of the rents and excess collections referred to in sub-clause (i) of clause (a) of sub-section (7) of section 50, which cannot be adjusted by deduction under the said sub-section; and(d)all interim payments deposited under sub-section (5) of section 50 in excess of the amounts finally found to be payable under that section:Provided further that where the total amount of the compensation payable in respect of any estate stands altered after the deposit referred to above has already been made, the Government may deposit the difference or withdraw the same from the deposit already made, or otherwise adjust the same-in such manner and at such time or times as may be prescribed, and the provisions of sections 42 to 49, and sections 51 and 52 shall apply to the amount finally under deposit, and to this extent the Tribunal or the Special Tribunal, as the case may be, shall be competent to revise its orders, if any, already passed.(2)On the making of such deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the compensation aforesaid.

## **42. Claims to be made within six months.**

(1)[Every person making a claim to, or enforceable against, the compensation] [Substituted for the words 'Every person claiming the compensation' by section 2(i)(a) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).] so deposited or any portion thereof, including the principal or any other landholder, members of his family claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise, and creditors, whether their debts are secured or not, shall apply to the Tribunal within six months from the date on which the amount was so deposited or within such further time [not exceeding six months] [Inserted by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).], as the Tribunal may, in its discretion, allow.[\*\*\*] [The two provisos were omitted by section 2(i)(c) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).](2)[ Every claim to, or enforceable against, the compensation or any portion thereof which is not made to the Tribunal within the time shall, -] [Substituted for the original sub-section (2) by section 2(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).](i)insofar as it relates to the amount paid by the Tribunal under section 53; or(ii)subject to the provisions of section 54-CC, insofar as it relates to the amount in respect of which an order for payment has been made by the Tribunal or the Special Tribunal in favour of any person, cease to be enforceable.

## **43. Duty of Tribunal.**

- The Tribunal shall, after giving notice to all persons who have applied under section 42 and to any others whom it considers to be interested, make inquiry into the validity of the claims received by it, and determine the persons who, in its opinion, are entitled to the compensation deposited and the amount to which each of them is entitled.

## **44. Compensation to be apportioned by Tribunal.**

(1)As a preliminary to such determination, the Tribunal shall apportion the compensation among the principal landholder and any other persons whose rights or interests in the estate stand transferred to the Government under section 3, clause (b), or cease and determine under section 3, clause (c), including persons who are entitled to be maintained from the estate and its income, as far as possible, in accordance with the value of their respective interests in the estate.(2)The value of these interests shall be ascertained -(a)in the case of the impartible estates referred to in section 45, in accordance with the provisions contained in that section and in such rules, not inconsistent with that section, as may be made by the Government in this behalf; and(b)in the case of other estates, in accordance with such rules as may be made by the Government in this behalf.(3)A copy of every rule made under sub-section (2) shall, as soon as may be after it has been made, be laid on the table of the State Legislative Assembly.

## **45. Apportionment in the case of certain impartible estates.**

(1) In the case of an impartible estate which had to be regarded as the property of a joint Hindu family for the purpose of ascertaining the succession thereto immediately before the notified date, the following provisions shall apply. (2) The Tribunal shall determine the aggregate compensation payable to all the following persons, considered as a single group: - (a) the principal landholder and his legitimate sons, grandsons and great-grandsons in the male line living or in the womb on the notified date, including, sons, grandsons and great-grandsons adopted before such date (who are hereinafter called "sharers") and (b) other persons who, immediately before the notified date, were entitled to maintenance out of the estate and its income either under section 9 or 12 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.] Impartible Estates Act, 1904 (Tamil Nadu Act II of 1904) or under any decree or order of a Court, award, or other instrument in writing or contract or family arrangement, which is binding on the principal landholder (who are hereinafter called "maintenance-holders"): Provided that no such maintenance-holder shall be entitled to any portion of the aggregate compensation aforesaid, if, before the notified date, his claim for maintenance, or the claim of his branch of the family for maintenance, has been settled or discharged in full. (3) The Tribunal shall next determine which creditors, if any, are lawfully entitled to have their debts paid from and out of the assets of the impartible estate and the amount to which each of them is so entitled; and only the remainder of the aggregate compensation shall be divisible among the sharers and maintenance-holders as hereinafter provided. (4) The portion of the aggregate compensation aforesaid payable to the maintenance-holders shall be determined by the Tribunal and notwithstanding any arrangement already made in respect of maintenance whether by a decree or order of a Court, award or other instrument in writing or contract or family arrangement, such portion shall not exceed one-fifth of the remainder referred to in sub-section (3), except in the case referred to in the second proviso to section 47, sub-section (2). (5) (a) The Tribunal shall, in determining the amount of the compensation payable to the maintenance holders and apportioning the same among them, have regard, as far as possible, to the following considerations, namely: - (i) the compensation payable in respect of the estate; (ii) the number of persons to be maintained out of the estate; (iii) the nearness of relationship of the person claiming to be maintained; (iv) the other sources of income of the claimant; and (v) the circumstances of the family of the claimant. (b) For the purpose of securing (i) that the amount of compensation payable to the maintenance holders does not exceed the limit specified in sub-section (4) and (ii) that the same is apportioned among them on an equitable basis, the Tribunal shall have power, wherever necessary, to re-open any arrangement already made in respect of maintenance, whether by a decree or order of a Court, award, or other instrument in writing, or contract or family arrangement. (6) The balance of the aggregate compensation shall be divided among the sharers, as if they owned such balance as a joint Hindu family and a partition thereof had been effected among them on the notified date.

## **46. Claims of creditors.**

- After the compensation has been apportioned among the persons referred to in section 44, sub-section (1), or where it is more convenient so to do pending such apportionment, the Tribunal

shall take into consideration the applications of the creditors other than those dealt within section 45, sub-section (3), and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

#### **47. Grant of ryotwari patta to maintenance holders in certain impartible estates.**

(1) Every maintenance holder entitled to a portion of the compensation under section 45 shall also be entitled to the grant of a ryotwari patta in respect of a portion of the lands referred to in section 12 or 14, as the case may be. (2) The Tribunal shall determine the total extent of the lands in respect of which ryotwari pattas may be granted to the maintenance holders and divide the same among them and in doing so, the Tribunal shall, unless for reasons recorded in writing it considers that it is inappropriate to do so, have regard to the considerations set forth in section 45, sub-section (5) and the manner in which the compensation payable to the maintenance holders has been or may be apportioned among them under that sub-section: Provided that the total extent of the lands granted to all such maintenance-holders shall not exceed one-fifth of the extent of the lands in respect of which a ryotwari patta may be granted under section 12 or 14: Provided further that where it is found to be inconvenient or impracticable to grant any such lands, or to grant any such lands to the full extent to which the maintenance-holder may be regarded as entitled, whether on the ground that such a grant will result in the creation of an uneconomic holding, or for any other reason, the share of the compensation awarded to the maintenance-holder may be increased by such amount as the Tribunal may consider reasonable. (3) The lands in respect of which a ryotwari patta may be granted under section 12 or 14, after excluding any lands which may be granted to maintenance-holders under sub-section (2), shall be divided among the sharers, as if they owned such lands as a joint Hindu family and a partition thereof had been effected among them on the notified date.

#### **48. Certain estates to be treated as impartible estates for purposes of compensation.**

- Where the power of the landholder to alienate any property in an estate is restricted, whether by the terms of the grant or otherwise, the provisions of this Act relating to the payment and apportionment of compensation in respect of impartible estates shall, so far as may be and subject to such rules as may be made by the Government in this behalf, apply to the payment and apportionment of the compensation payable in respect of the estate.

#### **49. Devolution of interest in compensation.**

- Where it is alleged that the interest of any person entitled to receive payment of any portion of the compensation has devolved on any other person or persons, whether by act of parties or by operation of law, the Tribunal shall determine whether there has been any devolution of the interest, and if so, on whom it has devolved.

## Chapter XV

### Interim Payments

#### 50. Interim payments to principal landholder and others.

(1) The provisions of this section shall apply in every case not governed by section 38.(2) [After the notified date and until the compensation is finally determined and deposited in pursuance of this Act, interim payments shall be made by the Government every fasli year prior to the fasli year in which the said deposit is made, to the principal landholder and to the other persons referred to in section 44, sub-section (1), as follows.] [Substituted for the original sub-section by section 16(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 1st July of 1954.](3) [In respect of the fasli year in which the estate is notified they shall together be entitled to such amount as the Government may, on a rough calculation, determine to be the basic annual sum referred to in section 26, if the deposit in pursuance of section 54-A has not been already made, and to an amount equal to one-half of the basic annual sum as so calculated, if the deposit aforesaid has been already made:] [Substituted for sub-section (3) of section 50 by section 7(a) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954).] Provided that, in either case, the rents, if any collected before the notified date by the landholder from the ryots in respect of the fasli year aforesaid and any amount collected by him from the ryots in excess of the rent determined under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and outstanding to the credit of the ryots on the first day of that fasli year, shall be deducted. [Explanation. - Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the [Tamil Nadu] [This Explanation was added by section 16(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 1st July 1954.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and paid to the landholder shall, for the purposes of this sub-section, be deemed to be an amount collected by the landholder.](4) In respect of each subsequent fasli year, they shall together be entitled to the amount estimated under sub-section (3) to be [one-half of the basic annual sum] [Substituted for the words 'basic annual sum' by section 7(b) of the Tamil Nadu Act XXXIV of 1954, which was deemed to have come into force on the 1st July 1954.], unless data for the better calculation thereof have since become available, in which case the amount to be paid shall be revised by the Government with reference to such data: [Provided that if, for any reason, the whole or any portion of the rents and excess collections referred to in the proviso to sub-section (3) was not deducted in pursuance of that proviso, the amount remaining undeducted shall be deducted from the amount payable under this sub-section:] [Added by section 7(b) of the Tamil Nadu Act XXXIV of 1954, which was deemed to

have come into force on the 1st July 1954.] Provided further that in a case where, after the deposit in pursuance of section 54-A has been made, the balance of compensation is deposited in instalments, they shall together be entitled in any year only to an amount which bears to the total basic annual sum the same proportion as the balance of compensation outstanding in that year bears to the total compensation. [(4-A) If the amount deposited under section 54-A is, on subsequent calculation either because data for better calculation have since become available or because of mistake in the method of calculation adopted before the deposit was made under that section, found to be in excess of the amount that should properly have been deposited, such excess shall also be deducted out of the amounts to be deposited under sub-section (3) or sub-section (4): Provided that the amounts deducted in pursuance of this sub-section and in pursuance of the proviso to sub-section (3), or as the case may be, the first proviso to sub-section (4) shall not in any fasli year exceed fifty per cent of the sum to be deposited under sub-section (4) in that fasli year.] [Inserted by section 16(iii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 1st July 1954.](5) The Government shall deposit all such amounts in the office of the Tribunal and the Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the amounts among the principal landholder and the other persons referred to in sub-section (2), as far as possible in accordance with the value of their respective interests. [(5-A) (a) Every person making a claim to, or enforceable against, the amount so deposited or any portion thereof shall apply to the Tribunal within six months from the date on which the amount was so deposited, or within such further time not exceeding six months as the Tribunal may, in its discretion, allow. (b) Every claim to, or enforceable against, the amount so deposited or any portion thereof which is not made to the Tribunal within the time aforesaid shall, - (i) insofar as it relates to the amount paid by the Tribunal; or (ii) subject to the provisions of section 54-CC, insofar as it relates to the amount in respect of which an order for payment has been made by the Tribunal or the Special Tribunal in favour of any person, cease to be enforceable.](6) On the making of such a deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount so deposited. (7) [After the compensation has been finally determined, the Government shall ascertain, in the manner specified below, the aggregate interim payment due in respect of the estate: -] [Substituted by section 16(iv) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956) for the sub-section as substituted for the original sub-section by section 7(c) of Tamil Nadu Act XXXIV of 1954.](a) In respect of the fasli year in which the estate is notified, the basic annual sum as finally determined under section 39 after deducting therefrom - (i) the rents, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year aforesaid and any amount collected by him from the ryots in excess of the rent determined under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and outstanding to the credit of the ryots on the first day of that fasli year; and (ii) an amount bearing to the basic annual sum the same proportion as the amount of the advance compensation referred to in section 54-A bears to the compensation as finally determined under section 39, in case the deposit in pursuance of section 54-A is made in the fasli year in which the estate is notified. (b) In respect of each of the subsequent

fasli years, the basic annual sum as finally determined under section 39, after deducting therefrom an amount bearing to the basic annual sum the same proportion as the amount of the advance compensation referred to in section 54-A together with any further instalment or instalments of compensation deposited up to the end of the fasli year concerned bears to the compensation as finally determined under section 39, and also the whole or any portion of the rents and excess collections referred to in sub-clause (i) of clause (a), which was not deducted under that sub-clause. If the aggregate interim payment thus determined exceeds, or is less than, the aggregate amounts already deposited under sub-section (5), the balance with interest thereon at three per cent per annum shall be deposited by the Government with the Tribunal, or, as the case may be, the amount of deficiency shall be intimated by the Government to the Tribunal. Explanation. - Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and paid to the landholder shall, for the purpose of this sub-section, be deemed to be an amount collected by the landholder. (8) No interim payment made under this section shall be deemed to constitute any part of the compensation which the Government is liable to deposit under section 41, sub-section (1), or to any extent to be in lieu of such compensation. (9) [The Tribunal shall revise the apportionment of the interim payments with reference to the aggregate interim payments as finally determined by the Government under sub-section (7) on the basis that each of the persons entitled to receive any portion of the interim payments shall be entitled separately to the same share of the said aggregate interim payments as the share of the compensation to which he is finally held to be entitled under section 44. Any excess payment disclosed by such revision shall be deducted by the Tribunal, with interest thereon at three per cent per annum, from the compensation payable to the person concerned.] [Substituted by section 16(v) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956) for the sub-section as substituted for the original sub-section by section 7(d) of Tamil Nadu Act, XXXIV of 1954.]

## 51. Appeal.

(1) Any person deeming himself aggrieved by any decision of the Tribunal under sections 43 to 50 may, within three months from the date of such decision or such further time [not exceeding six months] [Inserted by section 4(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).] as the Tribunal may in its discretion allow, appeal to a Special Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf: [\*\*\*] [The two provisos were omitted by section 4(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).] (2) [The members of the Special Tribunal shall hear the case as personae designatae, and on all points, whether of law or of fact, on which they are agreed in their opinion, their decision shall be final. 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 opinions 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 case as persona designatae or as personae designatae, insofar 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 case, including those who first heard it shall be final.] [Substituted for the original sub-section by section 17(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).](3)[ The Special 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.] [Added by section 8 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).]

## **52. Restrictions on jurisdiction of Tribunal and Special Tribunal.**

- The jurisdiction of the Tribunal and the Special Tribunal shall be limited -(a)to the apportionment of the compensation among the persons referred to in section 43 and the apportionment of the interim payments among the persons referred to in section 50; and(b)in cases falling under section 47, to the division of the lands in respect of which a ryotwari patta may be granted under section 12 or 14; and neither the Tribunal nor the Special Tribunal shall have jurisdiction to go into the question of the correctness of the determination, or the adequacy of the compensation.

## **53. Disbursement of compensation.**

- All payments made out of the compensation deposited in the office of the Tribunal under section 41 shall be made by it in accordance with its orders and decisions, subject to the modifications if any made on appeal under section 51.

## **54. Interim payments to institutions.**

(1)In cases governed by section 38, after the notified date and before the sums payable to the religious, educational or charitable institution concerned under sub-sections (1) and (2) of that section have been finally determined, the Government shall pay to the institution -(a)[ in respect of the fasli year in which the estate is notified, such sums as they may, on a rough calculation, determine to be payable to the institution under section 38, sub-sections (1) and (2): [Substituted for clause (a) of sub-section (1) of section 54 by section 8(i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954).]Provided that the rents, if any, collected before the notified date by the institution from the ryots in respect of the fasli year aforesaid and any amount collected by it from the ryots in excess of the rent determined under the [Tamil Nadu] [Inserted by section 3 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and outstanding to the credit of the ryots on the first day of that fasli year shall be deducted;](b)in respect of each subsequent fasli year, the sums determined under clause (a), unless data for the better calculation thereof have since become available, in which case the sums to be paid shall be revised by the Government with reference to

such data:[Provided that if, for any reason, the whole or any portion of the rents and excess collections referred to in the proviso to clause (a) was not deducted in pursuance of that proviso, the amount remaining undeducted shall be deducted from the amount payable under this clause.] [Added by section 8(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954).](2)After the sums payable to the institution under section 38, sub-sections (1) and (2), have been finally determined, interim payments made to the institution under sub-section (1) of this section [together with such rents, if any, collected by it before the notified date and any amount collected by it from the ryots in excess of the rent determined] [Substituted for the words 'together with the rents if any collected by it before the notified date, shall be adjusted to wards the sums so determined' by section 8(iii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1954 (Tamil Nadu Act XXXIV of 1954).] under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and outstanding to the credit of the ryots on the first day of the fasli year in which the estate is notified, shall be adjusted [\*\*\*] [The words 'by the Tribunal' were omitted by clause (a) of section 18 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1956 (Tamil Nadu Act XLIV of 1956), deemed to have come into force on the 1st July 1955.] towards the sums so determined]; and any deficiency shall be made good to the institution by the Government and any excess shall be deducted from the sums payable to it by the Government in any subsequent fasli year or years.(3)[ The deductions made under sub-section (1) shall not exceed twenty-five per cent of the amount determined to be payable to the institution for the fasli year concerned and any balance in excess thereof which remains unadjusted under sub-section (2) shall be deducted in annual instalments from the aggregate sum payable to the institution under section 38, sub-sections (1) and (2) as finally determined, in amounts not exceeding twenty-five per cent of the sum so payable for the fasli year concerned.] [Added by clause (b) of section 18 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 1st July 1955.][Explanation. - For the purposes of this section, any amount collected by the Government on behalf of the institution as rent from the ryots in excess of the rent determined under [Tamil Nadu] [Added by clause (c) of section 18 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 1st July 1955.] Estates Land (Reduction . of Rent) Act, 1947 ([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 XXX of 1947), and paid to the institution shall be deemed to be an amount collected by the institution.][Advance Payment of Compensation] [Inserted by section 3 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950 (Madras Act I of 1950).]

**54A. Advance payment of compensation and its apportionment, etc.**

(1) In the case of every estate not governed by section 38, the Government shall estimate roughly the amount of the compensation payable in respect of the estate, and deposit one-half of that amount within six months from the notified date in the office of the Tribunal, as advance payment on account of compensation: Provided that in the case of an estate notified before the commencement of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Law Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969] Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1950, the deposit may be postponed to a date which is not later than the 30th day of June 1950. (2) From the amount to be deposited under sub-section (1), the Government shall be entitled to deduct - (a) [ (I) one-half of all moneys, if any, due to them - (i) in respect of peshkash, quit-rent, jodi or other amount, if any, of a like nature, or (ii) in respect of any claim which was secured immediately before the notified date by a mortgage of, or a charge on, the estate or any portion thereof; and (II) the rents, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year in which the estate is notified and any amount collected by him from the ryots in excess of the rent determined under the [Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and outstanding to the credit of the ryots on the first day of that fasli year. ] (b) one-half of the basic annual sum referred to in sub-section (3) of section 50, if the deposit in pursuance of this section is made in the fasli year in which the estate is notified but after the interim payment in respect of that fasli year has been deposited under section 50. [Explanation. - Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the [Tamil Nadu] [This Explanation was added by section 19(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and paid to the landholder shall, for the purpose of this sub-section, be deemed to be an amount collected by the landholder. ] [Substituted for the original clause (a) by section 19(1) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956) deemed to have come into force on the 19th April 1949.] (3) On the making of a deposit in pursuance of this section, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount deposited. (4) The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the amount deposited in pursuance of this section among the principal landholder and the other persons referred to in section 42, as far as possible in accordance with the value of their respective interests; and the provisions of sections 42 to 46 (both inclusive), 48, 49, 51, 52 and 53 shall apply mutatis mutandis in respect of the amount so deposited. (5) [ (a) Notwithstanding anything contained in sub-sections (1) to (4), if data for the better calculation of the amount payable as advance compensation become available, the amount to be paid may be recalculated by the Government with reference to such data. ] [Added by section 19(iii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), deemed to have come into force on the 19th April, 1949.] (b) Where

any amount of advance compensation deposited in respect of any estate under this section exceeds or is less than the amount as recalculated in accordance with clause (a), such amount available with the Tribunal may be withdrawn by the Government, and in the case of a deficiency the Government may deposit with the Tribunal such amount as may be necessary, to make up the deficiency. Additional Compensation

#### **54B. Additional compensation and its apportionment.**

(1) As soon as may be after [the final determination of the amounts of compensation payable under section 39 in respect of -(a) all the zamindari estates, and (b) all the under-tenure estates in respect of which there is no decision under section 10 either of the Settlement Officer or of the Tribunal on appeal from the Settlement Officer, that they were estates created before the dates of the permanent or temporary settlement of the principal estates concerned or before the 13th day of July 1802, as the case may be] if it is found that the aggregate of such amounts falls short of twelve and a half crores of rupees, the Government shall be under an obligation to distribute among the [zamindari estates and under-tenure estates aforesaid] [Substituted for the words 'Zamindari estates aforesaid' by section 3(b) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Second Amendment Act, 1951) (Madras Act XXXV of 1951).] an amount equal to that by which the aggregate so falls short, the sum payable in respect of each such estate being in proportion to the amount of compensation as finally determined in respect thereof under section 39. (2) The sum payable under sub-section (1) in respect of each such estate shall be deposited by the Government in the office of the Tribunal, and on the making of such deposit the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the sum deposited. (3) The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the sum deposited under sub-section (2) in respect of any estate among the principal landholder and the other persons referred to in section 42, as far as possible in accordance with the value of their respective interests; and the provisions of sections 42 to 46 (both inclusive), 48, 49, 51, 52 and 53 shall apply mutatis mutandis in respect of the sum so deposited: [Provided that no creditor shall be entitled to apply for the payment of any portion of the sum deposited as aforesaid in respect of which portion his claim has been satisfied on the date of such application.] [This proviso was added by section 2(ii) of the Tamil Nadu Act XXXV of 1951.]

#### **54C. [ Limitation for claims by persons entitled to payment. [Sections 54-C to 54-H were inserted by section 20 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).]**

- [Every person in whose favour an order for payment has been made by the Tribunal shall make an application for payment within three months from the date of such order:] [Substituted for the words and figures 'the amounts of compensation payable in respect of all the Zamindari estates have been finally determined under section 39' by section 2(i)(a) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Second Amendment Act, 1951 (Madras Act XXXV of 1951).] Provided that the Tribunal may, within such further time not exceeding six months as it may in its discretion

allow, admit a claim preferred after the period of three months aforesaid if it is satisfied that the claimant had sufficient cause for not preferring the claim within that period: Provided further that, where an appeal has been filed before the Special Tribunal against the said order for payment, the aforesaid period of three months shall be reckoned from the date of the decision of the Special Tribunal on the appeal.

**54CC. [ Unclaimed and undisbursed amounts how dealt with [Inserted by section 20 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1956 (Tamil Nadu Act XLIV of 1956).]**

(1)(a) All amounts deposited in the office of the Tribunal under sub-section (1) of section 41, sub-sections (5) and (7) of section 50, sub-section (1) and clause (b) of subsection (5) of section 54-A, sub-section (2) of section 54-B, or sub-section (2) of section 55-A and remaining unpaid and with reference to which no claim has been made within the time specified in sub-section (1) of section 42, or in clause (a) of sub-section (5-A) of section 50 or in sub-section (4) of section 55-A, as the case may be, or no application for payment has been made within the time specified in section 54-C; and (b) all amounts deposited as aforesaid and remaining unpaid after the expiry of a period of six months from the date of disposal of the application under section 54-C, shall be withdrawn by the Tribunal and deposited in the District Court having jurisdiction over the estate concerned in the name of the estate or, as the case may be, in the name of the person or persons in whose favour an order for payment has been made by the Tribunal or the Special Tribunal. (2) All amounts deposited by the Tribunal in the District Court under subsection (1) shall be dealt with by the District Court in accordance with such rules as may be made by the Government in this behalf. (3) Every person making a claim to, or enforceable against, any amount held in deposit under sub-section (1) shall apply to the District Court in the prescribed form setting forth his claim. (4) The District Court shall, after giving notice to all persons who have applied under sub-section (3) and to any others whom it considers to be interested, make enquiry into the validity of the claims received by it and subject to the provisions of sub-section (5) determine the persons who are entitled to the amount held in deposit and the amount to which each of them is entitled. (5) Every order for payment made by the Tribunal or the Special Tribunal in favour of any person shall be binding on the District Court.]

**54D. Balance of excess rent collections and excess payments of advance compensation to be recovered from the additional compensation.**

- The Government shall be entitled to deduct from the amount, if any, to be deposited under sub-section (2) of section 54-B - (a) any balance out of the rents and excess collections referred to in sub-clause (i) of clause (a) of sub-section (7) of section 50 remaining to be recovered from the landholder; and (b) any balance to be recovered from the landholder out of the advance compensation paid to him in excess of the amount due to him under section 54-A.

**54E. [ Amount which may be deducted under section 41 recoverable as arrear of land revenue. [Sections 54-E were deemed to have come into force on the 19th April, 1949.]**

- Any sum representing the whole or any portion of the rents and excess collections referred to in clause (c) of the first proviso to sub-section (1) of section 41, which cannot be adjusted by deduction under the said clause, shall be recoverable as if it were an arrear of land revenue.]

**54F. Wrong and excess payment to be recoverable as land revenue.**

- Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him, the amount which is found to be not due or which is in excess, as the case may be, with interest thereon at three per cent per annum, or any portion thereof which cannot be otherwise adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

**54G. [ Recovery of amount paid on cancellation of notifications issued under section 1(4). [Sections 54-G and 54-H were deemed to have come into force on the 19th April, 1949.]**

- If any amount has been paid to any person under this Act in pursuance of a notification issued under sub-section (4) of section 1 and if such notification is subsequently quashed by order of Court, or cancelled by the Government, the amount so paid, with interest thereon at three per cent per annum, shall be recoverable as if it were an arrear of land revenue.

**54H. Recovery of excess collection made by a darmila inamdar.**

(1)If, in an estate notified under this Act, a darmila inamdar has collected any amount by way of rent or miscellaneous revenue in respect of the portion of the estate comprising his darmila inam, for the fasli year in which the estate, is notified and for any subsequent fasli years, then, such amount, together with interest thereon at three per cent per annum, shall be recoverable as if it were an arrear of land revenue.(2)If, in respect of the said fasli years, any person is liable to pay land revenue or miscellaneous revenue under this Act to the Government, the amounts paid by him to the darmila inamdar shall be adjusted towards such liability.Explanation. - Any amount collected by the Government on behalf of the darmila inamdar in respect of the portion of the estate comprising his darmila inam, byway of rent or miscellaneous revenue, and paid to him shall be deemed to be an amount collected by him.]]

## **Chapter XVI**

### **Miscellaneous**

**55. Collection of arrears of rent which accrued before the notified date.**

(1) After the notified date, the landholder shall not be entitled to collect any rent which accrued due to him from any ryot before, and is outstanding on, that date; but the manager appointed under section 6 shall 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 landholder all amounts so collected after deducting (a) ten per cent thereof on account of collection charges, (b) the arrears of peshkash, quit-rent, jodi or other amount, if any, of a like nature due from the landholder to the Government,] [Substituted for 'and all amounts so collected after deducting (a) ten per cent thereof on account of collection charges and (b) the arrears of peshkash, quit-rent, jodi or other amount, if any of a like nature, due from the landholder to the Government, shall be paid to him' by section 21 (a) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).] and (c) the rent, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year in which the estate is notified under this Act and any amount collected by the landholder from the ryots in excess of the rent determined under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and outstanding to the credit of the ryots on the first day of the fasli year: Provided that any such rent, which accrued due in respect of the fasli year 1356 and earlier faslis, shall be reduced on the basis that the landholder is entitled in respect of each of those faslis, only to the rent as determined under 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.] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947): Provided further that where the ryot -(a) has paid before the notified date or pays within two years of that date, or (b) where the rate of rent for the land has not been fixed under 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.] Estates Land (Reduction of Rent) Act, 1947 [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 XXX of 1947), before the notified date, pays within two years of the date on which such rates of rent are fixed under that Act, the rent due for the fasli years 1356 and 1357 and any interest payable thereon together with any costs which may have been decreed, then, all arrears of rent due from such ryot in respect of all prior fasli years, including interest and costs, if any, shall be deemed to have been completely discharged. [Explanation. - Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the [Tamil Nadu] [This Explanation was added by section 21 (b) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).] Estates Land (Reduction of Rent) Act, 1947 ([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 XXX of 1947), and paid to the landholder shall, for the purpose of this sub-section, be deemed to be an amount collected by the landholder.](2)All amounts which the manager is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable.

**55A. [ Apportionment of amounts collected under section 55. [Inserted by section 22 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1956 (Tamil Nadu Act XLIV of 1956).]**

(1)Where any doubt or dispute arises as to whose the lawful landholder entitled to receive the payment under sub-section (1) of section 55 is or where there is more than one claimant what, if any, the share of each claimant is, the question shall be referred to the Tribunal and intimation of the fact given to the claimants, and so far as information is available with the manager appointed under section 6, to the landholder or landholders.(2)Pending the decision of the Tribunal, the amount due under sub-section (1) of section 55 [shall be deposited in the office of the Tribunal] and no interest shall accrue thereon.(3)The fact of every such deposit shall be published in the Fort St. George Gazette and intimation thereof shall also be given [xxx] [The words 'to the Tribunal as well as' were omitted by section 7(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amend.) Act, 1963 (Tamil Nadu Act 21 of 1963).] to the claimants and to the landholder or landholders referred to in sub-section (1).(4)[Every person making a claim to, or enforceable against, the amount] [Substituted for the words 'Every person claiming the amount' by section 7(iii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amend.) Act, 1963 (Tamil Nadu Act 21 of 1963).] so deposited or any portion thereof as a landholder shall apply to the Tribunal within three months of the date of publication of the fact of such deposit in the Fort St. George Gazette or within such further period not exceeding three months as the Tribunal may, in its discretion, allow.(5)[ Every claim to, or enforceable against, the amount so deposited or any portion thereof which is not made to the Tribunal within the time aforesaid shall -(i)insofar as it relates to the amount paid by the Tribunal; or(ii)subject to the provisions of section 54-CC, in so far as it relates to the amount in respect of which an order for payment has been made by the Tribunal or the Special Tribunal in favour of any person, cease to be enforceable.](6)The Tribunal shall, after giving notice to all persons who have applied under sub-section (4) and to any others whom it considers to be interested, make enquiry into the validity of the claims received by it and determine the persons who, in its opinion, are entitled to the amount so deposited and the share of each person in respect of it.(7)Any person deeming himself aggrieved by any decision of the Tribunal may appeal to the Special Tribunal constituted under section 51 and the provisions of that section shall apply mutatis mutandis in respect of such appeals.(8)Neither the Tribunal nor the Special Tribunal shall have jurisdiction to go into the correctness of the amount placed in deposit.] [Substituted for the original sub-section (5) by section 7(iv) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1963 (Tamil Nadu Act 21 of 1963).]

**56.**

[\*\*\*] [Substituted for the words 'with effect on and from the date on which an estate is notified' by



section 23 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.]

## **57. Peshkash, jodi and quit-rent.**

- Peshkash, jodi or quit rent, as the case may be, in respect of an estate shall cease to accrue with effect from the end of the fasli year immediately preceding the notified date.

## **58. Payment of jodi, kattubadi, etc., by landholder of inam village which is not an inam estate.**

- [For each fasli year commencing with the fasli year in which an estate is notified,] [Substituted for the words 'with effect on and from the date on which an estate is notified' by section 23 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956), which was deemed to have come into force on the 19th April 1949.] the landholder of an inam village which is not an inam estate shall be liable to pay annually to the Government, such jodi, kattubadi or other amount of a like nature, as he was liable to pay to the landholder of the notified estate immediately before that date: Provided that in respect of the fasli year in which the estate is notified, the jodi, kattubadi or other amount aforesaid, shall be reduced by any payments made on that account before the notified date to the landholder of the notified estate, if such payments are authenticated in the prescribed manner.

## **58A. [ Stay of execution proceedings, and setting aside of certain Court sales and foreclosures. [Inserted by section 6 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).]**

(1) No Court shall, before the date on which the deposit in pursuance of section 54-A is made, order or continue execution in respect of any decree or order passed against the principal or any other landholder of an estate, against his interest in the estate or against his other immovable property or against him personally by arrest and detention; and with effect on and from such date, execution in the cases aforesaid may be ordered or continued as specified in, and in accordance with the provisions of, section 59. (2) Where in execution of any such decree or order, any interest in the estate or any other immovable property of the principal or any other landholder has been sold or foreclosed on or after the 19th April 1949, then, notwithstanding anything contained in the Indian [Limitation Act, 1908] or in the Code of Civil Procedure, 1908 (Central Act V of 1908), and notwithstanding that the sale has been confirmed, such landholder may apply to the Court within ninety days of the commencement 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.] Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 ([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 XXV of 1951), to set aside the sale or foreclosure of the property; and the Court shall, if satisfied that the applicant is a landholder, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all: Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and the other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter: Provided further that the Court shall not order any such sale to be set aside, unless the Court is satisfied that the sale price was unduly low. (3) Where a sale is set aside under sub-section (2), the purchaser shall be entitled to an order for repayment of any purchase money paid by him against the person to whom it has been paid: Provided that no poundage shall be payable in respect of any such sale and provided further that where poundage has been collected, the Court shall direct the same to be refunded. (4) All proceedings for the execution of any decree or order by the arrest and detention in prison of the principal or any other landholder of an estate, pending at the commencement 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.] Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 ([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 XVII of 1951), shall stand dismissed, and if at such commencement, the principal or any other landholder is detained in a prison in execution of any such decree or order, he shall be released forthwith. (5) All alienations of immovable property made by the principal or other landholder of any estate on or after the 19th April 1949 and before the notified date shall be invalid as against every creditor whose sale in execution or foreclosure decree has been set aside under sub-section (2) or who became entitled to rateable distribution of proceeds of such sale under section 73 of the Code of Civil Procedure, 1908 (Central Act V of 1908). Explanation. - Nothing contained in this sub-section shall apply to any alienation to which the provisions of either section 18, sub-section (3), or section 20 apply. (6) Notwithstanding anything contained in any other law for the time being in force, no principal or other landholder of an estate shall, on or after the notified date and before the date on which the deposit in pursuance of section 54-A is made, sell, mortgage, lease, or otherwise assign or alienate any of his immovable property, and any transaction of the nature hereby prohibited shall be void and inoperative and shall not confer or take away any right whatever on or from any party to the transaction.]

## **59. Transitional provision in regard to other liabilities of landholder.**

(1) No claim or liability enforceable immediately before the notified date against the principal or any other landholder of an estate, or against any other person whose rights stand transferred to the Government in pursuance of section 3, clause (b), shall, on or after that date, be enforceable against the interest he had in the estate; and all such claims and liabilities shall [after the date on which the deposit in pursuance of section 54-A is made] [Inserted by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).] be enforceable, - (a) against the interim payments or the compensation or other sums paid or payable to him under this Act, to the same extent to which such claims and liabilities were enforceable against his interest in the estate immediately before the notified date; and (b) against his other property, if any, to the same extent to which such claims and liabilities were enforceable against such property,

immediately before the notified date.(2)No Court shall, on or after the notified date, order or continue execution in respect of any decree or order passed against the principal or any other landholder or any other person aforesaid, against the interest he had in the estate; and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1), only as against the interim payments or against the compensation or other sum or stuns paid or payable to him as aforesaid, or against his other property, if any.(3)[ No Court shall, in enforcing any claim or liability against the principal or any other landholder or any other person aforesaid, allow interest at a rate exceeding six per cent per annum simple interest for the period commencing on the notified date and ending with the date on which the deposit in pursuance of section 54-A is made.] [Added by section 7(ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951).]

**59A. [ Liability of person unauthorizedly occupying land to forfeiture of crops, etc. [Inserted by section 24 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).]**

- When under this Act any person is dispossessed of any land, any crop or other product 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. Forfeitures under this section shall be adjudged by the said officer and any property so forfeited shall be disposed as that officer may direct.]

**60. Provisions for existing estate staff.**

- Notwithstanding any law, custom, or contract to the contrary, the following provisions shall apply in regard to the persons employed in the administration of any estate immediately before the notified date: -(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.

**61. Maintenance by Government of institutions maintained by landholder.**

- Every educational or other charitable institution which was being maintained during the three fasli years 1354, 1355 and 1356, by any landholder of an estate may, with effect on and from the notified date, be maintained by the Government if they think fit.

**62. Removal of doubts in regard to estates in Chingleput district.**

- For the removal of doubts, it is hereby declared that the Estates Land Act applies, and shall be deemed always to have applied, to estates situated on the 1st day of July 1908, within the limits of the [Chingleput district] [This District was bifurcated as Kancheepuram and Tiruvallur Districts.] as

then constituted, notwithstanding that the areas in which the estates are situated have been or may be included within the limits of the Presidency-town, after that date; and the provisions of this Act shall apply to every such estate accordingly.

### **63. Decision of questions regarding forests.**

- If any question arises whether any land in an estate is a forest or is situated in a forest, or as to the limits of a forest, it shall be determined by the Settlement Officer, subject to an appeal to the Director within such time as may be prescribed and also to revision by the [Board of Revenue.] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.]

### **64. Rights of owner or occupier not to be affected by temporary discontinuance of possession or occupation.**

- Where a person-(a)is entitled to the ownership or to the possession or occupation of any land or building immediately before the notified date, 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 date lost his right to recover the possession or occupation of such land or building;he shall, for the purposes of this Act, and subject to the provisions thereof, be deemed to be the owner, or to be in possession or occupation, of such land or building:Provided that any lawful transferee of the right to the possession or occupation of such land or building shall, save as otherwise expressly provided in this Act, continue to have the same rights against his transferor, as he had immediately before the notified date:Provided further that any lawful transferee of the title to such land or building shall be entitled to all the rights under this Act of his transferor.

### **64A. [ Res Judicata. [Sections 64-A and 64-B were inserted by section 8 of the Tamil Nadu, Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1951 (Tamil Nadu Act XVII of 1951)]**

(1)The decision of a Tribunal or Special Tribunal in any proceeding under this Act, or of a Judge of the High Court hearing a case under section 51(2), on any matter falling within its or his 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 Special Tribunal, or a Judge of the High Court under section 51(2), in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

## **64B. Saving of limitation.**

- In computing the period of limitation for any suit or application filed in a Civil Court by a creditor in respect of any matter which was the subject of a proceeding under any of the following sections, namely, 42,43,44, 45, 46,48,49,50,51,54-A and 54-B, the period commencing on the notified date and ending with the date on which the deposit in pursuance of section 54-A is made, and the time during which such proceedings were pending as well as the time taken for obtaining certified copies of the order passed in such proceeding shall be excluded.]

## **64BB. [ Limitation [Inserted by section 10 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).]**

(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 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 section 12, sub-sections (1) and (2) of the Indian Limitation Act, 1908 [(Central Act LX of 1908)] 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).]

## **64C. [ Finality of orders passed [\*\*\*] [Inserted by section 25 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).] under this Act.**

(1)Any order passed by the Government or [other authority under this Act] [Substituted for the words 'other authority by or under this Act' by section 11 (ii) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).] in respect of matters to be determined for the purposes of this Act shall, subject only to any appeal or revision provided by or under this Act, be final.(2)No such order shall be liable to be questioned in any Court of Law.]

## **65. 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.(3)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.

## 66. Repeals.

- With effect on and from the notified date, -(i)the Tamil Nadu Impartible Estates Act, 1904 (Tamil Nadu Act II of 1904), shall be deemed to have been repealed in its application to the estate, if the estate had been governed by that Act immediately before that date; and(ii)the [Madras Tenants and Ryots Protection Act, 1946 (Tamil Nadu II of 1946),] [See now the Tamil Nadu Tenants and Ryots Protection Act, 1949 (Tamil Nadu Act XXIV of 1949).] shall be deemed to have been repealed in its application to private lands in the estate.

## 67. 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 provision, such rules may provide for -(a)all matters expressly required or allowed by this Act to be prescribed;(b)the procedure to be followed by the Tribunals, Special Tribunals, authorities and officers appointed, or having jurisdiction, under this Act;(c)the delegation of the powers conferred by this Act on the Government or any other authority, officer or person;(d)the time within which applications and appeals may be prescribed under this Act, in cases for which no specific provision in that behalf has been made herein;(e)the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) [\*\*\*] [The words and figures 'and the Indian Limitation Act, 1908' were omitted by section 12 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).] to applications, appeals and proceedings under this Act;(f)the fees to be paid in respect of applications and appeals under this Act;(g)the filling up of vacancies in Tribunals;(h)the transfer of proceedings from one Tribunal, authority or officer to another.(3)[ A rule made under clause (c) 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. Any such rule shall, unless otherwise specified therein, apply also in respect of orders passed by such authority or person before the rule was made. All rules under the said clause before the commencement of the [Tamil Nadu] [Added by the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956 (Tamil Nadu Act XLIV of 1956).] Estates (Abolition and Conversion into Ryotwari) Amendment Act, 1956 (Tamil Nadu Act XLIV of 1956), shall be deemed to be valid and to have been validly made.](4)All rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the and shall be subject to such modifications or repeal

as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

## **68. Power to remove difficulties.**

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.