

# Tamil Nadu Inams (Supplementary) Act, 1963

TAMILNADU

India

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### Act 31 of 1963

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Tamil Nadu Inams (Supplementary) Act, 1963(Tamil Nadu Act 31 of 1963)Statement of Objects and Reasons - Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963). - When the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, (L.A. Bill No. 2 of 1962) and the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962), are passed into law, in the course of implementation of the Acts, the question whether any non-ryotwari area in the State of Madras is or is not an existing inam estate, a part village inam estate, a minor inam or a whole inam village in Pudukkottai will arise for consideration. It has been decided that a separate legislation may be undertaken providing a machinery to determine such questions, as, in the absence of such a machinery, ordinary civil suits will have to be filed for the determination of the questions resulting in delay. The Bill seeks to give effect to this decision. Published in Part IV-Section 3, pages 265-266 of the Fort. St. George Gazette Extraordinary dated the 14th August 1963. Statement of Objects and Reasons - Madras Inams (Supplementary) Amendment Act, 1967(Tamil Nadu Act 14 of 1967). - Under sub-section (1) of section 5 of the Madras Inams (Supplementary) Act, 1963 (Madras Act 31 of 1963), the time limit for application for determining the question whether any non-ryotwari area is or is not an existing inam estate or part Village inam estate or a minor inam or a whole inam village in Pudukkottai is three months from the notified date in respect of estates governed by the Madras Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Madras Act 26 of 1963) and three months from the date of publication in the District Gazette of a copy of the notification under sub-section (5) of section 1 of the Madras Minor inams (Abolition and Conversion into Ryotwari) Act, 1963 (Madras Act 30 of 1963) in respect of cases governed, by that Act. In addition to this, the Settlement Officer can allow further time not exceeding thirty days in his discretion. The first batch of inam estates under Madras Act 26 of 1963 was notified on the 15th April 1965. The validity of Madras Acts 26,27 and 30 of 1963 was questioned in a number of writ petitions before the High Courts A Division Bench of the High Court in its judgment dated the 24th June 1966 upheld the validity of all the three Acts and observed that the character of each grant would have to be decided under Madras Act 31 of 1963. In a few cases, the High Court observed that the authorities under Madras Act 31 of 1963 would take a liberal view if there is a question of limitation. Cases have also come to the notice of Government where parties were not able to file applications under Madras Act 31 of 1963 as the time-limit has already expired.

The Government have examined the question and have decided that the time-limit may be prescribed by rules made by the Government and that the Act should be suitably amended for the purpose.<sup>2</sup> The Bill seeks to give effect to the above decision. Published in Part IV-Section 3, page 51-52 of the Tamil Nadu Government Gazette Extraordinary dated the 15th July 1967. Received the assent of the President on 28th January 1964 and first published in the Fort St. George Gazette on 5th February 1964. An Act to provide for the determination of questions whether any non-ryotwari area in the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment), Order, 1969.] is or is not an existing inam estate, apart village inam estate, a minor inam or whole inam village in Pudukkottai. Be it enacted by the Legislature of the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment), Order, 1969.] in the Fourteenth Year of the Republic of India as follows:-

## 1. Short title and commencement.

(1) This Act may be called 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.] Inams (Supplementary) Act, 1963. (2) It shall come into force on such date as the State Government may, by notification, appoint: [Provided that in respect of the transferred territory, it shall come into force on a date to be appointed by the State Government which date shall be after the publication of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 ([Tamil Nadu] [This proviso was added by section 2(f) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 (Tamil Nadu Act 8 of 1968).] Act 8 of 1968), in the [Fort St. George Gazette.] [Now the Tamil Nadu Government Gazette.]] (3) It applies to all non-ryotwari areas in the [State of Tamil Nadu] [Substituted for 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment), Order, 1969.][xxx] [The words 'except the Kanyakumari district and Shencottah taluk of the Tirunelveli district' were omitted by section 2(H) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 (Tamil Nadu Act 8 of 1968).].

## 2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "existing inam estate" shall have the same meaning as in clause (4) of section 2 of the Inam Estates Abolition Act; (b) "Inam Estates Abolition 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.] Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 ([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 26 of 1963); (c) "minor inam" shall have the same meaning as in clause (9) of section 2 of the Minor Inams Abolition Act; (d) "Minor Inams Abolition 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.] Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963

[(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 26 of 1963);(e)"part village inam estate" shall have the same meaning as in clause (11) of section 2 of the Inam Estates Abolition Act;(f)"Settlement Officer" means a Settlement Officer appointed under section 3;(ff)[ "Transferred territory" means the Kanyakumari district and the Shen-cottah taluk of the Tirunelveli district;] [This clause was inserted by section 3 of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 (Tamil Nadu Act 8 of 1968).](g)"Tribunal" means a Tribunal having jurisdiction over the area and constituted under section 4;(h)"whole inam village in Pudukkottai" means a whole inam village in the merged territory of Pudukkottai, but not including the whole inam villages specified in Schedule I to the Inam Estates Abolition Act.

### **3. Appointment of Settlement Officers.**

(1)The State Government shall appoint as many Settlement Officers as may be necessary for the purposes of this Act.(2)Each Settlement Officer shall have such jurisdiction and over such areas as the State Government may, by notification, from time to time, determine.

### **4. Constitution of Tribunals.**

(1)The State 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 a Subordinate Judge.(3)Each Tribunal shall have such jurisdiction and over such areas as the State 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.

### **5. Determination of questions whether any non-ryotwari area is or is not an existing inam estate, etc.**

(1)Notwithstanding anything contained in the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908) or in any other law for the time being in force, any person interested may, [within such period as may be prescribed] [Substituted for the words, brackets and figures 'within three months from the notified date as defined in clause (10) of section 2 of the Inam Estates Abolition Act or from the date of publication in the District Gazette, under sub-section (5) of section 1 of the Minor Inams Abolition Act, under sub-section (5) of section 1 of the Minor Inams Abolition Act, of a copy of the notification under sub-section (4) of the said section 1' by section 2(a) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1967 (Tamil Nadu Act 14 of 1967).], make an application to the Settlement Officer for a declaration that the non-ryotwari area specified in the application is or is not-(i)an existing inam estate; or(ii)a part village inam estate; or(iii)a minor inam; or(iv)a whole inam village in Pudukkottai:Provided that the Settlement Officer may, in his discretion, allow further time [not exceeding such period as may be prescribed] [Substituted for the words 'not exceeding thirty days' by section 2(b) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1967 (Tamil Nadu Act 14 of 1967).] for the making of any application under this section.(2)On

receipt of an application under sub-section (1), the Settlement Officer shall, after giving notice in the prescribed manner to the applicant, to the State Government if the State Government is not the applicant, to the landholder or the inamdar, as the case may be, and if the applicant is the landholder or the inamdar, as the case may be, to the person in occupation of the land in the area concerned, and after publishing the notice in the prescribed manner in the village and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision whether the non-ryotwari area concerned is an existing inam estate, or a part village inam estate, or a minor inam or a whole inam village in Pudukkottai

## **6. Appeal.**

(1) Against the decision of the Settlement Officer under sub-section (2) of section 5, the State Government, or any person aggrieved by such decision may, within three months from the date of the decision, appeal to the Tribunal: Provided that the Tribunal may, in its discretion, allow further time not exceeding two months for the filing of any such appeal. (2) In deciding an appeal under this section, the Tribunal shall follow such procedure as may be prescribed.

## **7. Revision by High Court.**

- The Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and its orders shall be liable to revision by the High Court under the provisions of that section.

## **8. Decision under this Act to be binding.**

- Every decision of the Settlement Officer, subject to any decision of the Tribunal or of the High Court, and every decision of the Tribunal subject to any decision of the High Court shall be binding on all persons claiming an interest in any land in the non-ryotwari area concerned notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in the proceedings before the Settlement Officer, the Tribunal or the High Court, as the case may be.

## **9. Defect not to invalidate decision of Settlement Officer, Tribunal, etc.**

- No decision of the Settlement Officer or of the Tribunal or of the High Court shall be invalid by reason of any defect in the form of any notice issued by him or it or in the manner of publication of such notice.

## **10. Jurisdiction of Civil and Revenue Courts barred in certain matters.**

- Save as otherwise expressly provided in this Act, no Civil or Revenue Court and no Tribunal constituted under any other law shall have jurisdiction-(a) to adjudicate upon any question whether any non-ryotwari area is or is not an existing inam estate or a part village inam estate or a minor

inam or a whole inam village in Pudukkottai; or(b)in respect of any matter which the Settlement Officer or the Tribunal is empowered by or under this Act to determine.

### **11. Settlement Officer to give decision in certain cases referred to him.**

(1)Where in any suit or appeal or other proceeding pending before any Court (other than the High Court) or other authority, any question is in issue whether a particular area is or was an existing inam estate or a part village inam estate or a minor inam or a whole inam village in Pudukkottai, such question shall be referred to the Settlement Officer for determination.(2)Notwithstanding any reference made to the Settlement Officer under subsection (1), the Court or other authority which made the reference may pass such interim orders in respect of the suit, appeal or other proceeding as are allowed by law.(3)Any reference under sub-section (1) shall be deemed to be an application under sub-section (1) of section 5 and the provisions of this Act shall, as far as may be, apply accordingly.(4)The decision of the Settlement Officer or of the Tribunal or of the High Court, as the case may be, under this section shall be communicated to the Court or other authority which made the reference and, thereupon, such Court or authority shall proceed to dispose of the case.

### **12. Decision under [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 1956 to be binding.**

- In cases in which, before the notified date a Tribunal or the Special Appellate Tribunal constituted 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 (Supplementary) Act, 1956 ([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 1956), has given a finding under that Act that a particular area is 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), that finding shall be final and shall be binding for the purposes of this Act.

### **13. Power to make rules.**

(1)The State Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)all matters expressly required or allowed by this Act to be prescribed;(b)the procedure to be followed by the Settlement Officer and the Tribunal;(c)the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) to proceedings before the Settlement Officer;(d)the fees to be paid in respect of applications and appeals under this Act;(e)the transfer of proceedings from one

Settlement Officer or Tribunal to another.(3)All rules made under this Act shall be published in the [Fort St. George Gazette] [Now the Tamil Nadu Government Gazette.] and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(4)Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of [the Legislative Assembly] [Substituted for the words 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws Order, 1987.], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.