

Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972

TAMILNADU

India

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Act 21 of 1972

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Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972(Tamil Nadu Act 21 of 1972)Received the assent of the Governor on the 9th August 1972 and first published in the Tamil Nadu Government Gazette Extraordinary, dated the 11th August 1972.An Act to provide relief to cultivating tenants in respect of certain arrears of rents.Whereas it has been represented that cultivating tenants have borrowed or added to their debts during the years of drought and that they are not in a position to pay arrears of rent due to their indebtedness and poor economic conditions;And Whereas due to default in the payment of arrears of rent, landlords have taken action against cultivating tenants for eviction and for recovery' of arrears of rent;And Whereas in the interests of the general public cultivating tenants should, at the present time, be spared the distractions and expenditure involved in such action in order that the maximum possible advantage may result to the State in the matter of production of food crops;And Whereas it is considered necessary, as part of agrarian reform, to give relief to cultivating tenants from the burden of discharging arrears of rent, on condition of payment of the current rent to landlords;Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"competent authority" means the Revenue Divisional Officer or authorised officer having jurisdiction to entertain a proceeding for the eviction of cultivating tenant under the Tenants Protection Act or the Public Trusts Act, as the case may

be;(b)"Court" means-(i)any Court in which any suit or proceeding for the recovery of any arrears of rent from a cultivating tenant or for the eviction of a cultivating verumpattamdar for non-payment of any arrears of rent is pending on the date of the publication of this Act, or(ii)any Court which has passed a decree or order for such recovery or eviction, or(iii)any Court to which such decree or order has been sent for execution;(c)"cultivating tenant" means-(i)a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Protection Act; or(ii)a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act, and includes a cultivating verumpattamdar;(d)"cultivating verumpattamdar" means the cultivating verumpattamdar as defined in sub-clause (b) of clause (29) of section 3 of the Malabar Tenancy Act;(e)"date of the publication of this Act" means the date of the publication of this Act in the Tamil Nadu Government Gazette;(f)"landlord" means a landlord as defined in clause (e) of section 2 of the Tenants Protection Act and includes-(i)a public trust as defined in clause (25) of section 2 of the Public Trusts Act; and(ii)a land lord as defined in clause (19) of section 3 of the Malabar Tenancy Act;(g)"Malabar Tenancy Act" means the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930);(h)"Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act LVII of 1961);(i)"Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955);(j)all other words and expressions used, but not defined in this Act and defined in the Tenants Protection Act and defined in the Public Trusts Act or in the Malabar Tenancy Act shall have the same meaning as in the Tenants Protection Act or in the Public Trusts Acts or in the Malabar Tenancy Act, as the case may be.

3. Relief in payment of arrears of rent.

(1)(a)All arrears of rent payable by a cultivating tenant to the landlord and outstanding on the 30th June 1971 (hereinafter referred to as arrears of rent) shall be deemed to be discharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant-(i)has before the date of the publication of this Act paid to the landlord or deposited in the Court or before the competent authority, to the accounts of the landlord; or(ii)pays or deposits in the manner specified in clause (b) within six months from the date of the publication of this Act; or(iii)is deemed to have paid or deposited under this Act;the whole of the rent due for the fasli year commencing on the 1st July 1971 and ending with the 30th June 1972 (hereinafter referred to as the current rent).(b)A cultivating tenant may-(i)pay to the landlord the current rent; or(ii)deposit in the Court or before the competent authority, to the account of the landlord, the current rent or if the rent be payable in kind, its market value on the date of deposit.(c)The Court in which, or the competent authority before which, the deposit is made shall cause notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of the current rent due from the cultivating tenant. If the Court or competent authority finds that any further sum is due, it shall direct the cultivating tenant to deposit the further sum within the period specified in clause (a)(ii). If the Court or competent authority adjudges .hat no further sum is due or if the cultivating tenant deposits with in the time referred to above, such further sum as is ordered by the Court or competent authority, the cultivating tenant shall be deemed to have paid the current rent for the purposes of this Act.(2)In any suit or proceeding pending on the date of the publication of this Act for the recovery of any arrears of rent, or for the eviction of a cultivating tenant for non-payment of any arrears of rent, the Court or competent authority shall, if the

cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the whole of the current rent and on the application of the cultivating tenant, pass an order dismissing, without costs, the suit or proceeding in so far as such suit or proceeding relates to such recovery or eviction.(3)If, before the date of the publication of this Act, any decree or order has been passed in any suit or proceeding-(i)for the recovery of any arrears of rent; or(ii)for the eviction of a cultivating tenant for non-payment of any arrears of rent;the Court or the competent authority shall, if the cultivating tenants pays or deposits or has paid or deposited or is deemed to have paid or deposited, under this Act, the whole of the current rent and on the application of any person affected by such decree or order whether or not he was a party thereto, vacate the decree or order in so far as such decree or order relates to such recovery or eviction.

4. Payment or deposit of rent on or after 1st July, 1971, deemed to be payment towards current rent.

(1)If on or after the 1st July 1971, any cultivating tenant has-(i)made any payment, by way of rent, to the landlord; or(ii)deposited, by way of rent, in the Court or before the competent authority to the account of the landlord, whether or not such payment or deposit was towards the discharge of any arrears of rent, such payment or deposit shall be deemed to have been made towards the current rent notwithstanding anything to the contrary contained in any document or receipt, and in cases of payment through or deposit before the Court or the competent authority, it shall, on the application of the cultivating tenant, reopen the proceeding and pass an order that the rent so paid or deposited shall be deemed to have been paid or deposited towards the current rent.(2)If on or after the 1st July 1971, any cultivating tenant has paid or deposited any amount towards full or part satisfaction of a decree or order for the recovery of any arrears of rent, such amount shall be deemed to have been paid or deposited towards the current rent and the Court or the competent authority shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, reopen the proceeding and pass an order that the amount so paid or deposited shall be deemed to have been paid or deposited towards the current rent.(3)Nothing in this section or in any other provision of this Act shall entitle any cultivating tenant to claim any refund from the landlord on the ground that the payment or deposit made on or after the 1st July 1971, towards the discharge of any arrears of rent or towards full or part satisfaction of a decree or order for the recovery of any arrears of rent, is in excess of the rent due as current rent.

5. Bar of proceedings for eviction or recovery of arrears of rent.

(1)Until the expiration of a period of six months from the date of the publication of this Act-(a)no application shall be made for the eviction of a cultivating tenant for non-payment of any arrears of rent, and no suit shall be filed for the recovery of such arrears;(b)no suit shall be filed for the eviction of a cultivating verumpattamdar for non-payment of any arrears of rent; and(c)subject to the provisions of sub-section (2) of section 3, all applications for the eviction of a cultivating tenant for non-payment of any arrears of rent and all suits, proceedings in execution of decrees or orders and other proceedings, pending before a Court or competent authority for the recovery of any arrears of rent or for such eviction, shall stand stayed.(2)All applications and all suits and proceedings stayed under this section, shall, after the expiration of a period of six months from the

date of the publication of this Act, be proceeded with against any cultivating tenant who has not paid or deposited, or who is not deemed to have paid or deposited under this Act the whole of the current rent within the said period subject to the provisions of any law which may be then in force, from the stage which had been reached when the application, suit or proceeding was stayed.

6. Exclusion of time for limitation.

- In computing the period of limitation prescribed for a suit for the recovery of any arrears of rent, or a proceeding for the eviction of a cultivating tenant for non-payment of any arrears of rent, or an application for the execution of a decree or order for such recovery or eviction, a period of six months from the date of the publication of this Act shall be excluded. Explanation. - In this section and in section 5, a decree or order for the recovery of any arrears of rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent shall be deemed to be a decree or order for such recovery or eviction, notwithstanding that any other relief is also granted by such decree or order.

7. Cultivating tenants entitled to restoration of possession of land in certain cases.

(1) Notwithstanding anything contained in this Act, any cultivating tenant who pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act the whole of the current rent and who has been evicted from any land on or after the 1st March, 1972 and before the date of publication of this Act on the ground of non-payment of any arrears of rent, shall, on application to the competent authority made in such form and within such period as may be prescribed, be entitled to be restored to the possession of such land under the same terms as those applicable to the cultivating tenant on the date of such eviction. (2) On receipt of the application under sub-section (1), the competent authority shall, after giving a reasonable opportunity to the landlord and other persons likely to be affected to make their representations, hold a summary enquiry into the matter and if such competent authority is satisfied that the cultivating tenant, has paid or deposited, or is deemed to have paid or deposited, the whole of the current rent under this Act, pass an order allowing the application.

8. Revision by High Court.

- The competent authority 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.

9. Act to override other laws, contracts, etc.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, Public Trusts Act, Malabar Tenancy Act or in the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1968 (Tamil Nadu Act XVI of 1968), or in the

Code of Civil Procedure, 1908 (Central Act V of 1908), or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a Court or other authority.

10. Power to make rules.

(1)The Government may make rules to carry out the purposes of this Act.(2)All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless, they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(3)Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of [the Legislative Assembly] [Substituted for the words 'both Houses of the Legislature' by 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.

11.

[The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu act XXV of 1955)].

12.

[The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Public Trusts (Regulation of administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961)].