

Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1983

TAMILNADU

India

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Act 26 of 1983

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Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1983(Tamil Nadu Act 26 of 1983)Statement of Objects and Reasons. - By the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980), cultivating tenants were given certain relief from the burden of discharging arrears of rent payable to landlords or public trusts, for the fasli year ending with the 30th day of June 1976 and for any previous fasli year. Similar relief was given to the cultivating tenants in the cyclone and flood-affected areas in respect of arrears of rent for the fasli year ending with the 30th June 1978 and for any previous fasli year by the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenant Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 16 of 1980). As there has been failure of monsoon in 1981-82 and 1982-83 in the State, the cultivating tenants would not be in a position to pay the rent for the current fasli or the arrears of rent for any previous fasli year. It is, therefore, considered necessary to provide that such defaulting tenants are protected till the 15th January 1984 from eviction on ground of default in payment of rent due for the fasli year ending with the 30th day of June 1983 and for any previous fasli year. It is also proposed to restore possession of lands to such tenants who have been evicted on or after the 1st day of July 1982, but before the date of the publication of the proposed Act for default in payment of rent.2. The Bill seeks to achieve the above objects.Published in Part IV-section 1 of the Tamil Nadu Government Gazette, dated the 15th February 1983.Received the assent of the President on the 28th May 1983 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette, dated the 2nd day of June 1983.An Act to provide for the protection from eviction of cultivating tenants who are in arrears with respect to the rent payable to the landlords.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows:-

1. Short title, extent, commencement and duration.

(1) This Act may be called the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1983. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall be deemed to have come into force on the 1st day of July 1982 and shall remain in force up to and inclusive of the 15th day of January 1984. (4) Upon the expiry of this Act, the provisions of section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) shall apply as if this Act had been repealed by a Tamil Nadu Act.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "cultivating tenant" means - (i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Protection Act; or (ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act; (b) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961); (c) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955); (d) words and expressions used and not defined in this Act but defined in the Tenants Protection Act or in the Public Trusts Act shall have the meanings respectively assigned to them in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

3. Cultivating tenant not to be evicted on the ground that he is in arrear.

- During the continuance of this Act, - (i) no application under the Tenants Protection Act or under Chapter III of the Public Trusts Act shall be made by or at the instance of a landlord or a public trust for the eviction of a cultivating tenant from his holding or any part thereof on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be; (ii) no cultivating tenant shall be evicted from his holding or any part thereof by or at the instance of the landlord or the public trust concerned, whether in execution of a decree or order of a court or otherwise on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be. Explanation. - For the purposes of this section and section 4, "rent" means rent accrued and due for the fasli year ending with the 30th day of June 1983 and for any previous fasli year.

4. Stay of applications and suits for eviction of a cultivating tenant.

(a) All applications under the Tenants Protection Act or under Chapter III of the Public Trusts Act; and (b) all suits, proceedings in execution of decrees or orders and other proceedings, for the eviction of a cultivating tenant, on the ground that he is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be, and pending before a Revenue Divisional Officer, an authorised officer, a Court or other authority, as the case may be, shall stand stayed.

5. Exclusion of time for limitation.

- In computing the period of limitation or limit of time prescribed for a suit or an application for the eviction of a cultivating tenant or an application for the execution of a decree or order for such eviction, the time during which he was protected by sections 3 and 4 from eviction shall be excluded. Explanation. - A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

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

- All applications for the eviction of a cultivating tenant under the Tenants Protection Act or under Chapter III of the Public Trusts Act, as the case may be, and all suits and proceedings stayed under this Act, shall, after the expiration of this Act, be proceeded with subject to the provisions of any law which may then be in force, from the stage which had been reached when the application, suit or proceeding was stayed.

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

(1) Any cultivating tenant who had been evicted from any land on or after the 1st day of July 1982, but before the date of the publication of this Act in the Tamil Nadu Government Gazette, on the ground that such cultivating tenant was in arrear with respect to the rent payable to the landlord or the public trust, as the case may be, shall, on application to the Revenue Divisional Officer within a period of three months after the date of such publication, be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the Tenants Protection Act or under the Public Trusts Act, as the case may be: Provided that the application may be received after the period of three months aforesaid, but before the expiry of this Act, if the applicant satisfies the Revenue Divisional Officer that he had sufficient cause for not making the application within the said period of three months. (2) The Provisions of sub-section (4) of section 4 of the Tenants Protection Act, or, as the case may be, sub-section (2) of section 20 of the Public Trusts Act shall, so far as may be, apply to applications under sub-section (1).

8. Act to override other laws, contract, etc.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, the Public Trusts Act, the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980), the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 16 of 1980), the 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.