

Tamil Nadu Estates (Supplementary) Act, 1956

TAMILNADU

India

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Act 30 of 1956

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Tamil Nadu Estates (Supplementary) Act, 1956(Tamil Nadu Act 30 of 1956)Statement of Objects and Reasons - Tamil Nadu Estates (Supplementary) Act; 1956 (Tamil Nadu Act XXX of 1956). - The following is the statement of objects and reasons appended to the Bill. In proceedings under the Madras Estates Land (Reduction of Rent) Act, 1947, and the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 the question whether the area to which the Act is applied is or is not an estate as defined in the Madras Estates Land Act, 1908, is often raised. The Madras Estates Land Act does not contain any provision for the determination of this question. Though, in the enquiry under section 9 of the Abolition Act, the Settlement Officer in the first instance, and the Tribunal in appeal, give a finding on the question whether a particular inam village is or is not an estate, the High Court has held that such a finding is not binding on any one and that an ordinary civil suit can be filed for the determination of the question. This has led to a multiplicity of suits with the result that the Government have to contest these suits and go through all the normal process of litigation by way of proceeding in the trial courts, appeals, revision petitions, etc., The Government have, therefore, decided that legislation should be undertaken to provide for a machinery for the expeditious determination of the question. The draft Bill gives effect to this decision. Published in Part IV-A (page 190) of the Fort St. George Gazette Extraordinary, dated the 26th September 1956. Statement of Objects and Reasons - Madras Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961). - Section 11(1) of the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956) lays down that all suits, appeals or other proceedings (other than those pending before the High Court) pending at the commencement of that Act before any Court or Tribunal or Settlement Officer in which any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2) of the Madras Estates Land Act, or is or was an inam estate as defined in section 2, clause (7) of the Madras Estates (Abolition and Conversion into Ryotwari Act), shall stand transferred to the appropriate Tribunal constituted under the first mentioned Act for the determination of that question. Section 12 of that Act lays down that if, on remand by the High Court in respect of a case pending before it on or after the commencement of that Act, a Court subordinate to the High Court is seized of the question whether a particular non-ryotwari area is or is not an estate as defined in section 3, clause (2) of the Madras Estates Land Act or is or is not an inam estate as defined in section 2, clause (7) of the Madras Estates (Abolition

and Conversion into Ryotwari) Act, that case shall stand transferred to the appropriate Tribunal constituted under the 1956 Act referred to above for the determination of that question and be disposed of by it in accordance with the provisions of that Act. In some of the suits, appeals, etc., referred to above, a number of questions may have to be adjudicated upon and the Tribunal cannot decide all these questions, its jurisdiction being limited to the determination of the question whether a particular non-ryotwari area is or is not an estate or is or is not an inam estate. The High Court, Madras, considers that under the Act as it now stands, the Tribunal does not have the power to pass interim order to safeguard the rights of the parties before it, pending the determination, of the said question under section 11(1) or section 12 and that this cannot also be achieved by the exercise of the rule making power under section 14, but only by an appropriate amendment to the Act. The High Court has further stated that similarly, Civil Courts (including the District Court which has now been constituted as the Tribunal under the Act) cannot grant such interim relief either which it would be necessary to grant' to avoid hardship and irreparable damage even in cases where the issues raised in the proceedings which stand transferred to the Tribunal, cover matters other than those with which the Tribunal has jurisdiction to deal and that this again cannot be accomplished by framing rules under the Act, but only by an amendment to the Act itself. It is accordingly proposed to amend the Madras Estates (Supplementary) Act, 1956 so as to provide -(1) that in the case of any suit appeal and other proceeding in which the question whether a particular non-ryotwari area is or is not an estate or is not an inam estate, is in issue, either solely or along with certain other issues, only the issue relating to the said question should be referred to the appropriate Tribunal;(2) that the Court, Tribunal or Settlement Officer concerned should keep the suit, appeal or other proceeding pending till the finding of the Tribunal on the question is received and then dispose of the suit, appeal or other proceeding; and(3) that the Court, Tribunal or Settlement Officer concerned may in the meantime deal with the suit appeal or other proceeding in respect of matters other than that referred or transferred to the Tribunal. The Bill seeks to give effect to the above proposals. Published in Part IV-A of the Fort George Gazette Extraordinary, dated the 13th March 1961. Received the assent of the President on the 10th December 1956 and first published in the Fort St. George Gazette on the 19th December 1956. An Act to provide for the determination of questions whether any non-ryotwari area in the [State of Tamil Nadu] [Substituted for the expression '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 estate. Whereas it is expedient to provide for the determination of questions whether any non-ryotwari area in the [State of Tamil Nadu] [Substituted for the expression '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 estate; Be it enacted in the Seventh Year of the Republic of India as follows: -

1. Short title, commencement and application.

(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.] Estates (Supplementary) Act, 1956. (2) It shall come into force on such date as the State Government may, by notification, appoint. (3) It applies to all non-ryotwari areas in the [State of Tamil Nadu] [Substituted for the expression '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.], including any area in respect of which an order under section 3, sub-section (2), of the Rent Reduction Act or a notification under section 1, sub-section (4), of the Abolition Act, or both an order and a notification as aforesaid has or have been published. Notes. - This Act came into force on the 3rd August 1957.

2. Definitions.

- In this Act, unless the context otherwise requires-(a)"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.] Estates (Abolition and Conversion into Ryotwari) Act, 1948;(b)"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 I of 1908);(c)"Rent Reduction Act" [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.] 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 (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);(d)"Tribunal" means a Tribunal having jurisdiction over the area and constituted under section 5.

3. Determination of questions whether any non-ryotwari area is or is not an estate.

(1)Notwithstanding anything contained in the Estates Land Act or in any other law for the time being in force, any person interested may make an application to the Tribunal for a declaration that the area specified in the application is or is not an estate or part of an estate as defined in section 3, clause (2), of the Estates Land Act, or that it is or is not an inam estate as defined in section 2, clause (7) of the Abolition Act.(2)Any such application shall be filed within three months from the date on which this Act comes into force or within three months from the date of publication of the order under section 3, sub-section (2), of the Rent Reduction Act, or of the notification under section 1, sub-section (4) of the Abolition Act, whichever of the dates aforesaid is the latest.(3)The Tribunal may, in its discretion, allow further time not exceeding three months for the making of any application under this section.

4. Applications by Government.

(1)Against the decision of any Court or of a Settlement Officer or Tribunal (constituted under the Abolition Act), an application may, within one year from the date on which this Act comes into force, be filed under this Act on behalf of the State Government by such officer as they may, from

time to time, authorize in this behalf, for a declaration that any non-ryotwari area is an estate under section 3, clause (2), of the Estates Land Act, or that it is an inam estate as defined in section 2, clause (7), of the Abolition Act.(2)Such application -(a)against the decision of a Settlement Officer shall lie to the appropriate Tribunal and be dealt with under section 6;(b)in other cases, shall lie to the Special Appellate Tribunal constituted under section 7 and be dealt with as an appeal under the said section.

4A. [Tribunal to give decision in certain cases referred to it. [Inserted by section 2 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).]

(1)Where, in any suit or appeal or other proceeding pending before any Court (other than the High Court) or Tribunal or Settlement Officer as defined in section 2, clause (13), of the Abolition Act, any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2), of the Estates Land Act, or is or was an inam estate as defined in section 2, clause (7), of the Abolition Act, such question shall be referred to the appropriate Tribunal constituted under this Act for determination.(2)Notwithstanding any reference made to the Tribunal under sub-section (1), or any appeal preferred before the Special Appellate Tribunal under sub-section (1) of section 7, the Court or Tribunal or Settlement Officer, as the case may be, may pass such interim orders in respect of the suit or appeal or other proceeding as are allowed by law.]

5. Constitution of Tribunals.

(1)The State Government shall constitute as many [Tribunals as may be necessary for the purposes of this Act.] [The finding under this Act of a Tribunal or the Special Appellate Tribunal constituted under this Act that a particular area is an inam village which became an estate by virtue of the Tamil Nadu Estates Land (Third Amendment) Act, 1936 (Tamil Nadu Act XVIII of 1936) shall be final and binding for the purposes of the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963). Please see section 12 of the latter 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 the original sub-section (2) by section 14(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 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.] [This sub-section was substituted for the original sub-section (4) by 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).]

6. Procedure to be followed by the Tribunal.

- [(1) On receipt of an application under section 3] [Original section 6 was re-numbered as sub-section (1) of that section and these words were inserted by section 3(1) of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).] or under section 4 [or a reference under section 4-A or section 12] [Original section 6 was re-numbered as sub-section (1) of that section and these words were inserted by section 3(V of the Tamil Nadu Estates (Supplementary) Amendment Act 1961 (Tamil Nadu Act 35 of 1961).], the Tribunal 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 and if the applicant is the landholder 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 it an opportunity to be heard and to adduce their evidence, give its decision on the question whether the area concerning which the application is filed is or is not an estate as defined in section 3, clause (2), of the Estates Land Act and if it is an estate, the sub-clause of the above clause under which it falls, and if it falls under sub-clause (d) of the above clause whether it 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).(2)[The decision of the Tribunal on the reference made to it under section 4-A or section 12 shall be communicated to the Court or Tribunal or Settlement Officer who made the reference.] [Inserted by section 3(2) of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).]

7. Appeals to the Special Appellate Tribunal.

(1)Against any such decision of the Tribunal, the State Government, within six months from the date of decision, and any person aggrieved by such decision, within two months from the said date, may, appeal to a Special Appellate Tribunal, consisting of two Judges of the High Court nominated, from time to time, by the Chief Justice in that behalf, provided that the Special Appellate Tribunal may, in its discretion, allow further time not exceeding three months for the filing of such appeal.(2)The members of the Special Appellate Tribunal shall hear the appeal 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 appeal in so far 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 appeal, including those who first heard it, shall be final.(3)Subject to the decision on such appeal, the decision of the Tribunal shall be final and shall not be liable to be questioned in any Court of law.(4)Every decision of the Special Appellate Tribunal and, subject to such decision, every decision of the Tribunal 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 Tribunal or the Special Appellate Tribunal, as the case may be.(5)[The decision of the Special Appellate Tribunal] [Inserted by section 4 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).] on the decision of the Tribunal on a reference under section 4-A or section 12 shall be communicated to the Court or Settlement Officer or Tribunal constituted under the Abolition Act who made the reference.

7A. [Power of Court, Tribunal or Settlement Officer to dispose of suit, appeal or other proceedings. [Inserted by section 5 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).]

- On receipt of the decision of the Tribunal or the Special Appellate Tribunal on the reference made under section 4-A or section 12, the Court or Settlement Officer or Tribunal constituted, under the Abolition Act shall proceed to dispose of the appeal, suit or other proceeding in which the reference was made:Provided that on receipt of the decision of the Tribunal, such appeal, suit or other proceeding shall not be disposed of -(i)until after the expiry of the appeal time provided for in sub-section (1) of section 7; or(ii)where, an appeal has been preferred under sub-section (1) of section 7. until after the receipt of the decision of the Special Appellate Tribunal on such appeal.]

8. Presumption as to inam villages or part thereof.

- In deciding the question whether any inam village or a separated part of, an inam village was not an estate within the meaning of the Estates Land Act as it stood before 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 Land (Third Amendment) Act, 1936 (Tamil Nadu Act XVHI of 1936), it shall be presumed, until, the contrary is proved, that such area or part was such an estate.

9. Defect not to invalidate decision of Tribunal or Special Appellate Tribunal.

- No decision of the Tribunal or of the Special Appellate Tribunal shall be invalid by reason of any defect in the form of any notice issued by 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] [Substituted or the words 'to entertain or adjudicate upon any question' by section 6 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).], whether any non-ryotwari area is or is not an estate or part of an estate as defined in section 3, clause (2), of the Estates Land Act, or whether it is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act; or(b)in respect of any matter which the Tribunal or the Special Appellate Tribunal is empowered by or under this Act to determine.

11. Transitory provisions.

(1) All suits, appeals or other proceedings (other than those pending before the High Court) pending at the commencement of this Act before any Court or Tribunal or Settlement Officer as defined in section 2, clause (13), of the Abolition Act, in which any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2), of the Estates Land Act, or is or was an inam estate as defined in section 2, clause (7), of the Abolition Act, shall stand transferred to the appropriate Tribunal constituted under this Act for the determination of that question. [(1-A) Notwithstanding the transfer of any suit, appeal or other proceeding under sub-section (1), the Court or Settlement Officer or Tribunal constituted under the Abolition Act who made the transfer shall be deemed to be seized of such suit, appeal or other proceeding and may pass such interim orders in respect of such suit, appeal or other proceeding as are allowed by law.] [This sub-section was inserted by section 7 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act of 35 of 1961).] (2)(a) In cases in which, at the commencement of this Act, a Tribunal constituted under the Abolition Act has given a finding under section 9 of that Act that a particular area is an inam estate as defined in section 2, clause (7), of that Act, that finding shall be final, subject to the decision of the Special Appellate Tribunal constituted under this Act on any appeal preferred to that Tribunal. (b) Any such finding shall be deemed to be a decision given by a Tribunal constituted under this Act and the provisions of section 7, sub-section (1), shall apply to appeals against such finding.

12. [Tribunal to give decision in certain cases remanded by the High Court. [This section was substituted for the original section 12 by section 8 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).]

(1) If on remand by the High Court in respect of a case pending before it on or after the commencement of this Act, a Court subordinate to the High Court is seized of the question whether a particular non-ryotwari area is or is not an estate as defined in section 3, clause (2), of the Estates Land Act, or is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act, such question shall be referred to the appropriate Tribunal constituted under this Act for determination. (2) Notwithstanding any reference made to the Tribunal under sub-section (1) or any appeal preferred before the Special Appellate Tribunal under sub-section (1) of section 7, the Court may pass- such interim orders in respect of the case as are allowed by law].

13.

- [The amendment made by section 13 has been incorporated in Tamil Nadu Act XXVI of 1948].

14. 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 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 Tribunals and Special Appellate Tribunals appointed under this Act;(c)the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908);(d)the fees to be paid in respect of applications and appeals under this Act;(e)the filling up of vacancies in Tribunals; and(f)the transfer of proceedings from one Tribunal to another.(3)All rules made and all notifications issued under this Act shall, as soon-as possible after they are made or issued, be placed on the table of Legislative Assembly and shall be subject to such modifications by way of amendment 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.