

# The Chennai City Tenants Protection Act, 1921

TAMILNADU

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### Act 3 of 1922

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The Chennai City Tenants Protection Act, 1921 Tamil Nadu Act 3 of 1922 Statement of Objects and Reasons - Madras City Tenants Protection (Amendment) Act, 1974 (Tamil Nadu Act 25 of 1975) - The Madras City Tenants' Protection Act, 1921 (Tamil Nadu Act III of 1922) inter alia, confers on the tenant who has erected a building on the land leased out to him and against whom eviction proceedings have been instituted, the right to apply to the Court to direct the sale of the whole or part of the land to him. The Act as it now stands applies to tenancies of lands vested in, or acquired by, the Madras Port Trust. It is considered that the provisions of the said Act, under which a landlord can be forced to make a sale of the land leased out to a tenant, would not be in the interest of the Madras Port Trust and that it is not desirable to allow commercial interests to take away from the Madras Port Trust plots and parcels of land vested in, or acquired by, it. It is, therefore, proposed to amend the Act so as to exempt such tenancies of land vested in, or acquired by the Madras Port Trust, from the provisions of the Act. 2. The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 14th December 1974. Statement of Objects and Reasons - Madras City Tenants Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960) - The Madras City Tenants' Protection Act, 1921, was enacted with the main object of safeguarding the tenants from eviction from residential quarters. In consistence with this object it is proposed to restrict the application of the Madras City Tenants' Protection Act, 1921 (Madras Act III of 1922), to residential buildings only. 2. The Act as it now stands applies to tenancies of lands owned by local authorities. As it is considered necessary that the Act should not apply to such tenancies, it is proposed to amend the Act suitably for the purpose. 3. Sections 6, 7 and 7-A of the Act relate to fixing of reasonable rent by Courts for occupation of land by a tenant. There is no provision in the Act for an appeal against the orders passed by the Court under these sections. It has accordingly been decided to make provision for appeal in the Act against orders passed by Courts under the above section. 4. Incidentally, it is also proposed to change the expression "2 annas" occurring in the Act into "twelve naye Paise". 5. There is, at present, no provision in the Act enabling the Government to cancel a notification extending the Act to any municipal town or village, issued by them under this Act and if need be, to reissue such notifications. As such, a provision is considered necessary, it is proposed to take power in this regard, by amending the Act suitably. 6. Provision has been made to abate all proceedings relating to

non-residential buildings pending on the date of the first publication of the amending Act. '7. The Bill seeks to give effect to the above objects. Published in Part IV-A of the Fort St. George Gazette Extraordinary, dated the 10th December 1959. Statement of Objects and Reasons - Madras City Tenants Protection (Amendment) Act, 1964 (Tamil Nadu Act 16 of 1964) - The Madras City Tenants' Protection Act, 1921, was enacted with the main object of protecting the tenants in the City of Madras from eviction. According to sub-section (2) of section 1 of the Act as amended by the Madras City Tenants' Protection (Amendment) Act, 1955, the State Government, may by notification in the Fort St. George Gazette extend the Act to any other municipal town and any specified village within five miles of the City of Madras or of such municipal town with effect from such date as may be specified in the notification. The Act was further amended by the Madras City Tenants' Protection (Amendment) Act, 1960, so as to extend the provisions of the principal Act to residential and non-residential buildings in the City of Madras, in the municipal towns of Coimbatore, Madurai, Salem and Tiruchirappalli and in any village within five miles of the City of Madras or of the municipal towns aforesaid and to residential buildings only in any other area. Representations have been received by the Government for the extension of the benefits of the Act in respect of non-residential buildings also in municipal towns other than the municipal towns of Coimbatore, Madurai, Salem and Tiruchirappalli mentioned above. Government have carefully considered the question and they have decided to amend the definition of the term "Building" in clause (1) of section 2 of the Act in such a way that upon the issue of a notification under sub-section (2) of section 1 of the Act extending the Act to any other municipal town, the tenants of non-residential buildings also in that municipal town will have the protection afforded by the Act. 2. When the Act is extended to a municipal town, there is no question of the continuance of proceedings pending against tenants of non-residential buildings in the municipal town. Such proceedings should abate if the tenants are to have the protection afforded by the Act. Hence, it is proposed to provide for the abatement of all such proceedings. 3. The Bill seeks to achieve the above objects. Published in Part IV-A of the Fort St. George Gazette Extraordinary, dated the 22nd July 1964. Statement of Objects and Reasons - Madras City Tenants Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972) - It has been represented to the Government that tenants who have invested large amounts in superstructures in lands taken on lease are denied the protection conferred by the Madras City Tenants' Protection Act, 1922 involving great hardship by reason of the proviso to section 12 of that Act as interpreted by the Supreme Court in recent cases on the ground that they had entered into contract with the landlord to surrender both the buildings and the land on the expiry of the tenancy agreement. The Government have examined the representation and after careful consideration, they have decided that the protection given by the Act should be enjoyed by all tenants, irrespective of the fact whether they have entered into an agreement with the landlords containing stipulations as to the erection of buildings constructed after the date of the contract and limiting the rights under the Act. In all recent tenancy legislations, a provision is made that any stipulation in a contract taking away or limiting the rights conferred by the legislation should be ineffective. To be in conformity with the trend of the recent tenancy legislations and also to avoid the hardship caused to such tenants, it is proposed to omit the proviso to section 12 of the Madras City Tenants' Protection Act, 1922 with retrospective effect. The landlord may pay compensation to the tenant under section 3 of the Act for the building or receive the value from the tenant for the land under section 9 of the Act. 2. Suitable validating provision has also been made in clause 4. 3. However, cases where the landlord has already taken possession of the land and buildings from the tenant are not to be affected by the

proposed amendment-See clause 5.4. The bill seeks to give effect to the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 31st January 1972. Received the assent of the Governor on the 3rd January 1922 and that of the Governor-General on the 8th February 1922 and the assent of the Governor-General was first published in the Fort St. George Gazette on the 21st February 1922. An Act to give protection to certain classes of tenants (in [State of Tamil Nadu] [Substituted for the words 'in the City of Madras' by sub-section (1) of section 2 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).]). [Whereas, it is necessary to give protection against eviction to tenants, who in [municipal towns and townships] [These words were, and were deemed always to have been, substituted for the words 'Whereas, it is necessary to give protection to tenants who in municipal towns and adjoining areas in the State of Tamil Nadu have constructed buildings on others lands, in the hope that they would not be evicted so long as they pay a fair rent for the land' by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972). [The expression 'State of Tamil Nadu' was earlier substituted for the expression 'State of Madras' occurring in this portion by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]] and adjoining areas in the State of Tamil Nadu have constructed buildings on others' lands, so long as they pay a fair rent for the land;]. It is hereby enacted as follows:-

## 1. Short title and application.

(1) This Act may be called the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Tenants' Protection Act, 1921. (2) (a) It extends to, -(i) the City of [Chennai]; (ii) the townships of Kodaikanal, Avadi, Kathiwakkam, Ambattur, Madhavaram, Bhavanisagar, Courtallam and Mettur. (b) The State Government may, by notification in the Tamil Nadu Government Gazette, extend this Act with effect from such date as may be specified in the notification to, -(i) any other municipal town; (ii) any other township; or (iii) any specified village within eight kilometres of the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], or of the townships referred to in sub-clause (ii) of clause (a), or of such other municipal town referred to in sub-clause (i) or township referred to in sub-clause (ii). (3) This Act shall apply, -(a) in the areas in which this Act is in force on the date of the publication of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Tenants' Protection (Amendment) Act, 1979 in the Tamil Nadu Government Gazette, only to tenancies of land created before that date; and (b) in any other area, only to tenancies of land created before the date with effect from which this Act is extended to such area by notification under clause (b) of sub-section (2): [Provided that nothing contained in this Act shall apply to tenancies of land owned-(a) in the City of Chennai, by the Corporation of [Chennai], (b) in any other municipal area, by the municipal council concerned, (bb) [ in any township, by the township committee concerned,] [This clause was inserted by section 3 of the Madras City Tenants Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980) deemed to have come into force on the 9th January 1974.]. (c) in any area in a district as defined in the [Tamil Nadu] [These words were 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, which came into force on the 14th January

1969.] District Boards Act, 1920 ([Tamil Nadu] [The Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) was repealed by the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and the later Act is in force now.] Act XIV of 1920)], which is comprised within the local limits of a panchayat constituted under the [Tamil Nadu] [These words were 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, which came into force on the 14th January 1969.] Village Panchayats Act, 1950 ([Tamil Nadu] [The Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) was repealed by the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and the later Act is in force now.] Act X of 1950) or of a panchayat or panchayat union constituted under the [Tamil Nadu] [These words were 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, which came into force on the 14th January 1969.] Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) [The Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) was repealed by the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and the later Act is in force now.], by the panchayat or by the panchayat union council concerned,(d)in the case of all areas in a district defined as aforesaid, which are not comprised within the local limits of such panchayat or panchayat union by the district board concerned, and(e)by the Board of Trustees for the improvement of the City of Madras constituted under the Madras City Improvement Trust Act, 1950 (Madras Act 37 of 1950):] [Section 162 of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961) has repealed the Madras City Improvement Trust Act, 1950 (Madras Act 37 of 1950). Consequently, by virtue of section 12 of the former Act, the Board of Trustees for the Improvement of the City of Chennai shall stand dissolved and all its assets and liabilities shall stand transferred to the Tamil Nadu State Housing Board.][Provided further that nothing contained in this Act shall apply to tenancies of land vested or deemed to be vested in, or acquired by, the Board of Trustees of the Port of Chennai under the Major Port Trusts Act, 1963 (Central Act 38 of 1963).(f)[ by any religious institution or religious charity belonging to Hindu, Muslim, Christian or other religion.Explanation. - For the purpose of this clause,-(A)"religious institution" means any-(i)temple;(ii)math;(iii)mosque;(iv)church; or(v)other place by whatever name known,which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship;(B)"religious charity" means a public charity associated with a religious festival or observance of religious character (including a wakf associated with a religious festival or observance of religious character), whether it be connected with any religious institution or not:]Provided that nothing contained in this section shall be deemed to invalidate any suit or proceeding in which a decree or order passed has been executed or satisfied in full before the said date.] [This proviso was added by section 2 of the Chennai City Tenants' Protection (Amendment) Act, 1975 (Tamil Nadu Act 25 of 1975).](4)[ The State Government may, by notification in the Fort St. George Gazette<sup>5</sup>, cancel any notification issued under sub-section (2), but cancellation shall not be deemed to affect the power of the State Government under subsection (2) again to extend this Act to such [town, township or village] [Sub-sections (4) to (6) were added by section 2(ii) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).].(5)Where a notification is issued under sub-section (4), every proceeding pending on the date of the publication of such notification and instituted under the provisions of this Act as extended by virtue of the notification issued under sub-section (2) which has been cancelled by such notification, shall abate and all rights and privileges which may have accrued immediately before such date to any person by

virtue of this Act as extended shall cease and determine and shall not be enforceable: Provided that nothing contained in this sub-section shall be deemed to invalidate any suit or proceeding in which the decree or order passed has been executed or satisfied in full before the date mentioned in this sub-section. (6) Every notification issued under sub-section (2) or sub-section (4) shall be laid before the Legislature, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting within seven days of its re-assembly, and the State Government shall seek the approval of the Legislature to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it; and if the Legislature makes any modification in the notification or directs that the notification should cease to have effect, the notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.] [Proviso added by Tamil Nadu Act 13 of 1960.] [Sub-sections (2) and (3) were substituted for the original sub-sections by section 3 of the Chennai City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980), deemed to have come into force on the 9th January 1974.]

## 2. Definitions.

- In this Act unless there is anything repugnant in the subject or context, - (1) [ 'building' means any building, hut or other structure, whether of masonry, bricks, wood, mud or metal or any other material whatsoever used - ] [Substituted Tamil Nadu Act 13 of 1960.] (i) for residential or non-residential purposes in the City of [Chennai] [Substituted for 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], in the municipal towns of Coimbatore, [Madurai] [Every local area, which immediately before the 1st May 1971 was constituted as the Madurai Municipality under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), was deemed to be the City of Madurai under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971). Vide section 511 of the latter Act read with rule 2 in Schedule VII thereto.], Salem and Tiruchirappalli [in the townships of Kodaikanal, Avadi, Kathiwakkam, Ambattur, Madhavaram, Bhavanisagar, Courtallam and Mettur or in such other municipal town or township as the Government may, by notification, specify and in any village within eight kilometres of the City of [Chennai] [This expression was substituted for the original expression by section 4 of the Madras City Tenants Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980), which deemed to have come into force on the 9th January 1974.] or of the municipal towns or town or township aforesaid;] (ii) for residential purposes only, in any other area, and includes the appurtenance thereto. [(1-A) 'improvement' means any work which materially adds to the value of the land, is suitable to it and consistent with the purpose for which the land was let;] [Clause (1-A) was inserted by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).] (2) 'land' does not include buildings; (3) 'landlord' means any person owning any land, and includes every person entitled to collect the rent of the whole or any portion of the land, whether on his own account or on behalf of, or for the benefit of, any other person, or by virtue of any transfer from the owner or his predecessor in title or of any order of a competent Court or of any provision of law; [(3-A) 'municipal town' includes the City of Madurai;] [Clause 3-A was inserted by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980), deemed to have come into force on the 9th January 1974.] (4) [ 'tenant' in relation to any land - ] [Substituted for the original clause (4) by section 3(ii) of the Madras City Tenants

Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).] (i) means a person liable to pay rent in respect of such land, under a tenancy agreement express or implied, and (ii) [ includes-(a) any such person as is referred to in sub-clause (i) who continues in possession of the land after the determination of the tenancy agreement,] (b) any person who was a tenant in respect of such land under a tenancy agreement to which this Act is applicable under sub-section (3) of section 1 and who or any of his predecessors in interest had erected any building on such land and who continues in actual physical possession of such land and building, notwithstanding that-(1) such person was not entitled to the rights under this Act by reason of the proviso to section 12 of this Act as it stood before the date of the publication of the [Chennai] [Substituted for the words 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972), or (2) a decree for declaration or a decree or an order for possession or for similar relief has been passed against such person on the ground that the proviso to section 12 of this Act as it stood before the date of the publication of the [Chennai] [Substituted for the words 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972) disentitled such person from claiming the rights under this Act, and (c) the heirs of any such person as is referred to in sub-clause (i) or sub-clause (u)(a) or (ii)(b), but does not include a sub-tenant or his heirs;] (5) [ 'township' means a township constituted under the Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940), the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954), the Bhavanisagar Township Act, 1954 (Tamil Nadu Act XXV of 1954), or section 4 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), or any other township constituted under any other law for the time being in force.] [Clause 5 was added by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980), deemed to have come into force on the 9th January 1974.]

### **3. Payment of compensation on ejectments.**

- Every tenant shall, on ejectment, be entitled to be paid as compensation the value of any building, which may have been erected by him, by any of his predecessors in interest, or by any person not in occupation at the time of the ejectment who derived title from either of them, and for which compensation has not already been paid. A tenant who is entitled to compensation for the value of any building shall also be paid the value of trees which may have been planted by him on the land [and of any improvements which may have been made by him] [These words were added by section 3A of the Madras City Tenants' Protection Act, 1926 (Madras Act 4 of 1926).].

### **4. Disposal of suits for ejectment.**

(1) In a suit for ejectment against a tenant in which the landlord succeeds, the Court shall ascertain the amount of compensation, if any, payable under section 3 and the decree in the suit shall declare the amount so found due and direct that, on payment by the landlord into Court, within three months from the date of the decree, of the amount so found due, the tenant shall put the landlord into possession of the land with the building and trees thereon. (2) In an application under section 41 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), in which the landlord succeeds, the Court shall ascertain the amount of compensation payable under section 3 and shall

pass an interim order declaring the amount so found due and stating that, on payment by the landlord into Court within three months of the date of the said interim order of the amount so found due, the landlord shall be entitled to the order contemplated by section 43 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882).(3)If in such suit or application, the Court finds that any sum of money is due by the tenant to the landlord for rent or otherwise in respect of the tenancy, the Court shall set off such sum against the sum found due under sub-section (1) or sub-section (2), as the case may be, and shall pass a decree or interim order declaring as the amount payable to the tenant on ejectment, the amount, if any, remaining due to him after such set off.(4)If the amount found due is not paid into Court within three months from the date of the decree under sub-section (1) or of the interim order under subsection (2), or if no application is made under section 6, the suit or application, as the case may be, shall stand dismissed, and the landlord shall not be entitled to institute a fresh suit for ejectment, or present a fresh application for recovery of possession for a period of five years from the date of such dismissal.

## **5. Determination of compensation awardable under section 4.**

(1)The compensation awardable under section 4 shall be the value of the buildings and trees [and of any improvements which may have been made by the tenant] [These words were inserted by section 3(b) of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).] on the date of the decree or interim order, as the case may be.(2)In determining such value, the Court may take into consideration the estimated cost of erecting a similar building, the amount to be allowed for depreciation and the amount spent on repairs.(3)If, on account of any cause for which the tenant is responsible, the building, for which compensation has been adjudged under section 4, is destroyed or has deteriorated in value between the date of the decree or interim order and the date of ejectment, the Court may, on application by the landlord, pass an order directing that he be placed in possession without paying any compensation, or on payment of the amount determined on a revaluation of the building, as the case may be.

## **6. Determination of rent.**

(1)If after a decree or interim order is passed under section 4, the landlord is unable or unwilling to pay the compensation ordered, he may, within three months from the date of the decree or interim order, apply to the Court to fix a reasonable rent for the occupation of the land by the tenant and, thereupon, the Court shall, by its order, fix such rent as it deems reasonable:Provided that the rent previously payable for the land shall not be enhanced by more than [twenty-five naye paise] [These words were substituted for the figure and word '2 annas' by section 4 of the Chennai City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).] in the rupee.(2)On the passing of an order under sub-section (1), the decree or interim order passed under section 4 shall be deemed to have been vacated.

## **7. Application of landlord for fixing the rent.**

- Any landlord may apply by a petition to the Court having jurisdiction to entertain a suit for ejectment [or, in the City of [Chennai] [These words were substituted for the words 'or to the

Presidency Small Cause Court' by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).], either to such Court or to the Presidency Small Cause Court] to fix a reasonable rent for the occupation of the land by the tenant and, thereupon, the Court shall, by its order, fix such rent as it deems reasonable: Provided that the rent previously payable for the land shall not be enhanced by more than [twenty-five naye paise] [These words were substituted for the figure and word '2 annas' by section 4 of the Chennai City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).] in the rupee.

## **7A. [ Application by tenant. [This section was substituted by section 5 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act 19 of 1955).]**

- A tenant may apply to the Court having jurisdiction to entertain a suit for ejectment or, in the City of [Chennai], either to such Court or to the Presidency Small Cause Court, to fix a reasonable rent for the occupation of the land or where on application under section 7, the rent previously payable for the land has been enhanced, for a reduction of the rent fixed; and, thereupon, the Court shall, by its order, fix such rent as it deems reasonable.]

## **8. Effect of order [under sections 6, 7 and 7-A] [Substituted for 'under section 6 or section Tamil Nadu Act 28 of 1996.].**

- An order passed by a Court [under section 6, section 7 or section 7-A] [Substituted for 'under section 6 or section Tamil Nadu Act 28 of 1996.] shall, subject to the provisions of section 9-A, have effect as a decree in a suit and for a period of five years the rent so fixed shall not be revised nor shall the tenant be liable to be evicted for the said period.

## **9. Application to Court for directing the landlord to sell land.**

(1)[(a)] [Sub-section (1) of section 9 was relettered as clause (a) of that subsection by section 6(i) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960); and clause (a) as so relettered was renumbered as item (i) of that clause by section 3(i) of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).](i) Any tenant who is entitled to compensation under section 3 and against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), taken by the landlord may, [within one month of the date of the publication of the [Chennai] [These words were substituted by section 5 of the Madras City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980), with effect from the 27th February 1980.] City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980) in the Tamil Nadu Government Gazette or of the date with effect from which this Act, is extended to the municipal town, township or village in which the land is situate,] or within [one month] [These words were substituted for the words 'fifteen days' by section 6 Of the Madras City Tenants Protection (Amendment) Act, 1926 (Tamil Nadu Act VI of 1926).] after the service on him of summons, apply to the Court for an order that the landlord shall be directed [to sell for a price to be fixed by the Court, the whole or part of,



the extent of land specified in the application.] [These words were substituted for the words 'to sell the land for a price to be fixed by the Court' by section 6(i)(a) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).][\*\*\*] [[The following sentence was omitted by section 6(i)(b), the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960):-'The Court shall fix the price according to the lowest market value prevalent within seven years preceding the date of the order and shall order that, within a period to be determined by the Court, not being less than three months and not more than three years from the date of the order, the tenant shall pay into Court or otherwise as directed the price so fixed in one or more Instalments with or without interest'.]](b)[ On such application, the Court shall first decide the minimum extent of die land which may be necessary for the convenient enjoyment by the tenant. The Court shall, then, fix the price of the minimum extent of the land decided as aforesaid, or of the extent of the land specified in the application under clause (a), whichever is less. The price aforesaid shall be the average market value of the three years immediately preceding the date of the order. The Court shall order that within a period to be determined by the Court, not being less than three months and not more than three years from the date of the order, the tenant shall pay into Court or otherwise as directed the price so fixed in one or more instalments with or without interest.] [This clause was inserted by section 6(ii) of the Madras City Tenants Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).](2)In default of payment by the tenant of any one instalment, the application [under clause (a) of sub-section (1)] [These words, brackets, letter and figure were substituted for the words, brackets and figure 'under sub-section (1)' by section 6(iii), the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).] shall stand dismissed, provided that on sufficient cause being shown, the Court may excuse the delay and pass such orders as it may think fit, but not so as to extend the time for payment beyond the three years above-mentioned. On the application being dismissed, the Court shall order the amount of the instalment or instalments, if any, paid by the tenant to be repaid to him without any interest.(3)[ (a) On payment of the price fixed under clause (b) of sub-section (1), the Court shall pass an order directing the conveyance by the landlord to the tenant of the extent of land for which the said price was fixed, The Court shall by the same order direct the tenant to put the landlord into possession of the remaining extent of the land, if any. The stamp duty and registration fee in respect of such conveyance shall be borne by the tenant.(b)On the order referred to in clause (a) being made, the suit or proceeding shall stand dismissed, and any decree or order in ejectment that may have been passed therein but which has not been executed shall be vacated.Explanation. - 'Land' means the interest of the landlord in the land and all other interests which he can convey under any power and includes also the full interest which a trustee can convey under the power possessed by him to convey trust property when necessity exists for the same or the alienation of the property is for the benefit of the estate or trust.] [This sub-section and Explanation were substituted for sub-section (3) and the Explanation thereunder by section 6(iv) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).][(3-A) Notwithstanding anything contained in clause (b) of sub-section (3) of this section or in section 5 of the [Chennai] [This sub-section was added by section 3(ii) of the Chennai City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).] City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972), or any other law for the time being in force, the Court which passed the decree or order referred to in sub-clause (ii) (b)(2) of clause (4) of section 2, shall, on application made by the tenant referred to in that sub-clause within a period of two months from the date of the publication of the [Chennai] [Substituted for the words

'Madras' by Tamil Nadu Act 28 of 1996.] City Tenants' Protection (Amendment) Act, 1972, (Tamil Nadu Act 4 of 1972) reopen or review the proceedings relating to such decree or order and may pass a decree or an order that the tenant referred to in the said sub-clause, is entitled to the rights under this Act and pass such other supplemental, incidental or consequential orders as are necessary for the purpose as if the [Chennai] [Substituted for the words 'Madras' by Tamil Nadu Act 28 of 1996.] City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 4 of 1972), were in force at the time at which the decree or order was passed.]

## **9A. [ Appeals. [Inserted by Tamil Nadu Act 13 of 1960.]**

(1)An appeal shall lie from an order passed by a Court under section 6, section 7, section 7-A or section 9 to the Court to which an appeal would lie from any decree passed by the former Court and the decision in such appeal shall be final:Provided that from an order passed-(i)by the Chief Judge of the Presidency Small Cause Court, an appeal shall lie to the High Court, and(ii)by any other Judge of the Presidency Small Cause Court, an appeal shall lie to the Chief Judge.](2)[ Subject in other respects to the provisions of the Limitation Act, 1963 (Central Act 36 of 1963), the period of limitation for an appeal from an order in any of the cases specified in sub-section (1) shall be,-(i)if such appeal lies to the High Court, ninety days from the date of the order, and(ii)if such appeal lies to any other Court, or to the Chief Judge of the Presidency Small Cause Court, thirty days from the date of the order.]

## **10. Application of [sections 4, 5, 6, 8, 9 and 9-A] [These words,figures and letter were substituted for the words and figures 'sections 4, 5, 6, 8 and 9' by section 8 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).] to certain suits and applications.**

(1)[sections 4, 5, 6, 8, 9 and 9-A] [These words,figures and letter were substituted for the words and figures 'sections 4, 5, 6, 8 and 9' by section 8 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).] shall apply to suits in ejectment and applications under section 41 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), which are pending or in which decrees for ejectment or orders under section 43 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882), have been passed, [but have not been executed] [These expressions were substituted by section 6 of the Madras City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980).], [in the area in which this Act is in force on the date of the publication of the [Chennai] [These expressions were substituted by section 6 of the Madras City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980).] City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980) in the Tamil Nadu Government Gazette, before the said date, and in any other area, before the date with effect from which this Act is extended to such area.] [This sub-section was inserted by section 2 of the Chennai City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965). [Notwithstanding anything contained in this subsection, in the case of an appeal from an order passed by a Court under section 6, section 7, section 7-A or section 9 of Tamil Nadu Act 111 of 1922, before the date of the commencement of the Chennai City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965), the period of

limitation shall be thirty days next after the date of such commencement, or the period prescribed for such appeal under subsection (2) of section 9-A, whichever period expires later. Please see section 4 of Tamil Nadu Act 37 of 1965.]](2)In suits in which decrees for ejectment have been passed, the amount of compensation due shall, on the application of the tenant, be ascertained in execution and a fresh decree passed in accordance with section 4.(3)In cases in which orders passed under section 43 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882) are pending execution [on the date of the publication of the [Chennai] [These expressions were substituted by section 6 of the Madras City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980).] City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980) in the Tamil Nadu Government Gazette], the Court shall, on the application of the tenant, recall such orders, ascertain the amount of compensation and pass an interim order under section 4.

## **11. Notice before institution of suits or applications against tenants.**

- No suit in ejectment or applications under section 41 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882) shall be instituted or presented against a tenant until the expiration of three months next after notice in writing has been given to him requiring him to surrender possession of the land and building, and offering to pay compensation for the building and trees, if any, and stating the amount thereof.[A copy of such notice shall, at the same time, be sent, in the case of property situated in the City of [Chennai] [[This paragraph was substituted for the original paragraph by section 8 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).These amendments by way of substitution were made by section 7 of the Chennai City Tenants' Protection (Amendment) Act, 1979 (Tamil Nadu Act 2 of 1980), which shall be deemed to have come into force on the 9 th January 1974.]], to the Commissioner of the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], or, in the case of property situated in any municipal town, township or village] to which this Act is extended, to the executive authority of the municipality or township or the executive officer of the panchayat, as the case may be, or any other authority as may be notified by the Government.]

## **12. Effect of contracts made by tenants.**

- Nothing in any contract made by a tenant shall take away or limit his rights under this Act [\* \* \*] [The words 'provided that nothing herein contained shall affect any stipulations made by the tenant in writing registered as to the erection of buildings, insofar as they relate to buildings erected after the date of the contract' were, and were deemed always to have been, omitted by section 3 of the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972). [This amendment shall not, subject to the provisions of section 9(3-A), apply to any case where the landlord has, before the commencement of the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972), been delivered actual physical possession of the land and building from the tenant. Please see section 5 of the said Act, as amended by Tamil Nadu Act 24 of 1973.]].

### **13. Restriction on the application of the Transfer of Property Act.**

- In its application to the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], [and to any [municipal town, township or village] [These words were inserted by section 9 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).] to which this Act is extended], the Transfer of Property Act, 1882 (Central Act IV of 1882), shall, to the extent necessary to give effect to the provisions of this Act, be deemed to have been repealed or modified.

### **14. [ Power to make rules. [This section was added by section 3 of the Madras City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965).]**

(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 the fees payable in respect of applications, petitions and appeals under this Act.(3)All rules made under this Act shall be published in the [Fort St. George 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.]