

Tamil Nadu Estates Land (Reduction of Rent) Act, 1947

TAMILNADU

India

Tamil Nadu Estates Land (Reduction of Rent) Act, 1947

Act 30 of 1947

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Tamil Nadu Estates Land (Reduction of Rent) Act, 1947(Tamil Nadu Act 30 of 1947)Statement of Objects and Reasons - Madras Estates Land (Reduction of Rent) Amendment Act, 1952. - The Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), applies only to estates as defined in section 3(2) of the Madras Estates Land Act, 1908. In the case of every inam village in respect of which action under the Rent Reduction Act is proposed to be taken, the question whether the village is an "estate" governed by the Estates Land Act or not is first settled by an inquiry by the Special Officer, with reference to the material available at the time, and it is only where it is found that the village is an "estate", is action under the Act taken. There have, however, been cases in which by mistake, the Act has been applied, and orders under section 3(2) of the Act have been issued, in respect of inam villages which are not governed by the Estates Land Act. Some of them are cases in which the Civil Courts have held, after the rent reduction notifications were issued, that the villages concerned are not estates. In some other cases, the decision of the Civil Court that a particular village was not an estate was not brought to the notice of the Special Officer at the time of the inquiry held by him before the issue of the notifications, issued in these cases, as there is no provision in the Act, enabling them to do so.² Mistakes have also occurred in some of the notifications issued under section 3(2) of the Act, if the mistakes are purely clerical, errata are issued. Other mistakes cannot be corrected as the Government have no power to modify or revise the notifications.³ It is, therefore, considered that the Rent Reduction Act should be amended so as to give power to the Government to cancel or modify the notifications issued under section 3(2) of that Act. Clause (2) of the Bill gives effect to this object. The other clauses of the Bill made consequential amendments. Published in Part IV-A of the Fort. St. George Gazette, dated the 21st July 1952. Received the assent of the Governor on the 6th January 1948 and first published in the Fort St. George Gazette, dated the 7th January 1948. An Act to provide for the reduction of rents payable by ryots in estates governed by 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, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood [and for the collection of such rents

exclusively by the State Government] [Added in the long title and in the second paragraph of the preamble by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.].Whereas the rents now payable by ryots in estates governed by 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), are in many cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood;And Whereas it is expedient to provide for the reduction of such rents approximately to the level of the ryotwari assessments in the neighbourhood; [and for the collection of such rents exclusively by the State Government] [Added in the long title and in the second paragraph of the preamble by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.]. It is hereby enacted as follows: -

1. Short title 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 Land (Reduction of Rent) Act, 1947.(2)It applies to all estates as defined in section 3, clause (2), 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 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).

2. Appointment of Special Officer to recommend rates of rent in estates.

(1)[(a)] [Sub-section (1) of section 2 was lettered as clause (a) of that sub-section and clause (b) was added by section 2(i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may appoint a Special Officer for any estate or estates for Special the purpose of recommending fair and equitable rent for the ryoti lands in such estate or estates.(b)[[Sub-section (1) of section 2 was lettered as clause (a) of that sub-section and clause (b) was added by section 2(i)of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] The Special Officer so appointed shall also recommend fair and equitable rates of rent for all lands in such estate or estates which became ryoti lands after the commencement of this Act.(2)The Special Officer shall first determine in respect of each village (hereinafter in this section referred to as "principal village") in an estate -(a)the average rate of cash rent per acre prevailing at the commencement of this Act, [for each class of ryoti land which was in existence in the principal village at such commencement] [Substituted for the words 'for each class of ryoti land in the principal village' by section 2(ii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).], such as wet, dry and garden:Provided that

where no cash rents are prevalent in the principal village in respect of any class of land, the Special Officer shall determine the average rate of cash rent per acre prevailing at such commencement for such class of land in the nearest village in the estate in which cash rents are prevalent for such class of land and in which conditions are generally similar to those obtaining in the principal village, or where there is no such village in the estate, in the nearest village in the nearest estate in respect of which village both the requirements specified above are satisfied; (b) the average rate of assessment per acre prevailing at such commencement in respect of each of the said classes of land in the nearest ryotwari area in which conditions are generally similar to those obtaining in the principal village. (3) The Special Officer shall then compare the average rates of cash rent as determined under clause (a) of sub-section (2) with the average rates of assessment as determined under clause (b) of that sub-section, and after making due allowance for any difference in the conditions prevailing in the two cases, and also, in cases falling under the proviso to clause (a) of sub-section (2), for any difference in the conditions prevailing in the village referred to in that proviso and in the principal village, determine (i) the extent, if any, to which the rates of rent payable for each class of ryoti land in the principal village should, in his opinion, be reduced, and (ii) the rates of rent payable for each such class of lands after such reduction. Explanation I. - The Special Officer shall have power only to determine that the rents payable for any class of ryoti land in the principal village shall be reduced; and he shall have no power to determine that such rents shall be enhanced. Explanation II. - The extent of reduction, if any, determined by the Special Officer under this sub-section shall also apply where rent in the principal village is paid in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash. In every such case, the Special Officer shall also determine the rent payable, whether in kind or in cash or partly in kind and partly in cash, as the case may be. [3-A In the case of lands in an estate which became ryoti lands after the commencement of this Act, the Special Officer shall determine for each class of such lands in the principal village the rates of rent per acre payable therefor under this Act. The rates of rent so determined shall be the same as those fixed under sub-section (2) of section 3 for similar ryoti lands in the same village:] [Inserted by section 2(iii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961.] Provided that where the rates of rent payable in respect of ryoti lands in the principal village have not been fixed under sub-section (2) of section 3, or where there are no similar ryoti lands in the principal village, the rates of rent so determined shall be the same as those fixed under sub-section (2) of section 3 for similar ryoti lands in the nearest village in the estate, or, if there is no such village, in the nearest village in the nearest estate in which conditions are generally similar to those obtaining in the principal village. (4) Where the conditions in a group of two or more villages in an estate are generally similar, the Special Officer may perform the functions under [sub-sections (2), (3) and (3-A)] [Substituted for 'sub-sections (2) and (3)' by section 2(ii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961)] in respect of such group of villages as a whole, instead of separately in respect of each village in the group.

3. Power of State Government to reduce rates of rent after considering Special Officer's recommendations.

- [(1) After completing his work in. any estate, the Special Officer shall submit his recommendations to the State Government, through the Board of Revenue³ specifying, in the case of ryoti lands which were in existence at the commencement of this Act, (i) the extent, if any, to which the rents for each class of such lands in each village or group of villages in the estate, should, in his opinion, be reduced, and (ii) the rate of rent payable for each such class after such reduction, and in the case of lands in each village or group of villages in the estate which became ryoti lands after the commencement of this Act, the rate of rent determined by him in accordance with the provisions of sub-section (3-A) of section 2:] [Substituted for the original sub-section (1) by section 3(i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] Provided that, with the approval of the [Board of Revenue] [The Board of Revenue was abolished. Now Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.], recommendations may be made under this sub-section separately, in respect of portions of an estate. (2) After considering the recommendations of the Special Officer and the remarks of the [Board of Revenue] [The Board of Revenue was abolished. Now Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] thereon, the [State] [Substituted for the word 'Provincial' by the Administration Order of 1950.] Government shall, by order published in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.], fix the rates of rent payable in respect of each class of ryoti land in each village in the estate: [Provided that where the rate of rent so fixed in respect of any class of ryoti lands which were in existence at the commencement of this Act,] [Substituted for the original proviso by section 3(ii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] or in respect of any class of lands which became ryoti lands in any fasli year after such commencement exceeds the rate of rent payable in respect thereof at such commencement or in that fasli year, as the case may be, only the latter rate of rent shall be payable in respect of such land. [2-A Notwithstanding anything contained in sub-section (2), where the rate of rent payable in respect of ryoti land of any class, whether in virtue of the first or of the second paragraph of that sub-section, is wholly in kind or partly in kind and partly in cash and the aggregate money value of the rate of rent so payable exceeds the highest rate of ryotwari assessment payable for any land of the same class in the revenue district in which such ryoti land is situated, then, only the latter rate of rent shall be payable in respect of the land.] [Inserted by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Tamil Nadu Act XXXIX of 1951), which section was deemed to have come into force on the 7th January 1948.] (3) [An order under sub-section (2) shall, in relation to ryoti lands which were in existence at the commencement of this Act, take effect from the commencement of the fasli year 1357, and in relation to lands which become ryoti lands in any fasli year after the commencement of this Act, from the commencement of that fasli year.] [Substituted for the original sub-section (3) by section 3(iii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] (4) [After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of the fasli year in which the order took effect] [Substituted for the words and figures 'After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of the fasli year 1357' by section 3(iv)(a) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] as well as the rents which have fallen or may fall due in respect of such lands for [any subsequent fasli year] [Substituted for

the words and figures 'any fasli subsequent to fasli 1357' by section 3(iv)(b) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] until the commencement of the fasli year in which the estate may be finally taken over by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government [and any interest payable on such rents under subsection (6)] [Inserted by section 3(i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.] shall be recovered by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government as if such rents [and interest] [Inserted by section 3(i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.] were arrears of land revenue due to them; and the amount so recovered in respect of each fasli, after deducting therefrom the cost of such recovery as determined in accordance with such rules as may be made by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government in that behalf, and also the pesh-kash, cesses, and other moneys due from the landholder to the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government and constituting a charge on the estate shall be paid to the landholder.[Explanation.] [Added by section 3(ii) the Adaptation Order of 1950.] - The provisions of this subsection shall apply to an estate, whether 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 ([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 XXVI of 1948), applies to it or not.(5)[Any rents recoverable by the State Government under sub-section (4) for any fasli year shall be payable in instalments in that fasli year, according to the kistbandi fixed for the collection of land revenue in the ryotwari areas in the district in which the estate or portion of the estate is situated.] [Sub-sections (5), (6) and (7) were added after sub-section (4) by section 3 (iii) of the Tamil Nadu Estates Land (Reduction of Rent; Amendment Act, 1951 (Tamil Nadu Act VII of 1951).](6)Any rents recoverable by the State Government under sub-section (4) for any fasli year shall, until they are paid, bear simple interest at the rate of six per cent per annum from the commencement of the succeeding fasli year or of the fasli year succeeding that in which the order under sub-section (2) is made in respect of the estate or portion of the estate, whichever is later; and notwithstanding anything contained in 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), no interest shall be payable in respect of any period before such commencement.(7)The landholder shall not be entitled to collect, and the provisions of Chapters V and VI 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 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), shall cease to apply to, any rents or interest recoverable by the State Government under sub-section (4).]

3A. Determination of the question whether any land in an estate is or is not ryoti land.

(1)Notwithstanding anything contained in the [Tamil Nadu] [Sections 3-A to 3-E were inserted by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil Nadu Act XXIX of 1956).] Estates Land Act, 1908 ([Tamil Nadu] [Sections 3-a to 3-E were inserted by section 2 of the Tamil Nadu Estate Land (Reduction of Rent) Amendment Act, 1956 Tamil Nadu Act XXIX of 1956] Act I of 1908), or any other law for the time being in force, if any question arises whether any land in a village is or is not ryoti land it shall be determined by the Collector.(2)(a)Any person denying that any land in a village in respect of which an order under sub-section (2) of section 3 has been published is ryoti land may file an application before the Collector within whose jurisdiction the land is situate for his. decision thereon.(b)Any such application shall be filed within two months of the date of publication of the order under sub-section (2) of section 3, or the date on which the provisions 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 (Reduction of Rent) Amendment 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 XXIV of 1956), other than sections 4 and 7 thereof come into force, whichever is later:Provided that the Collector may, within such further time not exceeding two months as he may, in his discretion allow, admit any application made after the period of two months aforesaid, if he is satisfied that the applicant had sufficient cause for not filing the application within that period.(3)On receipt of such application, the Collector shall, after giving notice in the prescribed manner to the applicant and the landholder and if the applicant is the landholder, to the person in occupation of the land 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 on the application.(4)(a)Against any such decision of the Collector, an appeal shall lie to the Tribunal having jurisdiction over the village in which the land is situate within two months from the date of the decision:Provided that the Tribunal may, within such further time not exceeding two months as it may, in its discretion allow, admit an appeal preferred after the period of two months aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.(b)The decision of the Tribunal on the appeal shall be final and shall not be liable to be questioned in any Court of Law.

3B. Constitution of Tribunals.

(1)The State Government shall constitute as many Tribunals as maybe 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 District Judge or Additional District Judge.] [Substituted for the original sub-section (2) by section 13(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 villages or groups of villages 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.] [Substituted for the original sub-section (4) by section 13(H), 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).]

3C. Disposal of pending applications and suits 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 I of 1908.

(1) Applications pending under section 183 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 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 XXIX of 1908), on the date on which the provisions 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 (Reduction of Rent) Amendment 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 XXIX of 1956), other than sections 4 and 7 thereof, come into force shall be deemed to be applications filed under section 3-A of this Act and be disposed of accordingly. (2) Suits instituted under the proviso to section 179 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 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) and pending on the date on which the provisions 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 (Reduction of Rent) Amendment 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 XXIX of 1956), other than sections 4 and 7 thereof, come into force shall stand transferred to the Tribunal having jurisdiction constituted under section 3-B of this Act and be dealt with by it as if they are appeals preferred under this Act.

3D. Presumption in respect of ryoti land.

- Any land in respect of which an application has not been filed within the time prescribed under clause (b) of sub-section (2) of section 3-A or in respect of which an application is not admitted under the proviso to that clause shall be deemed to be ryoti land.

3E. Modification, etc., of order made under section 3(2).

(1) If the State Government are satisfied that in any order made by them under sub-section (2) of section 3, there is any error, including any clerical or arithmetical error or error arising from any accidental slip or omission, or that any such order is vitiated by any mistake, they may, by order published in the Fort St. George Gazette, correct such error or cancel such order, as the case may require; and the correction or cancellation shall, unless the State Government otherwise direct, [be deemed to have taken effect, in relation to ryoti lands which were in existence at the commencement of this Act, from the commencement of the fasli year 1357, and in relation to lands which became ryoti lands in any fasli year after commencement of this Act, from the commencement of that fasli year.] [Substituted for the words and figures 'be deemed to have taken effect from the commencement of the fasli year 1357' by section 4 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961.] (2) Any amount by way of rent which becomes payable in respect of any land in consequence of an order issued under sub-section (1) shall, if it is not paid before the commencement, of the fasli year immediately succeeding that in which the order is issued, bear simple interest at six per cent per annum from such commencement up to the date of payment. (3) Where the State Government issue an order under sub-section (1), they shall have power whether by the same or by a subsequent order, to make such supplemental, incidental and consequential orders as they may deem necessary or proper; and in particular any such order may, notwithstanding any law or contract to the contrary, provide for the extension of the period of limitation for the recovery of any rent.

3F. [Rent recovered by State Government to be deemed to be provisional payment by tenant, right of land-holder to recover balance of rent due and limitation. [Inserted by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963.]

(1) Where after the publication of an order under section 3, subsection (2), it is held by any Court, Tribunal or other authority that-(i) the area specified in the order is not an estate, or (ii) any land specified in such order is not a ryoti land, the rent in respect of any land in the area mentioned in clause (i) or in respect of any land mentioned in clause (ii), recovered by the State Government under section 3, sub-section (4), shall be deemed to be the rent provisionally paid by the tenant to the landholder. (2) The landholder shall, in respect of any such land as is referred to in subsection (1), be entitled to recover from the tenant and the tenant shall be liable to pay to the landholder an amount equal to the difference between the rent which the tenant would have been liable to pay in respect of that land if the rates of rent had not been reduced under this Act, and the rent in respect of that land recovered by the State Government under section 3, sub-section (4). The said amount shall, until it is paid, bear simple interest at the rate of six per cent per annum from the date of the commencement of the [Tamil Nadu] Estates Land (Reduction of Rent) Amendment 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 19 of 1963), or the date of the decision or order of any Court, Tribunal or other authority referred to in sub-section (1) whichever date is later. (3) (i) In any suit or proceeding for the recovery of the amount

and interest referred to in sub-section (2), the Court or authority concerned shall order that such amount and interest shall be paid in such number of annual instalments not exceeding ten and in such manner as may be determined by the Court or authority. (ii) If, before the date of the publication 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 (Reduction of Rent) Amendment 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 19 of 1963) in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.], any decree or order has been passed in any suit or proceeding for the recovery of the amount and interest referred to in sub-section (2), which is inconsistent with the provisions of this section, the Court or authority concerned shall, 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 and pass a fresh decree or order which shall be in conformity with the provisions of this section: Provided that nothing contained in this clause shall apply to any suit or proceeding in which the decree or order has been satisfied in full, before the date mentioned in this clause. (4) In respect of any such land as is referred to in sub-section (1), the State Government shall pay to the landholder all amounts recovered by them under section 3, sub-section (4), after deducting therefrom the amounts already paid to him and also the cost of recovery, peshkash, cesses and other moneys due from the landholder to the State Government and constituting a charge on the land concerned. (5) In computing the period of limitation for the recovery of any amount due under sub-section (2), the period between the date on which the relevant order under section 3, sub-section (2), was published and the date of the decision or order of any Court, Tribunal or other authority referred to in sub-section (1) or the date of 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 (Reduction of Rent) Amendment 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 19 of 1963) whichever date is later shall be excluded. Explanation I. - For the purposes of this section, "landholder" in relation to any land means the person entitled to collect the rent in respect of such land if an order under section. 3, sub-section (2), had not been published and includes a person deriving rights through him. Explanation II. - For the purposes of this section and sub-section (1) of section 5, the expression "tenant" means a person from whom rent was recovered by the State Government under section 3, sub-section (4), and includes a person deriving rights through him.]

4. Ryot to pay the rent fixed by State Government.

- Where an order is published under section 3, sub-section (2), in respect of any estate or portion of an estate, a ryot shall not be bound to pay rent for any ryoti land held by him in such estate or portion [at a rate exceeding that payable under that subsection or under section 3, sub-section (2-A), as the case may be] [Substituted for the words 'at a rate exceeding that fixed in the order' by section 3 of the Tamil Nadu Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Tamil Nadu Act XXXIX of 1951), deemed to have come into force on the 7th January 1948.] notwithstanding anything contained in 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):[Provided that nothing contained in this section shall be deemed to affect in any way the operation of section 3-E.] [Added by section 3 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil Nadu Act XXIX of 1956).]

4A. [Rent payable in respect of lands which are not ryoti or private. [Section 4-A was inserted by section 8 of Tamil Nadu Act XXIX of 1956.]

- No person in an estate cultivating any land which is not ryoti land or which has not been decided to be Private land under some prior proceedings or under the [Tamil Nadu] 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), as amended by 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) Amendment 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 XXIX of 1956),[and the [Tamil Nadu] [Inserted by section 5 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).] Estates Land (Reduction of Rent) Amendment Act, 1961 ([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 15 of 1961)] shall be bound to pay as rent in respect of that land at a rate exceeding that payable in respect of. similar land which is ryoti land in the neighbourhood.]]

5. [State Government to make good income lost by religious, education or charitable institution. [Substituted for the words 'at a rate exceeding that fixed in the order' by section 3 of the Tamil Nadu Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Tamil Nadu Act XXXIX of 1951), deemed to have come into force on the 7th January 1948.]

(1)[(i)] Where, by reason of the foregoing provisions, the net income derived by any religious, educational or charitable institution from any estate or part of an estate belonging to it, in the fasli year 1357 or in any subsequent fasli year until the commencement of the fasli year in which the estate may finally be taken over by the State Government becomes less than the net income which the institution would have derived in such fasli year if the rates of rent had not been reduced under this Act, the State Government shall pay the difference to the institution at the end of the fasli year in question.(ii)[] [Sub-section (1) of section 5 was renumbered as clause (i) of that sub-section and clause (ii) was inserted by section 3(a) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963.] Where in respect of any such land as is referred to in section 3-F, sub-section (1), any religious, educational or charitable institution is entitled to recover from the

tenant any amount in pursuance of sub-section (2) of that section, the State Government shall in addition to the amounts referred to in sub-section (4) of that section, also be entitled to deduct from the amount recovered by them under section 3, sub-section (4), the amount, if any, already paid to the institution in pursuance of clause (i):] Provided that where after such deduction, any sum is still due to the State Government, such sum shall be recoverable as if it were an arrear of land revenue.(2) The net income derived in each of the fasli years beginning with the fasli year 1357 and the net income which the institution would have derived in each fasli year as aforesaid shall, for the purposes of [clause (i) of sub-section (1)] [Substituted for the expression 'sub-section (1)' by section 3(b) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963 (Tamil Nadu Act 19 of 1963).], be determined by such authority, and in such manner, as may be laid down in the rules made by the State Government.(3) In determining the net income in both the cases aforesaid, all amounts which accrued due to the institution concerned during the relevant fasli year shall be taken into account whether the amounts were actually collected or not.

6. Lessees of religious, educational or charitable institutions not to have their rents reduced.

- Notwithstanding anything contained in any other law for the time being in force, in any inam village belonging to a religious, educational or charitable institution which was not an estate 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] [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 XVII of 1936), but became an estate by virtue of that Act the lessee of any land situated in the estate shall not be entitled to the benefit of any reduction of rent under this Act, if the lease was executed after the 1st November 1933.

7. Power to make rules.

- The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may make rules to carry out the purposes of this Act.

8. Validity of certain orders and proceedings not to be questioned.

- The validity of the following orders and proceedings shall not be liable to be questioned in any and proceedings Court of Law:-(i) any order made under section 3, sub-section (2);(ii) any recovery of rent effected by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government under section 3, sub-section (4), or any payment made by them to the landholder under the same sub-section [or under section 3-F, sub-section (4);] [Added by section 4 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963 (Tamil Nadu Act 19 of 1963).](iii) [any order made under section 3-E;] [Clauses (iii) and (iv) were substituted for the original clause (iii) by section 5 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil

Nadu Act XXIX of 1956).](iv)any determination of net income made under section 5, sub-section (2).

9. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.