

# **Tamil Nadu Estates Communal Forest and Private Lands (Prohibition of Alienation) Act, 1947**

TAMILNADU

India

## **Tamil Nadu Estates Communal Forest and Private Lands (Prohibition of Alienation) Act, 1947**

### **Act 14 of 1947**

- Published on 25 October 1947
- Commenced on 25 October 1947
- [This is the version of this document from 25 October 1947.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Estates Communal Forest and Private Lands (Prohibition of Alienation) Act, 1947(Tamil Nadu Act 14 of 1947)Received the assent of the Governor-General on the 25th October 1947 and first-published in the Fort St. George Gazette Extraordinary, dated the 25th October 1947.An Act to prohibit the alienation of communal, forest and private lands in estates in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.].Whereas it is necessary to prevent the indiscriminate alienation of communal, forest and private lands in estates in the [State of Tamil Nadu] [Substituted for the expression 'Province of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.] pending the enactment of legislation for acquiring the interests of landholders in such estates and introducing the ryotwari settlement therein; It is hereby enacted as follows: -

### **1. Short title, extent and commencement.**

(1)This Act may be called the [Tamil Nadu] [Received the assent of the Governor-General on the 25th October 1947 and first published in the Fort St. George Gazette Extraordinary, dated the 25th October 1947.] Estates Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1947.(2)It extends to all estates 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.] 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).(3)It shall come into force at once.Notes. - This Act came into force on the 25th day of October 1947.

## **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context, -(a)"estate", "landholder", "private land" and "ryoti land" shall have the same respective meanings as 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), and "communal land" means any land of the description mentioned in section 3, clause (16), sub-clause (a) or sub-clause (b), of that Act;(b)"forest land" includes any waste land containing trees and shrubs, pasture land and any other class of land declared by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government to be forest land by notification in the Fort St. George Gazette;(c)"impartible estate" means any estate included in the Schedule to 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.] Impartible Estates Act, 1904 ([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 II of 1904), or subsequently declared to be an impartible estate within the meaning of that Act, by an Act of the Legislature.

## **3. Prohibition of the alienation of communal, forest and private lands in estates.**

(1)Notwithstanding anything contained in any other law for the time being in force, no landholder shall sell, mortgage, convert into ryoti land, lease or otherwise assign or alienate -(a)any communal or forest land in his estate without the previous sanction of the District Collector, on or after the date on which the Madras Estates Communal, Forest and Private Lands (Prohibition Madras of Alienation) Ordinance, 1947 (Madras Ordinance II of 1947), came into force, namely, the 27th day of June 1947, or(b)any private land in an impartible estate notified by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.], in pursuance of this clause or the corresponding clause in the Ordinance aforesaid, on or after the date on which the estate was so notified:Provided that private land in an impartible estate so notified may be leased for a period not exceeding two years.(2)Any landholder who has contravened or contravenes the provisions of sub-section (1) and any agent of the landholder who has abetted or abets such contravention shall be punishable with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

#### 4. Transactions of the nature specified in section 3 to be void.

(1) Any transaction of the nature prohibited by section 3 which took place, in the case of any communal or forest land, on or after the 31st day of October 1939, and in the case of any private land in a notified estate, on or after the 1st day of November 1945, shall be void and inoperative and shall not confer or take away, or be deemed to have conferred or taken away, any right whatever on or from any party to the transaction: Provided that nothing contained in this sub-section shall be deemed to invalidate - (i) any such transaction in respect of any forest land entered into before the 27th day of June 1947, in favour of any religious, charitable or educational institution, or of any hospital, or of any [local board, municipal council or cooperative society registered] [Now the district board, panchayat union council and panchayat.] or deemed to be registered under the Madras Cooperative Societies Act, 1932 [Madras Act VI of 1932] [See now the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983).], or of any other public body or institution; (ii) any such transaction in respect of any private land entered into before the date on which the impartible estate in which the land is situated is notified as specified in section 3(1)(b), in favour of any religious, charitable or educational institution, or of any hospital, or of any [local board, municipal council] [Now the district board, panchayat union council and panchayat.] or co-operative society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932 [Madras Act VI of 1932] [See now the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983).], or of any other public body or institution; (iii) any such transaction in respect of any forest or private land not exceeding twenty acres in extent, entered into, in the case of forest land, before the 27th day of June 1947, and in the case of private land, before the date on which the impartible estate in which the land is situated is notified as aforesaid; (iv) any such transaction in respect of any forest or private land exceeding twenty acres in extent, entered into before the respective dates specified in clause (iii), up to a limit of twenty acres chosen by the assignee or alienee, the choice being limited as far as possible to contiguous land; (v) any such transaction in respect of any forest or private land entered into before the respective dates specified in clause (iii), in favour of an assignee or alienee in good faith and for valuable consideration. (2) Any choice made under clause (iv) of the proviso to sub-section (1) shall be communicated to the Collector of the district or such officer as may be authorized by him, in the case of forest land within three months from the date on which this Act comes into force and in the case of private land, within three months from that date or from the date on which the impartible estate is notified as aforesaid, whichever is later. (3) If any dispute arises as to the validity of the claim of any person to any land under clauses (i) to (v) of the proviso to sub-section (1), it shall be open to such person or to any other person interested in the transaction or to the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government, to apply to the District Judge of the district in which the land is situated, for a decision as to the validity of such claim. (4) The District Judge to whom an application is made under sub-section (3) shall, after giving notice to all the other persons concerned in the transaction or interested in the land and also, where the application is not made by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government, to the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government, decide whether the claim to the land is valid or not; and his decision shall be final. (5) The [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may, by notification in the Fort St. George Gazette, make rules for the purpose of carrying the provisions of

this section into effect, and in particular as to the fees to be paid in respect of the applications referred to in sub-section (3), and the procedure of the District Judge.

## **5. Power to enhance jurisdiction of First Class Magistrates.**

- Notwithstanding anything contained in section 32 of the [Code of Criminal Procedure, 1898 Central Act V of 1898] [See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), section 29.], it shall be lawful for any Magistrate of the first class specially empowered by the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government in this behalf to impose a sentence of fine exceeding one thousand rupees for any offence under section 3. According to clause (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class.

## **6. District Collector to sanction prosecutions.**

- No prosecution shall be instituted under this Act against any person without the previous sanction of the District Collector.

## **7. Bar of jurisdiction.**

- No notification or order of the [State] [Substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government or of the District Collector under this Act shall be liable to be questioned in any Court of Law.

## **8.**

[This section was repealed by section 2 of, and the First Schedule to the Tamil Nadu Repealing and Amending Act, 1952 (Tamil Nadu Act XI of 1952).]

## **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 arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.