

# **Tamil Nadu Estates (Supplementary) Amendment Act, 1961**

TAMILNADU

India

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### **Act 35 of 1961**

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Tamil Nadu Estates (Supplementary) Amendment Act, 1961(Tamil Nadu Act 35 of 1961)Statement of Objects and Reasons. - Section 11(1) of the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956) lays down that all suits, appeals or other proceedings (other than those pending before the High Court) pending at the commencement of that Act before any Court or Tribunal or Settlement Officer in which any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2) of the Madras Estates Land Act, or is or was an inam estate as defined in section 2, clause (7) of the Madras Estates (Abolition and Conversion into Ryotwari Act), shall stand transferred to the appropriate Tribunal constituted under the first mentioned Act for the determination of that question. Section 12 of that Act lays down that if, on remand by the High Court in respect of a case pending before it on or after the commencement of that Act, a Court subordinate to the High Court is seized of the question whether a particular non-ryotwari area is or is not an estate as defined in section 3, clause (2) of the Madras Estates Land Act or is or is not an inam estate as defined in section 2, clause (7) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, that case shall stand transferred to the appropriate Tribunal constituted under the 1956 Act referred to above for the determination of that question and be disposed of by it in accordance with the provisions of that Act. In some of the suits, appeals, etc., referred to above, a number of questions may have to be adjudicated upon and the Tribunal cannot decide all these questions, its jurisdiction being limited to the determination of the question whether a particular non-ryotwari area is or is not an estate or is or is not an inam estate. The High Court, Madras, considers that under the Act as it now stands, the Tribunal does not have the power to pass interim order to safeguard the rights of the parties before it, pending the determination, of the said question under section 11(1) or section 12 and that this cannot also be achieved by the exercise of the rule making power under section 14, but only by an appropriate amendment to the Act. The High Court has further stated that similarly, Civil Courts (including the District Court which has now been constituted as the Tribunal under the Act) cannot grant such interim relief either which it would be necessary to grant to avoid hardship and irreparable damage even in cases where the issues raised in the proceedings which stand transferred to the Tribunal, cover matters other than those with which

the Tribunal has jurisdiction to deal and that this again cannot be accomplished by framing rules under the Act, but only by an amendment to the Act itself. It is accordingly proposed to amend the Madras Estates (Supplementary) Act, 1956 so as to provide -(1) that in the case of any suit appeal and other proceeding in which the question whether a particular non-ryotwari area is or is not an estate or is not an inam estate, is in issue, either solely or along with certain other issues, only the issue relating to the said question should be referred to the appropriate Tribunal;(2) that the Court, Tribunal or Settlement Officer concerned should keep the suit, appeal or other proceeding pending till the finding of the Tribunal on the question is received and then dispose of the suit, appeal or other proceeding; and(3) that the Court, Tribunal or Settlement Officer concerned may in the meantime deal with the suit appeal or other proceeding in respect of matters other than that referred or transferred to the Tribunal. The Bill seeks to give effect to the above proposals. Published in Part 1V-A of the Fort St. George Gazette Extraordinary, dated the 13th September 1961. Received the assent of the Governor on the 10th November 1961 and first published in the Fort St. George Gazette on the 22nd November 1961. An Act further to amend the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Supplementary) Act, 1956. Whereas it is expedient further to amend the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Supplementary) Act, 1956 ([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 1956), for the purposes hereinafter appealing; Be it enacted in the Twelfth Year of the Republic of India as follows: -

## **1. Short title.**

- 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.] Estate (Supplementary) Amendment Act, 1961.

## **2. to 8.**

[The amendments made by these sections have been incorporated in the principal Act, viz., Tamil Nadu Estate (Supplementary) Act, 1956 (Tamil Nadu Act XXX of 1956).]

## **9. Transitory provisions.**

(1) In any suit or appeal or other proceeding transferred under sub-section (1) of section 11 of the principal Act to the appropriate Tribunal constituted under that Act and pending before it at the commencement of this Act, the question in issue shall be deemed to be a question referred to the said Tribunal under sub-section (1) of section 4-A of the principal Act as amended by this Act and the said Tribunal shall determine the question and communicate its finding thereon to the Court or Settlement Officer or Tribunal constituted under the Abolition Act, who transferred such suit or appeal or other proceeding and thereupon the Court or Settlement Officer or Tribunal constituted under the Abolition Act shall proceed to dispose of the suit or appeal or other proceeding. (2) In any

case transferred under section 12 of the principal Act to the appropriate Tribunal constituted under that Act and pending before it at the commencement of this Act, the question in issue shall be deemed to be a question referred to the said Tribunal under section 12 of the principal Act as amended by this Act and the said Tribunal shall determine the question and communicate its finding thereon to the Court which transferred the case and thereupon the Court shall proceed to dispose of the case.

**Authorisation To District Collectors To File Applications Under Section 4 In Respect of The Non-Ryotwari Areas**S.R.O. No. A-4783 of 1957. - In exercise of the powers conferred by section 4 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 (Supplementary) 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 XXX of 1956), the Governor of [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.] hereby authorises District Collectors to file applications under the said section in respect of non-ryotwari areas situated within their respective districts.

**Constitution of Tribunals Under the Act**S.R.O. No. A-4783 of 1957. - In exercise of the powers conferred by sub-section (1) of section 5 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 (Supplementary) 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 XXX of 1956), the Governor of [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.] hereby constitutes the Tribunals constituted under section 8 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 (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) as the Tribunals under the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Supplementary) Act, 1956 (Tamil Nadu Act XXX of 1956).

**Jurisdiction of Tribunals Under The Act**S.R.O. No. A-4784 of 1957. - In exercise of the powers conferred under subsection (3) of section 5 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 (Supplementary) Act, 1956 (Tamil Nadu Act XXX of 1956), the Governor of [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.] hereby notifies that each of the Tribunals constituted under sub-section (1) of section 5 of the above said Act shall have jurisdiction over the same area as the corresponding Tribunal constituted under 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.] XXVI of 1948).