

Land Acquisition (Tamil Nadu Amendment) Act, 1980

TAMILNADU

India

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Act 41 of 1980

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Land Acquisition (Tamil Nadu Amendment) Act, 1980(Tamil Nadu Act 41 of 1980)Statement of Objects and Reasons - Land Acquisition (Tamil Nadu Amendment) Act, 1980 (Tamil Nadu Act 41 of 1980). - Under the first proviso to sub-section (1) of section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894), no declaration in respect of any land shall be made after the expiry of three years from the date of publication of notification under sub-section (1) of section 4 of the said Act relating to such land.2. In a recent judgement, the Division Bench of the High Court, Madras has held that the period of three years specified in the first proviso to sub-section (1) of section 6 of the said Act is absolute and any period during which proceedings pending in the Court cannot be excluded. As a result of the judgement of the High Court, any case of land acquisition can be made futile by interested person filing a writ petition and prolonging it to such an extent as to render publication of declaration under section 6 of the Act impossible. As this has far reaching consequences, it is considered necessary to exclude the period covered by any stay or injunction granted by the Court, in computing the three years period referred to in the first proviso to sub-section (1) of the said section 6. It is accordingly proposed to amend the first proviso to sub-section (1) of the said section 6 for this purpose.3. The Bill seeks to achieve the above objects.Published in Part IV-Section 1, pages 118-119 of the Tamil Nadu Government Gazette Extraordinary, dated the 5th July 1980.Received the assent of the President on the 21st November 1980 and first published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 26th November 1980.An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Tamil Nadu.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Land Acquisition (Tamil Nadu Amendment) Act, 1980.(2)It extends to the whole of the State of Tamil Nadu.(3)Section 2 shall be deemed to have come into force on the 20th day of January 1967.

2. Amendment of section 6, Central Act I of 1894.

- In sub-section (1) of section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter referred to as the principal Act), to the first proviso, the following Explanation shall be added, namely:-"Explanation. - In computing the period of three years specified in this proviso, any period during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of section 4 is held up on account of stay or injunction by order of a Court, shall be excluded."

3. Validation of certain declarations.

- Notwithstanding any judgement, decree or order of any Court to the contrary, no declaration made under section 6 of the principal Act in respect of any land covered by a notification under sub-section (1) of section 4 published after the 20th day of January 1967, shall be deemed to be invalid or ever to have become invalid on the ground that such declaration has been made after the expiry of three years from the date of publication of such notification, if the three years period aforesaid would not have expired, had the period covered by any stay or injunction granted by any Court, in respect of any action or proceeding relating to such notification, been excluded in computing the said period of three years; and all such declarations made and acts done or proceedings taken in pursuance of such declarations, shall be deemed to be and to have always been validly made, done or taken in accordance with law, as if section 2 of this Act had been in force, at all material times, when such declarations were made.