

Tamil Nadu Limited Proprietors Act, 1911

TAMILNADU

India

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Act 4 of 1911

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Tamil Nadu Limited Proprietors Act, 1911(Tamil Nadu Act 4 of 1911)Received the assent of the Governor on the 14th June 1911 and that of the Governor-General on the 4th July 1911 and the assent of the Governor-General was first published in the Fort St. George Gazette, dated the 18th July 1911.An Act to amend the Law relating to Proprietors of Estates.Preamble. - Whereas it is expedient that, certain persons who are not proprietors as defined in the Madras Proprietary Estates' Village-service Act, 1894, the Madras Hereditary Village-offices Act, 1895, and the [Madras Survey and Boundaries Act, 1897,] [The Act has been repealed. see no the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).] should be enabled to exercise the powers and discharge the duties of proprietors under the said Acts and whereas it is also expedient to make provision for the recovery of arrears of revenue from such persons; It is hereby enacted 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 Laws (Second Amendent) Order, 1969, which came into force the 14 January 1969.] Limited Proprietors Act, 1911.

2.

[xxx] [This section was repealed by section 3 of and the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1967 (Tamil Nadu Act XXV of 1957). In so far as this Act applies the added territories,section 2 was repealed by section 12 of the Tamil Nadu (Added Territories) Extension of Laws (No.2) Act,1961 (Tamil Nadu Act 39 of 1961).];

3. Definitions.

- In this Act, unless there be something repugnant in the subject or context, "Estate" and "Village" respectively, mean an estate and a village as defined in the Madras Proprietary Estates' Village

Service Act, 1894.

4. Application to Collector for registration as proprietor.

- Where any person is entitled otherwise than as owner to collect the rents of the whole of an estate or any portion thereof consisting of one or more villages by virtue of any transfer from an owner or of any decree or order of a competent court or of any rule or provision of law and is not the proprietor as defined in section 4 of the Madras Proprietary Estates' Village-service Act, 1894, he may apply to the District Collector to be registered as proprietor in respect of such estate or portion for all or any of the purposes of the Madras Proprietary Estates' Village-service Act, 1894, the Madras Hereditary Village-offices Act, 1895, and the [Madras Survey and Boundaries Act, 1897.] [This Act has been repealed. see no the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).]

5. Procedure on such application.

(1)The District Collector shall give notice of the application to the registered proprietor and such other persons as appear to him to be interested in the result of the application and, after giving them an opportunity of being heard and making such inquiry as he thinks fit, may register the applicant as proprietor for all or any specified purposes of the said Acts or may refuse registry:Provided that where the applicant is entitled to collect the rents by virtue of a decree or order of a competent Court or of any rule or provision of law, it shall be open to the District Collector to register him as proprietor without giving notice or holding any inquiry.(2)Subject to the provisions of sections 7,11 and 13 and to any decree of a competent Civil Court, such registration shall remain in force so long as the applicant is entitled to collect the rents.

6. Procedure in case of dispute.

- If the District Collector is satisfied that there exists a substantial dispute regarding the applicant's right to collect the rents, he shall require the applicant to establish his right in a Civil Court, unless for other reasons he is of opinion, that the application should not be granted.

7. Collector may vary or cancel registration.

- Any registration made by the District Collector under section 5 may be cancelled or varied by at any time after notice to the persons concerned.

8. Effect of registration.

- During the time that any registration under this Act remains in force in respect of an estate or portion of an estate, the person so registered shall exercise the powers and discharge the duties of a proprietor under the Madras Proprietary Estates' Village-service Act, 1894, the Madras Hereditary Village-offices Act, 1895, and the [Madras Survey and Boundaries Act, 1897,] [This Act has been

repealed. see no the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).] in such estate or portion in respect of the purposes for which he is registered, and no other person shall act or be treated as proprietor in respect of those purposes in the said estate or portion.

9. Liability of the person registered to pay Government dues.

(1) Any person registered as proprietor under this Act by virtue of any transfer made after the commencement of this Act (hereinafter called the transferee) shall, in relation to the Government, be deemed to be a landholder in respect of the estate or portion of an estate concerned for the purposes 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.] Revenue Recovery Act, 1864 ([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 1864) and shall be liable to be proceeded against under that Act for all sums which are recoverable thereunder from a landholder and which at the time of the registration may be due on such estate or portion, as the case may be, or which may become due thereon at any time while such registration remains in force. (2) If there is any valid agreement between the owner and the transferee of a portion of an estate as to the amount recoverable in respect of such portion, the said amount shall be determined in accordance with such agreement, except where the agreement appears to the District Collector to be unreasonable. In cases where there is no such agreement, or where the agreement appears to be unreasonable, the District Collector shall fix the said amount in the manner laid down in section 45 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.] Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864). (3) Nothing in this section shall relieve the transferor or his legal representative from any liability 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.] Revenue Recovery Act 1864 ([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 1864).

10.

Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act, it becomes necessary for the recovery of an arrear to proceed against the estate or portion of an estate in respect of which he is registered as proprietor, the Collector or other officer empowered by the Collector in that behalf shall cause a copy of the notice prescribed in section 36 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.] Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864), to be served also upon the owner of the estate not less than one month before the sale.

11. Cancellation of registration in case of default.

- Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act, the owner of the estate pays the arrears due by the defaulter or any part of the estate is sold for the recovery of the arrears, the registration of the defaulter as proprietor under this Act may be cancelled by the District Collector and the defaulter shall, from the date of the cancellation and in cases where it has been appealed against from the date of the appellate order confirming the same, cease to exercise the powers and discharge the duties of a proprietor and cease to be a landholder for the purposes 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.] Revenue Recovery Act, 1864 ([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 1864).