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THE TAMIL NADU BUILDINGS (LEASE AND RENT CONTROL) ACT, 1960.

ARRANGEMENT OF SECTIONS.

SECTIONS :

1 Short title, application and commencement.

2 Definitions.

3 Notice of vacancy.

3-A Release of building.

4 Fixation of fair rent.

5 Change in fair rent in what cases admissible.

6 Increase over rent in certain cases.

7 Landlord not to claim or receive anything in excess of fair rent or agreed rent

8 Landlord liable to give receipt for rent or advance.

9 Right of tenant to deposit rent in certain cases.

10 Eviction of tenants.

11 Payment or deposit of rent during the pendency of proceedings for eviction.

12 Recovery of possession by landlord for repairs or for reconstruction of building in respect of which the Government shall be deemed to be the tenant.

13 Authorized officer to give notice to landlord in certain cases.

14 Recovery of possession by landlord for repairs or for reconstruction.

15 Tenant to re-occupy after repairs.

16 Tenant to occupy if the building is not demolished.

17 Landlord not to interfere with amenities enjoyed by tenant.

18 Execution of orders.

18-A Power of Controller to appoint Commissioner.

19 Decisions which have become final not to be reopened.

20 Orders of Controller to be pronounced in open court.

21 Conversion into non-residential buildings.

22 Failure by landlord to make necessary repairs.

23 Appeal.

24 Costs.

25 Revision.

26 Order under the Act to be binding on sub-tenants.

27 Proceedings by or against legal representatives.

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SECTIONS :

28 Summons to witnesses.

29 Exemptions.

30 Exemption in the case of certain buildings.

31 Executive authorities of local bodies to furnish certified extracts from property tax assessment books.

32 Landlord and tenant to furnish particulars.

33 Penalties.

34 Power to make rules.

35 Repeals and savings.

36 [Omitted.]

37 Indemnity.

38 Repeal of corresponding law in the transferred territory.

39 [Omitted.]

SCHEDULE I.

SCHEDULE II

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[1][TAMIL NADU] ACT No. 18 OF 1960.[2]

THE [1][TAMIL NADU] BUILDINGS (LEASE AND RENT CONTROL) ACT, 1960.

[*Received the assent of the President on the 24th September 1960, first published in the* Fort St. George Gazette *Extraordinary on the 30th September* 1960.]

An Act to amend and consolidate the law relating to the regulation of the letting of residential and non-residential buildings and the control of rents of such buildings and the prevention of unreasonable eviction of tenants therefrom in the [3] [State of Tamil Nadu].

WHEREAS it is expedient to amend and consolidate the law relating to the regulation of the letting of residential and non-residential buildings and the control of rents of such buildings and the prevention of unreasonable eviction of tenants therefrom in the [3][State of Tamil Nadu];

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[1] These words were 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.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 9th September 1959, Part IV-A, page 328.

The life of this Act was extended from time to time by Tamil Nadu Acts 16 of 1963, 20 of 1965, 20 of 1970, 9 of 1971, 27 of 971 and 27 of 1972; and this Act was made permanent by section 28 of the Tamil Nadu Act 23 of 1973.

By virtue of section 18 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (Tamil Nadu Act 1 of 1976), this Act shall not apply (i) to any building belonging to or vesting in any corporate authority and (ii) as against the corporate authority to any tenancies or like relationship created by the corporate authority in respect of any such building; but it shall apply to any building let to the corporate authority.

The Tamil Nadu Buildings (Lease and Rent Control) Validation of Proceedings Act, 1971 (Tamil Nadu Act 32 of 1971) validated the proceedings taken, and acts done, by certain Additional District Munsifs and the Personal Assistant to the Collector of Madurai during certain specified periods.

[3] This expression was 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.

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BE it enacted in the Eleventh Year of the Republic of India as follows :—

Short title, application [and commencement].

1. (1) This Act may be called the [2][Tamil Nadu] Buildings (Lease and Rent Control) Act, 1960.

(2) [3][i] This Act [4][except sub-section (2) of section 3], shall apply to the City of Madras [5][and to the City of Madurai] and to all municipalities constituted or deemed to have been constituted under the [2][Tamil Nadu] District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) in the State :

Provided that the Government may, by notification, direct that this Act shall cease to apply to any municipality specified therein or to the City of Madras [6][or to the City of Madurai] from such date as may be mentioned in the notification.

[7][(ii) Where this Act had, under the proviso to sub-clause (i), ceased to apply to any such municipality or City as is mentioned in that proviso, the Government may, by notification, apply this Act, except sub-section (2) of section 3, to any such municipality or City with effect from such date as may be specified in the notification].

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[1] These words were substituted for the words "commencement and duration" by section 2 (1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] These words were 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.

[3] Clause (a) of sub-section (2) was numbered as sub-clause (i) of that sub-section by section 2 (a) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[4] These words, brackets and figures were substituted for the words, brackets and figures "except sub-sections (2) and (8) of section 3" by section 2 (2) (a) (i) (A), *ibid.*

[5] These words were inserted by section 2 (2) (a) (i) (B), *ibid.*

[6] These words were inserted by section 2 (2) (a) (i) (C), *ibid.*

[7] This sub-clause was inserted by section 2 (2) (a) (ii), *ibid.*

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(*b*) [1][Sub-section (2) of section 3] shall apply to the City of Madras [2][or to the City of Madurai] or any municipality constituted or deemed to have been constituted under the [3][Tamil Nadu] District Municipalities Act, 1920 ([3][Tamil Nadu] Act V of 1920) in the State only from such date as the Government may, by notification, appoint [4][and the Government may cancel or modify any such notification].

(*c*) The Government may, by notification apply all or any of the provisions of this Act except sub-section (2) of section 3, to any other area in the State with effect from such date as may be specified in the notification, and may cancel or modify any such notification.

[5][(*d*) Upon the issue of a notification under the proviso to sub-clause (i) of clause (a) or of a notification of cancellation under clause (b) or clause (*c*), this Act, or as the case may be, the provision thereof, shall cease to apply, except as respects things done or omitted to be done before such cesser; and section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891), shall apply upon such cesser as if this Act or such provision had then been repealed by a Tamil Nadu Act; but such cesser shall not be deemed to affect the power of the Government under sub-clause (ii) of clause (*a*) or under clause (*b*) or clause (*c*) again to apply this Act or any such provision to any area mentioned in that sub-clause or clause.]

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[1] These words, brackets and figures were substituted for the words, brackets and figures "Sub-sections (2) and (8) of section 3" by section 2 (2) (b) (i) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] These words were inserted by section 2 (2) (b) (ii), *ibid*.

[3] These words were 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, 1970.

[4] These words were added by section 2 (2) (b) (iii) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[5] This clause was inserted by section 2 (2) (c), *ibid*.

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[1][x x x x x x]

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) "authorized officer" means any officer authorized by the Government under sub-section (1) of section 3;

(2) "building" means any building or hut or part of a building or hut, let or to be let separately for residential or non-residential purposes and includes—

(*a*) the garden, grounds and out-houses, if any, appurtenant to such buildings, hut or part of such building or hut and let or to be let along with such building or hut, but does not include a room in a hotel or boarding house;

(*b*) any furniture supplied by the landlord for use in such building or hut or part of a building or hut,

but does not include a room in a hotel or boarding house ;

[2][(3) "Controller" means any person appointed by the Government, by notification, to exercise the powers of a Controller under this Act for such area as may be specified in the notification;]

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[1] The original sub-section (3) of section 1 read as follows:—

"(3) It shall remain in force for a period of three years".

In the said sub-section, for the words "three years" the words "five years" were substituted by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1963 (Tamil Nadu Act 16 of 1963) ; and for the words "five years" the words "ten years" were substituted by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1965 (Tamil Nadu Act 20 of 1965). Again for the words "for a period of ten years" the words, figures and letters "up to and inclusive of the 31st March 1971" were substituted by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1970 (Tamil Nadu Act 20 of 1970). The words, figures and letters "the 30th September 1971", "the 30th September 1972" and "the 30th June 1973" were substituted for the words, figures and letters "the 31st March 1971", "the 30th September 1971" and "the 30th September 1972" respectively by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1971 (Tamil Nadu Act 9 of 1971), by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Second Amendment Act, 1971 (Tamil Nadu Act 27 of 1971) and by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1972 (Tamil Nadu Act 27 of 1972). Sub-section (3) as so amended was finally omitted by section 2 (3) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] This clause was substituted for the following clause by section 3 (1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(3)" Controller" means any person appointed to perform the functions of a Controller under this Act;".

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(4) " date of the commencement of this Act " means—

(*a*) in relation to the City of Madras and to all municipalities constituted or deemed to have been constituted under the ([1][Tamil Nadu] District Municipalities Act, 1920) [1][Tamil Nadu] Act V of 1920), the date on which this Act is published in the *Fort St. George Gazette** [2] [* *].

[3][(*aa*) in relation to the City of Madurai, the first day of May 1971, and ;]

(*b*) in relation to any other area, the date specified in the notification under clause (*c*) of sub-section (2) of section 1 ;

(5) " Government" means the State Government ;

(6) " landlord " includes the person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of another or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant ;

Explanation.—A tenant who sub-lets shall be deemed to be a landlord within the meaning of this Act, in relation to the sub-tenant.

[4][(6-A) ' member of his family' in relation to a landlord means his spouse, son, daughter, grand-child or dependent parent ;]

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[1] These words were 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.

[2] The word "and" was omitted by section 3 (2) (i) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[3] This sub-clause was inserted by section 3 (2) (ii), *ibid*.

[4] This clause was inserted by section 3 (3), *ibid*.

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(7) "repairs" means the restoration of a building to a sound or good state after decay or injury but does not include additions, improvements or alterations except in so far as they are necessary to carry out such restoration;

[1] [(8) 'tenant' means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son, or daughter, or the legal representative of a deceased tenant who—

(i) in the case of a residential building, had been living with the tenant in the building as a member of the tenant's family up to the death of the tenant, and

(ii) in the case of a non-residential building, had been in continuous association with the tenant for the purpose of carrying on the business of the tenant upto the death of the tenant and continues to carry on such business thereafter,

and a person continuing in the possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter house or of rents for shops has been formed out or leased by a municipal council or a panchayat union council for the municipal corporation of Madras or the municipal corporation of Madurai.

Notice of vacancy.

3. (1) (a) (i) Every landlord shall, within seven days after the building becomes vacant,—

(A) by his ceasing to occupy it, or

(B) by the termination of tenancy, or

(C) by the eviction of the tenant, or

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[1] This clause was substituted for the following clause by section 3(4) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(8) "tenant" means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son, or daughter or the legal representative of a deceased tenant who had been living with the tenant in the building as a member of the tenant's family up to the death of the tenant and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been formed out or leased by a municipal council or district board or the Corporation of Madras."

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(D) where any such building has been requisitioned under any law for the time being in force other than this Act, by release from such requisition,

give notice of the vacancy in writing to the officer authorised in that behalf by the Government.

(ii) Every tenant shall, within seven days after the building becomes vacant, by his ceasing to occupy it or by the termination of his tenancy, give notice of the vacancy in writing to the officer authorized in that behalf by the Government.

Explanation I.—A landlord who, having obtained possession—

(i) of a residential building under sub-section (3) of section 10 lets the [1][whole or part] of it to a tenant ; or

(ii) of a non-residential building under sub-section (3) of section 10 lets the whole or part of it to a tenant,

shall be deemed to have failed to give notice under this section.

Explanation II.—A buyer—

(i) who having obtained vacant possession of a building in pursuance of a sale of such building, lets the [1][whole or part] of it to a tenant, or allows the [1][whole or part] to be occupied by any person; or

(ii) who, without obtaining such vacant possession, allows the seller to occupy the [1][whole or part] of the building, shall be deemed to have failed to give notice under this section.

(*b*) Every notice given under clause (*a*) shall contain such particulars as may be prescribed.

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[1] These words were substituted for the word "whole" by section 4 (1) (i) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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[1][(1-A) No landlord, whose building has become vacant consequent on,—

(*a*) the termination of a tenancy, or

(*b*) the eviction of the tenant, or

(*c*) the release from requisition, where any building has been requisitioned under any law for the time being in force other than this Act,

whether or not notice of vacancy under sub-section (1) was given by him, shall occupy himself the whole or part of it, or let the whole or part of it to a tenant or allow the whole or part of it to be occupied by any person and any officer empowered by the Government in this behalf may summarily dispossess—

(i) any landlord occupying such building, and

(ii) any tenant or other person to whom the building was let out or allowed by the landlord for occupation,

in contravention of the provisions of this sub-section, and the said officer may take possession of the building including any portion thereof which may have been occupied or let, as the case may be. The Government shall be deemed to be the tenant of such building with effect from the date of taking such possession.]

[2][(2) In the City of Madras or in the City of Madurai or in any municipality] to which this sub-section has been applied under clause (*b*) of sub-section (2) of section 1, where the tenant of a building puts another person in occupation thereof and does not re-occupy it within a period of three months, then, on the expiry of such period, the tenancy shall be deemed to have been terminated and it shall be the duty of the tenant, and also of the landlord

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[1] This sub-section was inserted by section 2 (1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1979 (Tamil Nadu Act 1 of 1980).

[2] These words were substituted for the words and braker "In any municipality (including the City of Madras)" by section 4(2) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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if he is aware of such termination, to give notice thereof in writing to the authorized officer within seven days of such termination:

Provided that where the tenant obtains written permission from the authorized officer to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein a period of six months were substituted.

Explanation.—This sub-section shall not apply where the building has been sub-let by a tenant entitled to do so, after giving due notice to the authorized officer under sub-section (1) and in conformity with the provisions of this section.

(3) [1][If within ten days of the receipt by the authorized officer of a notice from the landlord under sub-section (1)] or sub-section (2), the Government or the authorized officer do or does not intimate to the landlord in writing that the building is required for the purposes of the State or Central Government or of any local authority or of any public institution under the control of any such Government or for the occupation of any officer of such Government, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

[2][(3-A)The Government may, on an application made by the landlord, within fifteen days from the date of the communication of the intimation by the authorized officer under sub-section (3) rectify any error apparent on the face of the record.]

(4) Where intimation is given under sub-section (1), the landlord shall not let the building to a tenant or occupy it himself or use or permit the use of the building in any manner by any other person before the expiry of the period of [3][ten days] specified in sub-section (3), unless in the mean time he has received intimation from the authorized officer that the building is not required for the purposes, or for occupation by any of the officers, specified in that sub-section.

[1] These words, brackets and figure were substituted for the words, brackets and figure "If, within seven days of the receipt by the authorized officer of a notice under sub-section (1)" by section 4(3) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] This sub-section was inserted by section 4(4), *ibid.*

[3] These words were substituted for the words "seven days" by section 4(5), *ibid.*

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Explanation. Where before the fixation of fair rent, rent has been paid in excess thereof, the refund or adjustment shall have retrospective effect from the date on which the Government shall be deemed to be the tenant of the landlord, provided the application for fixation of fair rent is made within a period of ninety days from such date ; where such application is made after the said period of ninety days, the refund or adjustment shall be limited to the amount paid in excess for the period commencing on the date of application by the tenant or landlord for the fixation of fair rent and ending with the date of such fixation :

Provided also that on the delivery of possession of the building, the allottee shall pay rent to the landlord proportionately for any part of the calendar month of his occupation, and in advance on or before the 5th day of each calendar month:

Provided also that no structural alterations shall be made in the building, unless the consent of the landlord is obtained therefor.

(6) If, in the case of a residential building, the possession of which has been delivered to the authorized officer under sub-section (5) and in the occupation of an officer of the State or Central Government, the fair rent is subsequently fixed at an amount not exceeding twenty-five rupees per month, the said officer shall be deemed to have become the tenant of the landlord on the date on which such fair rent is fixed on the same terms, except as to rent, as obtained between the landlord and the Government on the said date.

(7) In cases not falling under sub-section (5), where the landlord lets the building to any tenant after giving notice to the authorized officer under sub-section (1) or sub-section (2) and without having occupied the building himself, or used or permitted the use of the building in any manner by any other person, the tenancy shall be deemed to have been antedated by the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4), and the tenant shall be liable to pay rent for those days also.

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[1][(8) ** ** ** ** **]

(9) (*a*) (i) Any office rempowered by the Government in this behalf may summarily dispossess any landlord, tenant or other person occupying any building in contravention of the provisions of this section or any landlord who fails to deliver to the Government possession of any building in accordance with the provisions of sub-section (5) and may take possession of the building including any portion thereof which may have been sub-let. The Government shall be deemed to be the tenant of such building with effect from the date of taking such possession.

(ii) Any such officer as is referred to in sub-clause (i) [2][or under sub-section (1-A)] may summarily dispossess any officer, local authority or public institution continuing to occupy, or failing to deliver possession of, any building in respect of which the Government shall be deemed to be the tenant by virtue of this section, after the termination of his or its licence to occupy such building and take possession of the building including any portion thereof which may have been sub-let.

[3][** ** ** **]

(*b*) If free access to the buildings is not afforded to the officer empowered under sub-clause (i) of clause (*a*), [4][or under sub-section (1-A)] he may, at any time after sunrise and before sunset, and after giving reasonable warning and facility to withdraw to any women not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

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[1] The following sub-section was omitted by section 4 (6) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(8) (*a*) Where a landlord has two or more residential buildings in the same city, town or village and they have not been already let by him, then within fifteen days from the date on which this sub-section has been applied under clause (b) of sub-section (2) of section 1 to the city, town or village, as the case may be, or from the date on which the landlord commenced to have more than one such building, whichever is later, the landlord may choose any one of such buildings for his own occupation and shall give notice to the authorized officer of the building so chosen by him and of every other building not so choosen.

[contd.]

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(*c*) Any landlord, tenant, or other person or any officer, local authority or public institution, liable to be summarily dispossessed under clause (*a*) [5][or under sub-section (1-A)] shall pay to the Government—

(i) the fair rent payable for the building under the provisions of this Act for the period of his or its occupation or possession thereof as described in that clause, whether such period was before or after the date of the commencement of this Act : and

(ii) the expenses, if any, incurred by the Government in effecting such summary dispossession, as determined by them (which determination shall be final).

(*b*) when giving notice as aforesaid, the landlord shall also specify therein—

(i) whether he requires any such building for the occupation of any member of his family or any dependant of his and, if so, where the member or dependant, as the case may be, is residing and the necessity for any change of residence ; and

(ii) such other particulars as may be prescribed.

(*c*) The authorised officer may, if he is satisfied that the residential building is required *bona fide* for the occupation of any member of the family of the landlord or of any of his dependants, make an order permitting the landlord to allow such member or dependant, as the case may be, to occupy the residential building for a specified or an unspecified period; and if the authorised officer is not so satisfied, he shall make an order refusing such permission.

(*d*) Any landlord who is aggrieved by any order passed by the authorised officer under clause (*c*)may, within seven days from the date of receipt of such order, prefer an appeal in writing to the Government, and the Government shall, after such inquiry as they may consider necessary, pass such orders on the appeal as they may think fit on such appeal being preferred, the Government may order stay of further proceedings in the matter pending decision on the appeal.

(*e*) (i) Every notice given by the landlord under clause (*a*) shall, in so far as it relates to any residential building other than the one chosen by him for his own occupation, be deemed to be a notice under sub-section (1). [contd.]

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(ii) If, in the case of a residential building governed by clause (b), the notice specifies that the residential building is required for the purposes mentioned in sub-clause (i) of that clause, the provisions of sub-section (3) shall apply as if the notice had been given by the landlord under sub-section (1) immediately after the lapse of a period of seven days from the date of receipt by the landlord of the order passed by the authorized officer, or, if an appeal has been preferred to the Government against that order within that period as if notice had been given as aforesaid by the landlord on the date of the order passed on the appeal".

[2] This expression was inserted by section 2(2) (*a*) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1979 (Tamil Nadu Act 1 of 1980).

[3] The following provisio and the Explanation were omitted by section 4 (7) (i)of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973) :—

"Provided that in cases where any landlord has been refused permission for the occupation of a building under clause (*c*) of sub-section (8), not less than seven days' notice shall be given before action is taken under this sub-section.

Explanation.—The provisions of this clause shall apply also to cases which arose before the date of the commencement of this Act".

[4] This expression was inserted by section 2(2) (*b*) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1979 (Tamil Nadu Act 1 of 1980).

[5] This expression was inserted by section 2(2) (*c*), *ibid.*

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[1][(*d*) (i) If the [2][**] officer who takes possession of the building under clause (*a*) [3][or under sub-section (1-A)], is of the opinion that the building is not in a tenantable condition, he may prepare or cause to be prepared an estimate of the repairs necessary to make the building tenantable and give notice to the landlord to carry out the repairs within a reasonable time.

(ii) If the landlord fails to make necessary repairs to the building within such reasonable time, the [4][said officer] may make such repairs, or allot the building subject to the condition that the allottee shall carry out the repairs according to the aforesaid estimate and deduct the cost of such repairs from the rent payable to the landlord in such monthly instalments as may be specified by the [4][said officer]:

Provided that in no case such monthly instalment shall exceed one-half of the monthly rent payable by the tenant.]

(10) Nothing contained in this section shall apply—

(*a*) to a residential building the monthly rent of which does not exceed twenty-five rupees; or

(*b*) to a non-residential building, the monthly rent of which does not exceed fifty rupees; or

(*c*) to a residential building, a part only of which is occupied by the full owner and the whole or any portion of the remaining part of such building is let to any tenant ;

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[1] This clause was added by section 4(7) (ii) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] The word "authorised " was omitted by section 2(2) (*d*) (i) (A) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1979 (Tamil Nadu Act 1 of 1980).

[3] This expression was inserted by section 2(2) (d) (i) (B), *ibid.*

[4] These words were substituted for the words "authorised officer" by section 2(2) (*d*) (ii), *ibid.*

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[1][Provided that this clause shall not apply to any building, if—

(i) the portions occupied by the full owner and the tenant are self-contained and separate units ; or

(ii) the full owner does not actually occupy the building for residential purposes ; or

(iii) the full owner is in actual occupation of another residential building ; or]

(*d*) to any building or buildings in the same city, town or village, owned by any company, association or firm, whether incorporated or not, and *bona fide* intended solely for the occupation of its officers, servants or agents.

Explanation.—In clause (*c*) "full owner" means a person entitled to the absolute proprietorship of the building.

Release of building.

[2][3-A. (1) A landlord may apply to the authorized officer for the release of a building in respect of which a notice has been given under sub-section (1) of section 3 or in respect of which, the Government are, under sub-section (5) of section 3, deemed to be the tenant if—

(*a*) in the case of a residential building, the landlord requires it for his own occupation or for the occupation of any member of his family and the landlord or the member of his family is not occupying any residential building of his own in the city, town or village concerned;

(*b*) in the case of a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, the landlord requires it for his own use or for the use of any member of his family and the landlord or the member of his family is not using any such building of his own in the city, town or village concerned ;

(*c*) in the case of any non-residential building other than the non-residential building mentioned in clause (*b*), the landlord or any other member of his family requires

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[1] This proviso was added by section 4(8) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] This section was inserted by section 5, *ibid.*

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it for the purpose of his business and the landlord or the member of his family does not occupy any such non-residential building of his own for the purpose of his business in the city, town or village concerned ; or

(*d*) the building, whether residential or non-residential, whose landlord is a religious, charitable, educational or other public institution, is required for the purposes of such institution.

(2) The authorized officer may, if he is satisfied that the claim of the landlord is *bona fide* and reasonable, make an order releasing the building subject to such conditions and restrictions as he may think fit and if he is not so satisfied, make an order rejecting the application made under sub-section (1).

(3) Any person who is aggrieved by an order passed by the authorized officer under sub-section (2) may, within fifteen days from the date of receipt of such order, prefer an appeal to the Government and the Government shall pass such order as they deem fit and on such appeal being preferred, the Government may order stay of further proceedings in the matter pending decision on the appeal.

(4) A building released in pursuance of an order made under sub-section (2) shall, within thirty days of the date of the receipt of the order or such further period as may be allowed by the authorized officer, be occupied by the landlord or by the member of his family for whose occupation the building was required to be released or shall be put to such use for which the release was obtained.

(5) Where a building released under sub-section (2) has not been occupied by the landlord or by the member of his family or has not been put to such use for which the release was obtained within the period specified in sub-section (4), but is either let out or kept vacant the whole or any part of the building , or put to use other than the one for which the release was obtained, such building shall be deemed to have become vacant from the date of the expiry of the period specified in sub-section (4) and the provisions of [1][sub-sections (1), (1-A), (3), (4), (5), (7) and (9) of section 3] shall apply to such building.]

[1] This expression was substituted for the expression "sub-sections (1), (3), (4), (5), (7) and (9) of section 3" by section 3 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1979 (Tamil Nadu Act 1 of 1980).

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Fixation of fair rent.

4. [1][(1) the Controller shall on application made by the tenant or the landlord of a building and after holding such enquiry as he thinks fit, fix the fair rent for such building in accordance with the principles set out in the following sub-sections.

(2) The fair rent for any residential building shall be nine per cent gross return *per annum* on the total cost of such building.

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[1] This section was substituted for the following original section 4 by section 6 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973) :—

"4. *Fixation of fair rent.*—(1) The Controller shall, on application by the tenant or the landlord of a building and after holding such inquiry as the Controller thinks fit, fix the fair rent for such building in accordance with the principles set out in sub-section (2) or in sub-section (3), as the case may be, and such other principles as may be prescribed.

(2) (*a*) The fair rent for any residential building shall be at six per cent gross return per annum on the total cost of such building.

(*b*) The total cost referred to in clause (*a*) shall consist of—

(i) the cost of the construction as calculated according to such rates for such classes of residential building as may be prescribed less the depreciation at such rates as may be prescribed;

(ii) the market value of that portion of the site on which the residential building is constructed;

and shall include such allowances as may be made for considerations of locality in which the residential building is situated, features of architectural interest, accessibility to market, dispensary or hospital, nearness to the railway station or educational institution and such other amenities as may be prescribed :

Provided that such allowances shall not exceed ten per cent of the cost of construction as calculated in the manner specified in sub clause (i).

(3) (*a*) The fair rent for any non-residential building shall be at nine per cent gross return per annum on the total cost of such building.

(*b*) The total cost referred to in clause (*a*) shall consist of—

(i) the cost of construction as calculated according to such rates for such clauses of non-residential buildings as may be prescribed less the depreciation at such rates as may be prescribed;

(ii) the market value of that portion of the site on which the non-residential building is constructed;

and shall include such allowances as may be made for considerations of locality in which the non-residential building is situated, features of architectural interest, accessibility to market, nearness to the railway station and such other amenities as may be prescribed and of the purpose for which the non-residential building is used:

Provided that such allowances shall not exceed twenty-five per cent of the cost of construction as calculated in the manner specified in sub-clause (i).".

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(3) The fair rent for any non-residential building shall be twelve per cent gross return *per annum* on the total cost of such building.

(4) The total cost referred to in sub-section (2) and sub-section (3) shall consist of the market value of the site in which the building is constructed, the cost of construction of the building and the cost of provision of anyone or more of the amenities specified in Schedule I as on the date of application for fixation of fair rent:

Provided that while calculating the market value of the site in which the building is constructed, the Controller shall take into account only that portion of the site on which the building is constructed and of a portion upto fifty per cent thereof of the vacant land, if any, appurtenant to such building, the excess portion of the vacant land, being treated as amenity:

Provided further that the cost of provision of amenities specified in Schedule I shall not exceed—

(i) in the case of any residential building, fifteen per cent; and

(ii) in the case of any non-residential building, twenty-five per cent,

of the cost of site in which the building is constructed, and the cost of construction of the building as determined under this section.

(5) (*a*) The cost of construction of the building including cost of internal water-supply, sanitary and electrical installations shall be determined with due regard to the rates adopted for the purpose of estimation by the Public Works Department of the Government for the area concerned. The Controller may, in appropriate cases, allow or disallow an amount not exceeding thirty per cent of the cost of construction having regard to the nature of construction of the building.

(*b*) The Controller shall deduct from the cost of construction determined in the manner specified in clause (*a*), depreciation calculated at the rates specified in Schedule II.]

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Fixation of fair rent.

4. [1][(1) the Controller shall on application made by the tenant or the landlord of a building and after holding such enquiry as he thinks fit, fix the fair rent for such building in accordance with the principles set out in the following sub-sections.

(2) The fair rent for any residential building shall be nine per cent gross return *per annum* on the total cost of such building.

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[1] This section was substituted for the following original section 4 by section 6 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973) :—

"4. *Fixation of fair rent*.—(1) The Controller shall, on application by the tenant or the landlord of a building and after holding such inquiry as the Controller thinks fit, fix the fair rent for such building in accordance with the principles set out in sub-section (2) or in sub-section (3), as the case may be, and such other principles as may be prescribed.

(2) (*a*) The fair rent for any residential building shall be at six per cent gross return per annum on the total cost of such building.

(*b*) The total cost referred to in clause (*a*) shall consist of—

(*i*) the cost of the construction as calculated according to such rates for such classes of residential building as may be prescribed less the depreciation at such rates as may be prescribed;

(ii) the market value of that portion of the site on which the residential building is constructed;

and shall include such allowances as may be made for considerations of locality in which the residential building is situated, features of architectural interest, accessibility to market, dispensary or hospital, nearness to the railway station or educational institution and such other amenities as may be prescribed :

Provided that such allowances shall not exceed ten per cent of the cost of construction as calculated in the manner specified in sub clause (i).

(3) (*a*) The fair rent for any non-residential building shall be at nine per cent gross return per annum on the total cost of such building.

(*b*) The total cost referred to in clause (*a*) shall consist of—

(*i*) the cost of construction as calculated according to such rates for such clauses of non-residential buildings as may be prescribed less the depreciation at such rates as may be prescribed;

(ii) the market value of that portion of the site on which the non-residential building is constructed;

and shall include such allowances as may be made for considerations of locality in which the non-residential building is situated, features of architectural interest, accessibility to market, nearness to the railway station and such other amenities as may be prescribed and of the purpose for which the non-residential building is used:

Provided that such allowances shall not exceed twenty-five per cent of the cost of construction as calculated in the manner specified in sub-clause (i).".

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for any half-year commencing on the 1st April 1950, or on any later date exceeds the amount of the taxes and cesses payable in respect thereof to the same or any other local authority for the half-year ending on the 30th day of September 1946, or for the first complete half-year after the date on which the building was first let, whichever is later, the landlord shall be entitled to claim such excess from the tenant in addition to the rent payable for the building under this Act:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Controller.

Landlord not to claim or receive any thing in excess of fair rent or agreed rent.

7. (1) Where the Controller has fixed [1][or refixed] the fair rent of a building —

(*a*) the landlord shall not claim, receive or stipulate for the payment of (i) any premium or other like sum in addition to such fair rent, or (ii) save as provided in section 5 or section 6, anything in excess of such fair rent :

Provided that the landlord may receive, or stipulate for the payment of , an amount not exceeding one month's rent, by way of advance ;

(*b*) save as provided in clause (*a*), any premium or other like sum or any rent paid in addition to, or in excess of, such fair rent, whether before or after the date of the commencement of this Act, in consideration of the grant,

[1] These words were inserted by section 8(1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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continuance or renewal of the tenancy of the building after the date of such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord:

[1][Provided that where before the fixation or refixation of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for the period commencing on the date of the application by the tenant or landlord under sub-section (1) of section 4 or sub-section (3) of section 5, as the case may be, and ending with the date of such fixation or refixation].

(2) Where the fair rent of a building has not been so fixed—

(*a*) the landlord shall not claim, receive or stipulate for the payment of, any premium or other like sum in addition to the agreed rent :

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding one month's rent, by way of advance ;

(*b*) save as provided in clause (*a*), any sum paid in excess of the agreed rent, whether before or after the date of the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after the date of such commencement, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be *null and void*.

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[1] This proviso was substituted for the following original proviso by section 8(2) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

" Provided that where before the fixation of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for the period commencing on the date of application by the tenant or landlord under sub-section (1) of section 4 and ending with the date of such fixation."

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[1][Land Lord liable to give receipt for rent or advance].

8. [2][(1) Every landlord who receives any payment towards rent or advance shall issue a receipt duly signed by him for the actual amount of rent or advance received by him.]

(2) Where a landlord refuses to accept, or evades the receipt of, any rent lawfully payable to him by a tenant in respect of any building, the tenant may, by notice in writing, require the landlord to specify within ten days from the date of receipt of the notice by him, a bank into which the rent may be deposited by the tenant to the credit of the landlord :

Provided that such bank shall be one situated in the city, town or village in which the building is situated or if there is no such bank in such city, town or village, within [3][five kilometres] of the limits thereof.

Explanation.—It shall be open to the landlord to specify from time to time by a written notice to the tenant and subject to the proviso aforesaid, a bank different from the one already specified by him under this sub-section.

(3) If the landlord specifies a bank as aforesaid, the tenant shall deposit the rent in the bank and shall continue to deposit in it any rent which may subsequently become due in respect of the building.

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[1]This marginal heading was substituted for the marginal heading "Right of tenant paying rent or advance to receipt" by section 9(1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] This sub-section was substituted for the following original sub-section by section 9(2), *ibid*.

"(1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt in the prescribed form for the amount paid duly signed by the landlord or his authorised agent."

[3] These words were subtituted for the words "three miles" by section 9(3), *ibid*.

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(4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission.

(5) If the landlord refuses to receive the rent remitted by money order under sub-section (4), the tenant may deposit the rent before the Controller and continue to deposit with him any rent which may subsequently become due in respect of the building.

Right of tenant to deposit rent in certain cases.

9. (1) Where the address of the landlord or his authorized agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building, before the Controller in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building, before the Controller and in the same manner until the address of the landlord or his authorized agent becomes known to the tenant.

(2) The amount deposited under sub-section (3) or under sub-section (5) of section 8, or under sub-section (1) of this section may, subject to such conditions as may be prescribed, be withdrawn by the person held by the Controller to be entitled to the amount on application made by such person to the Controller in that behalf.

(3) Where any *bona fide* doubt or dispute arises as to the person who is entitled to receive the rent for any building, the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Controller the circumstances under which such deposit was made by him, and may continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decision of a competent Court or by a settlement between the parties or until the Controller makes an order under clause (*b*) of sub-section (4), as the case may be.

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(4) (*a*) The Controller to whom a report is made under sub-section (3) shall, if satisfied that a *bona fide* doubt or dispute exists in the matter, direct that, pending removal of the doubt or settlement of the dispute as aforesaid, the deposit be held by the authority concerned.

(*b*) If the Controller is not so satisfied, he shall forthwith order payment of the amount deposited to the landlord.

(5) Where the Controller passes an order under clause (*a*) of sub-section (4), any amount deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent Court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties, only by the person who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.

Eviction of tenants.

10. (1) A tenant shall not be evicted whether in execution of a decree or otherwise except in accordance with the provisions of this section or sections 14 to 16 :

Provided that nothing contained in the said sections shall apply to a tenant whose landlord is the Government :

Provided further that where the tenant denies the title of the landlord or claims right of permanent tenancy, the Controller shall decide whether the denial or claim is *bona fide* and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in the said sections, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable

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opportunity of showing cause against the application, is satisfied—

(i) that the tenant has not paid or tendered the rent due by him in respect of the building, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or

(ii) that the tenant has after the 23rd October 1945 without the written consent of the landlord—

(*a*) transferred his right under the lease or sub-let the entire building or any portion thereof, if the lease does not confer on him any right to do so, or

(*b*) used the building for a purpose other than that for which it was leased, or

(iii) that the tenant has committed or caused to be committed such acts of waste as are likely to impair materially the value or utility of the building, or

(iv) that the tenant has been convicted under any law for the time being in force of an offence of using the building or allowing the building to be used for immoral or illegal purposes, or

(v) that the tenant has been guilty of such acts and conduct which are a nuisance to the occupiers of other portions in the same building or of buildings in the neighbourhood, or

(vi) that where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause, or

(vii) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not *bona fide*,

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the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that in any case falling under clause (i) if the Controller is satisfied that the tenant's default to pay or tender rent was not wilful, he may, notwithstanding anything contained in section 11, give the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender and on such payment or tender, the application shall be rejected.

[1][*Explanation.*—For the purpose of this sub-section default to pay or tender rent shall be construed as wilful, if the default by the tenant in the payment or tender of rent continuous after the issue of two months' notice by the landlord claiming the rent.]

(3) (*a*) A landlord may, subject to the provisions of clause (*d*), apply to the Controller for an order directing the tenant to put the landlord in possession of the building—

(i) in case it is a residential building, if the landlord requires it for his own occupation or for the occupation of [2][any member of his family] and if he or [2][any member of his family] is not occupying a residential building of his own in the city, town or village concerned ;

(ii) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adopted for such use, if the landlord requires it for his own use or for the use of [2][any member of his family] and if he or [2][any member of his family] is not occupying any such building in the city, town or village concerned which is his own ;

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[1] This explanation was added by section 10 (1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] These words were substituted for the words "his son" by section 10 (2), *ibid.*

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(iii) in case it is any other non-residential building, if the landlord or [1][any member of his family] is not occupying for purposes of a business which he or [1][any member of his family] is carrying on, a non-residential building in the city, town or village concerned which is his own :

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument *inter vivos* shall not be entitled to apply under this clause before the expiry of three months from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this clause, he shall not be entitled to apply again under this clause—

(i) in case he has obtained possession of a residential building, for possession of another residential building of his own ;

(ii) in case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.

(*b*) where the landlord of a building, whether residential or non-residential, is a religious, charitable, educational, or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of clause (*d*), for an order directing the tenant to put the institution in possession of the building.

(*c*) A landlord who is occupying only a part of a building, whether residential or non-residential, may, notwithstanding anything contained in clause (*a*), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for purposes of a business which he is carrying on, as the case may be.

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[1] These words were substituted for the words " his son " by section 10 (2) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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(*d*) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.

(*e*) The Controller shall, if he is satisfied that the claim of the landlord is *bona fide*, make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that, in the case of an application under clause (*c*), the Controller shall reject the application if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord :

Provided further that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

[1][(3-A) (*a*) Where the landlord has been or is a member of the Armed Forces and—

(i) is released or has retired from service and the building is *bona fide* required for his residence ; or

(ii) is stationed at a place where on account of military exigencies, he cannot live with his family or dies on active duty and the building is *bona fide* required for the residence of his family,

the Controller shall, on application made by the landlord or the member of his family, as the case may be, if he is satisfied that the claim of the landlord or the member of his family is *bona fide* pass an order directing the tenant to put the landlord or the member of his family in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application.

[1] This sub-section was inserted by section 10 (3) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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(*b*) Notwithstanding anything contained in clause (*a*), where the landlord or the member of his family produces a certificate from the prescribed authority under the Indian Soldiers (Litigation) Act, 1925 (Central Act IV of 1925), that the landlord is serving under special conditions within the meaning of section 3 of that Act, the application referred to in clause (*a*) shall be disposed of, as far as may be, within a period of one month and if the claim of the landlord or the member of his family is accepted, the Controller shall pass an order directing the tenant to put the landlord or the member of his family in possession of the building on such date as may be specified in the order which shall not be later than one month from the date of such order.

Explanation.—For the purpose of this sub-section "member of the Armed Forces" means a person in the service of the Air Force, Army or Navy of the Union of India and includes a seaman and "seaman" means every person including a master, pilot or apprentice employed or engaged as a member of the crew of a ship or a sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958), applies:

Provided that if a question arises whether any person is a member of the Armed Forces, such question shall be decided by the Controller and his decision shall be final].

(4) No order for eviction shall be passed under sub-section (3)—

(i) against any tenant who is engaged in any employment or class of employment notified by the Government as an essential service for the purpose of this sub-section, unless the landlord is himself engaged in any employment or class of employment which has been so notified, or

(ii) in respect of any building which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognised by the Government or any authority empowered by them in this behalf so long as such recognition continues.

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(5) (*a*) Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) [1][or sub-section (3-A)] does not himself occupy it within one month of the date of obtaining possession or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly, notwithstanding anything contained in section 3.

(*b*) Where a tenant who is entitled to apply for possession under clause (*a*) fails to do so within one month from the date on which the right to make the application accrued to him, the Government or the authorized officer shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) of section 3 to give intimation to the landlord that the building is so required and thereupon the provisions of sub-sections (5) and (9) of section 3 shall apply to the building :

Provided that this clause shall not apply to a residential building the monthly rent of which does not exceed twenty-five rupees or to a non-residential building the monthly rent of which does not exceed fifty rupees.

(6) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding fifty rupees be paid by such landlord to the tenant.

(7) Where an application under sub-section (2) or [2][sub-section (3) or sub-section (3-A)] for evicting a tenant has been rejected by the Controller, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and

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[1] These words, brackets, figure and letter were inserted by section 10(4) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of of 1973).

[2] These words, brackets, figures and letter were substituted for the word, brackets and figure " sub-section (3) " by section 10(5), *ibid.*

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shall not be terminable by the landlord except on any of the grounds mentioned in sub-section (2) or [1][sub-section (3) or sub-section (3-A)] :

Provided that nothing in this sub-section shall be deemed to prevent a landlord who has made an application for evicting a tenant on any of the grounds mentioned in sub-section(2)or [1][sub-section (3) or sub-section(3-A)] from applying again, when the previous application is pending to the Controller for evicting the tenant on any of the other grounds mentioned in sub-section (2) or [1][sub-section (3) or sub-section (3-A)].

(8) Notwithstanding anything contained in this section no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.

Payment or deposit of rent during the pendency of proceedings for eviction.

11. (1) No tenant against whom an application for eviction has been made by a landlord under section 10 shall be entitled to contest the application before the Controller under that section, or to prefer any appeal under section 23 against any order made by the Controller on the application unless he has paid or pays to the landlord, or deposits with the Controller or the appellate authority, as the case may be, all arrears of rent due in respect of the building upto the date of payment or deposit, and continues to pay or to deposit any rent which may subsequently become due in respect of the building until the termination of the proceedings before the Controller or the appellate authority, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed.

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1) the Controller or the appellate authority, as the case may be, shall, on application made to him either by the tenant or

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[1] These words, brackets, figures and letter were substituted for the word, brackets and figure "sub-section 3" by section 10 (5) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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by the landlord, and after making such inquiry as he deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.

(5) The amount deposited under sub-section (1) may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him in that behalf to the Controller or the appellate authority, as the case may be.

Recovery of possession by landlord for repairs or for re-construction of building in respect of which the Government shall be deemed to be the tenant.

12. (1) Notwithstanding anything contained in this Act, on an application made by a landlord of a building in respect of which the Government shall be deemed to be the tenant, the authorised officer shall, if he is satisfied—

(*a*) that the building is *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the building being vacated, or

(*b*) that the building is *bona fide* required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished,

pass an order directing the allottee to deliver possession of the building to the landlord before a specified date.

(2) An order passed by the authorized officer under sub-section (1) directing the allottee to deliver possession of the building to the landlord shall be subject to such conditions and restrictions as may be prescribed.

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(3) No order directing the allottee to deliver possession of the building shall be passed by the authorized officer under sub-section (1)—

(*a*) on the ground specified in clause (*a*) of sub-section (1), unless the landlord gives an undertaking that the building shall, on completion of the repairs, be offered to the authorized officer before the expiry of three months from the date of recovery of possession by the landlord or before the expiry of such further period as the authorized officer may, for reasons to be recorded in writing, allow, for reallotment to any person named by the authorized officer; or

(*b*) on the ground specified in clause (*b*) of sub-section (1), unless the landlord gives an undertaking that the work of demolishing any material portion of the building shall be substantially commenced by him not later than one month, and shall be completed before the expiry of three months from the date he recovers possession of the entire building or before the expiry of such further period as, the authorized officer may, for reasons to be recorded in writing, allow.

[1][(3-A) (*a*) Any person aggrieved by an order passed by the authorized officer under sub-section (1) may, within fifteen days from the date of the receipt of such order, prefer an appeal to the Government and the Government shall pass such order, including extension of time for vacating the building, as they deem fit.

(*b*) On such appeal being preferred, the Government may order stay of further proceedings pending decision on the appeal.]

(4) Notwithstanding an order passed by the authorized officer under clause (*a*) of sub-section (1) directing the allottee to deliver possession of the building, the Government shall be deemed to continue to be the tenant, but the landlord shall not be entitled to any rent for the period

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[1] This sub-section was inserted by section 11 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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commencing on the date of delivery of possession of the building by the allottee to the landlord and ending with the date on which the building is offered to the authorized officer by the landlord in pursuance of the undertaking under clause (*a*) of sub-section (3).

(5) Nothing contained in this section shall entitle the landlord who has recovered possession of the building for repairs to convert a residential building into a non-residential building or a non-residential building into a residential building unless such conversion is permitted by the authorized officer at the time of passing an order under clause (*a*) of sub-section (1).

(6) If, after the allottee has delivered possession, the landlord fails to commence the work or repairs within one month from the date of such delivery or fails to complete the work before the expiry of three months from the date of such delivery or before the expiry of the further period allowed under clause (*a*) of sub-section (3) or having completed the work fails to offer the building to the authorized officer, the authorized officer may *suo motu* or on application order the reallotment of the building to any person named by him; and on such order being made, the landlord and any other person who may be in occupation shall put the allottee in possession of the building.

Authorized officer to give notice to landlord in certain cases.

13. (1) Where an order directing delivery of possession has been passed by the authorized officer under clause (*b*) of sub-section (1) of section 12 and the work of demolishing any material portion of the building has not been substantially commenced by the landlord within the period of one month in accordance with his undertaking under clause (b) of sub-section (3) of section 12 the authorized officer may give the landlord notice of his intention to re-allot the building to any person named by him. If within fifteen days from the date of receipt of such notice, the landlord does not offer the building to the authorized officer, the authorized officer may re-allot the building to any person named by him on the original terms and conditions and order the landlord to put such person in possession of the building.

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[1][(2) Where in pursuance of an order passed by the authorized officer under clause (*b*) of sub-section (1) of section 12, any building is totally demolished and a new building is erected in its place, all the provisions of this Act shall cease to apply to such new building for a period of five years from the date on which the construction of such new building is completed and notified to the local authority concerned.]

Recovery of possession by landlord for repairs or for reconstruction.

14. (1) Notwithstanding anything contained in this Act, but subject to the provisions of sections 12 and 13, on an application made by a landlord, the Controller shall, if he is satisfied—

(*a*) that the building is *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the building being vacated ; or

(*b*) that the building is *bona fide* required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished,

pass an order directing the tenant to deliver possession of the building to the landlord before a specified date.

(2) No order directing the tenant to deliver possession of the building under this section shall be passed—

(*a*) on the ground specified in clause (*a*) of sub-section (1), unless the landlord gives an undertaking that the building shall, on completion of the repairs, be offered to the tenant, who delivered possession in pursuance of an order under sub-section (1) for his re-occupation before the expiry of three months from the date of recovery of possession by the landlord, or before the expiry of such further period as the Controller may, for reasons to be recorded in writing, allow ; or

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[1] This sub-section was substituted for the following original sub-section (2) by section 12 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(2) Where an order has been passed by the authorized officer on the ground specified in clause (*b*) of sub-section (1) of section 12 and the work of demolishing the building is complete, all the provisions of this Act shall cease to apply to the new building erected on the site of the building demolished."

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(*b*) on the ground specified in clause (*b*) of sub-section (1), unless the landlord gives an undertaking that the work of demolishing any material portion of the building shall be substantially commenced by him not later than one month and shall be completed before the expiry of three months from the date he recovers possession of the entire building or before the expiry of such further period as the Controller may, for reason to be recorded in writing, allow.

(3) Nothing contained in this section shall entitle the landlord who has recovered possession of the building for repairs to convert a residential building into a non-residential building or a non-residential building into a residential building unless such conversion is permitted by the Controller at the time of passing an order under sub-section (1).

(4) Notwithstanding an order passed by the Controller under clause (*a*) of sub-section (1) directing the tenant to deliver possession of the building, such tenant shall be deemed to continue to be the tenant, but the landlord shall not be entitled to any rent for the period commencing on the date of delivery of possession of the building by the tenant to the landlord and ending with the date on which the building is offered to the tenant by the landlord in pursuance of the undertaking under clause (*a*) of sub-section (2).

(5) Nothing in this section shall entitle any landlord of a building in respect of which the Government shall be deemed to be the tenant to make any application under this section.

Tenant to re-occupy after repairs.

15. (1) Where the landlord recovers possession under clause (*a*) of sub-section (1) of section 14, he shall, within two months before the date on which the work of repairs is likely to be completed, give notice to the tenant of the date on which the said work will be completed. Within fifteen days from the date of receipt of such notice, the

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tenant shall intimate to the landlord his acceptance of the building offered for his re-occupation and if the tenant gives such intimation, the landlord shall within thirty days from the date of completion of the work of repairs put the tenant in possession of the building on the original terms and conditions. If the tenant fails to give such intimation, his right to re-occupy the building shall terminate.

(2) If after the tenant has delivered possession, the landlord fails to commence the work of repairs within one month from the date of such delivery, or fails to complete the work before the expiry of three months from the date of such delivery, or before the expiry of the further period allowed under clause (*a*) of sub-section (2) of section 14 or having completed the work fails to put the tenant in possession of the building in accordance with the provisions of sub-section (1), the Controller may, on the application of the tenant made within thirty days from the date of such failure, order the landlord to put the tenant in possession of the building on the original terms and conditions ; and on such order being made, the landlord and any person who may be in occupation shall put the tenant in possession of the building.

Tenant to occupy if the building is not demolished.

16. (1) Where an order directing delivery of possession has been passed by the Controller under clause (*b*) of sub-section (1) of section 14 and the work of demolishing any material portion of the building has not been substantially commenced by the landlord within the period of one month in accordance with his undertaking under clause (*b*) of sub-section (2) of section 14 the tenant may give the landlord notice of his intention to occupy the building the possession of which he delivered. If within fifteen days from the date of receipt of such notice, the landlord does not put him in possession of the building on the original terms and conditions, the tenant may make an application to the Controller within eight weeks of the date on which he put the landlord in possession of the building. The Controller shall order the landlord to put the tenant in possession of the building on the original terms and conditions.

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[1][(2) Where in pursuance of an order passed by the Controller under clause (*b*) of sub-section (1) of section 14, any building is totally demolished and a new building is erected in its place, all the provisions of this Act shall cease to apply to such new building for a period of five years from the date on which the construction of such new building is completed and notified to the local authority concerned.]

Landlord not to interfere with amenities enjoyed by tenant.

17. [2][(1) No landlord shall without just or sufficient cause, cut off or withhold or cause to be cut off or withheld any of the amenities enjoyed by the tenant or were in existence during the previous tenancy.]

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

(3) If the tenant satisfies the Controller that the amenities were cut off or withheld or caused to be cut off or withheld [3][.....], the Controller may pass an interim order, directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

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[1] This sub-section was substituted for the following original sub-section (2) by section 13 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(2) Where an order has been passed by the Controller on the ground specified in clause (*b*) of sub-section (1) of section 14 and the work of demolishing the building is complete, all the provisions of this Act shall cease to apply to the new building erected on the site of the building demolished."

[2] This sub-section was substituted for the following original sub-section (1) by section 14(1), *ibid* :—

"(1) No landlord shall, without just or sufficient cause cut off or withhold any of the amenities enjoyed by the tenant or be in any way responsible for the amenities being cut off or withheld."

[3] The words "with a view to compel him to vacate the building or for enhanced rent or to harass him" were omitted by section 14(2)(i), *ibid*.

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[1][Provided that if the amenities are not restored within seven days from the date of the interim order, the Controller may permit the tenant to restore the amenities at his own cost and recover the cost of the expenses incurred by the tenant in respect of restoration of such amenities from the rent payable to the landlord in such monthly instalments as may be specified by the Controller.]

(4) If the Controller on inquiry finds that the tenant has been in enjoyment of the amenities [2][or that the amenities were in existence during the previous tenancy] and that they were cut off or withheld by the landlord without just or sufficient cause or if the landlord was in any way responsible for the amenities being cut off or withheld, he shall make an order directing the landlord to restore such amenities.

(5) The Controller may, in his discretion, direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously ;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities or was in any way responsible for the amenities being cut off or withheld frivolously or vexatiously.

Explanation.—In this section, the expression 'amenities' includes supply of water, electricity, passages, staircases, light, lavatories, lifts and conservancy or sanitary services.

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[1] This proviso was added by section 14 (2) (ii) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] These words were inserted by section 14(3), *ibid*.

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[1][18. (1) Every order made under sections 10, 14, 15, 16 and 17 and every order passed on appeal under section 23 or on revision under section 25 shall be executed by the Controller, as if, such order is in order of a civil court and for this purpose, the Controller shall have all the powers of a civil court. Execution of orders.

(2) An order passed in execution under sub-section (1) shall not be subject to any appeal or revision.

18-A. The Controller shall have powers to appoint a Commissioner in any proceeding pending before him and for this purpose, he shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908).] Power of Controller to appoint Commissioner.

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[1] Sections 18 and 18-A were substituted for the following section 18 by section 15 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973) :—

"18. *Execution of orders*—Every order made under sections 10, 12, 13, 14, 15, 16 and 17 and every order passed on appeal under section 23 or on revision under section 25 shall be executed—

(i) in the City of Madras, by the Madras City Civil Court ;

(ii) elsewhere—

(*a*) by the District Munsif or if there are more than one District Munsif by the Principal District Munsif having original jurisdiction over the area in which the building is situated ; or

(*b*) if there is no such District Munsif, by the Subordinate Judge, or if there are more than one Subordinate Judge, by the Principal Subordinate Judge having original jurisdiction over the area aforesaid ; or

(*c*) if there is no such District Munsif or Subordinate Judge, by the District Judge having jurisdiction ;

as if it were a decree passed by the said Court or by him :

Provided that an order passed in execution under this section shall not be subject to an appeal, but shall be subject to revision under section 25."

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Decisions which have become final not to be reopened.

19. [1][Any application under section 3-A or section 12, and any application under sub-section (2) or sub-section (3) or sub-section (3-A) of section 10 or under section 14, 15 or 16, shall be summarily rejected by the authorized officer or the Controller, as the case may be, if such application] raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided or as purport to have been finally decided, in a former proceeding—

(i) under this Act, or

(ii) under any other law from time to time in force before the date of the commencement of this Act and relating to matters dealt with in this Act.

Orders of Controller to be pronounced in open court.

20. Every order passed by a Controller under this Act shall be pronounced in open court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

Conversion into non-residential buildings.

21. No residential building shall be converted into a non-residential building except with the permission in writing of the Controller.

Failure by landlord to make necessary repairs.

22. [2][(1)] If a landlord fails to make necessary repairs to the building within a reasonable time after notice is given—

(*a*) by the authorized officer in the case of a building in respect of which the Government shall be deemed to be the tenant under sub-section (5) of section 3;

(*b*) by the tenant in the case of any other building ;

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[1] These words, brackets, figures and letters were substituted for the words, brackets and figures "The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 10 or under section 14, 15 or 16 which" by section 16 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] Section 22 was renumbered as sub-section (1) of that section and this sub-section was added by section 17, *ibid*.

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the authorized officer aforesaid may, in the case referred to in clause (*a*), make such repairs or have them made by the allottee and deduct the cost thereof from the rent payable for the building or ask the allottee to make such a deduction from the rent payable ; and the Controller may, in the case referred to in clause (*b*), direct, on application by the tenant, that such repairs may be made by the tenant and that the cost thereof may be deducted by the tenant from the rent payable for the building :

Provided that the cost of repairs, and the deduction thereof which the authorized officer or the Controller, as the case may be, may authorize shall not exceed in any one year one-twelfth of the rent payable in respect of the building for that year.

[1][(2) The landlord shall not, while making repairs, render the building uninhabitable by digging up the floor or by removing any door or window or by causing any other damage to any part of the building.]

Appeal

23. (1) (*a*) The Government may, by general or special order notified in the [2][*Tamil Nadu Government Gazette*], confer on such officers and authorities as they think fit, the powers of appellate authorities for the purpose of this Act, in such areas and in such classes of cases as may be specified in the order.

(*b*) Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of such order, prefer an appeal in writing to the appellate authority having jurisdiction.

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[1] Section 22 was renumbered as sub-section (1) of that section and this sub-section was added by section 17 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] This expression was substituted for the expression "*Fort St. George Gazette*" by section 18, *ibid*.

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In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.

(2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(3) The appellate authority shall call for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit either personally or through the Controller, shall decide the appeal:

Explanation.—The appellate authority may, while confirming the order of eviction passed by the Controller, grant an extension of time to the tenant for putting the landlord in possession of the building.

(4) The decision of the appellate authority, and subject to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of Law, except as provided in section 25.

Costs. **24.** Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the Controller or the appeallate authority referred to in section 23, shall be in the discretion of the Controller or the appellate authority, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the p——e.

Explanation.—The appellate authority may set aside or vary any order passed by the Controller in regard to the costs of and incident to the proceedings before him.

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Revision.

[1][25. (1) The High Court may, on the application of any person aggrieved by an order of the appellate authority, call for and examine the record of the appellate authority, to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein and if, in any case, it appears to the High Court that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly.

(2) Every application to the High Court for the exercise of its power under sub-section (1) shall be preferred within one month from the date on which the order or proceeding to which the application relates is communicated to the applicant :

Provided that the High Court may, in its discretion, allow further time not exceeding one month for the filing of any such application, if it is satisfied that the applicant had sufficient cause for not preferring the application within the time specified in this sub-section.]

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[1] This section was substituted for the following original section 25 by section 19 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973) :—

"25. *Revision.*— (1) (*a*) The High Court, in the case of—

(i) the Madras City Civil Court empowered by clause (i) of section 18, or

(ii) an appellate authority empowered under section 23 and functioning in the presidency-town, or

(iii) the District Judge empowered by sub-clause (c) of clause (ii) of section 18, and

(*b*) the District Court concerned, in the case of—

(i) an authority empowered by sub-clause (a) or sub-clause (*b*) of clause (ii) of section 18, or

(ii) an appellate authority empowered under section 23 and functioning in a district,

may at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceeding taken under this Act by such Authority for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding, and may pass such order in reference thereto as it thinks fit.

(2) The costs of and incident to all proceedings before the High Court or District Court under sub-section (1) shall be in its discretion."

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Order under the Act to be binding on sub-tenants.

26. Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants who were made parties in the application for eviction but any person who became a sub-tenant after the date of the application for eviction shall be bound by the order of eviction and be evicted as if he were a party to the proceedings, provided that such order was not obtained by fraud or collusion.

Proceedings by or against legal representatives.

27. (1) Any application made, appeal preferred, or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken, under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

Summons to witnesses.

28. Subject to such conditions and limitations as may be prescribed, the Controller may, in his discretion, issue summons to witnesses requiring them to attend in person to give evidence or to produce documents in their custody in connexion with any proceedings before him.

Exemptions.

29. Notwithstanding anything contained in this Act, the Government may, subject to such conditions as they deem fit, by notification, exempt any building or class of buildings from all or any of the provisions of this Act.

Exemption in the case of certain buildings.

[1][**30.** Nothing contained in this Act shall apply to—

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[1]This section was substituted for the following original section 30 by section 2 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1962 (Tamil Nadu Act 2 of 1962):—

"30. Act not apply to certain buildings.— Nothing contained in this Act shall apply to—

(i) any building the construction of which was, after the date of the commencement of this Act, completed and notified to the local authority concerned, or

(ii) any residential building the rental value of which, on the date of the commencement of this Act, as entered in the property tax assessment book of the municipal council, district board, panchayat or panchayat union council or the Corporation of Madras, as the case may be, exceeds two hundred and fifty rupees per mensem, or

(iii) any non-residential building the rental value of which, on the date of the commencement of this Act, as entered in the property tax assessment book of the municipal council, district board, panchayat union council or the Corporation of Madras, as the case may be, exceeds four hundred rupees per mensem."

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[1][(i) any building for a period of five years from the date on which the construction is completed and notified to the local authority concerned; or]

(ii) any residential building or part thereof occupied by any one tenant if the monthly rent paid by him in respect of that building or part exceeds [2][four hundred rupees;][*][3]

[4][** ** **]

[5][(iii) any lease of a building under which the object of the tenant is to run the business or industry with the fixtures, machinery, furniture or other articles belonging to the landlord and situated in such building.

Illustration (1).—Where a dal mill as such is the subject matter of the lease and where the intention of the tenant is to run the business with the machinery in the building in which such dal mill is housed, the Act does not apply to such building.

Illustration (2).—Where the lease is of land and building together with fixtures, fittings, cinematograph talkie equipments, machinery and other articles, the Act does not apply to such building.

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[1] This clause was substituted for the following clause (i) by section 20(1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(1) any building the construction of which was, after the date of the commencement of this Act, completed and notified to the local authority concerned; or"

[2] These words were substituted for the words "two hundred and fifty rupees" by section 20 (2), *ibid*.

[3] The word "or" was omitted by section 2(i) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1964 (Tamil Nadu Act 11 of 1964).

[4] The following clause was omitted by section 2(ii), *ibid*.—

"(iii) any non-residential building or part thereof occupied by any one tenant if the monthly rent paid by him in respect of that building or part exceeds four hundred rupees."

[5] This clause was added by section 20 (3) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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Illustration (3).—Where a hotel building together with the furniture, machinery and other articles necessary for the running of hotel business is leased and the tenant is to run the hotel business in such building, the Act does not apply to such building.]

Explanation.—For the purposes of [1][clause (ii)], 'tenant' shall include—

(*a*) a person to whom the tenant has transferred his rights under the lease with the written consent of the landlord; and

(*b*) a sub-tenant in any case where the building or part thereof has been sub-let with the written consent of the landlord or where the lease confers a right to sub-let.

Executive authorities of local bodies to furnish certified extracts from property-tax assessment books.

31. The Executive Authority of a municipal council [2][*] or panchayat or panchayat union council or the Revenue Officer of the [3][municipal corporation of Madras or municipal corporation of Madurai] shall, on application made in this behalf and on payment of such fee as may, from time to time, be fixed by the Government by notification, grant to the applicant a certified copy of the extract from the property-tax assessment book of the municipal council [2][*] panchayat or panchayat union council or the [3][municipal corporation of Madras or municipal corporation of Madurai], as the case may be, showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

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[1] This word, brackets and figures were substituted for the words, brackets and figures "clauses (ii) and (iii)" by section 2 (iii) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1964 (Tamil Nadu Act 11 of 1964).

[2] The words "or district board" and "district board" were omitted by section 21(1) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[3] These words were substituted for the words "Corporation of Madras" by section 21(2), *ibid*.

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Landlord and tenant to furnish particulars.

32. Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorised by him in that behalf [1][or the authorized officer] such particulars in respect of the building as may be prescribed.

Penalties.

33. [2][(1) If any person contravenes any of the provisions of [3][sub-sections (1), (1-A), (2), (4) and (5) of section 3, sub-section (4) of section 3-A, sub-sections (1) (a) and (2) (a) of section 7], sub-section (1) of section 8, sub-section (1) of section 17, section 21, sub-section (2) of section 22 or section 32, or any order under sub-section (3) or sub-section (3-A) of section 10 or sub-section (3) of section 17, or any of the conditions in the notification issued under section 29, he shall be punishable with fine which may extend to two thousand rupees.

(1-A) Any landlord or the member of his family, as the case may be, who, after obtaining possession of a building under sub-section (3) or sub-section (3-A) of section 10, does not occupy it within one month of his taking possession or having so occupied, vacates it without reasonable cause within six months of such date, shall be punishable with fine which may extend to two thousand rupees].

(2) (*a*) Any landlord who after the allottee has vacated the building before the date specified in the order passed under clause (a) of sub-section (1) of section 12, fails to commence the work of repairs without reasonable excuse and any landlord or other person in occupation of

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[1] These words were inserted by section 22 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] These sub-sections were subtituted for the following original sub-section (1) by section 23 (1), *ibid*:—

"33. (1) If any person contravenes any of the provisions of sub-sections (1), (2), (4), (5) and (8) of section 3, sub-sections (1) (a) and (2) (a) of section 7, sub-section (1) of section 17, section 21 or section 32 or any order under sub-section (3) of section 10, or sub-section (3) of section 17 or any of the conditions in the notifications issued under section 29, he shall be punishable with fine which may extend to one thousand rupees."

[3] This expression was substituted for the expression "sub-sections (1), (2), (4) and (5) of section 3" by section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1979 (Tamil Nadu Act 1 of 1980).

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the building who fails to comply with the order passed by the authorized officer under sub-section (6) of section 12 shall, on conviction, be punishable with fine which may extend to [1][two thousand rupees].

(*b*) Any landlord who recovers possession on the ground specified in clause (b) of sub-section (1) of section 12 and fails to carry out the undertaking referred to in clause (*b*) of sub-section (3) of the said section without any reasonable excuse or fails to comply with the conditions and restrictions prescribed under sub-section (2) of the said section or fails to comply with the order of the authorized officer under sub-section (1) of section 13 shall, on conviction, be punishable with fine which may extend to [1][two thousand rupees].

(3) (*a*) Any landlord who after the tenant has vacated the building before the date specified in the order passed under clause (*a*) of sub-section (1) of section 14 fails to commence the work of repairs without reasonable excuse and any landlord or other person in occupation of the building who fails to comply with the order passed by the Controller under sub-section (2) of section 15 shall, on conviction, be punishable with fine which may extend to [2][two thousand rupees].

(*b*) Any landlord who recovers possession on the ground specified in clause (b) of sub-section (1) of section 14 and fails to carry out the undertaking referred to in clause (*b*) of sub-section (2) of the said section without any reasonable excuse or fails to comply with the order of the Controller under sub-section (1) of section 16, shall, on conviction, be punishable with fine which may extend to [1][two thousand rupees].

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[1] These words were substituted for the words "one thousand rupees" by section 23 (2) of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

[2] These words were substituted for the words "one thousand rupees" by section 23 (3), *ibid*.

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Power to make rules.

34. (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed ;

(*b*) the procedure to be followed by Controllers and appellate authorities in the performance of their functions under this Act ;

(*c*) the manner in which notices and orders under this Act shall be given or served ;

(*d*) setting aside *ex parte* orders and orders of dismissal for default passed under this Act ;

(*e*) applications for making legal representatives of deceased persons, parties to proceedings under this Act and the time within which such applications shall be preferred ;

(*f*) the procedure to be followed in taking possession of a building and in disposing of the articles found therein at the time of taking possession ; and

(*g*) the fee leviable in respect of applications and appeals under this Act.

(3) In making a rule under this section, the Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to one thousand rupees.

[1][(4) (*a*) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(*b*) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

[1] These sub-sections were substituted for the following sub-section (4) by section 24 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"(4) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session."

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(5) Every rule made under this Act, shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule].

Repeals and savings

35. (1) The Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949) (hereinafter in this section referred to as the said Act), is hereby repealed.

(2) Notwithstanding the repeal of the said Act by sub-section (1)—

(*a*) all rules made, or deemed to have been made, notifications issued or deemed to have been issued, orders passed or deemed to have been passed, decisions made or deemed to have been made, proceedings or action taken or deemed to have been taken and things done or deemed to have been done under any provision of the said Act, shall be deemed to have been made, issued, passed, taken or done by the appropriate authority under the corresponding provision of this Act and shall have effect accordingly.

(*b*) any liability or penalty incurred or deemed to have been incurred, any punishment awarded or deemed to have been awarded, any application made or deemed to have been made and any prosecution commenced or deemed to have been commenced under any provision of the said Act shall be deemed to have been incurred, awarded, made or commenced under the corresponding provision of this Act.

(3) Notwithstanding anything contained in sub-section (2) of this section, or in section 5, the Controller shall, on application by the tenant or the landlord of a building for which fair rent has been fixed under the said

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Act, fix the fair rent for such building in accordance with the provisions of section 4 of this Act.

[1][36. * * * *]

Indemnity.

37. (1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Government or any person acting under his direction or aiding or assisting him—

(*a*) for, or on account of, or in respect of any sentence passed or deemed to have been passed, any decision given or deemed to have been given, or any act ordered or deemed to have been ordered or done or deemed to have been done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under this Act; or

(*b*) for carrying out any sentence passed or decision given by any court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceedings shall lie against the Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under this Act.

Repeal of corresponding law in the transferred territory.

38. (1) Any law corresponding to this Act in force in the transferred territory immediately before the date of the commencement of this Act (hereinafter in this section referred to as the corresponding law) shall stand repealed on the date of such commencement.

(2) The repeal by sub-section (1) of the corresponding law shall not affect—

(*a*) the previous operation of the corresponding law or anything done or duly suffered thereunder; or

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[1] The following section was omitted by section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"36. *Savings on expiration of Act*.—The expiration of this Act shall not—

(*a*) render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder;

(*b*) affect any liability incurred under this Act or any punishment incurred in respect of any contravention of this Act or any rule or order made thereunder;

(*c*) affect any investigation or legal proceedings in respect of any such liability or punishment as aforesaid, and any such investigation or legal proceeding may be instituted, continued or enforced and any such punishment may be imposed, as if this Act had not expired."

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(*b*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law ; or

(*c*) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Subject to the provisions of sub-section (2), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed or registration effected, under the corresponding law shall be deemed to have been done or taken under this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(4) For the purpose of facilitating the application of this Act in the transferred territory, any court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(5) Any reference in any law which continues to be in force in the transferred territory after the date of the commencement of this Act to the corresponding law shall, in relation to that territory, be construed as a reference to this Act.

Explanation.—For the purpose of this section, the expression "transferred territory" shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

[1][39. * * * *]

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[1] The following section was omitted by section 26 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973):—

"39. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) All orders made under sub-section (1) shall as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session."

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[1][SCHEDULE I].

(*See* section 4.)

AMENITIES.

(1) Air-conditioner.
(2) Lift.
(3) Water-cooler.
(4) Electrical heater.
(5) Frigidaire.
(6) Mosaic flooring.
(7) Side dadoos.
(8) Compound walls.
(9) Garden.
(10) Over-head tank for water-supply.
(11) Electric pump and motor for water-supply.
(12) Play ground.
(13) Badminton and Tennis courts.
(14) Sun-breakers.
(15) Amenity referred to in the first proviso to sub-section (4) of section 4.
(16) Usufructs, if any, enjoyed by the tenant.
(17) Features of special architectural interest.

[1] These Schedules were added by section 29 of the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973 (Tamil Nadu Act 23 of 1973).

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SCHEDULE II.

(*See* section 4.)

Rates of depreciation.

	Type of buildings.	*Rate of depreciation per annum.*
	(1)	(2)
1	Buildings built in lime mortar and in which teak has been used throughout.	1 per cent.
2	Buildings built partly of brick in lime mortar and partly of brick in mud and in which teak has been used.	1½ per cent.
3	Buildings built in brick in mud and in which country wood has been used.	2 per cent.
4	Buildings which are inferior to those of class 3 with brick-in-mud unplastered walls and mud floors and in which cheap country wood has been used.	4 per cent.

Explanation.—(1) The depreciation shall be calculated for each year on the net value arrived at after deducting the amount of depreciation for the previous year.

(2) The amount of depreciation shall in no case be less than ten per cent of the cost of construction of the building.

(3) The actual depreciation of a building aged 'n' years is calculated by using the formula—

$$P = A \left(\frac{100-r}{100}\right)_n$$

where A = total cost of construction of the building.

r = rate of depreciation per annum.

n = age of the building (i.e., the number of years)

p = the final depreciated value of the building.

The amount of depreciation will be equal to ('A'—'P') subject to a minimum of ten percent of 'A'.]

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[1][TAMIL NADU] ACT No. 2 OF 1962.[2]

THE [1][TAMIL NADU] BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT ACT, 1962.

[*Received the assent of the President on the 26th June* 1962, *first published in the* Fort St. George Gazette *Extraordinary on the 30th June* 1962 (*Asadha* 9, 1884).]

An Act to amend the [1][*Tamil Nadu*] *Buildings* (*Lease and Rent Control*) *Act*, 1960.

WHEREAS it is expedient to amend the [1][Tamil Nadu] Buildings (Lease and Rent Control) Act, 1960 ([1][Tamil Nadu] Act 18 of 1960), for the purpose hereinafter appearing;

BE it enacted in the Thirteenth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the [1][Tamil Nadu] Buildings (Lease and Rent Control) Amendment Act, 1962.

2. (The amendment made by this section has already been incorporated in the principal Act, viz., Tamil Nadu Act 18 of 1960).

Certain pending proceedings to abate.

3. Every proceeding in respect of any building pending before any Court or other authority or officer on the date of the publication of this Act in the*[*Fort St. George Gazette* and instituted on the ground that such building was exempt from the provisions of the principal Act by virtue of clause

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[1] These words were 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.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 13th November 1961, Part IV—Section 3, pages 574—575.

* Now the *Tamil Nadu Government Gazette*.

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(ii) or (iii), as the case may be, of section 30 of the principal Act shall, if the building or part thereof is not exempt under clause (ii) or (iii) aforesaid as amended by this Act, abate in so far as the proceeding relates to such building or part. All rights and privileges which may have accrued before such date to any landlord in respect of any building by virtue of clause (ii) or (iii) of section 30 of the principal Act, shall, in so far as they relate to a building or part thereof which is not exempt under clause (ii) or (iii) aforesaid as amended by this Act, cease and determine and shall not be enforceable :

Provided that nothing contained in this section shall be deemed to invalidate any suit or proceeding in which the decree or order passed has been executed or satisfied in full before the date mentioned in this section.

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[1][TAMIL NADU] ACT No. 11 OF 1964[2].

THE [1][TAMIL NADU] BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT ACT, 1964.

[*Received the assent of the President on the 5th June* 1964, *first published in the* Fort St. George Gazette *Extraordinary on the* 10*th June* 1964 (*Jyaistha* 20, 1886).]

An Act further to amend the [1][*Tamil Nadu*] *Buildings (Lease and Rent Control) Act*, 1960.

BE it enacted by the Legislature of the [3][State of Tamil Nadu] in the Fifteenth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the [1][Tamil Nadu] Buildings (Lease and Rent Control) Amendment Act, 1964.

2. [*The amendments made by this section have already been incorporated in the principal Act, viz., Tamil Nadu Act* 18 *of* 1960].

Certain pending proceedings to abate.

3. Every proceeding in respect of any non-residential building or part thereof pending before any court or other authority or officer on the date of the publication of this Act in the **Fort St.George Gazette* and instituted on the ground that such building or part was exempt from the provisions of the principal Act by virtue of clause (iii) of section 30 of the principal Act, shall abate in so far as the proceeding relates to such building or part. All rights and privileges which may have accrued before such date to any landlord in respect of any non-residential building or part thereof by virtue of clause (iii) of section 30 of the principal Act, shall cease and determine and shall not be enforceable :

Provided that nothing contained in this section shall be deemed to invalidate any suit or proceeding in which the decree or order passed has been executed or satisfied in full before the date mentioned in this section.

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[1] These words were 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.

[2] For Statement of Objects and Reasons, *see Fort St.George Gazette* Extraordinary, dated the 28th March 1964, Part IV—Section 3, page 122.

[3] This expression was 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.

*Now the *Tamil Nadu Government Gazette.*

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TAMIL NADU ACT NO. 23 OF 1973.

THE TAMIL NADU BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT ACT, 1973.

[*Received the assent of the President on the 29th June* 1973, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the* 30*th June* 1973 (*Ani* 17, *Piramathisa* (2004—*Thiruvalluvar Andu*)).]

An Act further to amend the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Buildings (Lease and Rent Control) Amendment Act, 1973.

(2) It shall come into force on such date as the Government may, by notification, appoint.

2-26. [*The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Buildings (Lease and Rent Control) Act,* 1960 (*Tamil Nadu Act* 18 *of* 1960).]

Disposal of pending proceedings relating to fixation of fair rent.

27. Every proceeding relating to the fixation of fair rent pending before the Controller or any authority on the date of the coming into force of this Act shall be decided in accordance with the provisions of the principal Act.

Explanation.—For the removal of doubts, it is hereby declared that any decision in such pending proceeding shall not bar the landlord or the tenant from applying for refixation of fair rent under sub-section (3) of section 5 of the principal Act, as aended by this Act.

Tamil Nadu Act 18 of 1960, to be made permanent.

28. The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960), as amended by this Act, is hereby made permanent.

29. [*The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Buildings (Lease and Rent Control) Act,* 1960 (*Tamil Nadu Act* 18 *of* 1960).]