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THE TAMIL NADU ESTATES LAND (REDUCTION OF RENT) ACT, 1947.

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¹[TAMIL NADU] ACT No. XXX OF 1947.²

[THE ¹(TAMIL NADU) ESTATES LAND (REDUCTION OF RENT) ACT, 1947.]

(Received the assent of the Governor on the 6th January 1948; first published in the Fort St. George Gazette on the 7th January 1948).

An Act to provide for the reduction of rents payable by ryots in estates governed by the ¹[Tamil Nadu] Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighbourhood ³[and for the collection of such rents exclusively by the State Government.]

WHEREAS the rents now payable by ryots in ¹[Tamil estates governed by the ¹[Tamil Nadu] Estates Land Act, 1908, are in many cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood;

AND WHEREAS it is expedient to provide for the reduction of such rents approximately to the level of the ryotwari assessments in the neighbourhood; ³[and for the collection of such rents exclusively by the State Government]. It is hereby enacted as follows :—

Short title and application.

1. (1) This Act may be called the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947.

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 September 1947, Part IV-A, page 7.

³ These words were added in the long title and in the second paragraph of the preamble by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.

[Tamil Nadu] Act I of 1908.

(2) It applies to all estates as defined in section 3, clause (2), of the [Tamil Nadu] Estates Land Act, 1908.

2. (1) ¹[(a)] The [State] Government may appoint a Special Officer for any estate or estates for the purpose of recommending fair and equitable rates of rent for the ryoti lands in such estate or estates.

Appointment of Special Officer to recommend rates of rent in estates.

²[(b)] The Special Officer so appointed shall also recommend fair and equitable rates of rent for all lands in such estate or estates which became ryoti lands after the commencement of this Act.]

(2) The Special Officer shall first determine in respect of each village (hereinafter in this section referred to as "principal village") in an estate—

(a) the average rate of cash rent per acre prevailing at the commencement of this Act, [for each class of ryoti land which was in existence in the principal village at such commencement], such as wet, dry and garden :

Provided that where no cash rents are prevalent in the principal village in respect of any class of land, the Special Officer shall determine the average rate of cash rent per acre prevailing at such commencement for such class of land in the nearest village in the estate in which cash rents are prevalent for such class of land and in which conditions are generally similar to those obtaining in the principal village, or

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 Sub-section (1) of section 2 was lettered as clause (a) of that sub-section and clause (b) was added by section 2 (i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "for each class of ryoti land in the principal village" by section 2 (ii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

where there is no such village in the estate, in the nearest village in the nearest estate in respect of which village both the requirements specified above are satisfied ;

(b) the average rate of assessment per acre prevailing at such commencement in respect of each of the said classes of land in the nearest ryotwari area in which conditions are generally similar to those obtaining in the principal village.

(3) The Special Officer shall then compare the average rates of cash rent as determined under clause (a) of sub-section (2) with the average rates of assessment as determined under clause (b) of that sub-section, and after making due allowance for any difference in the conditions prevailing in the two cases, and also, in cases falling under the proviso to clause (a) of sub-section (2), for any difference in the conditions prevailing in the village referred to in that proviso and in the principal village, determine (i) the extent, if any, to which the rates of rent payable for each class of ryoti land in the principal village should, in his opinion, be reduced, and (ii) the rates of rent payable for each such class of lands after such reduction.

Explanation I.—The Special Officer shall have power only to determine that the rents payable for any class of ryoti land in the principal village shall be reduced ; and he shall have no power to determine that such rents shall be enhanced.

Explanation II.—The extent of reduction, if any, determined by the Special Officer under this sub-section shall also apply where rent in the principal village is paid in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash. In every such case the Special Officer shall also determine the rent payable, whether in kind or in cash or partly in kind and partly in cash as the case may be.

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¹[(3-A) In the case of lands in an estate which became ryoti lands after the commencement of this Act, the Special Officer shall determine for each class of such lands in the principal village the rates of rent per acre payable therefor under this Act. The rates of rent so determined shall be the same as those fixed under sub-section (2) of section 3 for similar ryoti lands in the same village :

Provided that where the rates of rent payable in respect of ryoti lands in the principal village have not been fixed under sub-section (2) of section 3, or where there are no similar ryoti lands in the principal village, the rates of rent so determined shall be the same as those fixed under sub-section (2) of section 3 for similar ryoti lands in the nearest village in the estate, or, if there is no such village, in the nearest village in the nearest estate in which conditions are generally similar to those obtaining in the principal village.]

(4) Where the conditions in a group of two or more villages in an estate are generally similar, the Special Officer may perform the functions under ²[sub-sections (2), (3) and (3-A)] in respect of such group of villages as a whole, instead of separately in respect of each village in the group.

3. ³[(1) After completing his work in any estate, the Special Officer shall submit his recommendations to the State Government, through the Board of Revenue specifying, in the case of ryoti lands which were in existence at the commencement of this Act, (i) the extent, if any, to which the rents for each class

Power of State Government to reduce rates of rent after considering Special Officer's recommendations.

¹ This sub-section was inserted by section 2 (iii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

² These words, brackets and figures were substituted for the words, brackets and figures "sub-sections (2) and (3)" by section 2 (iv), *ibid.*

³ This sub-section was substituted for the original sub-section (1) by section 3(i), *ibid.*

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of such lands in each village or group of villages in the estate, should in his opinion, be reduced, and (ii) the rate of rent payable for each such class after such reduction, and in the case of lands in each village or group of villages in the estate which became ryoti lands after the commencement of this Act, the rate of rent determined by him in accordance with the provisions of sub-section (3-A) of section 2:

Provided that, with the approval of the Board of Revenue, recommendations may be made under this sub-section separately, in respect of portions of an estate.]

(2) After considering the recommendations of the Special Officer and the remarks of the Board of Revenue thereon, the ¹[State] Government shall, by order published in the *Fort St. George Gazette*, fix the rates of rent payable in respect of each class of ryoti land in each village in the estate :

²[Provided that where the rate of rent so fixed in respect of any class of ryoti lands which were in existence at the commencement of this Act, or in respect of any class of lands which became ryoti lands in any fasli year after such commencement exceeds the rate of rent payable in respect thereof at such commencement or in that fasli year, as the case may be, only the latter rate of rent shall be payable in respect of such land.]

³[(2-A) Notwithstanding anything contained in sub-section (2), where the rate of rent payable in respect of ryoti land of any class, whether in virtue

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² This proviso was substituted for the original proviso by section 3 (ii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

³ This sub-section was inserted by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Tamil Nadu Act XXXIX of 1951), which section was deemed to have come into force on the 7th January 1948.

of the first or of the second paragraph of that sub-section, is wholly in kind or partly in kind and partly in cash and the aggregate money value of the rate of rent so payable exceeds the highest rate of ryotwari assessment payable for any land of the same class in the revenue district in which such ryoti land is situated, then, only the latter rate of rent shall be payable in respect of the land.]

¹[(3) An order under sub-section (2) shall, in relation to ryoti lands which were in existence at the commencement of this Act, take effect from the commencement of the fasli year 1357, and in relation to lands which become ryoti lands in any fasli year after the commencement of this Act, from the commencement of that fasli year.]

(4)²[After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of the fasli year in which the order took effect] as well as the rents which have fallen or may fall due in respect of such lands for ³[any subsequent fasli year] until the commencement of the fasli year in which the estate may be finally taken over by the ⁴[State] Government

¹ This sub-section was substituted for the original sub-section (3) by section 3 (iii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

² This portion was substituted for the words and figures "After such an order has taken effect in respect of any estate or portion of an estate, the rents due in respect of ryoti lands in such estate or portion with effect from the commencement of the fasli year 1357" by section 3 (iv) (a), *ibid.*

³ These words were substituted for the words and figures "any fasli subsequent to fasli 1357" by section 3 (iv) (b), *ibid.*

⁴ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

¹[and any interest payable on such rents under sub-section (6)] shall be recovered by the ²[State] Government as if such rents ³[and interest] were arrears of land revenue due to them; and the amount so recovered in respect of each fasli, after deducting therefrom the cost of such recovery as determined in accordance with such rules as may be made by the ²[State] Government in that behalf, and also the peshkash, cesses, and other moneys due from the landholder to the ²[State] Government and constituting a charge on the estate shall be paid to the landholder.

⁴[*Explanation.*—The provisions of this sub-section shall apply to an estate, whether the ⁵[Tamil Nadu] Estates (Abolition and Conversion into Ryotwari) Act, 1948, applies to it or not.]

[Tamil Nadu] Act XXVI of 1948.

⁶[(5) Any rents recoverable by the State Government under sub-section (4) for any fasli year shall be payable in instalments in that fasli year, according to the kistbandi fixed for the collection of land revenue in the ryotwari areas in the district in which the estate or portion of the estate is situated.

(6) Any rents recoverable by the State Government under sub-section (4) for any fasli year shall, until they are paid, bear simple interest at the rate of six per cent per annum from the commencement of the succeeding fasli year or of the fasli year succeeding

¹ These words, brackets and figure were inserted by section 3 (i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ These words were inserted by section 3 (i) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951), which section was deemed to have come into force on the 7th January 1948.

⁴ This Explanation was added by section 3 (ii), *ibid.*

⁵ 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.

⁶ Sub-sections (5), (6) and (7) were added after sub-section (4) by section 3 (iii) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1951 (Tamil Nadu Act VII of 1951).

that in which the order under sub-section (2) is made in respect of the estate or portion of the estate, whichever is later; and notwithstanding anything contained in the ¹[Tamil Nadu] Estates Land Act, 1908, no interest shall be payable in respect of any period before such commencement.

¹[Tamil Nadu] Act I of 1908. (7) The landholder shall not be entitled to collect, and the provisions of Chapters V and VI of the ¹[Tamil Nadu] Estates Land Act, 1908, shall cease to apply to, any rents or interest recoverable by the State Government under sub-section (4).]

²3-A. (1) Notwithstanding anything contained in the ¹[Tamil Nadu] Estates Land Act, 1908 [Tamil Nadu] Act I of 1908], or any other law for the time being in force, if any question arises whether any land in a village is or is not ryoti land it shall be determined by the Collector. con-Determination of the question whether any land in an estate is or is not ryoti land.

(2) (a) Any person denying that any land in a village in respect of which an order under sub-section (2) of section 3 has been published is ryoti land may file an application before the Collector within whose jurisdiction the land is situate for his decision thereon.

(b) Any such application shall be filed within two months of the date of publication of the order under sub-section (2) of section 3, or the date on

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 Sections 3-A to 3-E were inserted by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil Nadu Act XXXIX of 1956).

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Reduction of Rent)

which the provisions of the [Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1956, other than sections 4 and 7 thereof, come into force, whichever is later: ¹[Tamil Nadu] Act XXXIX of 1956.

Provided that the Collector may, within such further time not exceeding two months as he may, in his discretion allow, admit any application made after the period of two months aforesaid, if he is satisfied that the applicant had sufficient cause for not filing the application within that period.

(3) On receipt of such application, the Collector shall, after giving notice in the prescribed manner to the applicant and the landholder and if the applicant is the landholder, to the person in occupation of the land and after publishing the notice in the prescribed manner in the village, and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision on the application.

(4) (a) Against any such decision of the Collector an appeal shall lie to the Tribunal having jurisdiction over the village in which the land is situate within two months from the date of the decision:

Provided that the Tribunal may, within such further time not exceeding two months as it may, in its discretion allow, admit an appeal preferred after the period of two months aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period.

(b) The decision of the Tribunal on the appeal shall be final and shall not be liable to be questioned in any Court of Law.

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:

3-B. (1) The State Government shall constitute as many Tribunals as may be necessary for the purposes of this Act. Constitution of Tribunals.

¹[(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge.]

(3) Each Tribunal shall have such jurisdiction and over such villages or groups of villages as the State Government may, by notification, from time to time, determine.

²[(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit or when hearing an appeal.]

3-C. (1) Applications pending under section 183 of the ³[Tamil Nadu] Estates Land Act, 1908 (⁴[Tamil Nadu] Act I of 1908), on the date on which the provisions of the ⁵[Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1956, other than sections 4 and 7 thereof, come into force shall be deemed to be applications filed under section 3-A of this Act and be disposed of accordingly. Disposal of pending applications and suits under ³[Tamil Nadu] Act I of 1908.

³[Tamil Nadu] Act XXIX of 1956.

(2) Suits instituted under the proviso to section 179 of the ⁶[Tamil Nadu] Estates Land Act, 1908 (⁷[Tamil Nadu] Act I of 1908) and pending on the date on which the provisions of the ⁸[Tamil Nadu]

¹ This sub-section was substituted for the original sub-section (2) by section 13 (i) of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958 (Tamil Nadu Act XXXIV of 1958).

² This sub-section was substituted for the original sub-section (4) by section 13 (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, 1969.

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(*Reduction of Rent*)

Estates Land (Reduction of Rent) Amendment Act, 1956, other than sections 4 and 7 thereof, come into force shall stand transferred to the Tribunal having jurisdiction constituted under section 3-B of this Act and be dealt with by it as if they are appeals preferred under this Act.

{Tamil
Nadu] Act
XXIX of
1956.

Presumption
in respect of
ryoti land.

3-D. Any land in respect of which an application has not been filed within the time prescribed under clause (b) of sub-section (2) of section 3-A or in respect of which an application is not admitted under the proviso to that clause shall be deemed to be ryoti land.

Modification,
etc., of order
made under
section 3 (2).

3-E. (1) If the State Government are satisfied that in any order made by them under sub-section (2) of section 3, there is any error, including any clerical or arithmetical error or error arising from any accidental slip or omission, or that any such order is vitiated by any mistake, they may, by order published in the *Fort St. George Gazette*, correct such error or cancel such order, as the case may require ; and the correction or cancellation shall, unless the State Government otherwise direct, be deemed to have taken effect, in relation to ryoti lands which were in existence at the commencement of this Act, from the commencement of the fasli year 1357, and in relation to lands which became ryoti lands in any fasli year after commencement of this Act, from the commencement of that fasli year.]

(2) Any amount by way of rent which becomes payable in respect of any land in consequence of an order issued under sub-section (1) shall, if it is not paid before the commencement of the fasli year immediately succeeding that in which the order is issued, bear simple interest at six per cent per annum from such commencement up to the date of payment.

(3) Where the State Government issue an order under sub-section (1), they shall have power whether by the same or by a subsequent order, to make such

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 These words and figures were substituted for the words and figures "be deemed to have taken effect from the commencement of the fasli year 1357" by section 4 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

supplemental, incidental and consequential orders as they may deem necessary or proper ; and in particular any such order may, notwithstanding any law or contract to the contrary, provide for the extension of the period of limitation for the recovery of any rent.]

[3-F. (1) Where after the publication of an order under section 3, sub-section (2), it is held by any Court, Tribunal or other authority that—

(i) the area specified in the order is not an estate, or

(ii) any land specified in such order is not a ryoti land,

the rent in respect of any land in the area mentioned in clause (i) or in respect of any land mentioned in clause (ii), recovered by the State Government under section 3, sub-section (4), shall be deemed to be the rent provisionally paid by the tenant to the landholder.

(2) The landholder shall, in respect of any such land as is referred to in sub-section (1), be entitled to recover from the tenant and the tenant shall be liable to pay to the landholder an amount equal to the difference between the rent which the tenant would have been liable to pay in respect of that land if the rates of rent had not been reduced under this Act, and the rent in respect of that land recovered by the State Government under section 3, sub-section (4). The said amount shall, until it is paid, bear simple interest at the rate of six per cent per annum from the date of the commencement of the [Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1963, or the date of the decision or order of any Court, Tribunal or other authority referred to in sub-section (1) whichever date is later.

Rent recovered by State Government to be deemed to be provisional payment by tenant, right of landholder to recover balance of rent due and limitation.

¹ This section was inserted by section 2 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963 (Tamil Nadu Act 19 of 1963).

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) (i) In any suit or proceeding for the recovery of the amount and interest referred to in sub-section (2), the Court or authority concerned shall order that such amount and interest shall be paid in such number of annual instalments not exceeding ten and in such manner as may be determined by the Court or authority.

(ii) If, before the date of the publication of the [Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1963 in the *Fort St. George Gazette*, any decree or order has been passed in any suit or proceeding for the recovery of the amount and interest referred to in sub-section (2), which is inconsistent with the provisions of this section, the Court or authority concerned shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, vacate the decree or order and pass a fresh decree or order which shall be in conformity with the provisions of this section:

Provided that nothing contained in this clause shall apply to any suit or proceeding in which the decree or order has been satisfied in full, before the date mentioned in this clause.

(4) In respect of any such land as is referred to in sub-section (1), the State Government shall pay to the landholder all amounts recovered by them under section 3, sub-section (4), after deducting therefrom the amounts already paid to him and also the cost of recovery, peshkash, cesses and other moneys due from the landholder to the State Government and constituting a charge on the land concerned.

(5) In computing the period of limitation for the recovery of any amount due under sub-section (2), the period between the date on which the relevant order under section 3, sub-section (2), was published and the date of the decision or order of any Court, Tribunal or other authority referred to in sub-section (1)

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Law Order, 1969, as amended by the Tamil Nadu Adaptation of Law (Second Amendment) Order, 1969.

or the date of the commencement of the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1963 whichever date is later shall be excluded.

Explanation I.—For the purposes of this section, “landholder” in relation to any land means the person entitled to collect the rent in respect of such land if an order under section 3, sub-section (2), had not been published and includes a person deriving rights through him.

Explanation II.—For the purposes of this section and sub-section (1) of section 5, the expression “tenant” means a person from whom rent was recovered by the State Government under section 3, sub-section (4), and includes a person deriving rights through him.]

4. Where an order is published under section 3, sub-section (2), in respect of any estate or portion of an estate, a ryot shall not be bound to pay rent for any ryoti land held by him in such estate or portion ^{Ryot to pay the rent fixed by State Government.} ²[at a rate exceeding that payable under that sub-section or under section 3, sub-section (2-A), as the case may be] notwithstanding anything contained in the ¹[Tamil Nadu] Estates Land Act, 1908 :

¹[Tamil Nadu] Act I of 1908.

³[Provided that nothing contained in this section shall be deemed to affect in any way the operation of section 3-E.]

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 These words, figures, brackets and letter were substituted for the words “at a rate exceeding that fixed in the order” by section 3 of the Tamil Nadu Estates Land (Reduction of Rent) Second Amendment Act, 1951 (Tamil Nadu Act XXXIX of 1951), deemed to have come into force on the 7th January 1948.

³ This proviso was added by section 3 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil Nadu Act XXIX of 1956).

Rent payable in respect of lands which are not ryoti or private.

¹[4-A. No person in an estate cultivating any land which is not ryoti land or which has not been decided to be private land under some prior proceedings or under the ²[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947, as amended by the ³[Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1956, ⁴[and the ⁵(Tamil Nadu) Estates Land (Reduction of Rent) Amendment Act, 1961] shall be bound to pay as rent in respect of that land at a rate exceeding that payable in respect of similar land which is ryoti land in the neighbourhood.]

²[Tamil Nadu] Act XXX of 1947.

³[Tamil Nadu] Act XXIX of 1956.

State Government to make good income lost by religious, educational or charitable institution.

⁴[5. (1) ⁵(i)] Where, by reason of the foregoing provisions, the net income derived by any religious, educational or charitable institution from any estate or part of an estate belonging to it, in the fasli year 1357 or in any subsequent fasli year until the commencement of the fasli year in which the estate may finally be taken over by the State Government becomes less than the net income which the institution would have derived in such fasli year if the rates of rent had not been reduced under this Act, the State Government shall pay the difference to the institution at the end of the fasli year in question.

⁵[(ii) Where in respect of any such land as is referred to in section 3-F, sub-section (1), any religious, educational or charitable institution is entitled to

¹ Section 4-A was inserted by section 8 of Tamil Nadu Act XXIX of 1956.

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 These words, brackets and figures were inserted by section 5 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1961 (Tamil Nadu Act 15 of 1961).

⁴ This section was substituted by section 4 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil Nadu Act XXIX of 1956), deemed to have come into force on the 7th January 1948, for the original section 5 as amended by Tamil Nadu Acts XXXIX of 1949 and XXVIII of 1954.

⁵ Sub-section (1) of section 5 was renumbered as clause (i) of that sub-section and clause (ii) was inserted by section 3(a) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963 (Tamil Nadu Act 19 of 1963).

recover from the tenant any amount in pursuance of sub-section (2) of that section, the State Government shall in addition to the amounts referred to in sub-section (4) of that section, also be entitled to deduct from the amount recovered by them under section 3, sub-section (4), the amount, if any, already paid to the institution in pursuance of clause (i) :

Provided that where after such deduction, any sum is still due to the State Government, such sum shall be recoverable as if it were an arrear of land revenue.]

(2) The net income derived in each of the fasli years beginning with the fasli year 1357 and the net income which the institution would have derived in each fasli year as aforesaid shall, for the purposes of ¹[clause (i) of sub-section (1)], be determined by such authority, and in such manner, as may be laid down in the rules made by the State Government.

(3) In determining the net income in both the cases aforesaid, all amounts which accrued due to the institution concerned during the relevant fasli year shall be taken into account whether the amounts were actually collected or not.]

6. Notwithstanding anything contained in any other law for the time being in force, in any inam village belonging to a religious, educational or charitable institution which was not an estate before the commencement of the ²[Tamil Nadu] Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act, the lessee of any land situated in the estate shall not be entitled to the benefit of any reduction of rent under this Act, if the lease was executed after the 1st November 1933.

²[Tamil Nadu] Act XVIII of 1936.

Lessees of religious, educational or charitable institutions not to have their rents reduced.

¹ This expression was substituted for the expression "sub-section (1) " by section 3 (b) of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963 (Tamil Nadu Act 19 of 1963).

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.

Power to make rules.

7. The ¹[State] Government may make rules to carry out the purposes of this Act.

Validity of certain orders and proceedings not to be questioned.

8. The validity of the following orders and proceedings shall not be liable to be questioned in any Court of Law :—

(i) any order made under section 3, sub-section (2) ;

(ii) any recovery of rent effected by the ¹[State] Government under section 3, sub-section (4), or any payment made by them to the landholder under the same sub-section ²[or under section 3-F, sub-section (4)] ;

³[(iii) any order made under section 3-E;

(iv) any determination of net income made under section 5, sub-section (2).]

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the ¹[State] Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

¹ This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

² These words, brackets, figures and letter were added by section 4 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1963 (Tamil Nadu Act 19 of 1963).

³ Clauses (iii) and (iv) were substituted for the original clause (iii) by section 5 of the Tamil Nadu Estates Land (Reduction of Rent) Amendment Act, 1956 (Tamil Nadu Act XXIX of 1956).

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(Reduction of Rent) Amendment

¹ [TAMIL NADU] ACT No. VII OF 1951.²[THE ¹[TAMIL NADU] ESTATES LAND (REDUCTION OF RENT) AMENDMENT ACT, 1951.]*(Received the assent of the President on the 17th April 1951 ; first published in the Fort St. George Gazette on the 24th April 1951.)*An Act further to amend the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947.

¹[Tamil Nadu] WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947, for the purposes hereinafter appearing ; It is hereby enacted as follows:—

1. (1) This Act may be called the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1951. Short title and commencement.

(2) Sections 2 and 3 shall be deemed to have come into force on the 7th January 1948.

³ [2—3.]

4. (1) All suits and proceedings pending at the commencement of this Act in which a landholder seeks to establish against the State Government his right to collect, or to recover from a ryot, the rents to which the provisions of section 3, sub-section (4), of the said Act apply, or the interest on such rents as well as any suit or proceeding instituted by a landholder under any of the provisions of Chapters V and VI of the ¹[Tamil Nadu] Estates Land Act, 1908, in respect of such rents or interest, pending at such commencement shall be dismissed by the Court or other authority concerned. Dismissal of pending proceedings and modification of decrees and orders.

(2) If before the commencement of this Act, any decree or order has been passed in any such suit or proceeding, which is inconsistent with the provisions of section 3, sub-sections (4), (5) and (6), of the said Act as amended by this Act, the Court or other authority concerned shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, vacate the decree or order and pass a fresh decree or order which shall be in conformity with the provisions aforesaid.

¹These 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*, dated the 31st October 1950, Part IV-A, pages 381-382.

³ Sections 2 and 3 repealed by Tamil Nadu Act XXXVI of 1955.

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(Reduction of Rent) Second Amendment

¹[TAMIL NADU] ACT No. XXXIX OF 1951².

[THE ¹[TAMIL NADU] ESTATES LAND (REDUCTION OF RENT) SECOND AMENDMENT ACT, 1951.]

(Received the assent of the President on the 10th January 1952; first published in the Fort St. George Gazette, on the 22nd January 1952.)

An Act further to amend the Tamil Nadu Estates Land (Reduction of Rent) Act, 1947.

WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows:—

¹[Tamil Nadu] Act XXX of 1947.

I. (1) This Act may be called the Tamil Nadu Estates Land (Reduction of Rent) Second Amendment Act, 1951. Short title and commencement.

(2) Sections 2 and 3 shall be deemed to have come into force on the 7th January 1948.

²[2 and 3.

].

4. Where the amount of rent paid by a ryot before the commencement of this Act for fasli 1357 or for any subsequent fasli, is in excess of the rent which would be payable by him under the provisions of the principal Act as amended by this Act, then, notwithstanding any law, contract, or decree or order of Court to the contrary, Provision of adjustment of rent paid in excess.

(i) the excess shall be adjusted towards the rent payable by him to the landholder for any subsequent fasli; and

(ii) where, before such adjustment is effected or is fully effected, a notification is issued in respect of the estate under section 1, sub-section(4), of the ¹[Tamil Nadu] Estates (Abolition and Conversion into Ryotwari) Act, 1948, the ryot shall be entitled to claim a refund of the amount remaining unadjusted from the landholder to whom it was paid or his legal representatives.

¹[Tamil Nadu] Act XVI of 1948.

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*, dated the 25th September 1951, Part IV-A, pages 162-163.

³. Sections 2 and 3 were repealed by Tamil Nadu Act XXXVI of 1955.

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¹[TAMIL NADU] ACT No. XXIX OF 1956.²

[THE ¹[TAMIL NADU] ESTATES LAND (REDUCTION OF RENT) AMENDMENT ACT, 1956.]

(Received the assent of the President on the 10th December, 1956 ; first published in the Fort St. George Gazette on the 19th December 1956.)

An Act further to amend the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947.

WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947 (¹[Tamil Nadu] Act XXX of 1947)⁴ for the purposes hereinafter appearing;

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

Short title
and com-
mencement.

1. (1) This Act may be called the ¹[Tamil Nadu] Estates Land (Reduction of Rent) Amendment Act, 1956.

(2) Section 4 shall be deemed to have come into force on the 7th January 1948 ; and section 7 shall be deemed to have come into force on the 4th October 1954.

2-5. [The amendments made by sections 2-5 have been incorporated in the principal Act (Tamil Nadu Act XXX of 1947)].

Provision
of adjustment
of excess
amount paid
to religious,
educational
or charitable
institutions.

6. Where the amount paid to any religious, educational or charitable institution for the fasli year 1357 or any subsequent fasli year under sub-section (1) of section 5 of the principal Act is in excess of the amount payable to such institution under that sub-section as amended by this Act then, notwithstanding anything contained in any law, contract or decree or order of Court to the contrary, the excess shall be adjusted towards the amount payable for any later fasli year, whether before or after the commencement of this Act, under sub-section (1) of section 5 of the principal

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*, Part IV-A, Extraordinary, dated the 9th August 1956, pages 123-124.

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Act as amended by this Act, or the tasdik allowance or additional compensation, if any, payable in respect of the estate or part thereof under the ¹[Tamil Nadu] Estates (Abolition and Conversion into Ryotwari) Act, 1948 (¹[Tamil Nadu] Act XXVI of 1948) :

Provided that such excess amount paid to any religious, educational or charitable institution in respect of any zamindari or under-tenure estate held by it shall be adjusted towards the amount payable as advance compensation, if it had not been deposited with the Tribunal having jurisdiction constituted under section 8 of the ¹[Tamil Nadu] Estates (Abolition and Conversion into Ryotwari) Act, 1948 (¹[Tamil Nadu] Act XXVI of 1948), or towards the interim payments payable in respect of the fasli years subsequent to the fasli year in which the estate is taken over :

Provided further that where the excess amount aforesaid cannot be adjusted by deduction in the manner laid down in the foregoing proviso, it shall be recoverable as if it were an arrear of land revenue.

7-8. [The amendments made by sections 7 and 8 have been incorporated in Tamil Nadu Acts XXVIII of 1954 and XXX of 1947 respectively.]

¹These 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.