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SECRET

<sup>1</sup>[TAMIL NADU] ACT No. XXX OF 1956.<sup>2</sup>[THE <sup>1</sup>[TAMIL NADU] ESTATES (SUPPLEMENTARY) 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 to provide for the determination of questions whether any non-ryotwari area in the <sup>3</sup>[State of Tamil Nadu] is or is not an estate.**WHEREAS it is expedient to provide for the determination of questions whether any non-ryotwari area in the <sup>3</sup>[State of Tamil Nadu] is or is not an estate ;

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

**Short title, commencement and application.** I. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Estates (Supplementary) Act, 1956.

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

(3) It applies to all non-ryotwari areas in the <sup>3</sup>[State of Tamil Nadu], including any area in respect of which an order under section 3, sub-section (2), of the Rent Reduction Act or a notification under section 1, sub-section (4), of the Abolition Act, or both an order and a notification as aforesaid has or have been published.**Definitions.** 2. In this Act, unless the context otherwise requires—(a) 'Abolition Act' means the <sup>1</sup>[Tamil Nadu] Estates (Abolition and Conversion into Ryotwari) Act, 1948 (<sup>1</sup>[Tamil Nadu] Act XXVI of 1948) ;<sup>1</sup> 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.<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, Extraordinary, dated the 26th September 1956, page 190.<sup>3</sup> 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.

\* Came into force on the 3rd August 1957.

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(b) 'Estates Land Act' means the <sup>1</sup>[Tamil Nadu] Estates Land Act, 1908 (<sup>1</sup>[Tamil Nadu] Act I of 1908);

(c) 'Rent Reduction Act' means the <sup>1</sup>[Tamil Nadu] Estates Land (Reduction of Rent) Act, 1947 (<sup>1</sup>[Tamil Nadu] Act XXX of 1947);

(d) 'Tribunal' means a Tribunal having jurisdiction over the area and constituted under section 5.

3. (1) Notwithstanding anything contained in the Estates Land Act or in any other law for the time being in force, any person interested may make an application to the Tribunal for a declaration that the area specified in the application is or is not an estate or part of an estate as defined in section 3, clause (2), of the Estates Land Act, or that it is or is not an inam estate as defined in section 2, clause (7) of the Abolition Act. Determination of questions whether any non-ryotwari area is or is not an estate.

(2) Any such application shall be filed within three months from the date on which this Act comes into force or within three months from the date of publication of the order under section 3, sub-section (2), of the Rent Reduction Act, or of the notification under section 1, sub-section (4) of the Abolition Act, whichever of the dates aforesaid is the latest.

(3) The Tribunal may, in its discretion, allow further time not exceeding three months for the making of any application under this section.

4. (1) Against the decision of any Court or of a Settlement Officer or Tribunal (constituted under the Abolition Act), an application may, within one year from the date on which this Act comes into force, be filed under this Act on behalf of the State Government by such officer as they may from time to time authorize in this behalf, for a declaration that any non-ryotwari area is an estate under section 3, clause (2), of the Estates Land Act, or that it is an inam estate as defined in section 2, clause (7), of the Abolition Act. Applications by Government.

(2) Such application—

(a) against the decision of a Settlement Officer shall lie to the appropriate Tribunal and be dealt with under section 6;

<sup>1</sup> 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.

(b) in other cases, shall lie to the Special Appellate Tribunal constituted under section 7 and be dealt with as an appeal under the said section.

**Tribunal to give decision in certain cases referred to it.** 1[4-A. (1) Where, in any suit or appeal or other proceeding pending before any Court (other than the High Court) or Tribunal or Settlement Officer as defined in section 2, clause (13), of the Abolition Act, any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2), of the Estates Land Act, or is or was an inam estate as defined in section 2, clause (7), of the Abolition Act, such question shall be referred to the appropriate Tribunal constituted under this Act for determination.

(2) Notwithstanding any reference made to the Tribunal under sub-section (1), or any appeal preferred before the Special Appellate Tribunal under sub-section (1) of section 7, the Court or Tribunal or Settlement Officer, as the case may be, may pass such interim orders in respect of the suit or appeal or other proceeding as are allowed by law].

**Constitution of Tribunals.** 5. (1) The State Government shall constitute as many \*Tribunals as may be necessary for the purposes of this Act.

2[(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 areas as the State Government may, by notification, from time to time, determine.

<sup>1</sup> This section was inserted by section 2 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961);

<sup>2</sup> This sub-section was substituted for the original sub-section (2) by section 14 (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).

\* The finding under this Act of a Tribunal or the Special Appellate Tribunal constituted under this Act that a particular area is an inam village which became an estate by virtue of the Tamil Nadu Estates Land (Third Amendment) Act, 1936 (Tamil Nadu Act XVIII of 1936) shall be final and binding for the purposes of the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963). Please see Section 12 of the latter Act.

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<sup>1</sup>[(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.]

6. <sup>2</sup>[(1)] On receipt of an application under section 3 or under section 4<sup>2</sup>[or a reference under section 4-A of section 12], the Tribunal shall, after giving notice in the prescribed manner to the applicant, to the State Government if the State Government is not the applicant, to the landholder and if the applicant is the landholder to the person in occupation of the land in the area concerned, and after publishing the notice in the prescribed manner in the village, and after giving the parties who appear before it an opportunity to be heard and to adduce their evidence, give its decision on the question whether the area concerning which the application is filed is or is not an estate as defined in section 3, clause (2), of the Estates Land Act and if it is an estate, the sub-clause of the above clause under which it falls, and if it falls under sub-clause (d) of the above clause whether it is an inam village which became an estate by virtue of the<sup>3</sup>[Tamil Nadu] Estates Land (Third Amendment) Act, 1936 (<sup>3</sup>[Tamil Nadu] Act XVIII of 1936). Procedure to be followed by the Tribunal.

<sup>4</sup>[(2) The decision of the Tribunal on the reference made to it under section 4-A or section 12 shall be communicated to the Court or Tribunal or Settlement Officer who made the reference.]

<sup>1</sup> This sub-section was substituted for the original sub-section (4) by section 14 (ii) 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).

<sup>2</sup> Original section 6 was re-numbered as sub-section (1) of that section and these words were inserted by section 3 (1) of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).

<sup>3</sup> 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.

<sup>4</sup> This sub-section was inserted by section 3 (2) of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).

Appeals  
to the  
Special  
Appellate  
Tribunal.

7. (1) Against any such decision of the Tribunal, the State Government, within six months from the date of the decision, and any person aggrieved by such decision within two months from the said date, may appeal to a Special Appellate Tribunal, consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf, provided that the Special Appellate Tribunal may, in its discretion, allow further time not exceeding three months for the filing of such appeal.

(2) The members of the Special Appellate Tribunal shall hear the appeal and on all points, whether of law or of fact, on which they are agreed in their opinion, their decision shall be final. Where on any such point or points, the members are divided in their opinion, they shall state the point or points on which they are so divided, and such point or points together with their opinions thereon, shall then be laid before one or more Judges nominated for the purpose by the Chief Justice, and such judge or judges shall hear the appeal in so far as it relates to such point or points, and on each such point, the decision of the majority of the judges who have heard the appeal, including those who first heard it, shall be final.

(3) Subject to the decision on such appeal, the decision of the Tribunal shall be final and shall not be liable to be questioned in any court of law.

(4) Every decision of the Special Appellate Tribunal and subject to such decision, every decision of the Tribunal shall be binding on all persons claiming an interest in any land in the non-ryotwari area concerned notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in the proceedings before the Tribunal or the Special Appellate Tribunal, as the case may be.

<sup>4</sup>(5) The decision of the Special Appellate Tribunal on the decision of the Tribunal on a reference under section 4-A or section 12 shall be communicated to the Court or Settlement Officer or Tribunal constituted under the Abolition Act who made the reference.]

<sup>1</sup> This sub-section was inserted by section 4 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).

<sup>1</sup>[7-A. On receipt of the decision of the Tribunal or the Special Appellate Tribunal on the reference made under section 4-A or section 12, the Court of Settlement Officer or Tribunal constituted under the Abolition Act shall proceed to dispose of the appeal, suit or other proceeding in which the reference was made:

Power of Court, Tribunal or Settlement Officer to dispose of suit, appeal or other proceedings.

Provided that on receipt of the decision of the Tribunal such appeal, suit or other proceeding shall not be disposed of—

(i) until after the expiry of the appeal time provided for in sub-section (1) of section 7; or

(ii) where an appeal has been preferred under sub-section (1) of section 7, until after the receipt of the decision of the Special Appellate Tribunal on such appeal].

8. In deciding the question whether any inam village or a separated part of an inam village was or was not an estate within the meaning of the Estates Land Act as it stood before the commencement of the <sup>2</sup>[Tamil Nadu] Estates Land (Third Amendment) Act, 1936 (<sup>2</sup>[Tamil Nadu] Act XVIII of 1936), it shall be presumed, until the contrary is proved, that such area or part was such an estate.

Presumption as to inam Villages or parts thereof.

9. No decision of the Tribunal or of the Special Appellate Tribunal shall be invalid by reason of any defect in the form of any notice issued by it or in the manner of publication of such notice.

Defect not to invalidate decision of Tribunal or Special Appellate Tribunal.

10. Save as otherwise expressly provided in this Act, no civil or revenue court and no Tribunal constituted under any other law shall have jurisdiction—

Jurisdiction of civil and revenue courts barred in certain matters.

(a) <sup>3</sup>[to adjudicate upon any question] whether any non-ryotwari area is or is not an estate or part of an estate as defined in section 3, clause (2), of the Estates

<sup>1</sup> This section was inserted by section 5 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).

<sup>2</sup> 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.

<sup>3</sup> These words were substituted for the words "to entertain or adjudicate upon any question" by section 6 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).

Land Act, or whether it is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act; or

(b) in respect of any matter which the Tribunal or the Special Appellate Tribunal is empowered by or under this Act to determine.

**Transitory provisions.**

11. (1) All suits, appeals or other proceedings (other than those pending before the High Court) pending at the commencement of this Act before any Court or Tribunal or Settlement Officer as defined in section 2, clause (13), of the Abolition Act, in which any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2), of the Estates Land Act, or is or was an inam estate as defined in section 2, clause (7), of the Abolition Act, shall stand transferred to the appropriate Tribunal constituted under this Act for the determination of that question.

<sup>1</sup>[(1-A) Notwithstanding the transfer of any suit, appeal or other proceeding under sub-section (1), the Court or Settlement Officer or Tribunal constituted under the Abolition Act who made the transfer shall be deemed to be seized of such suit, appeal or other proceeding and may pass such interim orders in respect of such suit, appeal or other proceeding as are allowed by law].

(2) (a) In cases in which, at the commencement of this Act, a Tribunal constituted under the Abolition Act has given a finding under section 9 of that Act that a particular area is an inam estate as defined in section 2, clause (7), of that Act, that finding shall be final, subject to the decision of the Special Appellate Tribunal constituted under this Act on any appeal preferred to that Tribunal.

(b) Any such finding shall be deemed to be a decision given by a Tribunal constituted under this Act and the provisions of section 7, sub-section (1), shall apply to appeals against such finding.

<sup>1</sup> This sub-section was inserted by section 7 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act of 35 1961).

<sup>1</sup>[12. (1) If on remand by the High Court in respect of a case pending before it on or after the commencement of this Act, a Court subordinate to the High Court is seized of the question whether a particular non-ryotwari area is or is not an estate as defined in section 3, clause (2), of the Estates Land Act, or is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act, such question shall be referred to the appropriate Tribunal constituted under this Act for determination. Tribunal to give decision in certain cases remanded by the High Court.

(2) Notwithstanding any reference made to the Tribunal under sub-section (1) or any appeal preferred before the Special Appellate Tribunal under sub-section (1) of section 7, the Court may pass such interim orders in respect of the case as are allowed by law].

13. [The amendment made by section 13 has been incorporated in Tamil Nadu Act XXVI of 1948].

14. (1) The State Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing provision, 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 Tribunals and Special Appellate Tribunals appointed under this Act ;

(c) the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) ;

(d) the fees to be paid in respect of applications and appeals under this Act ;

(e) the filling up of vacancies in Tribunals ; and

(f) the transfer of proceedings from one Tribunal to another.

(3) 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 Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

<sup>1</sup>This section was substituted for the original section 12 by section 8 of the Tamil Nadu Estates (Supplementary) Amendment Act, 1961 (Tamil Nadu Act 35 of 1961).

<sup>1</sup>[TAMIL NADU] ACT No. 35 OF 1961<sup>2</sup>.

THE <sup>1</sup>[TAMIL NADU] ESTATES  
(SUPPLEMENTARY) AMENDMENT ACT, 1961.

[Received the assent of the Governor on the 10th November 1961, first published in the Fort St. George Gazette on the 22nd November 1961 (Agrahayana 1, 1883)].

An Act further to amend the <sup>1</sup>[Tamil Nadu] Estates  
(Supplementary) Act, 1956.

WHEREAS it is expedient further to amend the <sup>1</sup>[Tamil Nadu] Estates (Supplementary) Act, 1956 (<sup>1</sup>[Tamil Nadu] Act XXX of 1956), for the purposes hereinafter appearing ;

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

1. This Act may be called the <sup>1</sup>[Tamil Nadu] Estates Short title.  
(Supplementary) Amendment Act, 1961.

2—8. (The amendments made by these sections have been incorporated in the principal Act, viz., Tamil Nadu Act XXX of 1956.)

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

<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons see *Fort St. George Gazette*, dated the 13th September 1961, Part IV—Section 3 pages 390-391.

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