



The Madras City Tenants Protection Act, 1921

Act 3 of 1922

Keyword(s):

Land, Landlord, Tenant, Class of Tenant

Amendments appended: 13 of 1960, 16 of 1964, 37 of 1965, 4 of 1972, 2 of 1980, 2 of 1996

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'[TAMIL NADU] ACT No. III OF 1922¹.

[THE MADRAS CITY TENANTS' PROTECTION ACT, 1921.]

(Received the assent of the Governor on the 3rd January 1922 and that of the Governor-General on the 8th February, 1922; the assent of the Governor-General was first published in the Fort St. George Gazette of the 21st February 1922.)

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and townships

An Act to give protection to certain classes of tenants (in municipal towns and adjoining areas in the [State of Tamil Nadu.])

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, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 26th July 1921, page 1491; for Report of the Select Committee, see *ibid*, dated the 16th August 1921, pages 1493-1499; for proceedings in Council, see *Proceedings of the Madras Legislative Council*, Volume II, pages 223-235 and Volume III, pages 962-1005, 1377 and 1438-1457.

So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962) in the State of Madras except in the added territories was extended to the added territories by section 3 of, and the First Schedule to, the latter Act.

So much of this Act as was in force on the date of the commencement of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1965 (Tamil Nadu Act 22 of 1965) in the State of Madras except in the transferred territory was extended to the transferred territory comprising the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the latter Act.

³ These words were substituted for the words "in the City of Madras" by sub-section (1) of section 2 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

⁴ 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, which came into force on the 14th January 1969.

"(2) (a) It extends to,--

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(i) the City of Madras;

(ii) the townships of Kodaikanal, Avadi, Kathiwakkam, Ambattur, Madhavaram, Bhavanisagar, Courtalam and Mettur.

(b) The State Government may, by notification in the Tamil Nadu Government Gazette, extend this Act with effect from such date as may be specified in the notification to,--

(i) any other municipal town;

(ii) any other township; or

(iii) any specified village within eight kilometres of the City of Madras, or of the township referred to in sub-clause (ii) of clause (a), or of such other municipal town referred to in sub-clause (i) or township referred to in sub-clause (ii).";

"This Act shall apply,-- Slip II MA 2/80

(a) in the areas in which this Act is in force on the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1979 in the Tamil Nadu Government Gazette, only to tenancies of land created before that date; and

(b) in any other area, only to tenancies of land created before the date with effect from which this Act is extended to such area by notification under clause (b) of sub-section (2).";

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" (bb) in any township, by the township committee concerned;"

("[Tamil Nadu] Act X of 1950), or of a panchayat or panchayat union constituted under the ²[Tamil Nadu] Panchayats Act, 1958 ("[Tamil Nadu] Act XXXV of 1958), by the panchayat or by the panchayat union council concerned,

(d) in the case of all areas in a district defined as aforesaid, which are not comprised within the local limits of such panchayat or panchayat union by the district board concerned. and

Sub. by T.N. Act 2 of 1966 — slip-II
“(f) by any religious institution or religious charity belonging to Hindu, Muslim, Christian or other religion.

Explanation.—For the purpose of this clause,—

(A) “religious institution” means any—

(i) temple ;

(ii) math ;

(iv) church ; or

(v) other place by whatever name known,

which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship ;

(B) “religious charity” means a public charity associated with a religious festival or observance of religious character (including a work associated with religious festival or observance of religious character), whether it be connected with any religious institutions or not.

and all its liabilities shall stand transferred to the Tamil Nadu State Housing Board.

¹[(4) The State Government may, by notification in the *Fort St. George Gazette*, cancel any notification issued under sub-section (2), but the cancellation shall not be deemed to affect the power of the State Government under sub-section (2) again to extend this Act to such town/or village.

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township

(5) Where a notification is issued under sub-section (4), every proceeding pending on the date of the publication of such notification and instituted under the provisions of this Act as extended by virtue of the notification issued under sub-section (2) which has been cancelled by such notification, shall abate and all rights and privileges which may have accrued immediately before such date to any person by virtue of this Act as extended shall cease and determine and shall not be enforceable :

Provided that nothing contained in this sub-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 sub-section.

(6) Every notification issued under sub-section (2) or sub-section (4) shall be laid before the Legislature, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting within seven days of its re-assembly, and the State Government shall seek the approval of the Legislature to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it ; and if the Legislature makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder .]

¹ Sub-sections (4) to (6) were added by section 2 (ii) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

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Definitions.

2. In this Act unless there is something to the contrary

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"in the townships of Kodaikanal, Avadi, Kathiwakkam, Ambattur, Madhavaram, Bhavanisagar, Courtallam and Mettur, or in such other municipal town or township as the Government may, by notification, specify, and in any village within eight kilometres of the City of Madras or of the municipal towns or town or township aforesaid;"

"(1) 'Building' means any building, hut or other structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever used—

(i) for residential or non-residential purposes, in the City of Madras, in the municipal towns of Coimbatore, Madurai, Salem and Tiruchirappalli and in any village within five miles of the City of Madras or of the municipal towns aforesaid, and

(ii) for residential purposes only, in any other area, and includes the appurtenance thereto."

The present clause was substituted for the said clause as so substituted by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1964 (Tamil Nadu Act 16 of 1964).

[Section 9 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960) and section 3 of the Madras City Tenants' Protection (Amendment) Act, 1964 (Tamil Nadu Act 16 of 1964) provided for the abatement of certain proceedings pending before courts in respect of non-residential buildings.]

*Every local area, which immediately before the 1st May 1971 was constituted as the Madurai Municipality under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), was deemed to be the City of Madurai under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971). Please see section 511 of the latter Act read with rule 2 in Schedule VII thereto.

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¹[(1-A) 'Improvement' means any work which materially adds to the value of the land, is suitable to it and consistent with the purpose for which the land was let.]

(2) 'Land' does not include buildings.

(3) 'Landlord' means any person¹ owning any land, and includes every person entitled to collect the rent of the whole or any portion of the land, whether on his own account or on behalf of or for the benefit of any other person, or by virtue of any transfer from the owner or his predecessor in title or of any order of a competent court or of any provision of law.

²[(4) 'Tenant' ^{HE SLP 2/80} in relation to any land—

(i) means a person liable to pay rent in respect of such land, under a tenancy agreement express or implied, and

³[(ii) includes—

(a) any such person as is referred to in sub-clause (i) who continues in possession of the land after the determination of the tenancy agreement,

(b) any person who was a tenant in respect of such land under a tenancy agreement to which this Act is applicable under sub-section (3) of section 1 and who or any of his predecessors in interest had erected

¹Clause (1-A) was inserted by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

²This clause was substituted for the original clause (4) by section 3 (ii) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

³This sub-clause was, and was deemed always to have been, substituted for the following sub-clause, by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973):—

“(ii) includes—

(a) any such person as is referred to in sub-clause (i) who continues in possession of the land after the determination of the tenancy agreement, and

(b) the heirs of any such person as is referred to in sub-clause (i) or sub-clause (a), but does not include a sub-tenant or his heirs.”

any building on such land and who continues in actual physical possession of such land and building, notwithstanding that—

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"(5) 'township' ~~means~~ a township constituted under the Madras Township Act, 1940 (Tamil Nadu Act XI of 1940), the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954), the Bhavanisagar Township Act, 1954 (Tamil Nadu Act XXV of 1954), or section 4 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), or any other township constituted under any other law for the time being in force."

at the time of the ejectment who derived title from either of them, and for which compensation has not already been paid. A tenant who is entitled to compensation for the value of any building shall also be paid the value of trees which may have been planted by him on the land ¹[and of any improvements which may have been made by him].

Disposal of
suits for
ejectment.

4. (1) In a suit for ejectment against a tenant in which the landlord succeeds, the court shall ascertain the amount of compensation, if any, payable under section 3 and the decree in the suit shall declare the amount so found due and direct that, on payment by the landlord into court, within three months from

¹ These words were added by section 3 (a) of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

the date of the decree, of the amount so found due, the tenant shall put the landlord into possession of the land with the building and trees thereon.

Central
Act XV
of 1882.

(2) In an application under section 41 of the Presidency Small Cause Courts Act, 1882, in which the landlord succeeds, the court shall ascertain the amount of compensation payable under section 3 and shall pass an *interim* order declaring the amount so found due and stating that, on payment by the landlord into court within three months of the date of the said *interim* order of the amount so found due, the landlord shall be entitled to the order contemplated by section 43 of the Presidency Small Cause Courts Act, 1882.

Central
Act XV
of 1882.

(3) If in such suit or application the court finds that any sum of money is due by the tenant to the landlord for rent or otherwise in respect of the tenancy, the court shall set off such sum against the sum found due under sub-section (1) or sub-section (2), as the case may be, and shall pass a decree or *interim* order declaring as the amount payable to the tenant on ejectment the amount, if any, remaining due to him after such set-off.

(4) If the amount found due is not paid into court within three months from the date of the decree under sub-section (1) or of the *interim* order under sub-section (2), or if no application is made under section 6, the suit or application, as the case may be, shall stand dismissed, and the landlord shall not be entitled to institute a fresh suit for ejectment, or present a fresh application for recovery of possession for a period of five years from the date of such dismissal.

5. (1) The compensation awardable under section 4 shall be the value of the building and trees ^{Determinat} and of the compensation awardable of any improvements which may have been made by the tenant on the date of the decree or *interim* order, under section as the case may be.

¹ These words were inserted by section 3 (b) of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

(2) In determining such value, the court may take into consideration the estimated cost of erecting a similar building, the amount to be allowed for depreciation and the amount spent on repairs.

(3) If, on account of any cause for which the tenant is responsible, the building, for which compensation has been adjudged under section 4, is destroyed or has deteriorated in value between the date of the decree or *interim* order and the date of ejectment, the court may, on application by the landlord, pass an order directing that he be placed in possession without paying any compensation, or on payment of the amount determined on a revaluation of the building as the case may be.

Determination
of rent.

6. (1) If after a decree or *interim* order is passed under section 4, the landlord is unable or unwilling to pay the compensation ordered, he may, within three months from the date of the decree or *interim* order, apply to the court to fix a reasonable rent for the occupation of the land by the tenant and thereupon the court shall by its order fix such rent as it deems reasonable :

Provided that the rent previously payable for the land shall not be enhanced by more than [twenty-five naye paise] in the rupee.

(2) On the passing of an order under sub-section (1) the decree or *interim* order passed under section 4 shall be deemed to have been vacated.

Application
of landlord
for fixing
the rent.

7. Any landlord may apply by a petition to the court having jurisdiction to entertain a suit for ejectment [or, in the City of Madras, either to such Court or to the Presidency Small Cause Court] to fix a reasonable

¹ These words were substituted for the figure and word "2 annas" by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

² These words were substituted for the words "or to the Presidency Small Cause Court" by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

rent for the occupation of the land by the tenant and thereupon the court shall by its order fix such rent as it deems reasonable :

Provided that the rent previously payable for the land shall not be enhanced by more than ¹(twenty-five naye paise) in the rupee.

²[7-A. A tenant may apply to the Court having jurisdiction to entertain a suit for ejectment or, in the City of Madras, either to such Court or to the Presidency Small Cause Court, to fix a reasonable rent for the occupation of the land or where on application under section 7, the rent previously payable for the land has been enhanced, for a reduction of the rent fixed; and thereupon the Court shall, by its order, fix such rent as it deems reasonable.] Application by tenant.

8. An order passed by a Court ³[under section 6, section 7 or section 7-A] ⁴(shall, subject to the provisions of section 9-A, have effect as a decree in a suit and for a period of five years the rent so fixed shall not be revised nor shall the tenant be liable to be evicted for the said period). Effect of order under sections 6, 7 and 7-A.

9. (1) [(a)(i)] Any tenant who is entitled to compensation under section 3 and against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Application to Court directing the landlord to sell land.

¹ These words were substituted for the figure and word "2 annas" by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

² This section was substituted by section 5 *ibid* for section 7-A, which was inserted by section 4 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

³ These words and figures were substituted for the words and figures "under section 6 or section 7" by section 5, *ibid*.

⁴ These words, figure and letter were substituted for the words "shall have effect as a decree in a suit and the rent so fixed shall not be revised nor shall the tenant be liable to be evicted for a period of five years" by section 5 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

⁵ Sub-section (1) of section 9 was lettered as clause (a) of that subsection by section 6(i) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960); and clause (a) as so lettered was renumbered as item (i) of that clause by section 3 (i) of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).

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"within one month of the date of the publication of the Madras City Tenants Protection (Amendment) Act, 1979 in the Tamil Nadu Government Gazette or of the date with effect from which this Act is extended to the municipal town, township or village in which the land is situate"

is referred to in sub-clause (ii) (b) of clause (4) of section 2 or his heir, may within a period of two months from the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1973 apply to the court [whether or not a suit for ejectment has been instituted or proceeding under section 41 of the Presidency Small Cause Courts Act, 1882 (Central Act XV of 1882) has been taken by the landlord or whether or not such suit or proceeding is pending] having jurisdiction to entertain a suit for ejectment or in the City of Madras either to such court or to the Presidency Small Cause Court.

¹ These words were substituted for the words "fifteen days" by section 6 of the Madras City Tenants' Protection (Amendment) Act, 1926 (Madras Act VI of 1926).

² These words, brackets and figures were substituted for the words "after the date of this Act coming into force" by section 6 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

³ These words were substituted for the words "to sell the land for a price to be fixed by the Court" by section 6 (i) (a) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

⁴ The following sentence was omitted by section 6 (i) (b), *ibid*:-

"The court shall fix the price according to the lowest market value prevalent within seven years preceding the date of the order and shall order that, within a period to be determined by the court, not being less than three months and not more than three years from the date of the order, the tenant shall pay into court or otherwise as directed the price so fixed in one or more instalments with or without interest".

⁵ This item was inserted by section 3 (i) of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).

for an order that the landlord under the tenancy agreement shall be directed to sell for a price to be fixed by the court the whole or part of the extent of land specified in the application.]

¹[(b) On such application, the court shall first decide the minimum extent of the land which may be necessary for the convenient enjoyment by the tenant. The court shall then fix the price of the minimum extent of the land decided as aforesaid, or of the extent of the land specified in the application under clause (a), whichever is less. The price aforesaid shall be the average market value of the three years immediately preceding the date of the order. The court shall order that within a period to be determined by the court, not being less than three months and not more than three years from the date of the order, the tenant shall pay into court or otherwise as directed the price so fixed in one or more instalments with or without interest.]

(2) In default of payment by the tenant of any one instalment, the application ²[under clause (a) of sub-section (1)] shall stand dismissed, provided that on sufficient cause being shown, the court may excuse the delay and pass such orders as it may think fit, but not so as to extend the time for payment beyond the three years above mentioned. On the application being dismissed, the court shall order the amount of the instalment or instalments, if any, paid by the tenant to be repaid to him without any interest.

³[(3) (a) On payment of the price fixed under clause (b) of sub-section (1), the court shall pass an order directing the conveyance by the landlord to the

¹ This clause was added by section 6 (ii) of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

² These words, brackets, letter and figure were substituted for the words, brackets and figure "under sub-section (1)" by section 6 (iii), *ibid.*

³ This sub-section and Explanation were substituted for sub-section (3) and the Explanation thereunder by section 6 (iv), *ibid.*

tenant of the extent of land for which the said price was fixed. The court shall by the same order direct the tenant to put the landlord into possession of the remaining extent of the land, if any. The stamp duty and registration fee in respect of such conveyance shall be borne by the tenant.

(b) On the order referred to in clause (a) being made, the suit or proceeding shall stand dismissed, and any decree or order in ejectment that may have been passed therein but which has not been executed shall be vacated.

Explanation.—'Land' means the interest of the landlord in the land and all other interests which he can convey under any power and includes also the full interest which a trustee can convey under the power possessed by him to convey trust property when necessity exists for the same or the alienation of the property is for the benefit of the estate or trust.]

[(3-A) Notwithstanding anything contained in clause (b) of sub-section (3) of this section or in section 5 of the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972), or any other law for the time being in force, the court which passed the decree or order referred to in sub-clause (ii) (b) (2) of clause (4) of section 2, shall, on application made by the tenant referred to in that sub-clause within a period of two months from the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1972, reopen or review the proceedings relating to such decree or order and may pass a decree or an order that the tenant referred to in the said sub-clause, is entitled to the rights under this Act and pass such other supplemental, incidental or consequential orders as are necessary for the purpose as if the Madras City Tenants' Protection (Amendment) Act, 1973, were in force at the time at which the decree or order was passed.]

¹ This sub-section was added by section 3 (ii) of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).

9-A. ¹[(1)] An appeal shall lie from an order passed by a court under section 6, section 7, section 7-A or section 9 to the court to which an appeal would lie from any decree passed by the former court and the decision in such appeal shall be final: Appeals.

Provided that from an order passed—

(i) by the Chief Judge of the Presidency Small Cause Court, an appeal shall lie to the High Court, and

(ii) by any other Judge of the Presidency Small Cause Court, an appeal shall lie to the Chief Judge.

²[(2) Subject in other respects to the provisions of the Limitation Act, 1963 (Central Act 36 of 1963), the period of limitation for an appeal from an order in any of the cases specified in sub-section (1) shall be,—

(i) if such appeal lies to the High Court, ninety days from the date of the order, and

(ii) if such appeal lies to any other court, or to the Chief Judge of the Presidency Small Cause Court, thirty days from the date of the order.]

10. (1) ³[Sections 4, 5, 6, 8, 9 and 9-A] shall apply to suits in ejectment and applications under section 41 of the Presidency Small Cause Courts

Application of sections 4, 5, 6, 8 and 9 to certain suits and applications.

Central Act XV of 1882.

¹ This section was inserted by section 7 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

² Section 9-A was renumbered as sub-section (1) of that section by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965).

³ This sub-section was inserted by section 2 of the Madras City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965). [Notwithstanding anything contained in this sub-section, in the case of an appeal from an order passed by a court under section 6, section 7, section 7-A or section 9 of Tamil Nadu Act III of 1922 before the date of the commencement of the Madras City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965), the period of limitation shall be thirty days next after the date of such commencement, or the period prescribed for such appeal under sub-section (2) of section 9-A, whichever period expires later. Please see section 4 of Tamil Nadu Act 37 of 1965.]

⁴ These words, figures and letter were substituted for the words and figures "Sections 4, 5, 6, 8 and 9" by section 8 of the Madras City Tenants' Protection (Amendment) Act, 1960 (Tamil Nadu Act 13 of 1960).

(6)

"in the area in which this Act⁽⁶⁾ in force on the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1979 in the Tamil Nadu Government Gazette, before the said date, and in any other area, before the date with effect from which this Act is extended to such area*;

(3) In cases in which orders passed under section Central

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"on the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1979 in the Tamil Nadu Government Gazette"

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until the expiration of three months next after notice in writing has been given to him requiring him to

¹ These words, brackets and figures were substituted for the words "but have not been executed before the coming into force of this Act" by section 7 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

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, which came into force on the 14th January 1969.

³ These words, brackets and figures were substituted for the words "at the commencement of this Act" by section 7 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

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surrender possession of the land and building, and offering to pay compensation for the building and trees, if any, and stating the amount thereof.

"[A copy of such notice shall at the same time be sent, in the case of property situated in the City of Madras, to the Commissioner of the Corporation of Madras, or, in the case of property situated in any municipal town or village to which this Act is extended, to the executive authority of the municipality or the executive officer of the panchayat, as the case may be or any other authority as may be notified by the Government.]

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, township

or town

12. Nothing in any contract made by a tenant shall take away or limit his rights under this Act

Effect of contracts made by tenants.

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, township

13. In its application to the City of Madras, [and to any municipal town or village to which this Act is extended] the Transfer of Property Act, 1882, shall, to the extent necessary to give effect to the provisions of this Act, be deemed to have been repealed or modified.

Restriction on the application of the Transfer of Property Act

Central Act IV of 1882.

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

Power to make rules.

¹ This paragraph was substituted for the original paragraph by section 8 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

² The words " provided that nothing herein contained shall affect any stipulations made by the tenant in writing registered as to the erection of buildings, in so far as they relate to buildings erected after the date of the contract " were, and were deemed always to have been, omitted by section 3 of the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972). [This amendment shall not, subject to the provisions of section 9(3-A), apply to any case where the landlord has, before the commencement of the Madras City Tenants' Protection (Amendment) Act, 1972 (Tamil Nadu Act 4 of 1972), been delivered actual physical possession of the land and building from the tenant. Please see section 5 of the said Act, as amended by Tamil Nadu Act 24 of 1973.]

³ These words were inserted by section 9 of the Madras City Tenants' Protection (Amendment) Act, 1955 (Tamil Nadu Act XIX of 1955).

⁴ This section was added by section 3 of the Madras City Tenants' Protection (Amendment) Act, 1965 (Tamil Nadu Act 37 of 1965).

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the fees payable in respect of applications, petitions and appeals under this Act.

(3) All rules made under this Act shall be published in the *Fort St. George 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.

(4) 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.]

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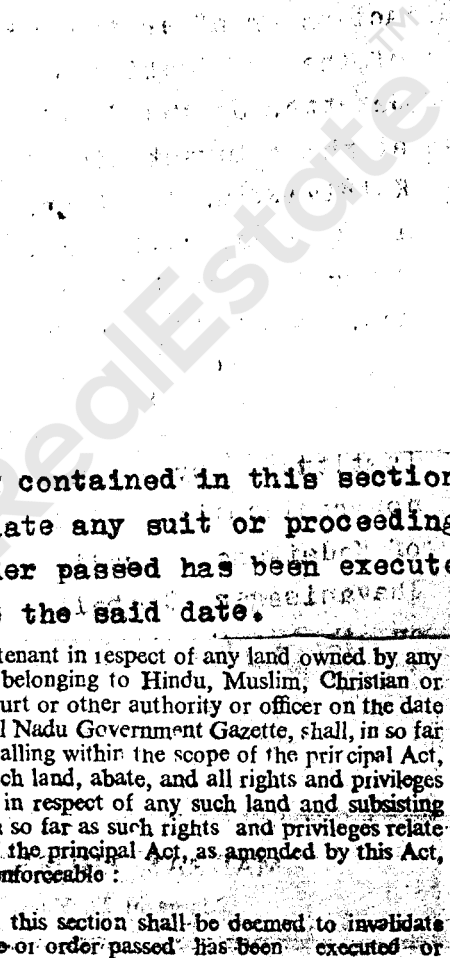
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Provided that nothing contained in this section shall be deemed to invalidate any suit or proceeding in which the decree or order passed has been executed or satisfied in full before the said date.

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3. Every proceeding instituted by a tenant in respect of any land owned by any religious institution or religious charity belonging to Hindu, Muslim, Christian or other religion and pending before any court or other authority or officer on the date of the publication of this Act in the Tamil Nadu Government Gazette, shall, in so far as the proceeding relates to any matter falling within the scope of the principal Act, as amended by this Act, in respect of such land, abate, and all rights and privileges which may have accrued to that tenant in respect of any such land and subsisting immediately before the said date shall in so far as such rights and privileges relate to any matter falling within the scope of the principal Act, 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 a decree or order passed has been executed or satisfied in full before the said date.



~~Certain provisions of TNA 2 of 1968 not incorporated in the Principal Act.~~

Savings: Anything done or any action taken (including any suit or proceeding instituted, decision or direction given, decree or order passed and any rights enjoyed or liability incurred) under the ~~provisions~~ provisions of the principal Act on or after the 9th January, 1974 and before the date of the publication of this Act in the Tamil Nadu Government Gazette, on the footing that the principal Act was in force at the relevant time in the townships of Kodaikanal, Avadi, Kathivakkam, Ambattur, Madhavaram, Bhavanisagar, Courtallam and Mettur shall be deemed to have been done or taken under the provisions of the principal Act, as amended by this Act, as if this Act had been in force at the relevant time.

10. Certain pending proceedings to abate. - Every proceeding instituted by a landlord in respect of any residential or non-residential building or part thereof situated in the townships of Kodaikanal, Avadi, Kathivakkam, Ambattur, Madhavaram, Bhavanisagar, Courtallam and Mettur and pending before any Court or other authority or officer on the date of the publication of this Act in the Tamil Nadu Government Gazette, shall, in so far as the proceeding relates to any matter falling within the scope of the principal Act, as amended by this Act, in respect of such building or part, abate, and all rights and privileges which may have accrued to that landlord in respect of any such building or part and subsisting immediately before the said date shall, in so far as such rights and privileges relate to any matter falling within the scope of the principal Act, as amended by this Act, cease and determine and shall not be ~~enforceable~~ enforceable. (P.T.O)

¹[TAMIL NADU] ACT No. 13 OF 1960.²

THE MADRAS CITY TENANTS' PROTECTION
(AMENDMENT) ACT, 1960

[Received the assent of the President on the 19th July 1960;
first published in the Fort St. George Gazette on the
27th July 1960 (Sravana 5,1882)].

An Act further to amend the Madras City Tenants'
Protection Act, 1921.

WHEREAS it is expedient further to amend the Madras
City Tenants' Protection Act, 1921 ([Tamil Nadu]¹ Act
III of 1922), for the purposes hereinafter appearing ;

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

1. This Act may be called the Madras City Tenants' ^{Short title.}
Protection (Amendment) Act, 1960.

2-8. [The amendments made by these sections have
already been incorporated in the principal Act, viz.,
the Madras City Tenants' Protection Act, 1921 (Tamil
Nadu Act III of 1922).]

9. Every proceeding pending before any Court, other ^{Certain pending}
than a proceeding relating to any property situated in— ^{proceeding to}
^{abate.}

(i) the City of Madras,

(ii) the municipal towns of Coimbatore, Madurai,
Salem and Tiruchirappalli, and

(iii) any village within five miles of the City of
Madras or of the municipal towns aforesaid,

on the date of the publication of this Act in the
*Fort St. George Gazette, and instituted under the provi-
sions

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 10th December 1959, Part IV-A,
pages 383-384.

*Now the Tamil Nadu Government Gazette.

of the principal Act, shall, in so far as such proceeding relates to non-residential buildings, abate, and all rights and privileges which may have accrued immediately before such date to any person in respect of any property situated in any area other than the areas referred to above by virtue of the principal Act, shall, in so far as they relate to non-residential buildings, 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.

[TAMIL NADU] ACT No. 16 OF 1964².
THE MADRAS CITY TENANTS' PROTECTION
(AMENDMENT) ACT, 1964.

[Received the assent of the President on the 27th August 1964, first published in the Fort St. George Gazette Extraordinary on the 1st September 1964 (Bhadra 10, 1886).]

An Act further to amend the Madras City Tenants' Protection Act, 1921.

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

1. This Act may be called the Madras City Tenants' Short title. Protection (Amendment) Act, 1964.

2. [The amendment made by this section has already been incorporated in the principal Act, viz., Tamil Nadu Act III of 1922.]

3. Every proceeding instituted by a landlord in respect of any non-residential building or part thereof situated in any municipal town specified in the notification issued under sub-clause (i) of clause (1) of section 2 of the principal Act as amended by this Act and the villages within five miles of such municipal town and pending before any court or other authority or officer on the date on which the said notification takes effect shall, in so far as the proceeding relates to any matter falling within the scope of the principal Act as amended by this Act in respect of such building or part, abate, and all rights and privileges which may have accrued to that landlord in respect of any such building or part and subsisting immediately before the date on which the notification aforesaid takes effect shall, in so far as such rights and privileges relate to any matter falling within the scope of the principal Act as amended by this Act, cease and determine and shall not be enforceable :

Certain pending proceedings to abate.

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 on which the notification aforesaid takes effect.

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.

²For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 22nd July 1964, Part IV—Section 3, pages 288—289.

³This 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.

[TAMIL NADU] ACT No. 37 OF 1965.²

**THE MADRAS CITY TENANTS' PROTECTION (AMENDMENT)
ACT, 1965.**

[Received the assent of the President on the 22nd January 1966, first published in the Fort St. George Gazette on the 2nd February 1966 (Magha 13, 1887).]

An Act further to amend the Madras City Tenants' Protection Act, 1921.

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

1. (1) This Act may be called the Madras City Tenants' Protection (Amendment) Act, 1965. Short title and commencement.

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

2-3. [The amendments made by these sections have already been incorporated in the principal Act, viz., the Madras City Tenants' Protection Act, 1921 (Tamil Nadu Act III of 1922).]

4. Notwithstanding anything contained in sub-section (2) of section 9-A of the principal Act, as amended by this Act, in the case of an appeal from an order passed by a court under section 6, section 7, section 7-A or section 9 of that Act before the date of the commencement of this Act, the period of limitation shall be— Saving of limitation in certain cases.

(i) thirty days next after the date of such commencement, or

(ii) the period prescribed for such appeal under sub-section (2) of the said section 9-A,

whichever period expires later.

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 4th November 1965, Part IV-Section 3, page 290.

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.

TAMIL NADU ACT NO. 4 OF 1972.*

**THE MADRAS CITY TENANTS' PROTECTION
(AMENDMENT) ACT, 1972.**

[Received the assent of the President on the 9th February 1972, first published in the Tamil Nadu Government Gazette Extraordinary on the 9th February 1972 (Magha 20, 1893).]

An Act further to amend the Madras City Tenants' Protection Act, 1921.

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

1. This Act may be called the Madras City Tenants' Short title. Protection (Amendment) Act, 1972.

2-3. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Madras City Tenants' Protection Act, 1921 (Tamil Nadu Act III of 1922).]

4. Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, any stipulations made by a tenant in writing registered as to the erection of buildings, in so far as they relate to buildings erected after the date of the contract shall, to the extent such stipulations take away or limit his rights under the principal Act as amended by this Act, be and shall be deemed always to have been, null and void and accordingly the tenant shall be, and shall be deemed always to have been, entitled to the rights under the principal Act as amended by this Act.

¹ This heading was substituted for the original heading "Validation" by section 4(i) of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette* Extraordinary, dated the 31st January 1972, Part IV—Section 3, Page 3.

Sections 3 and 4
not to apply,
if the landlord
has already
taken possession.

5. ¹[Subject to the provisions of sub-section (3-A) of section 9 of the principal Act, as amended by the Madras City Tenants' Protection (Amendment) Act, 1973] the amendment made to section 12 of the principal Act by section 3 of this Act and the provisions of section 4 of this Act shall not apply to any case where the landlord has, before the date of the commencement of this Act, ²[been delivered actual physical possession] of the land and building from the tenant.

¹This expression was inserted by section 4(ii)(1) of the Madras City Tenants' Protection (Amendment) Act, 1973 (Tamil Nadu Act 24 of 1973).

²These words were substituted for the words "taken possession" by section 4 (ii) (2), *ibid*.

TAMIL NADU ACT NO. 2 OF 1980.*

THE MADRAS CITY TENANTS' PROTECTION
(AMENDMENT) ACT, 1979.

[Received the assent of the President on the 27th February 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 3rd March 1980 (Masi 20, Chittarthi—2011—Thiruvalluvar Acandu).]

An Act further to amend the Madras City Tenants' Protection Act, 1921.

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

1. (1) This Act may be called the Madras City Tenants' Protection (Amendment) Act, 1979. Short title and commencement.

(2) The provisions of this Act, except sections 9 and 10, shall be deemed to have come into force on the 9th January, 1974.

2. In the long title of, and the preamble to, the Madras City Tenants' Protection Act, 1921 (Tamil Nadu Act III of 1922) (hereinafter referred to as the principal Act), for the words "municipal towns", the words "municipal towns and townships" shall be substituted. Amendment of long title of, and preamble to, Tamil Nadu Act III of 1922.

3. In section 1 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment of section 1, Tamil Nadu Act III of 1922.

"(2) (a) It extends to,—

(i) the City of Madras ;

(ii) the townships of Kodaikanal, Avadi, Kathi-wakkam, Ambattur, Madhavaram, Bhavanisagar, Court-allam and Mettur.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 29th October 1979, Part IV—Section 1, pages 385–386.

27 *Madras City Tenants' Protection* [1980 : T.N. Act 2
(Amendment)

(b) The State Government may, by notification in the *Tamil Nadu Government Gazette*, extend this Act with effect from such date as may be specified in the notification to,—

(i) any other municipal town ;

(ii) any other township ; or

(iii) any specified village within eight kilometres of the City of Madras, or of the townships referred to in sub-clause (ii) of clause (a), or of such other municipal town referred to in sub-clause (i) or township referred to in sub-clause (ii).” ;

(ii) in sub-section (3),—

(a) for the portion beginning with the words “This Act shall apply ” and ending with the words “such town or village”, the following shall be substituted, namely :—

“ This Act shall apply,—

(a) in the areas in which this Act is in force on the date of the publication of the *Madras City Tenants' Protection (Amendment) Act, 1979* in the *Tamil Nadu Government Gazette*, only to tenancies of land created before the date; and

(b) in any other area, only to tenancies of land created before the date with effect from which this Act is extended to such area by notification under clause (b) of sub-section (2).” ;

(b) in the first proviso, after clause (b), the following clause shall be inserted, namely :—

“(bb) in any township, by the township committee concerned;” ;

(iii) in sub-section (4), for the words “town or village”, the words “town, township or village” shall be substituted.

1980: T.N. Act 2] Madras City Tenants' Protection 3
(Amendment)

4. In section 2 of the principal Act,—

Amendment of
section 2,
Tamil Nadu
Act III of
1922.

(i) in clause (1), in sub-clause (i), for the portion beginning with the words "or such other municipal town" and ending with the words "town aforesaid", the following shall be substituted, namely:—

"in the townships of Kodaikanal, Avadi, Kathi-wakkam, Ambattur, Madhavaram, Bhavanisagar, Court-tallam and Mettur, or in such other municipal town or township as the Government may, by notification, specify, and in any village within eight kilometres of the City of Madras or of the municipal towns or town or township aforesaid ;" ;

(ii) after clause (3), the following clause shall be inserted, namely :—

"(3-A) 'municipal town' includes the City of Madurai ;" ;

(iii) after clause (4), for the following clause shall be added, namely :—

"(5) 'township' means a township constituted under the Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940), the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954), the Bhavanisagar Township Act, 1954 (Tamil Nadu Act XXV of 1954), or section 4 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), or any other township constituted under any other law for the time being in force."

5. In item (i) of clause (a) of sub-section (1) of section 9 of the principal Act, for the expression "within one month of the date of the Madras City Tenants' Protection (Amendment) Act, 1955, coming into force or of the date with effect from which this Act is extended to the municipal town or village in which the land is situate", the following shall be substituted, namely :—

Amendment of
section 9,
Tamil Nadu
Act III of
1922.

"within one month of the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1979 in the *Tamil Nadu Government Gazette* or of the date with effect from which this Act is extended to the municipal town, township or village in which the land is sitaute".

4 *Madras City Tenants' Protection* [1980 : T.N. Act 2
(Amendment)

Amendment of
section 10,
Tamil Nadu
Act III of
1922.

6. In section 10 of the principal Act,—

(i) in sub-section (1), for the expression “in the City of Madras, before the commencement of the Madras City Tenants' Protection (Amendment) Act, 1955, and in any municipal town or village, before the date with effect from which this Act is extended to such town or village”, the following shall be substituted, namely :—

“in the area in which this Act is in force on the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1979 in the *Tamil Nadu Government Gazette*, before the said date, and in any other area, before the date with effect from which this Act is extended to such area” ;

(ii) in sub-section (3), for the expression “at the commencement of the Madras City Tenants' Protection (Amendment) Act, 1955” the expression “on the date of the publication of the Madras City Tenants' Protection (Amendment) Act, 1979 in the *Tamil Nadu Government Gazette*” shall be substituted.

Amendment of
section 11,
Tamil Nadu
Act III of
1922.

7. In section 11 of the principal Act,—

(i) for the words “municipal town or village”, the words “municipal township or village” shall be substituted ;

(ii) for the word “municipality”, the words “municipality or township” shall be substituted.

Amendment of
section 13,
Tamil Nadu
Act III of
1922.

8. In section 13 of the principal Act, for the words “municipal town or village”, the words “municipal town, township or village” shall be substituted.

Savings.

9. Anything done or any action taken (including any suit or proceeding instituted, decision or direction given, decree or order passed and any rights enjoyed or liability incurred) under the provisions of the principal Act on or after the 9th January 1974 and before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, on the footing that the principal Act was in force at the relevant time in the townships of Kodikanal, Avadi, Kathiwakkam, Ambattur, Madhavaram, Bhavani-sagar, Courtallam and Mettur shall be deemed to have

been done or taken under the provisions of the principal Act, as amended by this Act, as if this Act had been in force at the relevant time.

10. Every proceeding instituted by a landlord in respect of any residential or non-residential building or part thereof situated in the townships of Kodaikanal, Avadi, Kathiwakkam, Ambattur, Madhavaram, Bhavanisagar, Courtallam and Mettur and pending before any Court or other authority or officer on the date of the publication of this Act in the *Tamil Nadu Government Gazette*, shall, in so far as the proceeding relates to any matter falling within the scope of the principal Act, as amended by this Act, in respect of such building or part, and all rights and privileges which may have accrued to that landlord in respect of any such building or part and subsisting immediately before the said date shall, in so far as such rights and privileges relate to any matter falling within the scope of the principal Act, 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 said date.



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 19]

MADRAS, THURSDAY, JANUARY 11, 1996

Margazhi 27, Yuva, Thiruvalluvar Aandu—2026

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 5th January 1996 and is hereby published for general information :—

ACT No. 2 OF 1996.

An Act further to amend the Madras City Tenants' Protection Act, 1921.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Madras City Tenants' Protection (Amendment) Act, 1994. Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act III of 1922.

2. In section 1 of the Madras City Tenants' Protection Act, 1921 (hereinafter referred to as the principal Act), in sub-section (3), in the first proviso, after clause (e), the following clause shall be added, namely :— Amendment of section 1.

“(f) by any religious institution or religious charity belonging to Hindu, Muslim, Christian or other religion.

Explanation.—For the purpose of this clause,—

(A) “religious institution” means any—

(i) temple ;

(ii) math ;

(iii) mosque ;

(iv) church ; or

(v) other place by whatever name known,

which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship ;

(B) "religious charity" means a public charity associated with a religious festival or observance of religious character (including a wakf associated with a religious festival or observance of religious character), whether it be connected with any religious institution or not :—

Certain pending proceedings to abate.

3. Every proceeding instituted by a tenant in respect of any land owned by any religious institution or religious charity belonging to Hindu, Muslim, Christian or other religion and pending before any court or other authority or officer on the date of the publication of this Act in the Tamil Nadu Government Gazette, shall, in so far as the proceeding relates to any matter falling within the scope of the principal Act, as amended by this Act, in respect of such land, abate, and all rights and privileges which may have accrued to that tenant in respect of any such land and subsisting immediately before the said date shall in so far as such rights and privileges relate to any matter falling within the scope of the principal Act, 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 a decree or order passed has been executed or satisfied in full before the said date.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.

GOVERNMENT

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