



The Tamil Nadu Cultivating Tenants (Special Provisions) Amendment Act,
1985

Act 41 of 1985

Keyword(s):
Evicted Cultivating Tenants

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Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the President on the 21st August 1985 and is hereby published for general information:—

ACT No. 41 OF 1985

An Act to amend the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984.

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

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Cultivating Tenants (Special Provisions) Amendment Act, 1985.

(2) The provisions of this Act, except sections 4 and 5, shall be deemed to have come into force on the 1st July 1984.

2. *Declaration.*—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in clause (c) of Article 39 of the Constitution.

3. *Amendment of section 5, Tamil Nadu Act 29 of 1984.*—In section 5 of the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984) (hereinafter referred to as the principal Act), in sub-section (1), for clauses (i) to (iv), the following clauses shall be substituted, namely:—

- “(i) the first instalment, on or before the 15th November 1985;
- (ii) the second instalment, on or before the 31st March 1986;
- (iii) the third instalment, on or before the 15th November 1986;
- and
- (iv) the fourth instalment, on or before the 31st March 1987.”

4. *Special provisions in respect of certain decrees and suits.*—Notwithstanding anything contained in the principal Act,—

(a) where a decree has been passed on or after the 1st July 1984 but before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, on the ground that the cultivating tenant has failed to pay the first, second and third instalments of the arrears of rent referred to in sub-section (1) of section 5 of the principal Act, on or before the 30th June 1984, 31st December 1984 and 30th June 1985, respectively, such decree shall not be executed, unless such cultivating tenant fails to make the payment of the said instalments, on or before the 15th November 1985, 31st March 1986 and 15th November 1986, respectively;

(b) where any suit has been filed on or after the 1st July 1984 and pending on the date of the publication of this Act in the *Tamil Nadu Government Gazette*, for the recovery of the first, second and third instalments of the arrears of rent referred to in clause (a), the court shall pass a decree for the payment of such instalments as would become payable under the provisions of sub-section (1) of section 5 of the principal Act, as amended by this Act.

5. *Right to restoration of possession of evicted cultivating tenants.*—(1) Notwithstanding anything contained in any judgment or decree or order of any court or competent authority and subject to the provisions of the principal Act, as amended by this Act, every cultivating tenant who had been evicted from any land on or after the 1st July 1984, but before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, on the ground that he has not paid on or before the 30th June 1984, 31st December 1984 and 30th June

1985, the first, second and third instalments respectively, of the arrears of rent referred to in sub-section (1) of section 5 of the principal Act, shall, on application to the competent authority, within such period as may be prescribed, be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the Tenants Protection Act or, under the Public Trusts Act, as the case may be.

(2) The provisions of sub-section (4) of section 4 of the Tenants Protection Act or, as the case may be, sub-section (2) of section 20 of the Public Trusts Act shall, so far as may be, apply to applications under sub-section (1).

(By order of the Governor.)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*