



The Tamil Nadu Cultivating Tenants (Protection From Eviction) Act, 1989

Act 41 of 1989

Keyword(s):

Cultivating Tenant, Public Trusts Act, Tenants Protection Act

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 24th November 1989 and is hereby published for general information :—

ACT No. 41 OF 1989.

An Act to provide for the protection from eviction of cultivating tenants who are in arrears with respect to the rent payable to the landlords.

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

Short title, extent, commencement and duration.

1. (1) This Act may be called the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1989.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 1st day of October 1986 and shall remain in force up to and inclusive of the 31st day of March 1990.

(4) Upon the expiry of this Act, the provisions of section 8 of the Tamil Nadu General Clauses Act, 1891 shall apply as if this Act had then been repealed by a Tamil Nadu Act.

Tamil Nadu Act 1 of 1891.

Definitions.

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

(a) "cultivating tenant" means—

(i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Protection Act; or

(ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act;

Tamil Nadu Act 57 of 1961.

(b) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961;

(c) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955;

Tamil Nadu Act XXV of 1955.

(d) words and expressions used and not defined in this Act but defined in the Tenants Protection Act or in the Public Trusts Act shall have the meanings respectively assigned to them in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

3. During the continuance of this Act,—

(i) no application under the Tenants Protection Act or under Chapter III of the Public Trusts Act shall be made by, or at the instance of a landlord or a Public trust, for the eviction of a cultivating tenant from his holding or any part thereof on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be;

(ii) no cultivating tenant shall be evicted from his holding or any part thereof by or at the instance of the landlord or the public trust concerned, whether in execution of a decree or order of a Court or otherwise on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be.

Explanation.—For the purposes of this section and sections 4 and 7, "rent" means rent accrued due on or before the 20th day of February 1989.

Cultivating tenant not to be evicted on the ground that he is in arrear.

4. (a) All applications under the Tenants Protection Act or under Chapter III of the Public Trusts Act; and

Stay of applications and suits for eviction of a cultivating tenant.

(b) all suits, proceedings in execution of decrees or orders and other proceedings,

for the eviction of a cultivating tenant, on the ground that he is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be, and pending before a Revenue Divisional Officer, an authorised officer, a Court or other authority, as the case may be, shall stand stayed.

5. In computing the period of limitation or limit of time prescribed for a suit or an application for the eviction of a cultivating tenant or an application for the execution of a decree or order for such eviction, the time during which he was protected by sections 3 and 4 from eviction shall be excluded.

Exclusion of time for limitation.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

6. All applications for the eviction of a cultivating tenant under the Tenants Protection Act or under Chapter III of the Public Trusts Act, as the case may be, and all suits and proceedings stayed under this Act, shall, after the expiration of this Act, be proceeded with subject to the provisions of any law which may then be in force, from the stage which had been reached when the application, suit or proceeding was stayed.

Continuance of applications and suits and proceedings after the expiration of the Act.

7. (1) Any cultivating tenant who had been evicted from any land on or after the 1st day of October 1986, but before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, on the ground that such cultivating tenant was in arrear with respect to the rent payable to the landlord or the public trust, as the case may be, shall, on application to the Revenue Divisional Officer or the authorised officer, as the case may be, within a period of three months after the date of such publication, 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:

Right to restoration of possession of evicted cultivating tenant.

Provided that the application may be received after the period of three months aforesaid, but before the expiry of this Act, if the applicant satisfies the Revenue Divisional Officer or the authorised officer, as the case may be, that he had sufficient cause for not making the application within the said period of three months.

(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 an application under sub-section (1).

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, the Public Trusts Act, the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980, the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Act, 1980, the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984, the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Special Provisions) Act, 1986, the Code of Civil Procedure, 1908 or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a Court or other authority.

Act to override other laws, contract, etc.

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

Tamil Nadu Act 1980.
Tamil Nadu Act 1980.
Tamil Nadu Act 1984.
Tamil Nadu Act 1986.
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