



The Tamil Nadu Land Encroachment Act, 1905

Act 3 of 1905

Keyword(s):

Checking Un-authorized Occupation, Government Land

Amendments appended: 26 of 1965, 20 of 1975, 1 of 1996

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¹[TAMIL NADU] ACT NO. III OF 1905².

[THE ¹[TAMIL NADU] LAND ENCROACHMENT ACT, 1905].

(Received the assent of the Governor on the 19th April 1905, and that of the Governor-General on the 22nd May 1905; the assent of the Governor-General was first published in the Fort. St. George Gazette on the 6th June 1905.)

An Act to provide measures for checking unauthorized occupation of lands which are ³[the property of Government].

Preamble.

WHEREAS it has been the practice to check the unauthorized occupation of lands which are ³[the property of Government] by the imposition of penal or prohibitory assessment or charge, and whereas doubts have arisen as to how far such practice is authorized by

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*, Part IV, dated the 23rd December 1904, page 595, for Report of the Select Committee, see *ibid*, dated the 27th February 1905, page 45; for Proceedings in Council, see *ibid*, dated the 28th February 1905, page 75 and *ibid*, dated the 18th April 1905, page 206.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shepottah taluk of the Tirunelveli district by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corresponding law in that territory.

This Act was extended to the added territories by section 12 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965) repealing the corresponding law in those territories.

³ The words "Crown property" were substituted for the words, "the property of Government" by the Adaptation Order of 1937 and the words "the property of Government" were substituted for "Crown property" by the Adaptation (Amendment) Order of 1950.

law and it is expedient to make statutory provision for checking such occupation; It is hereby enacted as follows :—

1. This Act may be cited as “The ¹[Tamil Nadu] Land Encroachment Act, 1905.” It extends to the whole of the ²[State of Tamil Nadu]. Short title and extent.

³[1-A. In this Act, unless the context otherwise requires, the expression “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.] Definition.

2. (1) All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark, and of rivers, streams, nalas, lakes and tanks, and ⁴[all back waters, canals and water-courses] and all standing and flowing water, and all lands, wherever situated, save in so far as the same are the property— Right of property in public roads, eic. waters and lands,

(a) of any zamindar, poligar, mittadar, shrotriendrar or inamdar or any person claiming through or holding under any of them, or

(b) of any person paying shist, kattubadi, jodi, poruppu or quit-rent to any of the aforesaid persons, or

(c) of any person holding under ryotwari tenure, ⁵[including that of a janmi in the Gudalur taluk of the

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

² This expression was substituted for the expression “ Presidency of Madras ” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

³ This section was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960.)

⁴ These words were substituted for the words “all canals and water-courses” by *ibid*.

⁵ These words were substituted for the words “including that of a janmi in Malabar, or of a wargdar in South Kanara” by the Madras Adaptation of Laws Order, 1957.

Nilgiris district] ¹[and in the transferred territory] or in any way subject to the payment of land-revenue direct to Government, or

(d) of any other registered holder of land in proprietary right, or

(e) of any other person holding land under grant from ²[the Government] otherwise than by way of licence,

and, as to lands, save also in so far as they are temple site or owned as house-site or backyard, are and are hereby declared to be ³[the property of Government] except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other land-owners, and to all customary rights legally subsisting.

(2) All public roads and streets vested in any local authority shall, for the purposes of this Act, be deemed to be ³[the property of Government].

Explanation.—In this section “high water mark” means the highest point reached by ordinary spring-tides at any season of the year.

Levy of
assessment
on lands un-
authorizedly
occupied.

3. “[Any person who shall unauthorizedly occupy in any area other than the transferred territory any land] which is ³[the property of Government], shall be liable to pay by way of assessment—

¹ These words were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

² The words “the Crown” were substituted for the word “Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.

³ The words “Crown property” were substituted for the words “the property of Government” by the Adaptation Order of 1937 and the words “the property of Government” were substituted for “Crown property” by the Adaptation (Amendment) Order of 1950.

These words were substituted for the words “Any person who shall unauthorizedly occupy any land” by section 4 of the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

(i) if the land so occupied forms an assessed survey number or part thereof, the full assessment of such number for the whole period of his occupation or a part thereof proportionate to the area occupied, as the case may be, provided that, for special reasons, the Collector [or subject to his control, the Tahsildar or Deputy Tahsildar] may impose the full assessment of such number or any lesser sum irrespective of the area occupied ;

(ii) if the land so occupied be unassessed, an assessment on the area occupied calculated for the same period at the rate imposed on lands of a similar quality in the neighbourhood, or at the highest dry wet rate of the village, as the case may be, or when no such rates exist in such manner as may be prescribed in rules or orders under section 8 :

Provided that payment of assessment under this section shall not confer any right of occupancy.

Explanation.—For the purposes of this section occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli.

[3-A. Any person who shall unauthorizedly occupy in the transferred territory any land which is the property of Government shall be liable to pay by way of assessment,—

Levy of assessment on lands unauthorizedly occupied in the transferred territory.

(a) if the land so occupied forms an assessed survey number or part thereof, such assessment for the whole period of his occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar, in accordance with such rate as may be prescribed;

(b) if the land so occupied be unassessed, such prohibitory assessment for the whole period of his

1 These words were inserted by Tamil Nadu Act VIII of 1914, section 2.

2 This section was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar :

Provided that payment of assessment or prohibitory assessment under this section shall not confer any right of occupancy.

Explanation.—For the purposes of this section, occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli.]

Conclusive-
ness of
decision as
to amount
of assessment.

4. The 1[*] decision as to the rate or amount of assessment payable under section 3 2[or section 3-A] shall be recorded in writing and shall not be questioned in any civil court.

Liability of
person un-
authorizedly
occupying
land to
penalty
after notice.

5. 3[Any person in any area other than the transferred territory liable to pay assessment under section 3] shall also be liable at the discretion of the Collector, 4[or subject to his control, the Tahsildar or Deputy Tahsildar] to pay in addition by way of penalty—

(i) if the land be assessed land, a sum not exceeding five rupees or, when ten times the assessment payable for one year under section 3 exceeds five rupees, a sum not exceeding ten times such assessment, provided that no penalty shall ordinarily be imposed in respect of the unauthorized occupation of such land for any period not exceeding one year ;

(ii) if the land be unassessed, a sum not exceeding ten rupees, or when twenty times the assessment payable for one year under section 3 exceeds ten rupees, a sum not exceeding twenty times such assessment.

¹ The word “ Collector’s ” was omitted by Tamil Nadu Act VIII of 1914, section 2.

² These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

³ These words were substituted for the words and figure “Any person liable to pay assessment under section 3 ” by *ibid*.

⁴ These words were inserted by Tamil Nadu Act VIII of section 2.

¹[5-A. Any person in the transferred territory liable to pay assessment under section 3-A shall also be liable at the discretion of the Collector or subject to his control, the Tahsildar or Deputy Tahsildar, to pay in addition by way of penalty, whether the land is assessed or unassessed, a sum not exceeding two hundred rupees.] Liability of person unauthorizedly occupying land to penalty after notice in the transferred territory.

²[5-B. Before taking proceedings under section 5 or section 5-A, the Collector, or Tahsildar or Deputy Tahsildar or Revenue Inspector, shall cause to be served in the manner provided in section 7 on the person reputed to be in unauthorized occupation of land being the property of Government, a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 5 or section 5-A : Notice before proceeding under section 5 or section 5-A.

Provided that where the notice under this section is caused to be served by the Revenue Inspector he shall require the person reputed to be in unauthorized occupation of the land to show cause against such notice to the Tahsildar or Deputy Tahsildar having jurisdiction and shall also make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Tahsildar or Deputy Tahsildar having jurisdiction.]

6. (1) Any person unauthorizedly occupying any land for which he is liable to pay assessment under section 3 ³[or section 3-A] may be summarily evicted by the Collector, ⁴[or subject to his control, by the Liability of person unauthorizedly occupying land to summary eviction,

¹ This section was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

² This section was inserted by section 2 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965),

³ These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

⁴ These words were inserted by section 3 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965.)

for forfeiture of
crops, etc.

Tahsildar or Deputy Tahsildar or any other officer authorized by the State Government in this behalf (hereinafter referred to as the 'authorized officer'), and any crop or other product raised on the land shall be liable to forfeiture and any building or other construction erected or anything deposited thereon shall also, if not removed by him after such written notice as the Collector ¹[or subject to his control, the Tahsildar or Deputy Tahsildar or authorized officer] may deem reasonable, be liable to forfeiture. Forfeitures under this section shall be adjudged by the Collector ¹[or subject to his control by the Tahsildar or Deputy Tahsildar or authorized officer] and any property so forfeited shall be disposed of as the Collector ²[or subject to his control, the Tahsildar or Deputy Tahsildar or authorized officer] may direct.

Model of evic-
tion.

(2) An eviction under this section shall be made in the following manner, namely:—By serving a notice in the manner provided in section 7 on the person reputed to be in occupation or his agent requiring him within such time as the Collector ¹[or the Tahsildar or Deputy Tahsildar or the authorized officer] may deem reasonable after receipt of the said notice to vacate the land, and, if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and if the officer removing any such person shall be resisted or obstructed by any person, the Collector ¹[or the Tahsildar or Deputy Tahsildar or authorized officer] shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance commit him to close custody in the office of the Collector ²[or of any Tahsildar or Deputy Tahsildar or authorized

¹ These words were inserted by section 3 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

² These words were substituted for the words "or of any Tahsildar or Deputy Tahsildar" as by *ibid.*

officer] for such period not exceeding 30 days as may be necessary to prevent the continuance of such obstruction or resistance or may send him with a warrant in the form of the schedule for imprisonment in the civil jail of the district for the like period :

Provided that no person so committed or imprisoned under this section shall be liable to be prosecuted under sections 183, 186 or 188 of the Indian Penal Code in respect of the same facts.

¹[(3) Any authorized officer taking proceedings under this section shall make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction.]

7. Before taking proceedings ²[under section 6] Prior notice to the Collector ³[or Tahsildar, ⁴(or Deputy Tahsildar or Revenue Inspector or any authorized officer or any officer of the Highways Department not below the rank of a Section Officer and not being an authorized officer) as the case may be] shall cause to be served on the person reputed to be in unauthorized occupation of land being ⁵[the property of Government] a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against ²[under section 6].

¹ This sub-section was added by section 3 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

² These words and figure were substituted by section 4 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965) for the words, figure and letter "under section 5, section 5-A or section 6" which were substituted for the words and figures "under section 5 or section 6" by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

³ The words "or Tahsildar, or Deputy Tahsildar, as the case may be" were inserted by the Tamil Nadu Act VIII of 1914, section 2.

⁴ These words were substituted for the words "or Deputy Tahsildar" by section 4 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

⁵ The words "Crown property" were substituted for the words "the property of Government" by the Adaptation Order of 1937 and the words "the property of Government" were substituted for "Crown property" by the Adaptation (Amendment) Order of 1950.

Such notice shall be served in the manner prescribed in section 25 of the ¹[Tamil Nadu] Revenue Recovery Act, 1864, or in such other manner as the ^{II} of 186²[State Government] by rules or orders under section 8 may direct :

³[Provided that no such notice shall be necessary in the case of any person unauthorizedly occupying any land, if he has been previously evicted from such land under section 6 or if he has previously vacated such land voluntarily after the receipt of a notice under section 5-B or under this section :

Provided further that where the notice under this section is caused to be served by any Revenue Inspector or any officer of the Highways Department not below the rank of a Section Officer and not being an authorized officer, he shall require the person reputed to be in unauthorized occupation of the land to show cause against such notice to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction and shall also make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction.]

Power to make rules.

8. ⁴[(1)] The ²[State Government] may make rules or orders either generally or in any particular instance—

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 The words " provincial Government " were substituted for the words " Local Government " by the Adaptation Order, 1937 and the word " State " was substituted for " provincial " by the Adaptation Order of 1950.

³ These provisos were added by section 4 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

⁴ The original section 8 was renumbered as sub-section (1) of that section by section 5, *ibid*.

(a) regulating the rates of assessment leviable under section 3 ¹[or section 3-A] ;

(b) regulating the imposition of penalties under section 5 ¹[or section 5-A] ;

(c) declaring that any particular land or class of lands which are ²[the property of Government] shall not be open to occupation ;

(d) regulating the service of notices under this Act ³[and prescribing the form of such notices] ;

⁴[(e) specifying the particulars to be contained in the report under the proviso to section 5-B, under sub-section (3) of section 6 and under the second proviso to section 7 ;

(f) regulating the procedure to be followed in appeals and revisions under this Act; and

(g) for the purpose of carrying into effect the provisions of this Act].

⁵[* * * * *].

⁶[(2) All rules and orders made under this section 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.

¹ These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

² The words " Crown property " were substituted for the words " the property of Government " by the Adaptation Order of 1937 and the words " the property of Government " were substituted for " Crown property " by the Adaptation (Amendment) Order of 1950.

³ These words were added by section 5 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

⁴ These clauses were added by *ibid.*

⁵ The sentence " Such general rules or orders shall be made only after previous publication " was omitted by *ibid.*

These sub-sections were added by *ibid.*

(3) Every rule and every order made under this section 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 order or both Houses agree that the rule or order should not be made, the rule or order 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 or order].

Recovery of
assessment or
penalty levied
as arrears of
land-revenue.

9. The amount of assessment and penalty imposed under this Act on any person unauthorizedly occupying any land shall be deemed to be land-revenue and may be recovered from him as arrears of land-revenue under the provisions of the ¹[Tamil Nadu] Revenue Recovery Act, 1864, or the Madras City Land-Revenue (Amendment) Act, 1867, as the case may be.

¹[Tamil
Nadu]
Act II of
1864.
Madras
Act VI of
1867.

Appeal.

²[10. ³(*) An appeal shall lie (a) to the Collector from any decision or order passed by a Tahsildar or Deputy Tahsildar [or an authorized officer] under this Act, and (b) to the District Collector from any decision or order of a Collector passed otherwise than on appeal, and (c) to the Board of Revenue from any decision or order of a District Collector passed otherwise than on appeal.⁵ [* * * *]

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 This section was substituted by Tamil Nadu Act VIII of 1914.

³ The brackets and figure "(1)" were omitted by section 6 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

⁴ These words were inserted by *ibid.*

⁵ The sentence "There shall be no appeal against a decision or order passed by the Collector or the District Collector on appeal, but the District Collector may revise any decision or order passed by a Deputy Tahsildar, Tahsildar or Collector under this Act, and the Board of Revenue may revise any decision or order passed by any officer under this Act" was omitted by *ibid.*

1[* * * * .]

²[10-A. (1) Any decision or order passed under Revision, this Act may be revised either *suo motu* or on application—

(a) by the District Collector, if such decision or order was passed by an authorized officer or a Deputy Tahsildar, Tahsildar or Collector ;

(b) by the Board of Revenue, if such decision or order was passed by any officer ;

(c) by the State Government, if such decision or order was passed by the Board of Revenue.

(2) The power conferred by sub-section (1) shall not be exercised except on the ground that the officer or authority whose decision or order is sought to be revised appears to have exercised a jurisdiction not vested in him or it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of his or its jurisdiction illegally or with material irregularity.

(3) No decision or order shall be passed under sub-section (1) prejudicial to any person without giving such person a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration, before such decision or order is passed.

10-B. Pending the disposal of any appeal or application or proceedings for revision under this Act, the Collector, the District Collector, the Board of Revenue, or the State Government, as the case may be, may by order, and subject to such conditions as may be specified therein, stay the execution of the decision or order appealed against or sought to be revised.] Stay pending decision in appeal or revision.

¹ Sub-section (2) was omitted by section 6 of the Tamil Nadu Land Encroachment (Amendment) Act, 1985 (Tamil Nadu Act 26 of 1985).

² These sections were inserted by section 7, *ibid.*

Limitation for
appeal and
revision.

¹[11. (1) No appeal shall be preferred under section 10 after the expiration of thirty days from the date on which the decision or order appealed against was received by the appellant.

(2) No application for revision shall be preferred under sub-section (1) of section 10-A after the expiration of thirty days from the date on which the decision or order sought to be revised was received by the applicant.

(3) In computing the period of thirty days referred to in sub-sections (1) and (2), the time required to obtain a copy of the decision or order appealed against or sought to be revised shall be excluded.

(4) Notwithstanding anything contained in sub-sections (1) and (2), the officer or authority concerned or the State Government may admit an appeal or application preferred after the period specified therein, if such officer or authority or Government is or are satisfied that the appellant or applicant had sufficient cause for not preferring the appeal or application within that period.]

Document
accompanying
petition of
appeal ²(or
application for
revision).

12. Every petition of appeal ³[or application for revision] under this Act shall be accompanied by the decision or order appealed against ³[or sought to be revised] or by an authenticated copy of the same.

Saving of operations of other laws in force.

13. Nothing in this Act contained shall be construed as exempting any person unauthorizedly occupying land from liability to be proceeded against under any other law for the time being in force:

Provided that if any penalty has been levied from any person under section 5 ⁴[or section 5-A] of this Act, no similar penalty shall be levied from him under any other law in respect of such occupation.

¹ This section was substituted for the original section 11 by section 8 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

² These words were added by section 9 (i), *ibid*.

³ These words were inserted by section 9 (ii), *ibid*.

⁴ These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960).

14. Nothing contained in this Act shall be held to prevent persons deeming themselves aggrieved by any proceedings under this Act except as herein before provided, from applying to the civil courts for redress; provided that the civil courts shall not take cognizance of any suit instituted by such person for any such cause of action ^{in law} such suit shall be instituted within six months under ^{the} ~~you~~ the time at which the cause of action arose ^{body for}

Saving of suits by persons aggrieved by proceedings under Act.

Explanation.—The cause of action shall be deemed to have arisen—

(a) in respect of any assessment or penalty, on the date on which such assessment or penalty was levied;

(b) in respect of eviction or forfeiture, on the date of eviction or forfeiture.

15. Every proceeding taken by a Collector for the recovery of any sum of money by way of penal or prohibitory assessment or charge from any person who has unauthorisedly occupied any land hereby declared to be [the property of Government] shall, if such sum has been recovered prior to the passing of this Act, be deemed to have been lawfully taken, provided that this section shall not apply to any suits pending when this Act comes into force in a Court of First Instance or in a Court of Appeal or affect the validity and operation of any decree or order already passed by a court of competent jurisdiction.

Validation of levy of penal assessment before the passing of Act. Saving of pending suits.

²[15-A. Where a lease of land which is the property of the Government expires or is terminated by the Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or

Certain persons deemed to be in unauthorized occupation of land.

¹ The words "Crown property" were substituted for the words "the property of Government" by the Adaptation Order of 1937 and the words "the property of Government" were substituted for "Crown property" by the Adaptation (Amendment) Order of 1950.

² This section was inserted by section 2 of the Madras Land Encroachment (Amendment) Act, 1950 (Madras Act XXIX of 1950).

where land granted to any person is liable to be resumed by the Government for the breach or non-observance of any of the conditions subject to which the grant is made and the Government or any other authority competent in that behalf have passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders, shall, for the purposes of sections 3 to 15, be deemed to be a person unauthorizedly occupying such land.]

Saving of lands claimed by right of escheat or reversion.

16. Nothing in this Act ¹[save as provided in section 15-A], shall apply to any lands, claimed by right of escheat, ²[] or reversion until such [lands have been reduced into possession by ³[the State Government].

SCHEDULE.

FORM OF WARRANT TO BE ISSUED ⁴[* * *]
UNDER SECTION 6.



To

The Officer in charge of the Civil Jail at

Whereas A.B. of has resisted (or obstructed) C.D. in removing E.F. (or himself, that is, the said

¹ These words, figures and letter were inserted by section 3 of the Madras Land Encroachment (Amendment) Act, 1950 (Madras Act XXIX of 1950).

² The word "resumption" was omitted by *ibid*.

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "BY THE COLLECTOR" were omitted by section 10 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965).

A.B.) from certain land in the village of _____ in the _____ taluk, and whereas it is necessary in order to prevent the continuance of such obstruction (or resistance) to commit the said A.B. to close custody, you are hereby required under the provisions of section 6 of the ¹[Tamil Nadu] Land Encroachment Act, 1905, to receive the said A.B. into the jail under your charge and there to keep him in safe custody for _____ days

Dated this _____

day of _____

² [Signature of _____

Collector

Tahsildar

Deputy Tahsildar

[Authorized Officer.]

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 This was substituted for the brackets and words "(Signature of Collector)" by section 10 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 28 of 1965).

¹[TAMIL NADU] ACT No. 26 OF 1965.²THE ¹[TAMIL NADU] LAND ENCROACHMENT
(AMENDMENT) ACT, 1965.

[Received the assent of the President on the 10th November 1965, first published in the Fort St. George Gazette on the 24th November 1965 (Agrahayana 3, 1887).]

An Act further to amend the ¹[Tamil Nadu] Land Encroachment Act, 1905.

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

Short title.

1. This Act may be called the ²[Tamil Nadu] Land Encroachment (Amendment) Act, 1965.

2-10. [The amendments made by these sections have already been incorporated in the principal Act, viz., the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905).]

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 28th July 1965, Part IV—Section 3, page 122.

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.

11. Notwithstanding any judgment, decision or order of any court, anything done or any action taken or any decision or order passed by the State Government before the date of publication of this Act in the **Fort St. George Gazette*, shall not be deemed to be invalid merely by reason of the fact that the State Government had, before such publication, no power to revise any decision or order passed by the † Board of Revenue. Certain orders passed not to be deemed invalid.

12. (1) The principal Act, as in force immediately before the commencement of this Act in the ²[State of Tamil Nadu] except in the added territories and as amended by this Act (hereinafter in this section referred to as the ¹[Tamil Nadu Act]), is hereby extended to, and shall be in force in, the added territories. Extension of ¹[Tamil Nadu Act] III of 1905 to the added territories, repeal and savings.

(2) If, immediately before the commencement of this Act, there is in force in the added territories any law corresponding to the ¹[Tamil Nadu Act], such corresponding law shall stand repealed on such commencement.

¹ This expression was substituted for the expression "Madras Act" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

² 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.

* Now the *Tamil Nadu Government Gazette*.

† By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

(3) The repeal by sub-section (2) of any law corresponding to the ¹[Tamil Nadu Act] in force in the added territories immediately before the commencement of this Act shall not affect—

(a) the previous operation of any such law or anything duly done or suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the ¹[Tamil Nadu Act] and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the ¹[Tamil Nadu Act].

(5) For the purpose of facilitating the application of the ¹[Tamil Nadu Act] in the added territories, any court or other authority may construe the ¹[Tamil Nadu Act] with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

¹ This expression was substituted for the expression "Madras Act" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

(6) Any reference in the ¹[Tamil Nadu Act] to a law which is not in force in the added territories shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories.

(7) Any reference in any law which continues to be in force in the added territories after the commencement of this Act to any law repealed by sub-section (2) shall, in relation to those territories, be construed as a reference to the ¹[Tamil Nadu Act].

Explanation.—For the purpose of this section, the expression “added territories” shall mean the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

¹ This expression was substituted for the expression “ Madras Act ” by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

TAMIL NADU ACT NO. 20 OF 1975.*

**THE TAMIL NADU LAND ENCROACHMENT
(AMENDMENT) ACT, 1975.**

[Received the assent of the President on the 2nd July 1975, first published in the Tamil Nadu Government Gazette Extraordinary, on the 8th July 1975 (Aani 24, Iratchasa (2006—Tiruvalluvar Aandu)).]

**An Act further to amend the Tamil Nadu Land
Encroachment Act, 1905.**

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

1. (1) This Act may be called the Tamil Nadu Land Encroachment (Amendment) Act, 1975. Short title
and com-
mencement.

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

2. In section 7 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) (hereinafter referred to as the principal Act),— Amendment
of section
7, Tamil
Nadu Act
III of 1905.

(i) in the opening paragraph, for the words “any officer of the Highways Department not below the rank of a Section Officer and not being an authorised officer”, the words and brackets “any other officer specified by the State Government in this behalf (not being an authorised officer) (hereinafter referred to as the ‘specified officer’)” shall be substituted;

(ii) in the second proviso,—

(a) for the words “any officer of the Highways Department not below the rank of a Section Officer and not being an authorised officer”, the words “any specified officer” shall be substituted;

(b) for the words “or Deputy Tahsildar having jurisdiction”, in the two places where they occur, the words “Deputy Tahsildar or authorised officer having jurisdiction, as the case may be” shall be substituted.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 8th March 1975, Part IV—Section 1, Pages 59–60.

Amendment
of section 10,
Tamil Nadu
Act III of
1905.

3. In section 10 of the principal Act,—

(i) in clause (a), the words “or an authorised officer” shall be omitted;

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

“(aa) to such officer as may be specified by the State Government in this behalf (hereinafter referred to as the appellate authority) from any decision or order passed by an authorised officer under this Act and different appellate authorities may be specified for different classes of cases; and”.

Amendment
of section
10-A,
Tamil Nadu
Act III of
1905.

4. In sub-section (1) of section 10-A of the principal Act,—

(i) in clause (a), the words “an authorised officer or” shall be omitted;

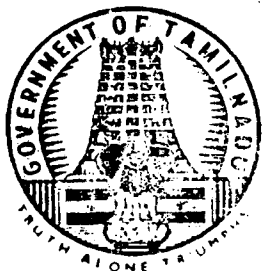
(ii) in clause (b), the words “other than the appellate authority” shall be added at the end;

(iii) in clause (c), for the words “by the Board of Revenue”, the words “by the appellate authority or the *Board of Revenue” shall be substituted.

Amendment
of section
10-B, Tamil
Nadu Act
III of 1905.

5. In section 10-B of the principal Act, after the words “the District Collector”, the words “the appellate authority” shall be inserted.

* By virtue of section 10 (1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be a reference to the State Government.



TAMIL NADU
GOVERNMENT GAZETTE
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MADRAS, WEDNESDAY, JANUARY 10, 1996
MARGAZHI 26, 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 3rd January, 1996 and is hereby published for general information:—

ACT No. 1 OF 1996.

An Act further to amend the Tamil Nadu Land Encroachment Act, 1905.

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

1. This Act may be called the Tamil Nadu Land Encroachment (Amendment) Act, 1993. Short title.

Tamil Nadu Act
III of 1905.

2. In section 4 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as the principal Act), the words “and shall not be questioned in any civil court” shall be omitted. Amendment section 4.

3. In sections 10, 10-A and 10-B of the principal Act, for the words “Board of Revenue” wherever they occur, the words “Commissioner of Land Administration” shall be substituted. Amendment sections 10, 10-A and 10-B.

Substitution
of section 14.

of 4. For section 14 of the principal Act, the following section shall be substituted, namely :—

"14. *Bar of jurisdiction of courts.*—Notwithstanding anything in any law for the time being in force no order passed or proceeding taken by any authority or the State Government under this Act shall be called in question in any court, in any suit or application and no injunction shall be granted by any court in respect of any action taken or to be taken by such officer or authority or the State Government in pursuance of any power conferred by or under this Act."

Construction of
references.

In the application of any rule, by-law, regulation, notification, order or other instrument made or issued under the principal Act, any reference to the Board of Revenue shall, unless the context otherwise requires, be deemed to be a reference to the Commissioner of Land Administration.

(By Order of the Governor)

M. MUNIRAMAYYAR
Secretary to Government
Law Department