The Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971

Act 40 of 1971

Keyword(s):
Agricultural Labourer, Agricultural Land, Agriculturist, Kudiyiruppu, Person Interested, Plantation, Plantation Labourer, Tenant, Vested Kudiyiruppu or Superstructure

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THE TAMIL NADU OCCUPANTS OF KUDIYIRUPPU (CONFERMENT OF OWNERSHIP) ACT, 1971.

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TAMIL NADU ACT No. 40 OF 1971.*

THE TAMIL NADU OCCUPANTS OF KUDIYIRUPPU (CONFERMENT OF OWNERSHIP) ACT, 1971 †.

[*Received the assent of the President on the 20th December* 1971, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the 24th December* 1971 (*Pausa* 3, 1893).]

An Act to provide for the conferment of ownership rights on occupants of kudiyiruppu in the State of Tam Nadu.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971.

(2) The Government may, by notification, direct that this Act shall come into force in any area on such date as may be specified in the notification and different dates may be appointed for different areas.

Definitions.

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

(1) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land [1][but does not include a plantation labourer] ;

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* For Statement of Objects and Reasons *see Tamil Nadu Government Gazette* Extraordinary, dated the 27th July 1971 Part IV—Section 3, page 681.

† The operation of this Act shall not be affected by the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Re-enacting Act, 1975(Tamil Nadu Act 23 of 1975) or the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961) as re-enacted by Tamil Nadu Act 23 of 1975—Please see section 4 of Tamil Nadu Act 23 of 1975.

[1] These words were added by section 2(i) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1974 (Tamil Nadu Act 17 of 1974).

(2) "agricultural land" means any land used for any of the following purposes, namely :—

(*a*) horticulture ;

(*b*) the raising of crops, grass or garden produce;

(*c*) grazing ;

(*d*) the raising of manure crops ;

(*e*) dairy farming ;

(*f*) poultry farming ;

(*g*) livestock breeding ;

(*h*) growing of trees ; and

(i) includes any land used for any purpose subservient to the above purposes, any forest land, pasture land [1][* * *] orchard and tope, but

(ii) does not include [2][plantation or land held for ancillary purposes of plantation or] house-site or land used exclusively for non-agricultural purposes ;

(3) "agriculturist" means a person who cultivates agricultural land by the contribution of his own manual labour or of the manual labour of any member of his family ;

(4) "authorised officer" means any [3][Revenue Officer not below the rank of Tahsildar] authorised by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorised officer under this Act, for such area as may be specified in the notification ;

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[1] The word "plantation" was omitted by section 2(ii) (*a*) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1974 (Tamil Nadu Act 17 of 1974).

[2] These words were inserted by section 2(ii)(b), *ibid.*

[3] These words were substituted for the words "Gazetted Officer" by section 3 of the Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1982 (Tamil Nadu Act 35 of 1982).

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(5) " Court " means—

(i) in the City of Madras, the Madras City Civil Court ; and

(ii) elsewhere, the Subordinate Judge's Court having jurisdiction and if there is no such Subordinate Judge's Court, the District Court having jurisdiction ;

(6) " date of the commencement of this Act " means in relation to any area, the date on which the notification under sub-section (2) of section 1 is published in the *Tamil Nadu Government Gazette*, in relation to that area ;

(7) " Government " means the State Government;

(8) " kudiyiruppu " means the site of any dwelling house or hut occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer and includes such other area adjacent to the dwelling house or hut as may be necessary for the convenient enjoyment of such dwelling house or hut;

[1][*Explanation* I].—It shall be presumed that any person occupying the kudiyiruppu is an agricultural labourer or an agriculturist, until the contrary is proved.

[2][*Explanation* II.—In determining the question whether for the purposes of clause (8), any area adjacent to the dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut—

(i) the area which the agriculturist or agricultural labourer had been enjoying immediately before the 19th June 1971, and

(ii) such other factors as may be prescribed, shall be taken into account;]

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[1] This Explanation was numbered as Explanation I by section 2(*a*) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

[2] This Explanation was inserted by section 2(*a*), *ibid*.

(9) "person interested" in relation to any kudiyiruppu or superstructure thereon includes any person claiming, or entitled to claim, an interest in the compensation payable on account of the vesting of that kudiyiruppu or superstructure in the occupant of the kudiyiruppu;

[1][(9-A) "plantation" means any land used for growing all or any of the following, namely, cardamom, cinchona, coffee, rubber or tea ;

(9-B) "plantation labourer" means a person whose principal means of livelihood is the income he gets as wages for his manual labour on plantation;]

(10) "Schedule" means the Schedule appended to this Act ;

(11) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under a tenancy agreement, express or implied, and includes his heirs and legal representatives ;

(12) "vested kudiyiruppu or superstructure" means the kudiyiruppu or the superstructure which has vested absolutely in the occupant of the kudiyiruppu [2][under the provisions of this Act].

Occupant of kudiyiruppu to become owner.

3. (1) [3][Save as otherwise provided in this Act, any agriculturist] or agricultural labourer who was occupying any kudiyiruppu on the 19th June 1971, either as tenant or as licensee shall, with effect from the date of the commencement of this Act, be the owner of such kudiyiruppu and such kudiyiruppu shall vest in him absolutely free from all encumbrances.

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[1] These clauses were inserted by section 2(iii) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1974 (Tamil Nadu Act 17 of 1974).

[2] These words were substituted for the expression "under section 3" by section 2(b) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

[3] These words were substituted for the words "Any agriculturist" by section 3(i), *ibid.*

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(2) Where, in the case of an occupant of kudiyiruppu [1][in whom such kudiyiruppu vests under sub-section (1),] the superstructure belongs to any person other than such occupant, such superstructure shall also, with effect from the date of the commencement of this Act, vest in such occupant absolutely free from all encumbrances.

[2][(3) Nothing in sub-section (1) shall be deemed to confer the right of ownership of kudiyiruppu on any agriculturist or agricultural labourer if he already owns a dwelling house or hut or a house-site, within a distance of one kilometre from the kudiyiruppu referred to in sub-section (1) :

Provided that the site on which the dwelling house or hut is erected or the house-site concerned is more than three cents in extent.]

Provision of alternative site in certain cases.

[3][3-A. (1) (*a*) Where on application by the owner, the authorised officer is satisfied that the kudiyiruppu referred to in sub-section (1) of section 3 (hereinafter referred to as the "existing kudiyiruppu") is located in any portion of any land and that the vesting of any such kudiyiruppu in any agriculturist or agriucltural labourer may cause inconvenience for the convenient enjoyment of such land as a whole by the owner of such land, the authorised officer may, by an order in writing, permit the owner of such land to provide an alternative site within the same land or in any other land already owned by such owner, within such distance and within such period as may be prescribed, for the occupation of the agriculturist or agricultural labourer concerned.

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[1] This expression was substituted for the expression "referred to in sub-section (1)" by section 3(ii) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

[2] This sub-section was added by section 3(iii) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

[3] Sections 3-A and 3-B were inserted by section 4 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

(*b*) The alternative site shall satisfy the following conditions, namely :—

(i) it shall be fit for erection of a dwelling house or hut, if there is not already such dwelling house or hut on the site,

(ii) its extent shall not be less than the extent of the existing kudiyiruppu, subject to a minimum of three cents, and

(iii) such other conditions as may be prescribed.

(2) The authorised officer while granting permission under sub-section (1) shall also direct the payment, by the owner to the agriculturist or agricultural labourer, within such time as may be prescribed, of reasonable costs as decided by the authorised officer for shifting of the resident to the alternative site including the cost for erecting a superstructure on the said site. The authorised officer shall, before granting permission under sub-section (1), satisfy himself that the conditions mentioned in sub-section (1) are satisfied :

Provided that before granting such permission, the authorised officer shall give an opportunity of being heard to the agriculturist or agricultural labourer concerned :

Provided further that the authorised officer shall not grant such permission if the alternative site is not already owned by such owner.

(3) If such owner fails to provide the alternative site as permitted by the authorised officer within the prescribed time or fails to comply with any direction given under sub-section (2) in regard to payment of costs, the agriculturist or agricultural labourer shall be entitled to the ownership of the existing kudiyiruppu under sub-section (1) of section 3.

(4) If such owner provides an alternative site in pursuance of the permission granted under sub-section (1), the agriculturist or agricultural labourer concerned shall be given an opportunity to occupy the alternative site and he shall be deemed to have become the owner of such kudiyiruppu, from the date on which he so occupies the alternative site. Such alternative kudiyiruppu shall, with

effect from such date, be deemed to have vested in him absolutely free from all encumbrances and the site of the existing kudiyiruppu shall revert to the owner.

(5) Where any agriculturist or agricultural labourer fails or refuses to shift to the alternative site provided by the owner in pursuance of a permission granted under sub-section (1) within such time as may be prescribed, such agriculturist or agricultural labourer shall not be entitled to the benefits of this Act, but shall be entitled to the protection under the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961).

Authorised officer to decide whether a person is an agriculturist or agricultural labourer, etc.

3-B. (1) If any question arises—

(*a*) whether any person is an agriculturist or an agricultural labourer, or

(*b*) whether any land is an agricultural land, or

(*c*) whether any site is a kudiyiruppu, or

(*d*) whether any area adjacent to a dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut ;

such question shall be decided by the authorised officer.

(2) In deciding any question under sub-section (1), the authorised officer shall follow such procedure as may be prescribed.]

Decision by authorised officer.

4. (1) If any dispute arises whether any agriculturist or agricultural labourer was occupying any kudiyiruppu on the 19th June 1971, for purposes of section 3 of this Act, such dispute shall be decided by the authorised officer.

(2) In deciding the dispute under sub-section (1), the authorised officer shall follow such procedure as may be prescribed.

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Appeal,

5. (1) Any person aggrieved by [1][any decision or order of the authorised officer [2](under section 3-A or section 3-B or section 4) or section 15-A] may, within such period, as may be prescribed, appeal to the District Collector or such officer as may be specified by the Government in this behalf.

(2) In deciding the appeal under sub-section (1), the District Collector or the officer referred to in sub-section (1) shall follow such procedure as may be prescribed.

Right to receive compensation.

6. Every person having any interest in any vested kudiyiruppu or superstructure shall be entitled to receive and be paid compensation as hereinafter provided.

Compensation.

7. (1) The compensation payable in respect of any vested kudiyiruppu or superstructure shall be as specified in the Schedule.

(2) The authorised officer shall, after holding an enquiry in the prescribed manner, determine by order the amount of compensation under sub-section (1) and publish the said order in the District Gazette. A copy of the said order shall be communicated to the person who is the owner of the kudiyiruppu or superstructure immediately before the date of the commencement of this Act and every person interested therein.

(3) Where the owner of the kudiyiruppu and the owner of the superstructure on such kudiyiruppu are different, the authorised officer shall apportion the amount of compensation between the owner of the kudiyiruppu and the owner of the superstructure.

Appeal against order of compensation.

8. Any person who does not agree to the amount of compensation determined by the authorised officer under sub-section (2) of section 7 may prefer an appeal to the Court within such period as may be prescribed.

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[1] The expression "any decision or order of the authorised officer under section 4 or section 15-A" was substituted for the expression "the decision of the authorised officer under section 4" by section 3 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1974 (Tamil Nadu Act 17 of 1974).

[2] This expression was substituted for the expression "under section 4" by section 5 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

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Apportionment of compensation.

9. (1) Where several persons claim to be interested in the amount of compensation determined, the authorised officer shall determine the persons who, in his opinion, are entitled to receive compensation and the amount payable to each of them.

(2) If any dispute arises as to the apportionment of the compensation or any part thereof, or as to the persons to whom the same or any part thereof is payable, the authorised officer may refer such dispute to the decision of the Court and the Court shall, in deciding any such dispute, follow as far as may be, the provisions of Part III of the Land Acquisition Act, 1894 (Central Act I of 1894).

Payment of compensation.

10. (1) After the amount of compensation has been determined, the Government shall, on behalf of the occupant of the kudiyiruppu, tender payment of the compensation to the persons entitled thereto and shall pay it to them.

(2) If the persons entitled to the compensation do not consent to receive it or if there be no person competent to alienate the kudiyiruppu or the superstructure thereon, or if there is any dispute as to the title to receive compensation, or as to the apportionment of it, the authorised officer shall deposit the amount of compensation in the Court, and the Court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894 (Central Act I of 1894).

Appeal to High Court.

11. Subject to the provisions of the Code of Civil Procedure, 1908(Central Act V of 1908) applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, a second appeal shall only lie to the High Court from any decision of the Court under this Act, if the amount of compensation as determined by the authorised officer exceeds such amount as may be prescribed.

Power of authorised officer to call for information.

12. (1) The authorised officer may, for the purpose of carrying out the provisions of this Act, by order require any person to furnish such information in his possession relating to any vested kudiyiruppu or superstructure.

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(2) The authorised officer shall, while holding an enquiry under this Act, have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document ;

(*c*) reception of evidence on affidavits ;

(*d*) requisitioning any public record from any court or office ;

(*e*) issuing commission for examination of witnesses.

Mode of payment of compensation.

13. (1) The amount of compensation as finally determined under this Act shall, within such period as may be prescribed, be paid either in cash or in bonds or partly in cash and partly in bonds as the Government may prescribe.

(2) The bonds shall be issued on such terms and carry such rate of interest as may be prescribed. The interest shall be paid in the case of any kudiyiruppu or superstructure with effect from the date of vesting [1][under the provisions of this Act.]

Recovery of compensation payable under the Act.

14. (1) Every occupant of kudiyiruppu in whom the kudiyiruppu or the superstructure has vested [2][under the provisions of this Act] shall be liable to reimburse the Government the amount of compensation paid by them under section 10.

(2) Such reimbursement shall be made in such number of instalments, at such place in such manner, on such date and with interest at such rate as may be prescribed :

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[1] These words were substituted for the expression "under section 3" by section 6 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

[2] These words were substituted for the expression "under section 3" by section 7 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

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Provided that an occupant of the kudiyiruppu shall be entitled to pay the entire amount with a rebate of five per cent within the prescribed period from the date on which he becomes liable to pay the compensation:

Provided further that an occupant of the kudiyiruppu shall be entitled to pay, at any time, any sum in excess of the instalment and such excess shall be adjusted towards the subsequent instalment or instalments.

(3) The amount payable to the Government under this Act may be recovered as if it were an arrear of land revenue.

Obligation of transferor and transferee to give notice of transfer.

15. (1) Whenever the title of any person primarily liable to reimburse the Government under this Act, is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it be registered, or after the transfer is effected, if no instrument be effected, give notice of such transfer to such officer as may be prescribed.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise, shall give notice of such transfer to the officer mentioned in sub-section (1) within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be prescribed and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the officer mentioned in sub-section (1) any document evidencing such transfer or succession.

(4) Every person who makes a transfer as aforesaid, without giving such notice to the officer mentioned in sub-section (1) shall, in addition to any other liability which he may incur through such neglect, continue liable for the payment of the amount in respect of the kudiyiruppu or the superstructure transferred, until he gives notice or until the transfer shall have been recorded in the revenue registers, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said amount.

Prohibition of alienation of kudiyiruppu or superstructure.

[1][15-A. (1) [2][Notwithstanding anything contained in section 3 or section 3-A, no occupant of kudiyiruppu in whom, the kudiyiruppu or the superstructure has vested under section 3 or, the kudiyiruppu deemed to have vested under section 3-A] and no heir or legal representative of such occupant shall, except with the previous sanction of the authorised officer, sell, mortgage, lease or otherwise alienate the whole or any portion of such kudiyiruppu or superstructure within a period of ten years from the date of the commencement of this Act.

[3][(2) Where it is noticed or any information has been received that any alienation has been made in respect of any kudiyiruppu or superstructure in contravention of sub-section (1), the authorised officer may, after notice to the occupant of kudiyiruppu and other persons affected by such alienation and after such enquiry as he thinks fit to make, by an order, declare the alienation to be null and void, if he finds that the alienation has been made in contravention of the said sub-section (1), and on such declaration , the kudiyiruppu or the superstructure shall, as penalty, be forfeited to, and vest in, the Government free from all encumbrances.

(3) Where it is noticed or any information has been received that any agriculturist or agricultural labourer in whom, the kudiyiruppu or superstructure has vested under section 3 or the kudiyiruppu deemed to have vested under section 3-A, holds such kudiyiruppu or superstructure in benami and allows any other person to occupy such kudiyiruppu or superstructure, the authorised officer may, after notice to such agriculturist or agricultural labourer and other person occupying such kudiyiruppu or superstructure and after such enquiry as he thinks fit to make, by an order, declare the occupation of such kudiyiruppu or superstructure by the other person as illegal, and on such declaration the kudiyiruppu or superstructure shall, as penalty, be forfeited to, and vest in, the Government free from all encumbrances.

[1] This section was inserted by section 4 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1974 (Tamil Nadu Act 17 of 1974).

[2] This expression was substituted for the expression "Notwithstanding anything contained in section 3, no occupant of kudiyiruppu in whom the kudiyiruppu or the superstructure has vested under section 3" by section 4 (i) of the Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1982 (Tamil Nadu Act 35 of 1982).

[3] These sub-sections were substituted for the following sub-section (2) by section 4 (ii) of the Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1982 (Tamil Nadu Act 35 of 1982):—
"(2) Any alienation in contravention of sub-section (1) shall be null and void.".

(4) The occupant of kudiyiruppu or any other person in possession or occupation shall vacate such kudiyiruppu or superstructure which has vested in the Government under sub-section (2) or (3) and hand over possession of the same immediately after such vesting, to the authorised officer or any other officer duly authorised by the authorised officer, in this behalf. If any such occupant or other person refuses or fails to so vacate and hand over the possession of such kudiyiruppu or superstructure, the authorised officer may evict such occupant or other person from, and take possession of, such kudiyiruppu or superstructure and may for that purpose use such force as may be necessary.]]

Transitional provision in regard to certain liabilities.

16.(1) All claims and liabilities enforceable in respect of the kudiyiruppu or the superstructure immediately before the date of the commencement of this Act [1][or the date of vesting of such kudiyiruppu or the superstructure, as the case may be,] against any person interested shall, on or after that date, be enforceable against the compensation payable to the person interested under this Act to the same extent to which such claims and liabilities were enforceable against such person immediately before such date.

(2) No Court shall, on or after the date of the commencement of this Act, [2][or the date of vesting of the kudiyiruppu or the superstructure, as the case may be, order or continue execution in respect of any decree or order passed against the person interested and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the compensation payable to the person.

(3) No Court shall, in enforcing any claim or liability against the person interested in respect of any kudiyiruppu or superstructure, allow interest at a rate exceeding six per cent per annum simple interest for any period after the date of the commencement of this Act.

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[1] These words were inserted by section 8 (i) of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have come into force on the 24th December 1971.

[2] These words were inserted by section 8 (ii), *ibid*.

Power to acquire land used for common purposes.

17. (1) Where the Government are satisfied that any land is used by the occupants of kudiyiruppu immediately before the date of the commencement of this Act for a common purpose, they may acquire the land by publishing in the *Tamil Nadu Government Gazette*, a notification to the effect that they have decided to acquire the land in pursuance of this section :

Provided that, before publishing a notification, the Government may call upon the owner or any other person, who, in the opinion of the Government, may be interested in such land, to show cause why it should not be acquired ; and after considering the cause, if any, shown by the owner or any other person interested in the land, the Government may pass such orders as they deem fit.

Explanation.—For the purposes of this sub-section, "common purpose" includes the use of land for road, path-way, threshing-floor and cattle stand.

(2) When a notification under sub-section (1) is published in the *Tamil Nadu Government Gazette*, the land to which the said notification relates shall, on and from the date on which the notification is so published, vest absolutely in the Government free from all encumbrances.

(3) The Government shall make available the land acquired under this section to the occupants of kudiyiruppu to be used for the same common purpose for which it was used immediately before the date referred to in sub-section (2).

(4) Every person having any interest in any land acquired under this section shall be entitled to receive and be paid compensation.

(5) The compensation payable in respect of the land acquired under this section shall be as specified in the Schedule.

(6) Save as otherwise provided in this section, the provisions contained in sections 8 to 13, 16 and 18 to 20 shall apply to the land acquired under this section as they apply to the vested kudiyiruppu or superstructure.

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[1][17-A. The Government may, by notification, cancel or modify any notification issued under sub-section (1) of section 17, to rectify any error or mistake therein, and nothing in this section shall be deemed to prevent the issue of a fresh notification by the Government under sub-section (1) of section 17 in accordance with the provisions of this Act.

Power of Government to cancel or modify notification under section 17 (1) in certain cases.

17-B. (1) Where any notification,—

(*a*) is modified by way of omission (whether relating to extent or survey number or otherwise), the land to which such omission relates, or

(*b*) is cancelled,

under section 17-A, the land specified in such notification shall be deemed never to have vested in the Government. Any amount paid by way of compensation in respect of such land shall be recovered by the Government as if it were an arrear of land revenue.

Land not to have vested in certain cases.

(2) The land referred to in sub-section (1) shall stand reverted with effect from the date of the publication of the notification effecting the modification or cancellation, as the case may be, to the person lawfully entitled to such land and any such land made available by the Government to the occupants of kudiyiruppu prior to such date shall be deemed to have been withdrawn. No claim shall be enforceable in respect of such land against the Government or any person deriving rights from them for the period from the date of the vesting of such land in the Government and ending with the date of reversion under this sub-section.

17-C. Where any notification is modified under section 17-A by way of inclusion, the land to which such inclusion relates shall be deemed to have vested in the Government as if such land were included in a notification issued under sub-section (1) of section 17 and accordingly, the provisions of this Act shall apply to the land so vested.]

Vesting of land newly included.

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[1] Sections 17-A, 17-B and 17-C were inserted by section 5 of the Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1982 (Tamil Nadu Act 35 of 1982).

Service of notices and orders.

18. (1) Save as otherwise provided in this Act and subject to the provisions of this section and of any rules made in this behalf, every notice issued or order made under this Act shall—

(*a*) in the case of any notice or order of a general nature or affecting a class of persons, be published in the *Tamil Nadu Government Gazette* ;

(*b*) in the case of any notice or order affecting an individual, corporation or firm, be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908) ; and

(*c*) in the case of any notice or order affecting an individual person (not being a corporation or firm), be served on such person—

(i) by delivering or tendering it to that person; or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to the head of the office in which such person is employed, or to any adult male servant of such person, or to any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain ; or

(iii) failing service by any of the means aforesaid, by post or by affixing a copy of the said notice or order on some conspicuous part of the kudiyiruppu or superstructure to which it relates.

(2) Where the notice or order cannot be served without undue delay, due to any dispute in the ownership of the kudiyiruppu or the superstructure or due to the person to whom the notice or order is intended being not readily traceable, the notice or order may be served by publishing it in the *Tamil Nadu Government Gazette*, and where possible, by affixing a copy thereof on some conspicuous part of the kudiyiruppu or superstructure to which it relates.

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Powers of entry.

19. It shall be lawful for any person authorised by authorised officer in this behalf to enter into or upon kudiyiruppu or superstructure with or without assistants for purposes of giving effect to the provisions of Act.

Penalties.

20. Any person who obstructs any officer or person thorised by the authorised officer to enter into or upon kudiyiruppu or superstructure or molests such person ter such entry, shall be punishable with fine which may tend to one thousand rupees.

Offences by companies.

21. (1) If any person committing an offence under this ct is a company, every person, who, at the time the ffence was committed, was in charge of, and was responsible to, the company for the conduct of the business the company as well as the company, shall be deemed be guilty of the offence, and shall be liable to be roceeded against and punished accordingly :

Provided that nothing contained in this sub-section hall render any such person liable to any punishment rovided in this Act, if he proves that the offence was ommitted without his knowledge, or that he exercised all ue diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section,—

(*a*) 'company' means a body corporate and includes a firm or other association of individuals ; and

(*b*) 'director' in relation to a firm means a partner in the firm.

Prosecution and trial of offence.

22. (1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the authorised officer.

(2) No Court inferior to that of a salaried presidency magistrate* or a salaried magistrate of the first class* shall try any offence punishable under this Act.

Bar of jurisdiction of Civil Courts.

23. Save as otherwise expressly provided in this Act, no Civil Court shall have jurisdiction in respect of any matter which the Government are, or the authorised officer is, empowered by or under this Act, to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Authorised officer, etc., to be public servant.

24. The authorised officer and any person authorised by him under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

Protection of action taken in good faith.

25. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government or the authorised officer or any authority or officer subordinate to the Government or the authorised officer for any damage caused or likely to be caused by anything which is, in good faith, done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

Act to override other laws.

26. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained 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.

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*According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate with effect on and from 1st April 1974.

Power to make rules.

27. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(*a*) all matters expressly required or allowed by this Act to be prescribed ;

(*b*) the fees payable in respect of any application or statement under this Act.

[1][(3) 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.]

THE SCHEDULE.

[*See* sections 7 (1) and 17 (5).]

1. The compensation in respect of the kudiyiruppu or the land shall be one hundred times the survey assessment on the kudiyiruppu or the land, as the case may be :

Provided that where the kudiyiruppu or the land forms part of a survey field and is not separately assessed to revenue, the compensation for such kudiyiruppu or land shall be deemed to be one hundred times such proportion of the survey assessment as the part bears to the entire survey field.

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[1] This sub-section was inserted by section 6 of the Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1982 (Tamil Nadu Act 35 of 1982).

Explanation.—For the purposes of this paragra "survey assessment" means assessment in accordance w the settlement or re-settlement notification and where su settlement or re-settlement notification is not in for the assessment of a comparable dry or wet land, as t case may be, in a village in the neighbourhood where t settlement or re-settlement notification is in force.

2. The compensation payable in respect of the sup structure shall be the market value of such sup structure.

Explanation.—For the purpose of this schedule,—

(i) "kudiyiruppu" means the kudiyiruppu vested the occupant of kudiyiruppu [1][under the provisions this Act];

(ii) "land" means the land acquired under secti 17; and

(iii) "superstructure" means the superstructure the kudiyiruppu vested in the occupant of kudiyirup [2][under the provisions of this Act] or the superstructi on the land acquired under section 17.

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[1] These words were substituted for the expression "under s section (1) of section (3)" by section 9 (i) of the Tamil Na Occupants of Kudiyiruppu (Conferment of Ownership) Amendm Act, 1975 (Tamil Nadu Act 6 of 1976), which was deemed to h come into force on the 24th December 1971.

[2] These words were substituted for the expression "under s section (2) of section 3" by section 9(ii) of the Tamil Nadu Oc pants of Kudiyiruppu (Conferment of Ownership) Amendment A 1975 (Tamil Nadu Act 6 of 1976), which was deemed to have co into force on the 24th December 1971.