The Tamil Nadu Educational Institutions (Temporary Control of Property) Act, 1949

Act 48 of 1949

Keyword(s):
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Amendment appended: 46 of 1975

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[1][TAMIL NADU] ACT No. XLVIII OF 1949[2].

[THE [1][TAMIL NADU] EDUCATIONAL INSTITUTIONS (TEMPORARY CONTROL OF PROPERTY) ACT, 1949.]

(*Received the assent of the Governor-General on the 25th January* 1950; *first published in the* Fort St. George Gazette *Extraordinary on the 25th January* 1950.)

An Act to provide for taking over for a temporary period the control of property used for educational purposes and certain other matters.

WHEREAS it is expedient to provide for taking over for a temporary period the control of property used for educational purposes under certain circumstances; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the [1][Tamil Nadu] Educational Institutions (Temporary Control of Property) Act, 1949.

(2) It extends to the whole of the [3][State of Tamil Nadu].

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "educational institution" means any school, college or other institution for imparting education, which is managed by an individual, body or local authority;

(*b*) "Government" means the [4][State] Government;

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[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*, dated the 20th July 1948, Part IV-A, page 357.

This Act was extended to the transferred territory by section 3 of, and the first Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corresponding law in force in that territory.

[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.

[4] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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(*c*) "person interested" in relation to any property the control of which is taken over under this Act, includes all persons claiming an interest in the rent, damages or compensation payable in respect of the property;

(*d*) "prescribed" means prescribed by rules made under this Act.

Taking over control of property used for educational purposes.

*3. (1) In any case where recognition is withdrawn from an educational institution by a competent authority or an educational institution is closed before the last working day of an academic year, if the Government consider it necessary to take over the control of any immovable property or any movable property such as furniture, books apparatus, maps, equipment, registers or records, which before the withdrawal of the recognition or the closing of the institution was being used for the purposes of the institution or of any other institution connected therewith, such as a hostel, quarters for the residence of teachers and servants, or a playground, then, notwithstanding anything to the contrary in any other law for the time being in force, the Government may, within three months from the withdrawal of the recognition, or the closing of the institution, as the case may be, take over the control of such property.

(2) The taking over of such control shall be effected by an order in writing addressed to the person who is deemed by the Government to be in possession of the property; and the order shall be served on such person in the prescribed manner.

(3) A copy of every order under sub-section (2) shall also be served in the prescribed manner on the owner of the property concerned, if he is not in possession thereof;

Provided that failure to comply with the provisions of this sub-section shall not affect the validity of the order.

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* The control of any property of any educational institution taken over by the State Government before the 8th September 1975 was deemed to have always remained with the State Government at all material times by virtue of section 4 of the Tamil Nadu Educational Institutions (Temporary Control of Property) Amendment and Validation Act, 1975 (Tamil Nadu Act 46 of 1975), which was deemed to have come into force on the 8th September 1975. In respect of any such property taken over by the State Government, the State Government was empowered to issue orders to have retrospective effect by virtue of section 4 of the said Tamil Nadu Act 46 of 1975.

(4) The Government may also make such further order as may appear to them to be necessary or expedient in connection with the taking over control of any property under this Act.

(5) Where the control of any property, whether movable or immovable, is taken over under sub-section (1), the Government may—

(i) use or deal with such property themselves for any educational purpose which they think fit, or

(ii) by order, permit any other person or body including a local authority, to use or deal with such property for any such purpose, subject to the payment of such rent and other sums to the Government, and the observance of such conditions, as may be specified in the order :

Provided that such person or body shall be of the same religious denomination if any, as that of the person or, body from whom or from which control of the property was taken over.

(6) The control over any property referred to in sub-section (1) shall, unless sooner relinquished, cease after the expiry of the academic year immediately following that in which the property is taken over :

Provided that the [1][State] Government may, if in their opinion it is necessary so to do, by an order in writing published in the prescribed manner, direct that their control over such property shall continue for a further period not exceeding one academic year.

[2][(7) Notwithstanding anything contained in sub-section (6), the Government may, for reasons to be recorded in writing and on the recommendation of such authority as may be prescribed, by order published in the prescribed manner, direct that the control over such property shall continue for a further period not exceeding three academic years commencing from the date of the expiry of the academic year referred to in the proviso to sub-section (6).]

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1 This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

2 This sub-section was added by section 2 of the Tamil Nadu Educational Institutions (Temporary Control of Property) Amendment and Validation Act, 1975 (Tamil Nadu Act 46 of 1975), which was deemed to have come into force on the 8th September 1975.

Rent for immovable property which has been taken over.

4. (1) Where any immovable property is taken over under section 3, the Government shall pay to the person interested, such rent as may be fixed by the District Collector:

Provided that where the property has been acquired with the aid of a Government grant, the rent shall be fixed by the District Collector after taking the amount of such grant into account in the prescribed manner.

(2) Where there is any dispute as to the title to receive the rent aforesaid or as to the apportionment of the amount of the rent, the District Collector shall decide the dispute.

(3) Every order passed by the District Collector under sub-section (1) or sub-section (2) shall, subject to the provisions of sub-sections (4) and (5), be final and not be liable to be questioned in any Court of Law.

(4) (*a*) Any person deeming himself aggrieved by an order of the District Collector under sub-section (1) or sub-section (2) may appeal against such order to the District Judge having jurisdiction over the area in which the immovable property is situated or if it is situated in the presidency-town, to the Principal Judge of the Madras City Civil Court.

(*b*) Such appeal shall be preferred within sixty days from the date on which the order appealed against was communicated to the person concerned.

(5) The decision of the District or City Civil Judge on an appeal preferred to him under sub-section (4) shall be final and not be liable to be questioned in any Court of Law.

Compensation for movable property taken over.

5. Whenever any movable property is taken over under section 3, the compensation payable therefor and the person or persons to whom it should be paid shall be determined in accordance with such rules as may be prescribed; and where any such property has been acquired with the aid of a Government grant, such rules may provide for the manner in which the amount of the grant shall be taken into account in determining the compensation payable.

Powers of entry, etc.

6. The authority prescribed in this behalf may, for the purpose of taking over any property under section 3 or determining the amount of rent or compensation payable under this Act, by order—

(*a*) authorise any person to enter and inspect any immovable property specified in the order and the movable property therein liable to be taken over under this Act;

(*b*) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the property, as may be so specified;

(*c*) direct that until the expiry of such period as may be specified in the order, the person in possession of the property shall not, without the permission of the Government, dispose of it or in the case of a building, alter it structurally or, in the case of movable property, remove it from the premises in which it is kept.

Summary power for taking possession of property.

7. Any person remaining in possession of any property in contravention of an order issued under section 3 may be summarliy dispossessed of the property by any officer empowered by the Government in this behalf, and in the case of a building, if free access to it is not afforded to such officer, he may after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

Relinquishment of control.

8. (1) Where the control of any property taken over under section 3 is to be relinquished, the Government may, after making such inquiry, if any, as they may consider necessary, by order in writing specify the person to whom possession of the property shall be given.

(2) The delivery of possession of any such property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled, by due process of law, to enforce against the person to whom possession of the property is so delivered.

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(3) Where the person to whom possession of any property referred to in sub-section (1) is to be delivered cannot be found or has no agent or other person empowered to accept delivery on his behalf, the Government shall cause to be published in the **Fort St. George Gazette* a notice declaring that the control of such property is relinquished; and in the case of any building or land, shall cause a copy thereof to be affixed on some conspicuous part of such building or land.

(4) When the notice referred to in sub-section (3) is published in the **Fort St. George Gazette*, the property specified in such notice shall cease to be subject to the control of the Government on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the Government shall not be liable for any rent, compensation or other claim in respect of such property for any period after the said date.

Penalty.

9. Whoever contravenes any order made under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Delegation of powers and duties of the Government.

10. The Government may, by general or special order notified in the**Fort St. George Gazette*,direct that any power or duty which is conferred or imposed on them by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged by such officer or authority subordinate to the Government as may be specified in the order.

Saving.

11. Save as otherwise expressly provided in this Act, no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court of Law.

Protection of action taken under the Act.

12. 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 any order made thereunder.

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*Now the *Tamil Nadu Government Gazette.*

Power to make rules.

13. (1) The Government may make rules for carrying out the purposes of this Act.

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

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

(*b*) the assessment and payment of compensation or any damage caused to any immovable property taken over under this Act or for any damage caused to, or loss of, any movable property so taken over ;

(*c*) the court-fees payable, and the procedure to be followed, in respect of the appeals referred to in section 4, sub-section (4);

(*d*) the payment of the costs incurred by the parties in connexion with such appeals.

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TAMIL NADU ACT NO. 46 OF 1975.*

THE TAMIL NADU EDUCATIONAL INSTITUTIONS (TEMPORARY CONTROL OF PROPERTY) AMENDMENT AND VALIDATION ACT, 1975.

[*Received the assent of the President on the 29th November* 1975, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the 2nd December* 1975 (*Karthigai* 16, *Iratchasa* (2006—*Tiruvalluvar Aandu*)).]

An Act to amend the Tamil Nadu Educational Institutions (Temporary Control of Property) Act, 1949.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Educational Institutions (Temporary Control of Property) Amendment and Validation Act, 1975.

(2) It shall be deemed to have come into force on the 8th September 1975.

2. [*The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Educational Institutions (Temporary Control of Property) Act,* 1949 (*Tamil Nadu Act XLVIII of* 1949).]

Order to have retrospective effect in certain cases.

3. Where the control of any property of any educational institution, has been taken over by the State Government before the 8th September 1975 under section 3 of the principal Act, the State Government may issue an order continuing such control for a further period not exceeding three academic years under sub-section (7) of section 3 of the principal Act as amended by this Act and such order shall take effect from the date of the expiry of the academic year referred to in the proviso to sub-section (6) of section 3 of the principal Act.

* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 21st October 1975, Part IV—Section 1, Page 216.

Validation.

4. Notwithstanding anything contained in the principal Act as amended by this Act or in any other law, if the control of any property of any educational institution, has been taken over by the State Government before the 8th September 1975 under section 3 of the principal Act, such control shall, unless sooner relinquished, remain and always be deemed to have remained with the State Government at all material times, as if an order under sub-section (7) of section 3 of the principal Act as amended by this Act continuing the control of the institution for a further period not exceeding three academic years had been issued by the State Government and remained in force at all material times and accordingly—

(*a*) all acts or proceedings or things done or taken by the State Government or any authority or officer or servant of the State Government in connection with any property of the educational institution concerned shall for all purposes be deemed to be and to have always been done or taken in accordance with law ;

(*b*) no suit or other proceeding shall lie against the State Government or any authority or officer or servant of the State Government for the release of control of any property of such educational institution solely on the ground that the control of the State Government ceased to exist under section 3 of the principal Act as in force before the 8th September 1975 and no court shall enforce any decree or order directing the release of any such control.

Repeal.

5. (1) The Tamil Nadu Educational Institutions (Temporary Control of Property) Amendment and Validation Ordinance, 1975 (Tamil Nadu Ordinance 14 of 1975), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act, as if this Act had come into force on the 8th September 1975.