THE TAMIL NADU PUBLIC TRUSTS (REGULATION OF ADMINISTRATION OF AGRICULTURAL LANDS) ACT, 1961.

(ACT 57 OF 1961)

(As subsequently amended)

An Act to provide for regulating the administration, either by personal cultivation or by lease, of agricultural lands held by public trusts and for regulating the relation of public trusts and their cultivating tenants in the State of Tamil Nadu.

WHEREAS it is expedient to provide for regulating the administration, either by personal cultivation or by lease, of agricultural lands held by public trusts and for regulating the relation of public trusts and their cultivating tenants in the State of Tamil Nadu;

AND WHEREAS such regulation will best subserve the common good and increase agricultural production;

BE it enacted in the Twelfth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.

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

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

*__2. Definitions.-__ In this Act, unless the context otherwise requires,-

(1) "agriculture" includes-

i. horticulture;
ii. the raising of crops, grass or garden produce;
iii. the use by an agriculturist of land held by him or part thereof for grazing;
iv. the use of any land for the purpose of raising manure crops;
v. dairy farming;
vi. poultry farming;
vii. livestock breeding;
viii. growing of trees;

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*See Table of Amendments

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and “agricultural” shall be construed accordingly;

(2) “authorized officer” means any Revenue Officer not below the rank of Deputy Collector or Revenue Divisional Officer authorized by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorized officer under this Act for such area as may specified in the notification;

(3) “co-operative farming society” means a society registered under the Co-operative Societies Act and consisting only of persons who have become members of that society with a view to cultivate land belonging to a public trust in accordance with the provisions of this Act;

(4) “Co-operative Societies Act” means the Act or Acts relating to co-operative societies for the time being in force in the State of Tamil Nadu;

(5) “cultivating tenant”-

(i) means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied; and

(ii) includes-

(a) any such person who continues in possession of the land after the determination of the tenancy agreement;

(b) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land; or

(c) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land;

(iii) does not include a mere intermediary or his heir.

Explanation: For purposes of Chapter III and IV, a co-operative farming society shall be deemed to be a cultivating tenant ;

(6) “cultivating tenant’s ceiling area” means five standard acres held by any person-

(a) (i) partly as cultivating tenant; and

(ii) partly as owner or possessory mortgagee; or

(b) wholly as cultivating tenant;

(7) “date of the commencement of this Act” means the date appointed by the Government under sub-section (3) of section 1;

(8) “fair rent” means the rent payable under Chapter IV;

(9) “forest” includes any waste land containing trees or shrubs;

(10) “garden land” means dry land irrigated by lifting water from wells or other sources;

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(11) “Government” means the State Government;

(12) “to hold land” with its grammatical variations and cognate expressions means to own land as owner or to possess or enjoy land as possessory mortgagee or as cultivating tenant or as intermediary or in one or more of those capacities;

(13) “inam land” in any area in the State except the transferred territory-

(a) means any land the grant of which in inam has been made, confirmed or recognized by the Government, and

(b) includes-

(i) any land in any village specified in Schedule I or in such other village or part thereof as the Government may, by notification, from time to time, specify;

(ii) any land which is exempt either in whole or in part from payment of land revenue;

(iii) any land of which the land revenue alone or portion thereof has been granted in inam to any person, provided that such grant has been made, confirmed or recognized by the Government; and

(iv) any inam constituting an estate under the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908);

but does not include any inam land on which full assessment of revenue has been levied under the Tamil Nadu Inams (Assessment) Act, 1956 (Tamil Nadu Act XL of 1956);

(14) “intermediary” means any person who, not being an owner or a possessory mortgagee, has an interest in land, and is entitled, by reason of such interest, to possession thereof but has transferred such possession to others;

(15) “land” means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes forest, pasture land, plantation, orchard and tope, but does not include house site or land used exclusively for non-agricultural purposes;

(16) “normal gross produce” in respect of any land means the produce which would be obtained, if the rainfall and the seasons were of a normal character, from lands of the same class as the land in question, similarly situated and possessing similar advantages;

(17) “notified date” means the date specified in the notification issued by the Government under section 6;

(18) “orchard” means an enclosure or assemblage of fruit or nut-bearing trees, constituting the main crop therein, whether of spontaneous or artificial growth and includes nandavanams, but does not include trees on such bunds as are not within or adjunct to such enclosure or assemblage;

Explanation.- The expression “fruit or nut bearing trees” shall not include plantain trees.

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(19) “owner” means -

(i) any person holding land in severalty or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or

(ii) a landholder as defined in the Tamil Nadu Estates Land Act, 1908 (Tamil Nadu Act I of 1908) or a ryot as defined in that Act, or

(iii) an inamdar not being a landholder, defined as aforesaid;

(20) “paid” includes “delivered”

(21) “person” includes any public trust, company, firm, any farming society or association of individuals, whether incorporated or not ;

(22) “personal cultivation” with its grammatical variations and cognate expressions, in relation to a public trust, includes cultivation by hired labour or with hired stock or by servants on wages payable in cash or kind but not as a share of produce;

(23) “plantation” means any land used for growing all or any of the following, namely, cardamom, cinchona, coffee, rubber or tea;

(24) “possessory mortgagee” means a mortgagee entitled to the possession of the whole or part of the mortgaged property and to receive the rents and profits accruing from such property or any part of such rents and profits and to appropriate the same in lieu of interest or in payment of the mortgage money or partly in lieu of interest or partly in payment of the mortgage money;

(25) “public trust” means a trust for a public purpose of a religious or charitable, or of an educational nature, and includes-

(i) any temple, math, mosque, church or other place by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, any community or section thereof as a place of public religious worship;

(ii) any charitable or educational institution of a public nature;

(26) “Register” shall have the same meaning as in the Co-operative Societies Act;

(27) “Rent Court” and “Rent Tribunal” in relation to any area means the Rent Court and the Rent Tribunal respectively constituted under this Act for such area;

(28) “standard acre” means-

(I) in any area in the State, except the transferred territory-

(a) 0.8 acre of wet land assessed to land revenue at any rate above Rs.15 per acre; or

(b) 1 acre of wet land assessed to land revenue at the rate above Rs.10 and above but not exceeding Rs.15 per acre; or

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(c) 1.2 acres of wet land assessed to land revenue at the rate of Rs.8 and above but below Rs.10 per acre; or

(d) 1.6 acres of wet land assessed to land revenue at the rate Rs.6 and above but below Rs.8 per acre; or

(e) 1.75 acres of wet land assessed to land revenue at the rate Rs.4 and above but below Rs.6 per acre; or

(f) 2 acres of wet land assessed to land revenue at any rate below Rs.4 per acre; or

(g) 2,5 acres of wet land assessed to land revenue at the rate Rs.2,00 and above per acre; or

(h) 3 acres of wet land assessed to land revenue at the rate Rs.1.25 and above but below Rs.2 per acre; or

(i) 4 acres of wet land assessed to land revenue at any rate below Rs.1.25 per acre;

(2) in the Kaniyakumari district-

(a) 1 acre of registered wet land irrigated by any source forming part of, or benefited by, any project; or

(b) 1.2 acres of registered dry land irrigated by any source mentioned in item (a); or

(bb) 1.6 acres of wet land irrigated by any Government source other than a source mentioned in item (a); or

(c) 1.6 acres of dry land irrigated by any Government source other than a source mentioned in item (a); or

(d) 4 acres of dry land unirrigated by any source mentioned in item (a) or by any other Government source of irrigation;

Explanation I.- For the purpose of sub-clause (1) of clause (28), "land revenue" shall mean-

(i) in the case of any land in respect of which a ryotwari settlement is in force on the date of the commencement of this Act, the ryotwari assessment payable on that date;

(ii) in the case of any inam land on which full assessment of revenue has been levied under the Tamil Nadu Inams (Assessment) Act, 1956 (Tamil Nadu Act XL of 1956), such assessment;

(iii) in the case of any land [other than an inam land referred to in clause ii] in respect of which a ryotwari settlement is not in force on the date of the commencement of this Act, but is brought into force after that date but before the notified date, the ryotwari assessment payable under such settlement after it is brought into force;

(iv) in the case of any land in respect of which a ryotwari settlement effected in pursuance of section 22 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari)

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Act, 1948 (Tamil Nadu Act XXVI of 1948) has not been brought into force before the notified date, or in the case of any inam land, the land revenue notified by the Government in this behalf with due regard to the highest rate of ryotwari assessment payable for any land of a similar description and with similar advantages in the nearest ryotwari village;

Provided that no notification shall be issued under this clause, unless the persons likely to be affected by such notification are given a reasonable opportunity to make representation and adduce evidence in respect of the rates proposed to be specified in the notification.

Provided further that the land revenue notified by the Government under this clause shall not be modified, notwithstanding that a different rate of assessment is fixed under—

(i) any settlement that may be brought into force; or

(ii) the Tamil Nadu Inams (Assessment) Act, 1956 (Tamil Nadu Act XL of 1956);

after the date of the publication of the said notification.

Explanation II—In sub-clauses (2) and (3) of clause (28) "wet land" and "dry land" shall include inma wet land and inam dry land respectively.

Explanation III—For the purpose of sub clause (2) of clause (28) "project" means any of the following irrigation systems, namely:-

(i) Kodayar project system proper;

(ii) (a) Pazhaayar system;

(b) Valliar system;

(c) Thirparappu Right Bank channel and Left Bank channel system;

(d) Champakulam system;

(iii) Alathuraiyar system;

Explanation IV:-- In any area in the State, except the transferred territory, one acre of dry land—

(a) irrigated by direct flow of water from any Government source of irrigation supplying water—

(i) for two crops and above, shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs.8 and above but below Rs.10 per acre;

(ii) for only one crop, shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs.4 and above but below Rs.6 per acre;

(b) irrigated by lifting water from any Government source of irrigation shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs.4 and above but below Rs.6 per acre;

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Provided that the Government may, in respect of any particular area, by notification, direct that 1 acre of dry land irrigated from any Government source of irrigation shall be deemed to be equivalent, to any specified extent of any of the categories of land specified in sub-clause (1) of clause (28) on the ground of quality of the soil or on any other ground;

Provided further that such notification shall not come into force unless it is approved by the Legislature.

Explanation V.- Where the land held by a person consists of more than one of the kinds of the land specified in clause (28), the extent of the land held by him shall, for the purposes of this Act, be reduced to standard acres calculated according to the proportions specified in clause (28);

(29) "tope" means any land containing groups of fruit or nut-bearing trees including palmyrah trees, constituting the main crop in such land, whether of spontaneous or artificial growth and includes orchards, but does not include trees on such bunds as are not within or adjunct to such groups of trees;

Explanation- The expression "fruit or nut bearing trees' shall not include plantain trees.

(30) "transferred territory" means the Kanyakumari district and Schencottah taluk of the Tirunelveli district.

(31) "trustee" means a person in whom either alone or in association with other persons the trust property of any public trust is vested or any person who for the time being, either alone or in association with some other person or persons, administers the trust property of any public trust and includes—

(i) in the case of a math, the head of such math'

(ii) in the case of a wakf, a mutawalli of such wakf;

(iii) in the case of a society registered under the Societies Registration Act, 1860 (Central Act XXI of 1860), its govering body'

(iv) in the case of any other public trust, the person legally competent to act for such public trust.

3. Act to override other laws, contracts, etc, - The provisions of this Act 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.

CHAPTER II

REGULATION OF CULTIVATION OF LANDS HELD BY PUBLIC TRUSTS

4. Regulation of cultivation of land held by public trust.- On and after the date of the commencement of this Act, no public trust shall personally cultivate, or lease out, land held by such trust except in accordance with the provisions of this Act.

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5. Ceiling on personal cultivation by public trusts.- (1) Except as otherwise provided in this Act, no public trust shall personally cultivate land in excess of twenty standard acres.

(2) Nothing in this section shall be deemed to authorize any public trust to evict any person holding land as cultivating tenant under such public trust on the date of the commencement of this Act, except in accordance with the provisions of sections 7, 15 (2) and 19.

6. Land under personal cultivation of public trust in excess of twenty standard acres to be leased out.- Where on the date of the commencement of this Act, any public trust personally cultivates land in excess of twenty standard acres and continues to so cultivate that land on such date as may be specified in the notification issued by the Government in this behalf, the trustee of the public trust shall, within such period as may be prescribed, from the date specified in such notification, lease out the lands in such excess to-

(i) a co-operative farming society; or
(ii) any person who is already a cultivating tenant; or
(iii) any person who not being already a cultivating tenant executes an agreement with the public trust that he will contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him:

Provided that the extent of land so leased out to any person other than a co-operative farming society, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

*__6-A. Cultivating tenant's ceiling area of a person to include his spouse's minor son's, or unmarried daughter's holding.-__ In calculating the extent of the cultivating tenant's ceiling area of a person for the purposes of this Act, the extent of land held as cultivating tenant or as owner or as possessory mortgagee by such person, his spouse, minor son and unmarried daughter shall be taken into account and accordingly the aggregate of the extent of land so held by such person, his spouse, minor son and unmarried daughter shall not exceed five standard acres.

7. Possession of land held by cultivating tenant to revert to public trust in certain cases.- (1) Where, on the notified date, any cultivating tenant under any public trust is in possession of land in excess of the cultivating tenant's ceiling area, the possession of the land which is held by the public trust and which is in excess of the cultivating tenant's ceiling area shall, with effect from the date aforesaid, revert to the public trust subject to such rules as may be made in this behalf.

(2) Where, on or after the notified date, any cultivating tenant under any public trust acquires by sale, lease, gift, exchange, surrender, agreement, settlement or otherwise, and land which together with the other land, if any, already held by him, exceeds in the aggregate the cultivating tenant's ceiling area, the possession of the land which is held by the public trust and which is in excess of the cultivating tenant's ceiling area shall, with effect from the date of such acquisition, revert to the public trust, subject to such rules as may be made in this behalf.

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*See Table of Amendments

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(3) The cultivating tenant concerned shall have the option to select the land the possession of which shall revert to the public trust under sub-section (1) or sub-section (2) as the case may be:

Provided that such option shall be subject to such conditions as may be prescribed.

Explanation- For the purposes of this section and sections 10 and 11, 'cultivating tenant' shall include any tenant who is in actual possession of the land but does not contribute his own physical labour or that of any member of his family in the cultivation of such land.

***8. Public trust to lease out land reverted under section 7, ect.-** Where any land reverts to the public trust under section 7 or is resumed under section 19, or where any land is acquired by sale, gift, exchange, surrender, agreement, settlement or otherwise, the trustee of the public trust shall, within such period as may be prescribed, lease out such land to –

(i) a co-operative farming society; or

(ii) any person who is already a cultivating tenant; or

(iii) any person who not being already a cultivating tenant executes an agreement with the public trust that he will contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him:

Provided that the extent of land so leased out to any person other than a co-operative farming society, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

9. Furnishing of returns by public trust.- (1) The trustee of every public trust shall, within ninety days from the date of the expiry of the period prescribed under section 6, furnish to the authorized officer a return containing such particulars as may be prescribed.

(2) If, on or after the notified date, any land—

(i) reverts to any public trust under section 7 or sub-section (2) of section 15 ' or

(ii) is resumed by any public trust under section 19 ; or

(iii) is acquired by any public trust by sale, gift, exchange, surrender, agreement, settlement or otherwise;

then the trustee of the public trust shall, within ninety days from the date of the expiry of the period specified in section 8, furnish to the authorized officer a return containing such particulars as may be prescribed.

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10. Funishing of returns by cultivating tenant.- (1) Every cultivating tenant under any public trust who, immediately before the notified date, is in possession of land in excess of the cultivating tenant's ceiling area, shall, within ninety days from the notified date, furnish to the authorized officer a return containing such particulars as may be prescribed.

(2) If, on or after the notified date, any cultivating tenant under any public trust acquires by sale, lease, gift, exchange, surrender, agreement, settlement, or otherwise, any land which, together with the other land, if any, already held by him exceeds in the aggregate the cultivating tenant's ceiling area, then, he shall, within ninety days from the date of such acquisition, furnish to the authorized officer a return containing such particulars as may be prescribed.

11. Collection of information.- (1) If the trustee of any public trust or any cultivating tenant under a public trust fails to furnish the return under section 9 or section 10, as the case may be, or furnishes an incorrect or incomplete return under that section, the authorized officer may, by notice, require such trustee or cultivating tenant, as the case may be, to furnish the return or the additional particulars, as the case may be, within the time specified in the notice or within such further time not exceeding thirty days as the authorized officer may, in his discretion, allow.

(2) (a) Where the trustee of any public trust or any cultivating tenant to whom notice under sub-section (1) has been served, fails to furnish the return or the additional particulars, as the case may, be within the time specified in that notice, or within the further time, if any, allowed by authorized officer under sub-section (1), the authorized officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(b) The authorized officer shall, as soon as may be, after obtaining the information under clause (a), give to the trustee of the public trust or the cultivating tenant concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as the said officer deems fit.

12. Authorized officer to take action in certain cases.- Where, on the basis of the return furnished under section 9 or section 10 or under sub-section (1) of section 11 or the additional particulars, if any, furnished under that sub-section, or on the basis of the information obtained by the authorized officer under clause (a) of sub-section (2) of section 11 and the orders passed on the representation and evidence, if any, under clause (b) of sub-section (2) of section 11, the authorized officer is satisfied that any land of the public trust has not been leased out in accordance with the provisions of sections 6, 8 and 15 (3), he shall –

(a) in any case, where it appears that the failure to lease out the land is due to the non-availability of persons to take on lease the land concerned, make an enquiry into the matter and submit a report containing such particulars and to such authority as may be prescribed; and

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(b) in any case where he is satisfied that the failure to lease out the land is not due to the non-availability of persons to take on lease the land concerned, choose, subject to such conditions as may be prescribed, one or more persons willing to cultivate such land and direct the trustee of the public trust concerned to lease out such land to the person or persons aforesaid within the prescribed period:

Provided that the extent of the land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

13. Permission to public trust for personal cultivation in certain cases.- (1) The authority prescribed under clause (a) of section 12 may, after receiving the report referred to in that clause and after making such enquiry as it may consider necessary, submit the report together with its recommendation to the Board of Revenue.

(2) The Board of Revenue may, after receiving the report and the recommendation referred to in sub-section (1) and after making such further enquiry as it may consider necessary-

(a) in any case where it is satisfied that the failure to lease out the land is due to non-availability of persons to take on lease the land concerned, permit the public trust to personally cultivate the land ; and

(b) in any case where it is satisfied that the failure to lease out the land is not due to the non-availability of persons to take on lease the land concerned, instruct the authorized officer to choose one or more persons willing to cultivate such land and to direct the trustee of the public trust concerned to lease out such land to the person or persons aforesaid within the prescribed period; and the authorized officer shall give effect to such instruction:

Provided that the extent of the land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

14. Authorized officer to choose to cultivate land mismanaged by public trusts.- (1) If it appears to the authorized officer that any land which is intended to be personally cultivated by any public trust-

i. has remained uncultivated for any two consecutive years; or

ii. has not been used fully and efficiently for the purpose of agriculture through the default of the public trust ; or

iii. has been neglected or mismanaged, by the public trust as a result of which, the cultivation of such land has seriously suffered,

the authorized officer shall, subject to such conditions as may be prescribed, choose one or more persons willing to cultivate such land and direct the trustee of the public trust concerned to lease out such land to the person or persons aforesaid within the prescribed period:

Provided that the extent of land so leased out to any one person, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

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(2) If any person to whom any land held by the public trust has been leased out in pursuance of an agreement executed by him under section 6 (iii), 8 (iii) or 15 (3) (iii) does not contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out or if such person contravenes any of the provisions of such agreement, the authorized officer shall, subject to such conditions as may be prescribed, choose one or more other persons willing to cultivate such land and direct the trustee of the public trust concerned to lease out such land to the other person or persons aforesaid within the prescribed period:

Provided that the extent of land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

***14-A. Special powers of the authorized officer.** (1) Notwithstanding anything contained in this Chapter, the authorized officer may, either suo motu or on application, call for and examine for the purpose of this Chapter any record of the public trust and if, on such examination, the authorized officer is satisfied that in respect of any land held by the public trust-

(i) the public trust has failed to lease out the land in accordance with the provisions of sections, 6, 8 and 15(3), or

(ii) any lease by the public trust under this Chapter is not bona fide, or

(iii) any direction given by him under clause (b) of section (12) or clause (b) of sub-section (2) of section 13, or sub-section (1) or sub-section (2) of section 14, has not been complied with, or

(iv) the public trust has failed to evict any person, not being a cultivating tenant, in occupation of the land without proper authority from such public trust,

he may, after giving notice to the trustee of the public trust and the other persons likely to be affected, pass an order directing the trustee to lease out the land within the prescribed period to any one of the persons from the list furnished by him to the trustee concerned:

Provided that the extent of land so leased out to any such person, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

(2) The list mentioned in sub-section (1) shall contain only persons who –

(a) are already cultivating tenants; or

(b) if they are not already cultivating tenants, shall execute agreements with the public trust that they will contribute their own physical labour or that of any member of their family in the cultivation of the land so leased out.

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*See Table of Amendments

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(3) If the authorized officer is satisfied either suo motu or on application that in respect of any land held by the public trust –

(a) the trustee of the public trust has not complied with any direction issued under sub-section (1); or

(b) the person to whom the land has been leased out in pursuance of such direction does not contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him; or

(c) if such person contravenes any of the provisions of the tenancy agreement; the authorized officer shall, after giving notice to the said trustee and person, cancel the existing lease, if any, and lease out the land himself on behalf of the public trust to-

(i) any person who is already a cultivating tenant; or

(ii) any person who, not being already a cultivating tenant, executes an agreement with the public trust that he will contributes his own physical labour or that of any member of his family in the cultivation of the land so leased out to him:

Provided that the extent of land so leased out to any person, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

(4) Where any order has been passed by the authorized officer leasing out the land under sub-section (3) on behalf of the public trust, any person in possession of the land on the date of such order, shall be deemed to have been evicted and the trustee of the public trust shall take possession of the land immediately and deliver possession of such land to the person to whom the land has been leased out under sub-section (3).

(5) (i) If the person who is deemed to have been evicted under sub-section (4), fails to deliver possession of the land to the trustee or obstructs the trustee from taking possession of such land; or

(ii) if the trustee fails to take possession of the land under sub-section (4), the authorized officer may, after using such force as may be necessary for the purpose, take possession of the land himself on behalf of the public trust and deliver possession of such land to the person to whom the land has been leased out under sub-section (3)

(6) A lease by the authorized officer under sub-section (3) shall be deemed to be a lease by the public trust and the public trust shall enter into a tenancy agreement with the person to whom the land has been leased out under sub-section (3) and the provisions of section 21 and the other provisions of this Act shall accordingly apply.

15. Special provision in respect of lands already held by co-operative societies.- (1) If on the notified date, any society registered under the Co-operative Societies Act (including a

society specified in Schedule II) holds on lease any land held by any public trust and any member of such society cultivates such land, which together with the other land already held by him, exceeds in the aggregate the cultivating tenant's ceiling area, the society shall within such period as may be prescribed distribute the land in such excess to any other member:

Provided that the extent of land so distributed together with the other land already held by such other member shall not exceed in the aggregate the cultivating tenant's ceiling area.

(2) The extent of the land which could not be distributed in accordance with the provisions of sub-section (1) shall revert to the public trust on the expiry of the period prescribed under that sub-section.

(3) The public trust shall within the prescribed period lease out the lands reverted under sub-section (2) to –

(i) a co-operative farming society; or

(ii) any person who is already a cultivating tenant; or

(ii) any person who not being already a cultivating tenant executes an agreement with the public trust that he will contribute his own physical labout or that of any member of his family in the cultivation of the land so leased out to him:

Provided that the extent of land so leased out to any person other than a co-operative farming society, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

*__15-A. Trustee or authorized officer to take possession of land reverting to public trust.-__ (1) Any person in possession of the land reverting to the public trust under section 7 or sub-section (2) of section 15, shall be deemed to have been evicted and the trustee of the public trust shall take possession of the land immediately.

(2) (i) If the person who is deemed to have been evicted under sub-section (1) fails to deliver possession of the land to the trustee or obstructs the trustee from taking possession of such land, or

(ii) if the trustee fails to take possession of the land under sub-section (1),

the authorized officer may, after using such force as may be necessary for the purpose, take possession of the land himself on behalf of the public trust and deliver possession of such land to the public trust.

__16. Restriction on the extent of land to be leased out to co-operative farming society.-__ (1) The extent of land leased out to any co-operative farming society by any public trust under this Chapter shall not exceed the difference between-

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(i) the extent of land in standard acres equal to five times the number of members of such society; and

(ii) the total extent of land in standard acres already held by such members.

(2) In respect of any land leased out to any co-operative farming society under this Chapter, the distribution of such land by the co-operative farming society among its members, shall be in accordance with such rules as may be prescribed.

Provided that the extent of land so distributed together with the extent of the other land already held by any one member shall in no case exceed in the aggregate the cultivating tenant's ceiling area.

17. Appeal.- (1) Any trustee of a public trust or any other person aggrieved by an order or decision of the authorized officer under this Chapter may, within such period as may be prescribed, appeal to such authority as may be prescribed.

(2) The authority prescribed under sub-section (1) may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit and shall communicate any such orders to the parties concerned.

(3) The order passed by the authority prescribed under sub-section (1) on the appeal shall be final.

CHAPTER – III
PROVISIONS RELATING TO TENANCIES

18. Cultivating tenants not to be evicted.- Subject to the provisions of sections 7, 15 (2) and 19 no cultivating tenant under any public trust shall be evicted from his holding or any part thereof by or at the instance of the public trust.

Explanation.- In this section, "holding" means the parcel or parcels of land held by any person as a cultivating tenant.

***19. Public trust may evict cultivating tenant in certain cases.-** (1) Any public trust may evict any cultivating tenant-

(a) who, if in arrear on the date of the commencement of this Act with respect to the rent payable to the public trust, does not pay such rent within a month after such date, or who, in respect of the rent payable to the public trust after the date of the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(b) (i) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon, or

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(ii) who has altogether ceased to cultivate the land; or

(c) who has used the land for any purpose not being an agricultural purpose; or

(d) who has contravened consecutively for two crops the provisions of sub-section (1) or (2) of section 27; or

(e) who has willfully denied the title of the public trust to the land.

Explanation- A denial of the public trust's title under a bona fide mistake of fact is not willful within the meaning of this clause.

(2) (a) A cultivating tenant under any public trust, may deposit before the authorized officer the rent, or if the rent be payable in kind, its market value on the date of deposit, to the account of the public trust-

(i) in the case of rent in arrear on the date of the commencement of this Act, within a month after such date;

(ii) in the case of rent accrued due after the date of the commencement of this Act, within a month after the date on which the rent accrued due.

(b) The authorized officer shall cause notice of the deposit to be issued to the trustee of the public trust and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the authorized officer finds that any further sum is due, he shall allow the cultivating tenant such time as he may consider just and reasonable having regard to the relative circumstances of the public trust and the cultivating tenant for depositing such further sum inclusive of such costs as the authorized officer may allow. If the authorized officer adjudges that not further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the authorized officer, the cultivating tenant shall be deemed to have paid the rent within the period specified in clause (a) of sub-section (1). If having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the authorized officer, the trustee of the public trust may evict the cultivating tenant as provided in sub-section (3).

(3) (a) The trustee of every public trust seeking to evict a cultivating tenant falling under sub-section (1) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the authorized officer.

(b) On receipt of such application, the authorized officer shall, after giving reasonable opportunity to the trustee of the public trust and the cultivating tenant to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) of sub-section (1) in which the cultivating tenant had not availed of the provisions contained in sub-section (2), the authorized officer may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the public trust and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under

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clause (b) of sub-section (2). If the cultivating tenant fails to deposit the sum as directed, the authorized officer shall pass an order for eviction:

Provided that the authorized officer shall not direct the cultivating tenant to deposit such arrears of rent as have become time barred under any law of limitation for the time being in force.

20. Right to restoration of possession.- (1) Any cultivating tenant under any public trust, who has been evicted except in accordance with the provisions of sections 7, 15 (2) and 19 may make an application to the authorized officer within whose jurisdiction the land from which he was evicted is situated, within a period of six months from the date of such eviction for the restoration to him of the possession of the land from which he was evicted and to hold it with all the rights and subject to all liabilities of a cultivating tenant.

Provided that the application may be received after the period of six months aforesaid if the authorized officer, for reasons to be recorded in writing, is satisfied that the applicant had sufficient cause for not applying within that period.

(2) (a) On receipt of an application under sub-section (1), the authorized officer shall, after giving a reasonable opportunity to the trustee of the public trust and the person, if any, in possession of the land, to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it.

(b) In passing an order under clause (a) allowing the application, the authorized officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement by the applicant of the public trust or any other person in possession of the land in respect of the expenses incurred or the labour contributed by him during the period when the applicant was not in possession, in respect of any crop which has not been harvested, if an agreement is not reached between the parties as regards the amount and manner of such reimbursement.

Explanation: In lieu of imposing any condition relating to reimbursement as provided in clause (b), the authorized officer may, in his discretion, postpone the restoration of the possession of the land to the applicant until the harvest of any crop standing at the time when the order is passed.

*__20-A. Special privileges for members of the Armed Forces.-__ (1) A cultivating tenant who is enrolled as a member of the Armed Forces, on discharge or retirement from service or on being sent to Reserve, shall, on application for resumption made within the prescribed period to the authorized officer, be entitled to resume possession from his sub-tenant, of the land sub-let by him.

(2) The provisions of sub-section (2) of section 20 shall, as far as may be, apply to an application under sub-section (1), as they apply to an application by a cultivating tenant under sub-section (1) of section 20.

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(3) Where a member of the Armed Forces dies while in service, the special privileges conferred by this Act on such member shall be available to the widow of such member, or any person dependent upon such member immediately before his death.

21. Execution of lease.- (1) In the case of every tenancy agreement entered into after the date of the commencement of this Act between a cultivating tenant and a public trust, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy and shall be signed both by the trustee of the public trust and by the cultivating tenant. One of the three copies shall be kept by the trustee of the public trust, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk Office by the trustee of the public trust within a fortnight of the date on which the cultivating tenant signs it:

Provided that if the trustee of the public trust or the cultivating tenant refuse or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the trustee of the public trust, as the case may be, to lodge the deed in the Taluk Office with a declaration that the other party refused or delayed unreasonably to execute it.

(2) No stamp need by affixed to the lease deed.

(3) In the case of any tenancy, if the trustee of the public trust or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the authorized officer may, after holding such enquiry as may be prescribed, impose on the trustee of the public trust or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if were an arrear of land revenue.

22. Revision by the District Court.- The District Court may call for and examine the record of any authorized officer in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision, or order passed thereon; and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annualled or reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the District Court shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

Explanation- For the purposes of this section "District Court" shall mean—

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

(ii) in any other area, the principal civil court of original jurisdiction.

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CHAPTER – IV

FAIR RENT

***23. Rights and liabilities of cultivating tenant and public trust.-** (1) Every cultivating tenant under any public trust shall be bound to pay to the public trust and every public trust shall be entitled to collect from the cultivating tenant fair rent payable under this Chapter.

(2) Where the irrigation of any land is irregular, the public trust may, at its option, either take its share of the produce and bear the excess water-cess in respect of the irregular irrigation proportionate to its share or take the share of the produce which would have been obtained but for the irregular irrigation in which case the entire excess water-cess shall be borne by the cultivating tenant.

(3) Notwithstanding any neglect or failure on the part of the cultivating tenant under any public trust to raise any crop, the public trust shall be entitled to collect fair rent.

(4) All the cultivation expenses inclusive of cost of seed, ploughing, manuring, harvesting and threshing shall be borne by the cultivating tenant under the public trust.

(5) The public trust shall be responsible for the payment of all dues payable to the Government and local authorities in respect of the land subject to its right to recover from the cultivating tenant the public charges, which are expressly made payable by the cultivating tenant by this Chapter.

(6) The public trust shall bear all capital expenditure necessary to maintain the land and wells in a state of proper repair.

(7) Subject to the provisions of Chapter III, no public trust shall, after the date of the commencement of this Act, claim or stipulate for-

(i) payment of any amount by the cultivating tenant in excess of the fair rent or in excess of the public charges which are expressly made payable by the cultivating tenant by this Chapter ; or

(ii) the delivery by the cultivating tenant of any article or thing in addition to fair rent.

(8) A public trust may advance to its cultivating tenant who is not a member of any tenant farming society loan as may necessary for manuring its land. The loan so advanced shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Chapter.

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(9) Notwithstanding anything contained in sub-sections (4) and (8), the trustee of a public trust may with the consent of the cultivating tenant concerned in the case of any wet land or garden land attend to the manuring of the land by chemical manures and oil-cakes up to a sum equivalent to ten per cent of the normal gross produce and recover the same from the cultivating tenant. The amount payable by the cultivating tenant under this sub-section shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Chapter. Such amount shall be paid in addition to the fair rent payable under this Chapter.

(10) Nothing contained in this section shall affect the right of the public trust to claim from the cultivating tenant compensation for damages to the land or to anything that stood on the land at the time of lease.

***24. What is fair rent.-** (1) Fair rent shall be 25 per cent of the normal gross produce or its value in money.

(2) [Omitted by Act 18 of 1980.]

(3) Where the contract of tenancy provides for payment of a rent lower than the fair rent payable under the above provisions, the contract rent alone shall be payable during the contract period.

25. Fair rent may be paid in cash or in kind.- (1) The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind, in accordance with the terms of the contract between the public trust and the cultivating tenant; and in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways:

Provided that the option shall be exercised within three months from the date on which the tenancy agreement takes effect and if the cultivating tenant does not exercise the option within the period aforesaid, the trustee of the public trust shall, by notice given to the cultivating tenant, specify the way in which the fair rent shall be paid by the cultivating tenant:

Provided further that the option once exercised or the way once specified shall not be changed except by mutual agreement:

Provided also that where the crop raised is paddy, the public trust shall have the right it insist that the rent shall be paid in kind.

(2) Whenever adverse seasonal conditions result in the reduction of the gross produce from any particular crop to the extent of more than 25 per cent, the public trust shall be bound to remit a proportionate part of the fair rent due to it from its cultivating tenant in respect of that land for that period:

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Provided that before admitting or inquiring into an application made by a cultivating tenant for remission of fair rent under this section, the Rent Court may impose such conditions as it considers reasonable in the circumstances of the case including conditions as to deposit of admitted rent which has become due.

***26. Alteration or revision of fair rent.-** (1) Where in respect of any land fair rent has been determined under this Chapter, it shall continue in force for five years:

Provided that the Rent Court may, on an application made by the cultivating tenant under any public trust, reduce the fair rent if it is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the cultivating tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation:

Provided further that the Rent Court may, on an application made by the trustee of a public trust, enhance the fair rent if it is satisfied that on account of any improvements made in the land by or at the expense of the public trust, the produce of the land has increased.

(2) Where fair rent has been determined under this Chapter, in respect of any land before the date of the publication of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural lands) Amendment Act, 1980, in the Tamil Nadu Government Gazette, and such fair rent is in excess of the fair rent specified in section 24, as amended by the said amendment Act, then, notwithstanding anything contained in sub-section (1), on and from the said date, the fair rent so determined shall, in respect of that date and any period after that date stand reduced to the fair rent specified in the said section 24, as amended by the Amendment Act.

27. Sharing of produce.- (1) Where the produce to be shared is grain, no cultivating tenant shall harvest the crop unless he has given in such manner as may be prescribed, not less than ten days' notice in writing intimating the public trust of his decision to harvest and the notice shall expire on the day on which the harvest is to take place.

(2) Where the produce to be shared is grain, the sharing shall be done at the threshing floor on which the threshing took place; and no portion of the produce shall be removed therefrom at such time or in such manner as to prevent the due division thereof at the proper time.

(3) If the trustee of a public trust fails to attend the harvest on the date of harvest specified in the notice given under sub-section (1), the cultivating tenant shall be entitled to harvest the crop on that date or on any subsequent date. In such a case, either the trustee of the public trust or the cultivating tenant may make an application to the authorized officer requesting that an officer may be deputed to make the division of the produce.

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(4) Notwithstanding anything contained in sub-section (3), if the trustee of a public trust apprehends the removal of the produce by the cultivating tenant from the threshing floor in contravention of the provisions of sub-section (2), such trustee may make an application to the authorized officer requesting that an officer may be deputed to make the division of the produce.

(5) On receipt of the application under sub-section (3) or sub-section (4), as the case may be, the authorized officer may depute an officer who shall exercise such functions and in accordance with such procedure as may be prescribed.

28. Constitution of Rent Courts and Rent Tribunals.- (1) The Government may, by notification, constitute Rent Courts and Rent Tribunals for the purposes of this Chapter, with jurisdiction over such areas as may be specified in the notification.

(2) Every Rent Court shall be presided over by an officer not below the rank of Tahsildar and every rent Tribunal shll be presided over by an officer not below the rank of District Munsif.

29. Application to Rent Courts and appeals to Rent Tribunals.- (1) Notwithstanding any agreement between a public trust and the cultivating tenant, or any decree or order of a Court either party may apply to the Rent Court for fixation of fair rent or for deciding any dispute arising under this Chapter.

(2) From every decision of a Rent Court, an appeal shall, within such time as may be prescribed, lie to the Rent Tribunal whose decision shall be final, subject to revision, if any, under section 32.

30. Collector to publish list of prices.- (1) The Collector of the district shall publish in the months of January, April, July and October every year in the District Gazette the average market price during the immediately preceding three months at the headquarters of each taluk of the main crops of the district.

(2) Where, for the payment of fair rent by a cultivating tenant under any public trust, to whom the provisions of this Chapter apply, the cash value of any crop has to be fixed, such value shall be –

(a) in the case of any of the crops referred to in sub-section (1), the market price at the taluk headquarters last published under sub-section (1) before the date when such fair rent became payable;

(b) in the case of any other crop, such amount as may be agreed upon between the public trust and the cultivating tenant and in the case of disagreement, such amount as may be deemed fair and reasonable by the Rent Court.

***31. Exemption.-** Nothing in the Chapter shall apply to any land during the period when such land is used for raising as main crop, [.....] plantain or betel vines or any crop

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which does not give any yield for a continuous period of two years or more from the time of cultivation or to any contract merely for the collection or harvesting of the crop of any kind.

32. Revision by the District Court.- The District Court may call for an examine the record of any rent Tribunal in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision, or order passed thereon; and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the District Court shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

Explanation- For the purposes of this section "District Court" shall mean—

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

(ii) in any other area, the principal civil court of original jurisdiction.

CHAPTER – V

TENANT FARMING SOCIETIES

33. Formation of tenant farming societies.- Any ten or more cultivating tenants under any public trust may form a joint tenancy co-operative farming society (in this Act referred to as the tenant farming society) and for that purpose may apply in writing in the Register for the registration thereof.

34. Application for registration.- (1) An application for registration of a tenant farming society shall be accompanied by-

(i) extracts from such records as may be prescribed showing the total area with the survey numbers of all the lands held by each of the applicants;

(ii) a copy of the proposed by – laws of the tenant farming society;

(iii) a statement whether any applicant is in arrear with respect to any rent payable to the public trust,

and shall contain such particulars as may be prescribed.

(2) The by-laws referred to in clause (ii) of sub-section (1) shall be deemed to be the by-laws required to be filed under the provisions of the Co-operative Societies Act.

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35. Registration of tenant farming societies.- (1) After making such enquiry as may be prescribed, the Register shall, subject to such conditions as may be prescribed, register the tenant farming society and grant a certificate of registration.

(2) The Register shall cause a copy of the certificate to be forwarded within such time and in such manner as may be prescribed to the authorized officer within whose jurisdiction the land in respect of which the tenant farming society is registered is situated for such action as may be prescribed.

36. Transfer of possession of land to tenant farming society.- (1) When a tenant farming society has been registered under section 35, the possession of all lands held by a member in respect of which he becomes a member of the tenant farming society shall with effect from the date of such registration and for so long as the registration of the tenant farming society is not cancelled stand transferred to the tenant farming society, which shall thereupon hold such land and use it for agricultural purposes.

(2) If any cultivating tenant under any public trust is admitted as a member of a tenant farming society after its registration, the possession of the land held by him and in respect of which he becomes a member, shall with effect from the date on which he becomes a member stand transferred to the tenant farming society.

(3) No member of a tenant farming society shall withdraw his membership during the period specified in the agreement executed by him under sub-section (1) of section 40;

Provided that the society may, subject to such conditions as may be prescribed, permit any member to withdraw.

(4) Where any member of a tenant farming society ceases to be a cultivating tenant by virtue of any order passed under Chapter III by the authorized officer or the District Court in respect of any land the possession of which stood transferred to the tenant farming society, he shall, with effect from the date of such order, cease to be member of that society in respect of that land.

(5) (a) Notwithstanding the withdrawal of membership of a tenant farming society by a cultivating tenant under sub-section (3), or the cessation of such membership under sub-section (4), the possession of the land in respect of which the cultivating tenant had become a member shall continue to remain with the tenant farming society and the rights and liabilities of the cultivating tenant aforesaid shall be deemed to have devolved on the tenant farming society:

Provided that nothing in this clause shall be deemed to make the tenant farming society liable for the payment of rent accrued due before the date on which the cultivating tenant became a member of such society.

(b) The tenant farming society shall in respect of such land as is referred to in clause (a) admit a new member and permit him to cultivate such land:

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Provided that the extent of the land so cultivated together with the other land already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

37. Consequences of registration.- When a certificate of registration in respect of any tenant farming society has been granted as provided in section 35, the provisions of the Co-operative Societies Act and the rules made thereunder shall, so far as they are not inconsistent with the provisions of this Act or of the rules made thereunder, apply in relation to such tenant farming society, as they apply in relation to a society registered under the Co-operative Societies Act.

***38. Amendment of by-laws by the Registrar.-** (1) The Registrar may at any time on application made by a majority of the members of a tenant farming society [.....] after giving notice to the society in such manner as may be prescribed and after giving the society an opportunity of being heard, amend the by-laws.

(2) Where the Registrar is satisfied that for the purpose of altering the area of operations of a tenant farming society or for the purpose of improving the services rendered by it or for such other purpose as may be prescribed, an amendment of the by-laws is necessary, he may, after giving notice to the society in such manner as may be prescribed and after giving the society an opportunity of being heard amend the by-laws.

39. Land to continue to vest in the owner thereof.- Nothing in this Act shall be deemed to cause the right of ownership of a public trust or any other person in the land the possession of which stands transferred under section 36 to the tenant farming society to cease to vest in such public trust or such other person.

40. Agreement regarding period of membership, sharing of income, etc.- (1) Every member of a tenant farming society shall execute an agreement with the tenant farming society specifying-

(i) the period for which he shall continue as member of such society, such period not being less than five years in any case;

(ii) the basis on which the share of his income shall be determined; and

(iii) such other matters as may be prescribed.

(2) The agreement executed under sub-section (1) shall be sent by registered post by the tenant farming society to the sub-registrar having jurisdiction over the area in which the lands are situated.

(3) On receipt of the agreement, the sub-registrar shall register such agreement and issue a copy thereof to the tenant farming society.

(4) Any agreement executed under sub-section (1) which has not been registered under sub-section (3) shall be null and void.

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(5) The tenant farming society shall be entitled to collect any sum due to the society under the agreement executed under sub-section (1) or on any account whatsoever, by any member or past or deceased member.

41. Liability of the tenant farming society to rent and other dues.- A tenant farming society shall, as from the date on which it is registered, or from the date on which a new member is admitted, be liable for the payment of rent, betterment contribution and other public charges, if any, accrued due after the date aforesaid and payable by the member concerned under this Act or any other law for the time being in force, in respect of the land the possession of which stands transferred to the tenant farming society under section 36.

42. Admission of new members.- Subject to such conditions as may be prescribed, any cultivating tenant under any public trust may be admitted as a member of a tenant farming society.

43. Heirs deemed to be members of tenant farming society.- When a member, the possession of whose land stands transferred to a tenant farming society, dies, his heirs shall be deemed to have become the members of the tenant farming society subject to the same rights and liabilities of the first mentioned member.

44. Concessions and facilities for the tenant farming society.- A tenant farming society shall be entitled to such concessions and facilities as may be prescribed.

45. Act to apply to certain tenant farming societies.- (1) For the purposes of this Act, the tenant farming societies specified in Societies specified in Schedule II shall be deemed to have been registered under this Chapter on the notified date and the provisions of this Act shall, as far as may be, apply to such tenant farming societies.

(2) The Government may by notification, add any tenant farming society registered under the Co-operative Societies Act, before the date of the commencement of this Act and in possession of land belonging to any public trust to, or omit any tenant farming society from, Schedule II; and, on the publication of such notification, such tenant farming society shall be deemed to be included in, or as the case may be, omitted from, Schedule II.

CHAPTER VI

PENALTIES AND PROCEDURE

46. Penalty for failure to furnish return.- (1) If the trustee of any public trust or any cultivating tenant under any public trust refuses or willfully fails to furnish a return within the time specified in the notice under sub-section (1) of section 11 or within the further time, if any, allowed by the authorized officer under that sub-section, such trustee or cultivating tenant shall be punishable with fine which may extend to two hundred rupees.

(2) If the trustee of any public trust or any cultivating tenant under any public trust, after having been convicted under sub-section (1), continues to refuse or to willfully fail to

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furnish the return, such trustee or cultivating tenant shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which such trustee or cultivating tenant continuous so to offend.

47. Penalty for furnishing false return or information.- If the trustee of any public trust or any cultivating tenant under any public trust, who is under an obligation to furnish any return or information under this Act, furnishes a return or information which he knows or has reason to believe to be false, such trustee or cultivating tenant shall be punishable with fine which may extend to one thousand rupees.

***48. Penalty for contravention of the direction of the authorized officer.-** If the trustee of any public trust contravenes any direction of the authorized officer under clause (b) of section 12, or clause (b) of sub-section (2) of section 13 or sub-section (1) or sub-section (2) of section 14, or sub-section (1) of section 14-A, he shall be punishable with fine which may extend to one thousand rupees.

49. Penalty for contravention of any lawful order.- If the trustee of any public trust, any cultivating tenant under any public trust or any other person contravenes any lawful order passed under this Act or obstructs any person from, lawfully taking possession of any land for the possession of which such person is entitled in pursuance of any of the provisions of this Act or of any order passed thereunder, such trustee, cultivating tenant or other person shall be punishable with fine which may extend to five hundred rupees.

***49-A. Penalty for obstructing the trustee or authorized officer from taking possession.-** If any person obstructs any trustee of a public trust or the authorized officer from taking possession of the land under sub-section (4) or sub-section (5) of section 14-A or under section 15-A, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

50. Cognizance of offences.- (1) No Court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the authorized officer or any officer empowered by him by special order.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER VII

EXEMPTIONS

51. Exemptions.- Nothing contained in this Act shall apply to –

(i) plantations;

(ii) any land interspersed among plantation;

(iii) any land contiguous to any plantation; provided that the extent of such land shall not exceed twenty per centum of the total extent of such plantation;

(iv) lands converted into orchards or topes or arecanut gardens, whether or not such lands are contiguous or scattered;

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Provided that such land shall be exempt only so long as they continue to be orchards, topes, or arecanut gardens ;

(v) any land used exclusively for growing fuel trees;

Provided that such land shall be exempt only so long as such land continues to be used for such purposes;

(vi) any land used exclusively for dairy farming, poultry farming or livestock breeding:

Providing that such land shall be exempt only so long as such land continues to be used for such purpose;

(vii) any land used exclusively for grazing and assessed to land revenue at Rs.1.25 and below per acre:

Provided that such land shall be exempt only so long as such land continues to be used for such purpose;

(viii) forests.

52. Power of Government to exempt by notification and to cancel such notification.- (1) If, upon application or otherwise, the Government are satisfied that having due regard to-

(i) the object of any public trust;

(ii) the purpose for which any land held by such public trust is used and the income from such land;

(iii) in the case of any educational institution, the extent of land required for teaching and demonstration purposes; and

(iv) such other matters as may be prescribed,

the operation of the provisions of this Act in respect of any land held by such public trust will not be in the interests of such public trust, they may, by notification and subject to such conditions, if any, as they may specify in the notification, exempt such land from the operation of all or any of the provisions of this Act.

(2) If, upon application or otherwise, the Government are satisfied that-

(i) the land or part thereof exempt by virtue of the notification issued under sub-section (1) is used for any purpose other than the purpose for which it was used on the date of the issue of such notification; or

(ii) the public trust has contravened or failed to comply with the conditions specified in such notification,

they may, in respect of the whole or any part of the land exempt by virtue of such notification, cancel such notification; and upon such cancellation, the whole or part of such land, as the case may be, shall again be subject to the operation of all the provisions of this Act.

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CHAPTER VIII

MISCELLANEOUS

53. Act to apply to certain portion of land held by public trust in cases where any interest is reserved in favour of the founder of such trust.- (1) Where under the terms of a public trust any interest either in the land in respect of which the public trust is created or in the income from such land is reserved in favour of the founder of such public trust, or of any other person, the authorized officer shall declare the extent of land which bears to the total extent of land in respect of which the public trust is crested, the same proportion as such interest bears to the total interest in such land or the income therefrom. The extent of the land so declared shall, with effect from the date of such declaration be deemed to be held by the founder or such other person and the provisions of this Act shall apply to the remaining extent of the land.

(2) The extent declared under sub-section (1) shall cease to be the trust property from the date of such declaration but shall be subject to any other liability that may be subsisting on such land:

Provided that the extent of such liability shall bear the same proportion to the entire liability as the extent so declared bears to the total extent.

54. Power of Government to issue orders and directions to the authorized officer, etc.- The Government may issue such orders and directions of a general character as they may consider necessary in respect of any matter relating to the powers and duties of the authorized officer and the Registrar. The authorized officer and the Registrar shall give effect to all such orders and directions.

55. Transfer of proceedings from one authorized officer to another.- (1) On the application of any of the parties or of his or its own motion,-

(a) the Collector of the district may, at any stage after giving the parties a reasonable opportunity of being heard, transfer any application or other proceeding under this Act pending before any authorized officer in the district for disposal to any other authorized officer in the same district;

(b) the Board of Revenue may, at any stage after giving the parties a reasobable opportunity of being heard, transfer any application or other proceeding under this Act pending before any authorized officer in any district for disposal to any other authorized officer in any other district;

(2) Where any application or proceedings has been transferred under sub-section (1), the authorized officer to whom such transfer is made may, subject to any special directions given in the order of transfer, either hold the enquiry de novo or proceed from the stage at which the said application or other proceeding stood when it was transferred.

56. Costs.- The costs of, and incidental to, all proceedings before the authorized officer, the Rent Court, the Rent Tribunal or other authority shall be in his or its discretion.

57. Indemnity.- No suit, prosecution or other legal proceeding sahll lie against the authorized officer, the Registrar, the Rent Court, the Rent Tribunal or other authority for

anything which is in good faith done or intended to be done in pursuance of this Act or any rule of order made thereunder.

58. Bar of jurisdiction of civil courts.- Except as otherwise provided in this Act, no civil court, shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or deal with by the authorized officer, the Registrar, the Court, the Rent Tribunal or other authority.

59. Power to make rules.- (1) The Government may make rules to carry 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 procedure to be followed by rent Courts and Rent Tribunals;

(c) the matters to be taken into account in determining normal gross produce;

(d) the fees to be paid in respect of applications and appeals under this Act;

(e) the time within which appeals may be presented under this Act;

(f) the notification of prices of agricultural produce for the purpose of fixing the cash value of the fire rent;

(g) the rights and privileges to which a member of a tenant farming society shall be entitled and the obligations and liabilities to which such member shall be subject.

60. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

61. Rules and orders to be placed before the Legislature.- (1) All rules made under section 59 and all orders issued under section 60 shall be published in the Fort 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.

(2) Every rule made under section 59 and every order made under section 60 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.

62. Partial repeal of certain Acts.- On and from the date of the commencement of this Act, the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) and the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956) shall stand repealed in their application to a cultivating tenant in respect of any land held by him under a public trust.

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SCHEDULE 1*

[See section 2 (13) (b) (i).]

Serial number	District	Taluk	Revenue number and name of village
(1)	(2)	(3)	(4)
1.	Chingleput	Saidapet	13. Grant Lyon
1-A	Do	Do	55. Mukthapudupattu
2.	Do	Ponneri	146. Karadiputhur
3.	Do	Do	147.Kannankottai
4.	Do	Do	150. Thervoy
5.	Do	Do	151. Kandigai
6.	Do	Do	180. Pappankuppam alias Alamelumangapuram
7.	Madras	Do	121.Ikkattutangal
8.	Salem	Harur	317.Hunisanahalli
9.	Do	Do	318. Sillarahalli
10.	Do	Do	321.Regadahalli
11.	Do	Do	322.Mottankurichi

SCHEDULE II

(See section 45)

Serial number	*Name of the society*	*Name of the temple or institution*
1.	The Vakkaramari Tenants co-operative Farming Society	Sri Kambahareswarar Temple, Tirubuvanam Kumbakonam Taluk
2.	The Melaramansethi Tenants co-operative Farming Society	Do
3.	The Koilramapuram Tenants co-operative Farming Society	Sri Pasupathiswarar temple, Pandanallur Kumbakonam taluk
4.	The Araseri Tenants co-operative Farming Society	Do
5.	The Sirukadambur Tenants co-operative Farming Society	Do
6.	Sri Thiagesar Tenants co-operative Farming Society	Rajan Kattalai-attached to Sri Thiagarajaswamy Thiruvarur Nagapattnam Taluk
7.	The Brahannayaki Ambal Tenants co-operative Farming Society	Sri Bavaoushadiswarar Poonguli temple, Thiruthuraipoondi Taluk
8.	The Thillaiyadi Tenants co-operative Farming Society	Sri Saranatharaikartharswamy Thillaiyadi, Mayuram Taluk
9.	The Koilkadambanur Sri Kailasanathaswamy Temple Tenants co-operative Farming Society	Sri Kailasanathaswamy Temple, Koilkadambanur Nagapattinam Taluk
10.	The Mangal Tenants co-operative Farming Society	Sir Manthrapuriswarar temple, Kovilur, Thiruthuraipoondi taluk.

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11.	The Vallivalam Sri Hiruthayakamalanathaswamy Koil Tenants co-operative Farming Society	Sri Hiruthaya Kamalanathaswamy temple, Vallivalam
12.	The Mariammankoil InamArulmozhipettai Tenants co-operative Farming Society	Sri Palace Devasthanam, Thanjavur town
13.	The Pulimangalam Tenants co-operative Farming Society	Sri Panchanathiswarar Temple, Tiruvaiyaru
14.	Agniswarar Temple Tenants co-operative Farming Society	Sri Agniswaraswamy Temple,Thirupugalur, Nannilam Taluk
15.	The Maruvathur Tenants co-operative Farming Society	Sri Vaidyanathaswamy temple, Vaithiswarankoil, Srikali taluk
16.	The Kadiramangalam Tenants co-operative Farming Society	Do
17.	The Sikkil Navaneetheswaraswami Tenants co-operative Farming Society (at Kothamangalam)	Sri Navaneetheswaraswamy, Sikkil, Nagapattinam taluk
18.	The Sikkil Navaneetheswaraswami Tenants co-operative Farming Society (at Thethampet)	Do
19.	The Tiruchenkattangudi Tenants co-operative Farming Society	Sri Rudrapathiswarar temple, Tiruchenkattankudi, Nannilam taluk
20.	The Thennur Tenants co-operative Farming Society	Sri Sattanathaswami temple, Sirkali Taluk
21.	The Tiruvilandur Tenants co-operative Farming Society	Sri Parimalarenganathar temple, Tiruvilandur, Mayuram taluk
22.	The Tirunellikaval Sri Nellivananathaswami Devasthanam Tenants co-operative Farming Society	Sir Nellivananathaswamy temple, Tirunellikaval, Mannargudi taluk
23.	The Thirunaraiyur Tenants co-operative Farming Society	Sri Srinivasaperumal, Nachiyarkoil, Kumbakonam taluk
24.	Sri Amaruviperumal Devasthanam Tenants co-operative Farming Society	Sri Amaruviperumal temple, Theralundur, Mayuram taluk
25.	The Vedanayagi Tenants Co-operative Farming Society	Sri Vedaranyeswarar temple, Vedaranyam, Thiruthuraipoondi taluk
26.	The Pannirneer Mozhiyalpuram Tenants co-operative Farming Society	Do
27.	The Andergadu Tenants Co -operative Farming Society	Do
28.	The Kunnalur Tenants Co -operative Farming Society	Do
29.	The Kariapattinam Tenants Co - operative Farming Society	Sri Kailasanagaram Chattiram Devasthanam, Vedaranyam
30.	The Natchatramalai Tenants Co - operative Farming Society	Sri Amirthakadeswarar temple, Thirukadaiyur, Mayuram taluk
31.	The Thirukkadayur Tenants Co -	Do

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	operative Farming Society	
32.	The Vadarangam Tenants Co -operative Farming Society	Sir Ranganathaperumal temple, Vadarangam, Sirkalai taluk
33.	The Santhanaramaswamy Tenants Co -operative Farming Society	Sri Santhanaramaswamy temple, Needamangalam, Mannargudi taluk
34.	The Thillaivilagam Tenants Co -operative Farming Society	Sir Veera Kothandaramaswamy temple, Thillaivilagam
35.	The Kalukarainatham Tenants Co -operative Farming Society	Sri Parimalaranganathaswamy temple, Thiruvilandur,Mayuram taluk
36.	The Sembiamahadevi Sri Kailasanathar Devasthanam Tenants Co -operative Farming Society	SriKailasanathaswamy temple, Sembiamahadevi, Nagapattinam taluk
37.	The Ottagudi Tenants Co -operative Farming Society	Sri Palace Devasthanam Thanjavur.
38.	The Sowrirajaperumal Tenants Co -operative Farming Society	Sri Sowrirajaperumal Thirukkannapuram, Nannilam taluk
39.	Sri Murugan Tenants Co -operative Farming Society	Sri Subramaniaswamy temple, Ettikudi
40.	Sri Vedapuriswaraswami Devasthanam Tenants co-operative Farming Society (at Kilayur)	Sri Vedapuriswarar temple, Theralundur, Mayuram taluk
41.	The Muthupet Sri Sundareswaraswamy Devasthanam, Pudukkottagam Tenants co-operative Farming Society	Sri Sundareswaraswamy temple, Muthupet, Thiruthuraipundi taluk
42.	The Thiruvoimoor Thiagarajaswami Devasthanam Tenants Co -operative Farming Society	Sri Thyagarajaperumal temple, Thiruvoimoor, Nagapattinam taluk
43.	The Nemmeli Tenants Co -operative Farming Society	Sri Chekkanathaswamy temple, Mannargudi Taluk
44.	The Pamini Tenants Co -operative Farming Society	Sri Rajagopalaswamy temple, Mannargudi
45.	The Kannambadi Tenants Co -operative Farming Society	Do
46.	The Kuruvadi Village Tenants Co -operative Farming Society	Do
47.	The Mattiyur Tenants Co -operative Farming Society	Sri Arunachalaswamy temple, Tirupanandal, Kumbakonam Taluk
48.	The Tiruppanandal Tenants Co -operative Farming Society	Do
49.	The Tiruvalaputhur Tenants Co -operative Farming Society	Sri Rathinagiriswaraswamy temple, Thiruvalaputhur
50.	The Kuttalam Tenants Co -operative Farming Society	Sri Ukthavediswarar temple, Kuttalam, Mayuram taluk
51.	The Saranathaswami temple Tenants Co -operative Farming Society	Sri Saranathaperumal temple, Tirucherai, Kumbakonam taluk
52.	The Poovanur Tenants Co -operative Farming Society	Sri Sathuranga Vallabanathaswamy Devasthanam, Poovanur, Mannargudi

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		taluk
53.	The Ariyalur Tenants Co -operative Farming Society	Sri Koteeswarar Endowments, Thanjavur
54.	The Vilathur Sri Varadarajaperumal Tenants co-operative Farming Society	Sri Varadarajaperumal temple Vilathur
55.	The Tiruvarur Sri Thiagarajaswamy Devasthanam Arthajama Kattalai, Mosakulam Tenants co-operative Farming Society	Sri Thiagarajaswamy Devasthanam, Tiruvarur
56.	The Sattiakudi Sri Vedapuriswararswamy Temple Tenants co-operative Farming Society	Sri Vedapuriswararswamy temple, Sattiagudi, Nagapattinam taluk
57.	The Kallapuliyur Tenants Co -operative Farming Society	Sri Parimala Renganathaswamy Devasthanam, Tiruvilandur, Kumbakonam taluk
58.	Sri Thiyagarajaswami Abishegakattalai Thiruppallimukkudal Tenants Co -operative Farming Society	Sri Thiagarajaswamy Devasthanam Tiruvarur
59.	The Kizhavelur Sri Akshayalingaswamy Devasthanam Tenants Co -operative Farming Society	Sri Akshayalingaswami Devasthanam, Kizhavelur
60.	The Nattiruppu Tenants Co -operative Farming Society	Sri Thiagarajaswamy Devasthanam of Dharapuram Mutt, Thirukkuvalai
61.	The Keelaiyur Sri Renganatha Perumal Sri Arunachaleswaraswami Devasthanam Tenants Co -operative Farming Society	Sri Renganathaperumal Devasthanam, Keelaiyur and Sri Arunachalaswamy Devasthanam, Keelaiyur
62.	The Thevur Devapuriswaraswami Tenants Co -operative Farming Society	Sri Thevur Devapuriswarar Devasthanam, Thevur.
63.	Sri Kalahastheeswaraswami Tenants Co -operative Farming Society	Sri Kalahastheeswaranaswami Deveasthanam, Papanasam taluk
64.	The Uthamadani Sri Srinivasaperumal Tenants Co -operative Farming Society	Sri Srinivasaperumal Devasthanam Uthamadani
65.	The Sembanarkoil Swarnapureeswaraswami Tenants Co -operative Farming Society	Sri Swarnapureeswaraswami Devasthanam,Sembanarkoil
66.	The Kallikudi Tenants Co -operative Farming Society	Rajankattalai attached to Sri Thiagarajaswami Devasthanam, Tiruvarur
67.	The Thirumaraikadar Tenants Co -operative Farming Society	Vedarayeswarar temple, Vedaranyam
68.	The Thirukannankudi Sri Damodara Narayanaperumal Temple Tenants Co -operative Farming Society	Sri Damodaranarayanaperumal Devasthanam, Tirukannankudi
69.	Mayileripuram Tenants Co -operative Farming Society	Sri Kalandeeswaraswami Devasthanam, Kottur
70.	The Thirukkannamangai Tenants Co -	Sri Bakthavatchalaperumal

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	operative Farming Society	Devasthanam, Thirukkannanmangai
Tirunelveli District		
71.	The Chinthamaniperi Tenants Co - operative Farming Society	Sri Sankaranarayanaswamy Devasthanam, Sankarankoil and Sri Chintamaninathaswamy temple, Vasudevanallur, Sankarankoil taluk
72.	Sri Narambunathaswamy Tenants Co - operative Farming Society	Sri Narumbunathaswami temple, Thirupudaimaruthur, Ambasamudram taluk
73.	The Sivagiri Tenants Co -operative Farming Society	Sri R.K.Nachiar Endowments, Sivagiri, Sankarankoil taluk
74.	The Varadarajaswamy Tenants Co - operative Farming Society	Sri Varadarajaswamy Devasthama, Melaveeraragavapuram, Tirunelveli Junction
75.	Sri Thirukkuthalanathaswamy Tenants Co -operative Farming Society	Sri Thirukkuthalanathaswamy Devasthanam, Courtalam.
76.	The Puliarai Tenants Co -operative Farming Society	Sri Thirumalaikumaraswamy Devasthanam, Panpoli
77.	Sri Sankaranarayanaswamy Tenants Co -operative Farming Society	Sri Sankaranarayanaswamy Devasthanam, Sankarankoil
Ramanathapruam District		
78.	The Devadhanam Tenants Co -operative Farming Society	Sri Nachadai Thavirtharuliaswamy Devasthanam, Devadhanam.
79.	The Devadhanam Ammaiyappa Tenants Co -operative Farming Society	Do
80.	The Panakulam Tenants Co -operative Farming Society	Do
Chingleput District		
81.	The Kovur Tenants co-operative Farming Society	Sri Sundareswaraswamy Devasthanam, Kovur.

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