

LAW DEPARTMENT

THE TAMIL NADU GUDALUR JANMAM ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1969

(TAMIL NADU ACT 24 OF 1969)

(As modified upto the 3Qth June **1985)**

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GOVERNMENT OE TAMIL NADU.

LAW DEPARTMENT.

THE TAMIL NADU GUDALUR JANMAM ESTATE (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1969 (TAMIL NADU ACT 24 OF 1969).

(As modified upto the 30th June 1985).

[Received the assent of the President on the 6th December 1969 first published in the *Fort St. George Gazette,* on the 12th December 1969 (Agrastyana 26, 1981)].

Reference to papers connected with the Act-

(1)'The Tamil Nadu Gudalur Janmam Estate (Abolition and Conversion into Ryotwari)) Act, 1969 (Tamil Nadu Act 24 of 1969).

[For Statement of Objects and Reasons *see Fort St- George Gazette* Extraordinary, dated the 28th January 1969, Part IV —Section 3,'page 37; for Act *see* the *Fort St. George Gazette,* Part IV—Section 4, dated the 17th December 1969, pages 119-149}

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GOVERNMENT OF TAMIL NADU.

LAW DEPARMENT.

TAMIL NADU ACT No. 24 OF 1969.

[Received the assent of the President on the 6th December 1969, first published in the *Fort St- George Gazette* on the 17th December 1969 (Agrahayana 26, 1891).]

An Act to provide for the acquisition of the rights of janmis in janmam estates in the Gudalur taluk of the Nilgiris district and the. introduction of ryotwari settlement in such estates.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twentieth Year of the Republic of India as follows :—

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CHAPTER I.

PRELIMINARY.

1- (1) This Act may be called the Gudalur Janmam Estates (Abolition and Conversion info Ryotwari) Act, 1969. — Short title, extent application and commencement.

(2) It extends to the Gudalur Taluk , of the Nilgiris district.

(3) It applies to all janmam estates.

(4) If shall come info force on such date as the Government may, by notification, appoint.

(5) The Settlement Officer shall, immediately after the date of the publication of the notification under sub-section (4), publish in the *District Gazette,* a copy of the notification under sub-section (4) and shall also cause to be published in a conspicuous place in the village in which the janmam estate is situated a copy of the notification under sub-section (4) together with such particulars as may be prescribed.

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* Came into force on the 27th day of November 1974' in Gudalur taluk in the Nilgiris district.

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[1969 : T. N. Act 24]

Definitions

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

(1) all expressions defined in the Malabar Tenancy Act shall have the same respective meanings as in that Act with the modifications, if any, made by this Act;

(2) " appointed day " means the date appointed by the Government under sub-section (4) of section 1;

(3) "Director" means the Director of Settlements appointed under section 4;

(4) " forest " includes waste or arable land containing trees, shrubs or reeds.

Explanation.—A forest shall not cease to be such by reason only of the fact that in a portion thereof, trees, shrubs or reeds are felled, or lands are cultivated, or rocks, roads, tanks, rivers or the like exist;

(5) "Government" means the State Government;

(6) "janmam estate" means any parcel or parcels of land included in the holding of a janmi;

(7) "janmi" means a person entitled to the absolute proprietorship of land and includes a trustee in respect thereof;

(8) "Malabar Tenancy Act" means the Malabar Tenancy Act, 1929. Tamil Nadu Act XIV of 1930

(9) "plantation crop" means tea, coffee, rubber, ° f cinchona or cardamom;

(10) "Settlement Officer" means the Settlement Officer appointed under section 5;

(11) "tenant" means a verumpattamdar as defined in sub-clause (a) of clause (29) of section 3 of the Malabar Tenancy Act;

(12) "Tribunal" means the Tribunal constitute; under Section 7.

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CHAPTER II.

VESTING OF JANMAM ESTATES, ETC., IN GOVERNMENT.

Vesting of and Janmam Estates, etc., in Government

With effect on and from the appointed day save as otherwise expresly provided in 'this Act—

Tamil Nadu Act III of 1869. Tamil Nadu Act XII of 1931.

(a) the Malabar Tenancy Act, the Malabar Land Registration Act, 1895, the Gudalur Compensation * of 1869. for Tenants Improvements Act 1931 and all other enactments applicable to janmam estates as such, shall be deemed to have been repealed ikn their application to janmam estates;

Tamil Nadu Act II of 1864, Tamil Nadu Act VII of 1985 Tamil Nadu Act XV of 1955.

(b) every jamam estate including all communal lands and porambokes, estate lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries, and ferries situated within the boundaries thereof shall stand transferred to the Government and vest in them free of all encumbrances, and tbe Tamil Nadu Revenue Recovery Act, 1864 the Tamil Nadu Irrigation Cess Act, 1965 the Tamil Nadu Cultivating Tenants Protection Act, 1955 the Tamil Nadu Cultivating Tenants (Payment of fair Rent) Act 1956 and all other enactments applicable to ryotwari land shall apply to the janmam estate;

Tamil Nadu Act XXIV of 1956

(c) all rights and interest created by the janmi in or over his janmam estate before the appointed day shall as against the Government cease and determine;

(d) the Government may, after removing any obstruction that may be offered, forthwith take possession of the janmam estate and all accounts, registers, pattas. muchilikas. maps, plans and other documents relating to the janmam estate which the Government may require for the administration thereof :

Provided that the Government shall not dispossess any person of any land in the janmam estate in respect of which they consider that he is prima facie entitled to a ryotwari patta pending the decision of the appropriate authority under this Act as to whether such person is entitled to such patta;

(e) the janmi and any other person whose rights stand transferred under clause (6) or cease and determine under clause (c) shall be entitled only to such rights and privileges as are recognised or conferred on him by or under this Act ;

(/) the relationship of janmi and tenant, shall as between them, be extinguished; and

(g) any rights and privileges which may have accrued in the janmam estate to any person ■ before the appointed day against the janmi shall cease and. determine and shall not be enforceable against the Government or against the janmi and every

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such person shall be entitled only to such rights and privileges as are recognised or conferred on him by or under this Act-.

Appointment and functions of Director of Settlements

4. As soon so may be after the publication of this Act in the *Fort St. George Gazette,* the Government shall appoint a Director, of Statements to carry out survey and settlement operations in janmam estates and introduce ryotwari settlement therein. The Director shall be Subordinate to the Board of Revenue.

Appointment and functions of the Settlements Officers.

5- (1) As soon as may be after the publication of this and funciions of Act in the *Fort St- George Gazette,* the Government shall appoint one are more Settlement Officers to carry out the functions and duties assigned to them by or under this Act-

(2) Every Settlement Officer shall be sub-ordinate to the Director and shall be guided by such lawful instructions as he may issue, from time to time; and the Director shall also have power to cancel or revise

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any of the orders, Acts or proceedings of the Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

6. The Board of Revenue shall have power-—

Powers of control of the Board of Revenue

(a) to give effect to the provisions of this Act ;

(b) to issue instructions for the guidance of the Director and Settlement Officers; and

(c) to cancel or revise any of the orders, Acts or proceedings of the Director including those passed, done or taken in the exercise of revisional powers.

Constitution of Tribunal.

7 (1) The Government shall constitute a Tribunal for the purposes of this Act.

(2) The Tribunal for the shall consist of one person only who shall be a judicial Officer not below the rank of Subordinate Judge.

Central Act V of 1908

3) The Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit or when hearing an appeal.

CHAPTER III.

GRANT OF RYOTWARI PATTAS.

Lands in which the janmi is entitled to ryotwari patta.

8. The janmi shall will effect on and from the appointed day, be entitled to a ryotwari patta in respect of all lands proved to have been cultivated. by the janmi himself, or by the members of his trawad, tavazhi, illom or family or by his own servants or by bired labour with his own or hired Stock in- the ordinary course of husbandry for a continuous period of' three agricultural years immediately before the 1st day of June 1069.

Explanation I.—*"* cultivate *"* in this section includes the planting and rearing of topes, gardens, orchards and plantation crops, hut does not include

the rearing of topes of spontaneous growth.

Explanation II—Where any land is cultivated with plantation crops any land occupied by any building for the purpose of or ancillary to the cultivation of Such crops of the preparation of the same for the market and any waste land lying interspersed among or contiguous to the planted area upto a maximum of twenty-five per centum of the planted area shall be construed to be land cultivated by the janmi.

Lands in respect of which a tenant is entitled to ryotwari patta.

3) (1) Every tenant shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of the lands in his occupation :

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Provided that Such land is proved to have been cultivated by the tenant himself or by the members of his tarwad, tavazhi, illom or family or by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry for a continuous period of three agricultural years immediately before the 1st day of June 1969;

Provided further that no person who has been admitted into posession of any land by a panmi on or after the 1st day of June 1961 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.

(2) Notwithstanding anything contained in sub-section (1), no tenant shall be entitled to a ryotwari patta in respect of any land under sub-section (1) if such tenant has voluntarily abandoned or relinquished his rights in respect of such land on or before the date of the decision of the Settlement Officer under sub-section (1) of section 12.

Grant of ryotwari patta on the basis of personal cultivation in certain cases.

10, (1) Where no person is entitled to a ryotwari patta in respect of a land in a janmam estate under section 8 or section 9 and the land vests in the Government, a person who had been personally cultivating such land for a continuous period of three agricultural years immediately before the 1st day of June 1969 shall be entitled to a ryotwari patta in respect of that land :

Provided that no person shall be entitled to a ryotwari patta in respect of any land under this section if such person has voluntarily abandoned or relinquished his rights in respect of such land on or before the date of the decision of the Settlement Officer under sub-section (1) of section 12.

Explanation.—For the purposes of this subjection if such person has voluntarily abandoned or when he contributes his own physical labour or that of the members of his tarwad, tavazhi, illom or family in the cultivation of that land.

(2) Any ryotwari patta granted under this section shall take effect on and from the date of the grant of such patta.

Lands in respect of which no ryotwari patta will be granted

11. Notwithstanding anything contained in section 8 and 10 no ryotwari patta Shall be granted in respect of any land falling under any of the categories specified below and situated within the limits of a janmam will be estate :—

(a) forests;

(b) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;

(c) threshing floor, cattle stands, village sites, car tracks, roads, temple sites and such other lands situated in any janmam estate as are set apart for **the** common use of the villagers;

(d) rivers, streams and other porambokes.

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(12) The Settlement Officer. shall. subject to the provisions of sub-Section (2), inquire info the claims of any person for a ryotwari patta under this Act in respect of any land in a janmam estate and decide in respect of which land the claim should be allowed

Determination of land in respect of which any person is entitled to ryotwari patta.

(2) (a) Before holding the enquiry under the sub-section (1). the Settlement Officer shall give notice in the prescribed manner to the janmi and to the Tahsildar, of the taluk or the Deputy Tahsildar of the sub-taluk in which the land is situated; and

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(i) if the person in occupation of the land is not the janmi, to the occupant; and

(ii) to such other persons as may be specified in the rules made by the Government in this behalf.

(b) The Settlement Officer shall also publish in the prescribed manner in the village the notice referred to in clause (a) and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision.

(3) Against a decision of the Settlement Officer under sub-section (2), the Government may within one year from the date of the decision and any person aggrieved by such decision may, within three months of the said date, appeal to the Tribunal :

Provided that the Tribunal may, in its discretion, allow further time not exceeding two months for the filling of any such appeal :

Provided further that the Tribunal may, in its discretion, entertain an appeal by the Government at any time if it appears to the Tribunal that the decision of the Settlement Officer was vitiated by fraud or by mistake of fact.

Liability to pay land revenue to Government

13. (1) (a) Every person, whether a janmi or not who becomes entitled to a ryotwari patta under this Act other than under section (10) in respect of any land shall, for each fasli year commence in with the fasli year in which the appointed day falls; and

(b)' every person who becomes entitled to a ryotwari patta under section 10 in respect of any land shall for each fasli year commencing with the fasli year in which such patta is granted, be liable to pay to the Government the assessment under the ryotwari settlement of the janmam estate under section 20 and pending Such ryotwari settlement be liable to pay land revenue at the same rate and in the same manner as for the nearest ryotwari land of similar description and with similar advantages in the Nilgiris district.

(2) The land revenue payable under sub-section (1) shall be fixed by the prescribed authority.

Vesting of buildings

14. (1) Every building situated within the limits of janmam estate shall, with effect on and from the appointed day, vest in the person who owned it immediately before that day but the Government shall be entitled for each fasli year commencing with the fasli year in which the appointed day falls, to levy the appropriate assessment thereon.

(2) In this section "building" includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

Rights of person admitted into

15. Where any person has been admitted into possession of any land in a janmam estate by any janmi for a non-agriculture purpose, that person shall . be entitled to remain in possession of the land subject

however to the-payment by him to the Government of the ryotwari or other assessment or the ground, rent which may be imposed upon the land for each fash year commencing with the fasli year in which the appointed day falls :

possession land in janmam estate for non-agricultural purpose

Provided that such transaction was not void or illegal under any law in force at the time :

Provided further that a person who has been admitted info possession of any land on or after the 1st day of June 1961 shall be entitled to no rights in respect of such land except where the Government otherwise direct.

Persons admitted into possession of certain lands how deals with.

16 (1) Except where the Government otherwise direct, no person admitted by a janmi into possession of any land of the description specified in Section 11 shall be entitled to any rights in, or to remain in possession of, such land.

(2) A direction under sub-section (1) allowing any person to remain in possession of any such land may specify—

(i) the assessment of ground rent, payable to the Government on the land for each fasli year commencing with the fasli year in which the appointed day falls, and

(ii) such special terms and conditions, including the period for which such person may remain in possession of the land as the Government may consider necessary in the public interest.

Rights of lessees of plantation

17. (1) (a) Where at any time before the appointed day the janmi was created by way of lease, rights in any lands for purposes of cultivation of plantation crops, the Government may, if in their opinion, it is in the public interest to do so, by notice given to the person concerned terminate the right with effect from Such date as may be specified in the notice, not being earlier than three months from the date thereof.

(6) The person whose right has been so terminated shall be entitled to compensation from the Government which shall be determined by the * Board of Revenue in such manner as may be prescribed having regard to the value of the right and the period for which the right was created.

(c) Where any such right is not determined under this sub-section, the transaction whereby such right was created shall be deemed to be valid and all rights and obligations arising thereunder, on or after the appointed day, shall be enforceable by or against the Government :

Provided that the transaction was not void or illegal under any law in force at the time.

(2) The Government may, if in their opinion, it is in the public interest to do so, impose reasonable restrictions on the exercise of any right continued, under this section.

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Explanation.—Any rights granted in perpetuity shall cease and' determine and be dealt with under section (3) (e) and not under this section.

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

Rights of certain other lessees

18. (1) In cases not governed by any other provision this Act, where on or after the 1st day of June 1961, but before the appointed day, a janmi has created by way of lease or otherwise rights in any mines or mineral, quarries, fisheries or ^ferries, the transaction shall"- be deemed to be valid; and all rights and obligations arising thereunder, on or after the appointed day, shall be enforceable by or against the Government:

Provided that the transaction was not void or • illegal under any law in force at the time and that any such right was created for a period not exceeding one year.

(2) (a) Where any such right was created before the 1st day of June 1961, for a period exceeding one /year, the Government may, if in their opinion it is in the public interest to do so, by notice given to the ^person concerned terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(b) The person whose right has been so terminated shall be entitled to compensation from the Government which shall be determined by the * Board of Revenue in such manner as may be prescribed, having regard to the value of the right and the period for which the right was created.

(c) Where any such right created before the 1st day of June 1961 is not determined under this sub-section, the transaction whereby such right was created shall be deemed to be valid and all rights and obligations arising thereunder, on or after the appointed day shall be enforceable by or against the Government :

Provided that the transaction was not void ot illegal under any law in force at the time.

* By virtue of Section 10 (Tp of the Tamil Nadu Board of Revenue Abolition Act, T980 (Tamil Nadu Act 36 of 1980)] any reference to the Board of Revenue shall be deemed to be a reference to the State Government.

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(3) The Government, may, if in their opinion, it is in the public interest to do so, impose reasonable restrictions on the exercise of any right continued under this section.

Explanation.—Any rights granted in perpetuity shall cease and determine and be dealt with under section 3(ej_ and not under this section.

CHAPTER IV.

SURVEY AND SETTLEMENT OF JANMAM ESTATES.

Survey of Janmam Estates

19. (1) Any janmam estate or part thereof may be surveyed or if it has been sueveyed before the appointed day, be re-surveyed as if it were Government land in accordance with the provisions for the survey of such land contained in the Tamil Nadu Survey and Boundaries Act, 1928:

Tamil Nadu Act VIII of 1923

Provided that any re-Survey made under this subsection may be limited to what is necessary for the introduction of the ryotwari settlement of the janmam estate or part thereof.

(2) The cost of the survey or re-Survey, except so much thereof as is payable by any person under the provisions of section 8 of the Tamil Nadu Survey and Boundaries Act, 1923 shall be borne by the Government.

Tamil Nadu Act Act VIII of 1923

Manner of effecting ryotwari Settlement of Janmam Estate.

20. (1) The Settlement Officer shall effect a ryotwari settlement of the janmam estate or part thereof, in accordance with a settlement notification framed and published by the Government for the purpose.

(2) The said notification shall embody the principles adopted in making ryotwari settlements in ryotwari areas and shall adopt—

(a) the rates of assessment set out in the resettlement notification in force on the date of the publication of this Act in the *Fort Si. George Gazette* in the Nilgiris District; or

(b) if more than one such notification is in force in the district the rates Set out in one of those notifications which the Government consider to be the most appropriate to the case.

(3) All rates of assessment imposed at ryotwari settlement under this section shall be liable to revision from time to time as laid down in the settlement or re-settlement notification referred to in subsections (1) and (2).

(4) Neither the settlement notification nor any order passed in pursuance thereof shall be liable to he questioned in any court of law.

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(5) Nothing in the section shall be construed

(i) as entitling any person to a ryotwari patta for any land in respect of which he had not made any claim under section 12; or

(ii) as, empowering the appropriate officer or authority to re-open any decision made under Section 12.

CHAPTER V.

DETERMINATION AND PAYMENT OF COMPENSATION,

Compensation how determined.

21. The compensation payable in respect of a janmam estate shall be determined in accordance with the following provisions.

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Compensation to be determined for the janmam estates as a whole.

22. The compensation shall be determined for the janmam estate as a whole and not separately for each of the interests therein.

Explanation.—For the purposes of this section, the janmam estate owned by the Nilambur Kovilagam which is partly divided and partly held in common by the several tavazhis shall be construed as single janmam estate.

Basic annual sum.

23- A sum called the basic annual sum shall first be determined in respect of the janmam estate-

Component parts of basic annual sum.

24. (1) The basic annual sum shall be the aggregate of the sums specified below, less the deductions specified in section 27.:—

(i) the whole of the gross annual rent demand in respect of all lands in the janmam estate occupied by any person other than the janmi on the appointed day as ascertained under section ‘25. less the deduction Specified therein;

(ii) the whole of the average net annual miscellaneous revenue derived from all other sources in the janmam estates specified in clause (b) of section 3, but not including lands in respect of which the janmi is entitled to a ryotwari patta, as ascertain under section 26.

(2) Where the rent payable by a tenant to the janmi is in kind or partly in kind and partly in cash, its commuted value in terms of money shall be ascertained in the prescribed manner.

Compensation of rent demand and deduction therefrom.

25. (1) The gross annual rent demand in respect of the lands referred to in clause (i) of sub-section (1) of section 24 shall be the total of the rent due on lands occupied by any person other than the janmi on the appointed day.

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(2) For the purposes of sub-section (1) the rent shall be,—

(a) the fair- rent as determined under the Mlalabar Tenancy Act and in force on the appointed day and if no such fair rent is in force on the appointed day the fair rent as determined in accordance with the provisions of the said Act by such officer as may be authorised by the Government in this behalf and subject to such rules as may be prescribed ;

(b) in the case of lands to which the Malabar Tenancy Act is not applicable,, the rent payable to the janmi by the person in occupation of the land for the agricultural year immediately preceding the agricultural year in which the appointed day falls.

(3) From the gross annual rent demand there shall be deducted three and one-third per cent of such demand on account of the maintenance of irrigation works serving the janmam estate :

Provided' that no such deduction shall be made if there is no irrigation work serving the janmam estate oi* if the janmi is under no legal obligation to maintain any such work serving the janmam estate :

Provided further that where the obligation of the janmi to maintain every one of the irrigation works serving the janmam estate is shared by him either with the Government or with some other person the percentage of such deduction shall be reduced by such extent as the Government may deem reasonable.

Compensation act miscellaneous revenue

26. The average net annual miscellaneous revenue from the sources referred to in clause (ii) of sub-Section (1) of section 24 shall be the average of the net annual income derived by the janmi from such sources during the three agricultural years immediately preceding the agricultural year in which the appointed day falls :

Provided that, if the Director or the * Board of Revenue is of the opinion that there are no reliable data for ascertaining the said annual income derived by the janmi the average net annual miscellaneous revenue from the sources referred to in clause (ii) of sub-section (1) of section 24 shall be the average of the net annual income derived by the Government from Such source during the agricultural year commencing on the appointed day, if that day was the 15th day of March or on the 15th day of March immediately succeeding the appointed day if that day was not the 15th day of March, and the next agricultural year in case ryotwari settlement is effected in that year or the next two agricultural years in other cases.

Sums payable to Government to be deducted.

27. From the aggregate of the sums referred to in clauses (i) and (ii) of Sub-Section (1) of section 24 ascertained as aforesaid, there shall be deducted 'the whole of the amount, including assessment, if any, payable annually by the janmi to the Government.

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Amount of compensation.

28. (1) The compensation payable in respect of any janmam estate shall be twenty times the basic annual sum.

(2) When the compensation is finally determined in accordance with the foregoing provisions of this Act, if it is found that so much of the compensation as is attributable to forests in the janmam estate concerned, is less than an amount equal to the amount calculated at the rate of fifty rupees per acre of such forests, the compensation payable to such forests shall be an amount equal to the amount calculated at the rate of fifty rupees per acre of such forests, and the total compensation payable in respect of the janmam estate shall notwithstanding anything contained in this Act, be determined accordingly.

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

Determination of basic annual sum and compensation

29. (1) The Director shall, by order in writing determine in accordance with the provisions of sections 24 , 25 , 26 , 27 and 28 the basic annual sum in respect of each janmam estate and the compensation payable in respect thereof.

(2) The jamni or other person interested may, within Such time as may be prescribed or such further time as the Director may, in his discretion, allow, apply in writing fo that Officer for a copy of the data on the basis of which he proposes to determine the basic annual sum.

(3) On receipt of Such application, the Director shall furnish the data aforesaid to the applicant; and he shall also, before passing any order under subsection (1), give the applicant a reasonable opportunity of making his representations in regard therein writing or orally.

(4) A copy of' every order passed under Subsection (1), shall be communicated to the janmi and also to every applicant under sub-section (2).

(5) (i) The Director may, at any time, either *suo motu* or on the application of any person, review an order passed by him under sub-section (1) on any one or more of the following grounds, namely:—

(a) that the said order is vitiated by any clerical or arithmetical mistake or error apparent on the face of the record; or

(b) that subsequent to the passing of the o said order, data for the better calculation of the basic annual sum have become available; or

(c) that the said order, requires to be modified in pursuance of the final order of any competent authority or court:

Provided that the Director shall not exercise the powers under this sub-section in respect of auv janmam estate, without giving the janmi concerned

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and every applicant under this Sub-Section and subsection (2), a reasonable opportunity of being heard.

(ii) A copy of every order passed under this sub-section shall be communicated to the * Board of Revenue and also to the janmi concerned and every applicant under this sub-section and sub-section (2).

(6) Any person deeming himself aggrieved by an order made under sub-section (1) or sub-section—(a), may, within one month from the date of the order or such further time as the * Board of Revenue may, in its discretion allow, appeal to the Board of Revenue, and the Board shall, after giving the appellant a reasonable opportunity of being heard, pass such orders on the appeal as it thinks fit.

(7) Thu Board of Revenue may also, in its discretion at any time, either *suo motu* or on the application of any person, call for and examine the record of any order passed, or proceeding taken, by the Director under this section, for the purpose of satisfying itself as to the legality regularity or propriety of such order or proceeding and pass such order in reference thereto as it thinks fit :

Provided that the basic annual sum or compensation payable in respect of any janmam estate shall not be reduced by the Board without giving the janmi and every person who has made an application under this sub-section and sub-section (2) a reasonable opportunity of being heard.

(8) Notwithstanding anything contained in subsection (6) or sub-Section (7), the Board of Revenue may, on application made to if by the Director or by any other person in that behalf, review any order passed by it- under sub-Section (6) or sub-Section (7), if it is of the opinion that the said order is vitiated by an error in the decision on a point ol law or by a mistake, and may make such order on the application as it thinks fit:

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

Provided that no application for review shall be granted by the * Board of Revenue without previous notice to the janmi, and to the applicant to enable them to appear and be heard in support of the order a review of which is applied for.

(9) No order passed by the director under Sub-Section (1) or sub-section (5) shall be liable to be cancelled or modified except by the Board of Revenue as aforesaid; or to be questioned in any Court of law and no order passed by the * Board of Revenue under sub-section (6), (7) or (8) shall be liable to be cancelled or modified by the Government or any other authority or to lie questioned in any Court of law.

Compensation to be paid in prescribed manner

The compensation payable under this Act may be paid in such form and manner and at such time or times and in one or more instalments as may be prescribed by rules made by the Government.

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CHAPTER VI.

DEPOSIT AND APPORTIONMENT OF COMPENSATION.

Compensation to be deposited in office of Triibunal

(1) The Government shall deposit in the office the Tribunal the compensation payable under this Act in such form and manner and at such time or times and in one or more instalments as may be prescribed by the rules made under section 30:

Provided that the Government shall be entitled to deduct from the amount to be deposited—

(a) all moneys, if any, still remaining due to them.

(i) in respect of any amount payable by the janmi including assessment, if any, to the Government ;

(ii) in respect of any claim which was secured immediately before the appointed day by a mortgage of, or a charge on, the janmam estate or any portion thereof;

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

(b) all interim payments deposited under Subsection (4) of section-40 in excess of the amounts finally found to be payable under that section :

Provided further that the total amount of the compensation payable in respect of any janmam estate stands altered after the deposit referred to above has already been made, the Government may deposit the difference or withdraw the same from the deposit already made or otherwise adjust the same in such manner and at such time or times as may be prescribed and the provisions of sections 32 to 39 and of sections 41 and 42 shall apply to the amount finally under deposit and to this extent the Tribunal or the Special Appellate Tribunal, as the case may be, shall be competent to revise its orders, if any, already passed.

32. (2) On the making of such deposit the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the compensation aforesaid.

Claims to be made within six months.

(1) Every person who makes a claim to, or enforce-able against, the compensation deposited under any this Act or any portion thereof, including the janmi, members of his tarwad, tavazhi illom or family claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise, and creditors, whether their debts are secured or not, shall apply to the Tribunal within six months from the date on which the amount was deposited or within such further time not exceeding three months as the Tribunal may, in its discretion, allow.

(2) Every claim to, or enforceable against, the compensation or any portion thereof which is not made to the Tribunal within the time aforesaid shall,—

(i) in so far as it relates to the amount paid by the Tribunal under section 43; or

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(ii) subject to the provisions of section 45, in so far as it relates to the amount in respect of which an order for payment has been made by the Tribunal or the Special Appellate Tribunal in favour of any, person.

cease to be enforceable.

Duty of Tribunal

33. The Tribunal shall after giving notice to all persons who have applied under section 32 and to any other whom it considers to be interested, make inquiry into the validity of the claims received by it, and determine the persons who, in its opinion, are entitled to the compensation deposited and the amount to which such of them is entitled.

Compensation to be apportioned by Tribunal

34. (1) As a preliminary to such determination, the Tribunal shall apportion the compensation among the janmi and any other persons whose rights or interests Tribunal in the janmam estate shall be transferred to the Government under clause' (b) of section 3, or cease and determine under clause (c) of section 3, including persons who are entitled to be maintained from the janmam estate and its income, as far as possible, in accordance with the value of their respective interests in the janmam estate.

(2) The value of those interests shall be ascertained—

(a) in the case of the Janmam estates held by impartible tarwad referred to in Section 35, in accordance with the provisions contained in that section and in such rules, not inconsistent with that section and in such rules, not inconsistant with that section as may be made by the Government in this behalf; and

(b) in the case of other janmam estates, in accordance with such rules as may be made by the Government in this behalf.

Apportionment in the case of janmam estate held by impartible toward

35. (1) in the case of a janmam estate which had to be regarded as the property of an unpartible toward for the purpose of ascertaining the succession thereto held. by immediately before the appointed day, the following provisions shall apply.

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(2) The Tribunal shall determine the aggregate compensation payable to all the following persons, considered as a single group :—

(a) the members of the tarwed (who are hereinafter called " shares "); and

(b) other persons who, immediately before the appointed day, were entitled to maintanance out of the janmam estate and its income under any decree or order of a court, award, or other instrument in writing, or contract or family arrangement which is binding on the janrni (who are hereinafter called " maintenance holders");

Provided that no such maintenance-holder shall be entitled to any portion of the aggregate compensation aforesaid if before the appointed day, his claim for maintenance or the claims of his branch of the family for maintenance, has been settled or discharged in full.

(3) The Tribunal shall next determine which creditors if any, are lawfully entitled to have their debts paid from any out of the assets of the janmam estate and the amount to which each of them is so entitled; and only the reminder of the aggregate compensation shall be divisible among the shares and maintenance- holders as hereinafter provided :

(4) The portion of the aggregate compensation aforesaid payable, to the maintenance-holders shall be determined by the Tribunal and notwithstanding any arrangements already made in respect, of maintenance whether by a decree or order of a Court, award or other instrument, in writing or contract or family • arrangement, such portion shall not exceed one-fifth of the reminder .referred to in the second proviso to sub-section (2) of section 37.

(5) (a) The Tribunal shall, in determining the amount of compensation payable to the maintenance- holders and apportioning the same among them, have regard, as far as possible, to the following considerations, namely:—

(i) the compensation payable in respect of the janmam estate;

(ii) the number of persons to he maintained out of that estate;

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(iii) the nearness of relationship of the person claiming to be maintained ;
(iv) the other sources of income of the claimant; and
(v) the circumstances of the family of the claimant.
(b) for the purpose of securing—

(i) that the amount of compensation payable to the maintenance-holders does not exceed the limit Specified in sub-section (4), and

(ii) that the same is apportioned among them on an equitable basis,

the Tribunal shall have power, wherever necessary **to** reopen any arrangement already made in respect of maintenance whether by a decree or order of a Court, award or other instrument in writing, or contract or family arrangement.

(6) The balance of the aggregate compensation shall be divided among the shares, as if they owned Such balance as a marumkkattayam tarwad and partition thereof had been effected them on the appointed day.

Claims of creditors

36. After the compensation has been .apportioned among the persons referred to in sub-Section (1). Section 34, or where it is more convenient So to do pending such apportionment, the Tribunal shall take into consideration the applications of the creditors other than those dealt with in sub-Section (3). of **sec**tion 35, and decide those the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation Such amount should be paid.

Grant of ryotwari patta to maintenance holders in janmam estates held by impartible tarward

37. (1) Every maintenance-holder entitled to a portion of the compensation under section 35 shall also be entitled to the grant of a ryotwari patta in respect a holders of a portion of the lands referred to in section 8.

(2) The Tribunal shall determine the total extent of the lands in respect of which ryotwari pattas may be granted to the maintenance-holders and divide the Same among them and in doing so, the Tribunal shall, unless the reasons recorded in writing it considers **that** it is inappropriate to do so, have regard to the considerations set forth in sub-section (5) of section 35' and the

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manner in which the compensation payable to the maintenance-holders has been or may be apportioned among them under that sub-section ;

Provided that the total extent ox the lands granted to all such maintenance-holders shall not exceed one-fifth of the extent of the lands in respect of which ryotwari patta may be granted under section 8j.

Provided further that where it is found to be inconvenient or impractiable to grant any such lands or to grant any such lands to the full extent to which the maintenance-holder may be regarded as entitled, whether on the ground that such a grant will result in the creation of an uneconomic holding or for any other reason, the share of the compensation awarded to the maintenance-holder may be increased by such amount as the Tribunal may consider reasonable.

(3) The lands in respect of which ryotwari patta may be granted under section 8, after including any lands which may be granted to maintenance-holders under sub-section (2), shall be divided among the shares, as if they owned such lands and a maruma kattayam tarward and a partition thereof had been effected among them on the appointed day.

Certain janmam estates to be treated as importible janmam estate for purposes of compensation

38. (1) Where the powers of the janmi to alienate any property in janmam estate as restricted the provisions of this Act relating to the payment and apportionment of compensation in respect of the janman estate held by impartible tarwad shall, so far as may be, and subject to such rules as may be made by the Government in this behalf, apply to the payment and apportionment of the compensation payable in respect of the janman estate.

Devolution of interest in compensation

39. Where it is alleged that the interest of any person entitled to receive payment of any portion of the compensation had devolved on any other person or persons, whether by act of parties or by operation of law, the Tribunal shall determine, whether there has been any devolution of the interest, and if so, on whom it has devolved.

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Interim payments

40. (1) If the compensation payable a respect of a janmam estate is not determined and deposited a pursuance of this Act before the close of the agricultural year in which the appointed' day falls, into rim payment in respect of the janmam estate shall be deposited by the Government in the office of the Tribunal every agricultural year prior to the agricultural year in which the said deposit is made.

(2) In respect of the agricultural year in which the appointed day falls, the interim payment to be deposited shall be the basic annual sum as roughly estimated by the Government after deducting therefrom the income from the janmam estate actually derived by the janmi before the appointed day in respect of that agricultural year.

(3) In respect of each of the subsequent agricultural year's the interim payment to be deposited shall be the basic annual sum roughly estimated as aforesaid.

(4) The Government shall deposit all such amount, in the office of the Tribunal and the Tribunal shall after such inquiry, if any, as it thinks fit, apportion the amounts among the persons entitled to any portion thereof, as far as possible in accordance with the value of their respective interests.

(5) On the making of such a deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount so deposited.

(6) After the compensation has been finally determined the Government shall ascertain the aggregate interim payment which would have been due in respect of the janmam estate under sub-sections (2) and (3) for the agricultural year$_s$ concerned; if the basic annual sum as finally determined had been adopted instead of the basic annual sum as roughly estima**ted.**

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(7) If the aggregate interim payment determined under sub-section (6) exceeds the aggregate interim payment already deposited, the balance with interest thereon at three per cent per annum shall be deposited by the Government with the Tribunal along with the compensation as finally determined.

(8) If the aggregate interim payment determined under. sub-section (6) is less than aggregate amount already deposited, the excess amount deposited shall be deducted by the Government from the amount of the compensation finally determined and the balance "* shall be deposited in the office of the Tribunal.

(9) No interim payment made under this section # shall be deemed to constitute any part of the compensation which the Government are liable to deposit under sub-section (1) of section 31, or to any extent to be in lieu of such compensation.

(10) The Tribunal shall revise its apportionment of the interim payments with reference to the aggregate interim payment as finally determined by th« Government and make the necessary adjustments when apportioning the compensation as finally determined.

Appeals

41 (1) Against any decision of the Tribunal under sub-section (3) of section 12 and sections 33 to 40, the Government may, within six months from the date of the decision, and any person aggrieved by such decision may within three months from the **date of such** decision, appeal to the Special Appellate Tribunal consisting to of two Judges of the High Court nominated from time to time by the Chief Justice in this behalf.

Provided that the Special Appellate Tribunal may, in its discretion allow further time not **excee**ding three months for the filing of such appeal.

(2) The members of the Special Appellate Tribunal shall hear the appeal on all points, whether of law or of fact. Where on any such point or points the members are divided in their opinion, **they** shall state the point or points together with their

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opinions thereon shall then be laid before one or more Judges nominated for the purposes by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points and on each such point, the decision of the majority of the Judges who have heard the appeal including these who first heard it shall be deemed to be the decision of the Special Appellate Tribunal.

(3) The Special Appellate Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure 1908 when hearing an appeal.

Central Act V of 1908

(4) The decision of the Special Appellate Tribunal subject to such decision, the decision of the Tribunal shall be final.

(5) Every decision of the Special Appellate Tribunal and subject to such decision, every decision of the Tribunal shall be binding on all persons claiming an interest in any janmam estate notwithstanding that any Such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in any proceeding before the Tribunal or the Special Appellate Tribunal, as the case may be.

Restriction on the jurisdiction of the Tribunal and Special appellate Tribunal in certain cases

42. (1) In the case of apportionment of the compensation among the persons referred to in section 34 and of the apportionment of the interim payments among the persons referred to m section 40 the jurisdiction of the Tribunal and the Special Appellate Tribunal shall be limited to be apportionment as such and neither the Tribunal nor the Special Appellate Tribunal shall have jurisdiction to go into the question of the correctness of the determination or the adequacy of the compensation or of the interim payments, as the case may be:

(2) In cases falling under section 37, the jurisdiction of the Tribunal, and in cases of appeal from the order under section 37, the jurisdiction of the Special /Appellate Tribunal shall be limited to the division of |the lands in respect of which ryotwari patta may be

granted under Section 8 and neither the Tribunal nor (he Special Appellate Tribunal shall have jurisdiction io go into the question of the correctness of the order under section 12.

Explanation.—For the removal of doubts it is hereby declared that nothing in this section shall be construed to limit the jurisdiction of the Tribunal when hearing an appeal under sub-section (3) of section 12 or of the Special Appellate Tribunal when hearing an appeal under sub-Section (1) of section 41 from the decision of the Tribunal under sub-section (3) of Section 12.

Disbursement of compensation

43. All payments made out of the compensation deposited in the office of the Tribunal under section 31 shall be made by it in accordance with its orders and decisions Subject to the modifications. If any made on appeal under section 41.

Limitation for claims by persons entitled to payment

44. Every person in whose favour an order for payment has been made by the Tribunal, shall make an application for payment within three months from the date of the order.

Provided that the Tribunal may, within such further time not exceeding six months, as it may, in its discretion allow, admit a claim preferred after the period of three months aforesaid, if it is satisfied that the claimant had sufficient cause for not preferring the claim within that period :

Provided further that, when an appeal has been filed before the Special Appellate Tribunal against the said order for payment, the aforesaid period of three months shall be reckoned from the date of the decision of the Special Appellate Tribunal on the appeal.

Unclaimed and disbursed amounts how dealt with

45. (1) (a) All amounts deposited in the office of the Tribunal under sub-section (1) of section 31 and Sub-sections (4)' and (7) of section 40, and. remaining unpaid and with reference to which no claim has been made within the time specified in sub-section (1) of Section 32, or no application for payment has been made within the time specified in section 44; and

(b) all amounts deposited as aforesaid and remaining unpaid after the expiry of a period of six months from the date of the disposal of the application under section 44, shall be withdrawn by the Tribunal and deposited in the District Court having jurisdiction over the janmam estate concerned in the name of the janmam estate, or as the case may be, in the name of the janmam person or persons in whose favour an order for payments has been made by the Tribunal or the Special Appellate Tribunal.

(2) All amounts deposited by the Tribunal in the District Court under Sub-section (1) shall be dealt with by the District Court in accordance with such rules as may be made by the Government in this behalf.

(3) Every person making a claim to or enforceable against, any amount held in deposit under subsection (1) shall apply to the District Court in the prescribed form settingforth his claim.

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(4) The District Court shall, after giving notice to all persons who have applied under Sub-section (3)' and to any others whom it considers to be interest, make enquiry into the validity of the claims received by it and subject to the provisions of sub-section (5) determine the persons who are entitled to the amount held in deposit and the amount to which each of them is entitled.

(5) Every order for payment made by the Tribunal or the Special Appellate Tribunal in favour of any person shall be binding on the District Court.

Wrong and excess payments to be recoverable as land revenue

46. Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him, the amount which is found to be not due or which is in excess as the case may be, with interest thereon at three per cent per annum, or any portion thereof which cannot be otherwise adjusted by deduction from any amount due to such person, shall be recoverable as if it were an arrear of land revenue.

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CHAPTER VII.

RECOVERY OF CONTRIBUTION FROM PATTADARS.

Pattadars liable to pay contribution

47. The Government shall be entitled to collect from each pattadar and each pattadar shall be liable to pay to the Government, by way of contribution for every land in respect of which he has been granted a ryotwari patta an amount equal to ten times the» difference between the fair rent in respect of such land as determined in the manner specified in subsection (2) of section 25 and the land revenue due on such land.

Explanation.—For the purposes of this Chapter "Pattadar" means any person (other than a janmi) to whom a ryotwari patta has been granted under the provisions of this Act.

Determination of contribution

48. (1) The Settlement Officer, shall, by order in writing determine in respect of each pattadar the contribution payable by him under section 47.

(2) Any pattadar or other person interested may. within such time as may be prescribed or such further time as the Settlement Officer may, in this discretion, allow, apply in writing to that Officer for a copy of the data on the basis of which he proposes to determine the amount of contribution payable under Section 47.

(3) On receipt of Such application, the Settlement Officer shall furnish the data aforesaid to the applicant. and he shall also, before passing any order under sub-section (1), give the applicant a reasonable opportunity of making his representations in regard thereto in writing or orally.

(4) A copy of every order passed under sub-Section (1)' shall be communicated to the pattadar and also to every applicant under sub-section **(2).**

(5) (i) The Settlement, Officer may at any time either *suo rnotu* or on the application of any person review an order passed by him under sub-section (1) on anyone or more of the following grounds, namely •

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(1) that the said order is vitiated by any clerical or arithmatical mistake or error apparent on the face of the record; or

(2) that the said order requires to be modified in pursuance of the final order of any competent authority or Court :

Provided that the Settlement Officer shall not exercise the powers under this sub-section without giving the pattadar concerned and every applicant under this sub-section and sub-Section (2), a reasonable opportunity of being heard.

(ii) A copy of every order passed under this sub-section shall ' be communicated to the Director and the * Board of Revenue and also to the pattadar concerned and every applicant under this sub-Section and sub-section (2).

(6) Any person deeming himself aggrieved by an order made under sub-section (1) or sub-section (5), may, within one month from the date of the order or such further time as the Director may, in his discretion allow, appeal to the Director; and the Director shall after giving the appellant reasonable opportunity of being heard, pass Such orders on the appeal as he thinks fit.

(7) The * Board of Revenue may, in its discretion at any time, either *suo motu* or on the application of any person call for and examine the record of any order passed or proceeding taken by the Director or the Settlement Officer under this section, for the purpose of satisfying itself as to the legality, regularity or propriety of such order as proceeding and pass such order in reference thereto as it thinks fit :

Provided that, the amount of contribution payable by the pattadar shall not he altered by the * Board of Revenue without giving him and every person who has made an application under this sub-Section and sub-section (2)', a reasonable opportunity of being heard.

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

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(8) Notwithstanding anything contained in subsection (7), the * Board of Revenue, may, on application made to it by the Settlement Officer or by any other person in that behalf, review any order passed by it under sub-section (7), if it is of the opinion that the said order is vitiated, by an error in the decision on a point of law or by mistake, and may make Such order on the application as it thinks fit :

Provided that no application for review shall he granted by the Board of Revenue without previous notice to the pattadar and to the applicant, to enable them to appear and be heard in support of the order a review of which is applied for.

(9) No order passed by the Settlement Officer under sub-section (1) or Sub-section (5) shall . be liable to be cancelled or modified except by the Director of the * Board of Revenue as aforesaid or to be questioned in any Court of law; and no order passed by the Director under sub-section (6) Shall be liable to be cancelled or modified except by the Board of Revenue as aforesaid or to be questioned in any Court of law; and no order passed by the Board of Revenue under sub-section (7) or sub-section (8)., Shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any Court or law.

Recovery of contribution payable under the Act.

49. (1) The amount of contribution payable by the pattadar under this Act shall be paid to the Government in ten equal annual instalments free of interest at such place, in Such manner, and on Such date as may be prescribed :

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*By virtue of Section TO (IT of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980) any reference to the Board of Revenue shall be-deemed to be a reference to the State Government.

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Provided that a pattadar shall be entitled to pay the entire amount of contribution with a rebate of five per cent within a period of two years from the date on which he becomes liable to pay the contribution :

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

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

Obligation of transferor and transferee to give notice of transfer.

50. (1) Whenever the title of any person primarily and liable to the payment of contribution under this Act is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer to the Settlement Officer or any other officer authorized in this behalf by the Government (hereinafter in this section referred as the authorized officer).

(2) In the event of the death of any person g primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise, shall give notice of such transfer to the Settlement Officer or the authorized officer within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be prescribed and the transferee or the person to whom the title passes,

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as the case may be, shall if so required, be bound to produce before the Settlement Officer or the authorized officer, any document evidencing such transfer or succession.

(4) Every person who makes a transfer as aforesaid, without giving such notice to the Settlement Officer or the authorized officer shall (in addition to any other liability which he may incur through such neglect), continue liable for the payment of the contribution in respect of the land transferred until he gives notice or until the transfer shall have been recorded in the revenue registers, but noting in this Section shall be, held to affect the liability of the transferee for the payment of the Said contribution.

CHAPTER VIII.

MISCELLANEOUS.

Stay of execution proceedings and prohibition of certain transfers.

51. (1) No court shall, before the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal, order or continue execution in the respect of any decree or order passed against the janmi, against his interest in the janmam state or against his other immovable property or against him personally be arrest and detention; and with effect on and from Such date, execution in the cases aforesaid may be ordered or continued as Specified in, and in accordance with, the provisions of section 52.

(2) All proceedings for the execution of any decree or order by the arrest and detention in prison of the janmi pending on the appointed day shall stand dismissed and if on such day the janmi is detained in a prison in execution of any such decree or order, he shall be released forthwith.

(3) Notwithstanding anything contained in any other law for the time being in force, no janmi, shall, on or after the appointed day and before the date on which the earliest deposit as aforesaid is made, sell, mortgage, lease or otherwise assign, or alienate any of his immovable property, and any transaction of the nature hereby prohibited shall be void and- inoperative and shall not confer or take away any right whatever on or from any party to the transaction.

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Transitional provision in regard to liabilities of janmi, etc.,

52 (1) No claim or liability enforceable immediately before the appointed day against the janmi or against any other person whose rights stand transferred to the Government in pursuance of clause (b) of section 3 shall, on or after that day, be enforceable against the interest he had in the janmam estate; and all such claims and liabilities shall, after the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal, be enforceable —

(a) against the interim payments or the compensation or other Sum or sums paid or payable to him under this Act to the same extent to which such claims and liabilities were enforceable against his interest in the janmam estate immediately before the appointed day. a

(b) against his other property, if any, to the same extent to which such claims and liabilities were enforceable against such property immediately before the appointed day.

(2) No court shall, on or after the appointed day, order or continue execution in respect of any decree or order passed against the janmi or any other person aforesaid against the interest he had in the janmam estate; and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the interim payments or against the compensation or other sum or Sums paid or payable to him as aforesaid, or against his other property, if any,

(3) No Court shall, enforcing any claim or liability against the janmi or any other person aforesaid allow interest at a rate exceeding six per cent per annum simple interest for the period commencing on the appointed day and ending with the date on which the earliest deposit in pursuance of this Act is mad« in the office of the Tribunal.

Decision of Questions regarding forests

53. If any question arises whether any land in janmam estate is a forest or is situated in a forest, or as to the limits of a forest, it shall be determined by the Settlement Officer, subject to an appeal to the Director, within such, time as may he prescribed and also to revision by the Board of Revenue.

Janmi's right to collect arrears

54. (1) Notwithstanding anything contained in this in the case of janmam estate all arrears of rent payable by a person to a janmi in respect of any land in such estate and outstanding on the appointed day shall, to the extent to which such arrears are in excess of the rent due for three agricultural years in respect of that land be deemed to be discharged whether or not a degree has been obtained therefor if such person pays to the janmi the arrears of rent due for a period of any three agricultural years.

(2) In any suit or proceeding for the recovery of any arrears of rent referred to in sub-section (1), the Court or authority concerned shall, upon deposit in the Court or before the authority, or upon proof by the tenant of the payment, of arrears cf such rent for three agricultural years, dismiss the suit or proceedings.

(3) If before the appointed day any decree or order has been passed in any suit or proceeding for the recovery of any arrears of rent due from a tenant which is inconsistant with the provisions of this section, the Court or authority concerned shall,

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upon deposit in the Court or before the authority, or upon proof of the payment, of the arrears of rent due from the tenant for any three agricultural years and on the application of any person affected by such decree or order whether or not he was a party thereto, vacate the decree or order :

Provided that nothing contained in this section Shall apply to any Suit or proceeding in which the decree or order has been satisfied in full, before the appointed day.

(4) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in the Malabar Tenancy Act.

Explanation.—For the removal of doubts it is hereby declared that the payment or deposit, of arrears of rent for three agricultural years referred to in this section shall be payment or deposit made after the appointed day.

By virtue of Section 10 (If of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Taml Nadu Act, 36 of 1980 any reference to the Boa‹d of Revenue shall be deemed to lie a reference to the State Government.

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Where a person—

Rights of owner or occupier not to be affected by discontinuance of possession or occupation

(a) is entitled to the ownership or to the possession or occupation of any land or building immediately before the appointed day but has transferred his right to the possession or occupation thereof or has been temporarily dispossessed or deprived of his right to the occupation thereof; and

(b) has not on that day lost his right to recover the possession or occupation of such land or building, he shall, for the purposes of this Act and Subject to the provisions thereof, be deemed to be the owner ox to be in possession or occupation of such land or building :

Provided that any lawful transferee of the right to the possession or occupation of such land or building shall save as otherwise expressly provided in this Act, continue to have the same, rights against his transferor as he had immediately before the appointed day:

Provided further that any lawful transferee of the title to such land or building shall he entitled to all the right under this Act of this transferor.

Resjudicare

56. (1) The decision of the Tribunal or the Special Appellate Tribunal in any proceeding under this Act on any matter failing within its jurisdiction shall be binding on the parties thereto and person claiming under them, in any Suit or proceeding in a Civil Court, in so far as such matter is in issue between the parties or persons aforesaid in such suit or proceeding.

(2) The decision of a, Civil Court (not being the Court of a District Munsif or a Court of Small Causes'! on any matter falling within its jurisdiction shall he binding on the parties thereto and persons claiming under them in any proceeding under this Act before the Tribunal or the Special Appellate Tribunal in so far as such matter is in issue between the parties or persons aforesaid in such proceedings.

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Limitation.

57. (1) A copy of every decision or order in any proceeding against which an appeal or revision is provided for under this Act shall be communicated in such manner as may be prescribed

(2) For the purpose of computing the period of limitation in respect of any appeal or application for revision against any decision or order, the date of receipt of a copy of the decision or order by the appellant or applicant shall be deemed to be the date of the decision or order.

(3) The provisions of section 4 and sub-Section (1) and sub-Section (2) of section 12 of the Limitation Act, 1963 shall, so far as may be, apply to any appeal or application for revision under this Act.

Central Act 36 of 1963.

(4) Where under this Act an appeal or application for revision may be preferred to any' authority or officer within a prescribed period or within Such further time not exceeding a specified period as may be allowed by Such authority or officer, the further time aforesaid shall be computed on and from the expiry of such prescribed period computed in accordance with the provisions of sub-sections (2) and (3).

Finality of order passed under this Act.

58. (1) Any order passed by any officer the Government or other .authority or any decision of the Tribunal or the Special Appellate Tribunal under this Act in respect of matters to he determined for the purposes of this Act shall, subject only to an appeal or revision provided under this Act, he final.

(2) No such order or decision shall be liable to he questioned in any court, of law.

Jurisdiction of courts barred in certain cases

59. (1) No suit or other proceeding shall be lie against the Government for any act done or purporting to be done under this Act or any rule made there under

(2) (a) No suit, prosecution, or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to he done under this Act or any rule made thereunder without the previous sanction of the Government.

1969 5 T. N. Act. 24]

(b) No officer or servant of the Government shall be liable in respect of any such act in any civil oi criminal proceeding if the act was done in good faith in the court of the execution of the duties or the discharge of the functions imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government .for any act done or purporting to be done under this Act or any rule made thereunder after the expiry of six months from the date of the act complained of.

60. (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 rules, provide for—

Power to make

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

(b) the procedure to be followed by the Tribunal, (he Special Appellate Tribunal, authorities and officers, appointed or having jurisdiction under this Act ;

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(c) the delegation of powers conferred by this Act on the Government, or any other authority, officer or person;

(d) the time within which appeals and applications for revision may be presented under this Act in cases for which no specific provision in that behalf has been made herein;

(e) the application of the provisions of the Code of Civil l Procedure, 1908 to applications, appeals and proceedings under this Act.

Central Act V of 1908

(f) the fees t,o be paid in respect of applications and appeals under this Act;

(g) the transfer of proceedings from one Tribunal authority or officer to another: and

(h) the manner in which and the officer by whom fair rent shall be ascertained for the purposes of this Act.

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(3) A rule made under clause G?) of Sub-Section (2) may provide for restrictions and conditions subject to which the power delegated may be exercised and also for control and revision by the delegating authority., either *suo-motu* or an application, of the orders of the authority or person to whom the powers is delegated.

(4) (a) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day shall come info force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act, shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which if is so place or the next session, both Houses agree in making any modification i» any Such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 notification.

Act to override contract and other laws, etc.

61. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law ¡ custom, usage or contract.

Tamil Nadu Act 55 of 1961 to cease to apply to forests in janmam estates.

62. For the removal of doubts it is hereby declared that with effect on and from the appointed day the Tamil Nadu Private Forests (Assumption of Management) Act, 1961. shall cease to apply to forests which have vested in the Government under Section 3.

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