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GOVERNMENT OF TAMIL NADU

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EXTRAORDINARY

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Part IV—Section 4

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the President on the 29th June 1972 and is hereby published for general information :—

ACT No. 20 OF 1972.

[An Act further to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

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

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972.

(2) It shall be deemed to have come into force on the 1st day of March 1972.

2. *Definition.*—In this Act, “ principal Act ” means the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), as modified by the

Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970 (Tamil Nadu Act 17 of 1970) and the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1971 (Tamil Nadu Act 41 of 1971).

3. *Tamil Nadu Act 58 of 1961, as subsequently modified to have effect subject to modifications.*—The principal Act shall, on and from the 1st day of March 1972, have effect as if,—

(1) in section 3 of the principal Act,—

(a) clause (18) had been omitted;

(b) in clause (40), in sub-clause (2), after item (b), the following item had been inserted, namely:—

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

(2) after section 3-A of the principal Act, the following section had been inserted, namely:—

“3-B. *Certain special definitions.*—Notwithstanding anything contained in this Act, if, by virtue of the operation of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972, the total extent of land held by any person exceeds the ceiling area, then, in relation to such person and in this Act, unless the context otherwise requires,—

(i) ‘date of the commencement of this Act’ means the 1st day of March 1972;

(ii) ‘notified date’ means the date specified by the Government in a notification, which shall be a date subsequent to the date of the publication of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972, in the *Tamil Nadu Government Gazette*.”;

(3) in section 5 of the principal Act, in sub-section (5), for the figures and words “60 standard acres”, the figures and words “40 standard acres” had been substituted;

(4) in section 8 of the principal Act, in sub-section (1), in clause (v), the words "other than a hill area" had been omitted;

(5) in section 9 of the principal Act, in sub-section (3), in clause (a), the words "other than a hill area" had been omitted;

(6) in section 10 of the principal Act, in sub-section (1), in clause (vi), the words "other than a hill area" had been omitted;

(7) in section 13 of the principal Act, in sub-section (1), in clause (iii), the words "other than a hill area" had been omitted;

(8) in section 30 of the principal Act, the words "other than a hill area" had been omitted;

(9) after Chapter IV of the principal Act, the following Chapter had been inserted, namely :—

CHAPTER IV-A.

PERMISSION BY GOVERNMENT TO HOLD EXCESS LAND BY INDUSTRIAL OR COMMERCIAL UNDERTAKINGS.

37-A. *Industrial or commercial undertaking to apply to Government for permission to hold excess land.*—(1) If any industrial or commercial undertaking desires to hold or acquire any land in excess of the ceiling area, it shall make an application to the Government for permission to hold or acquire such land. Every such application shall be in writing and shall contain such particulars as may be prescribed.

Explanation.—In this section, "industrial or commercial undertaking" means any industrial or commercial undertaking (other than a co-operative society) which bona fide carries on any industrial or commercial operation.

(2) The Government may grant the permission for the whole or part of the land specified in the application subject to such conditions as they deem fit or refuse to grant such permission. The order granting such permission shall contain the particulars of the land in respect of which such permission is granted.

(3) The Government shall, in deciding whether to grant or refuse the permission under sub-section (2), take into consideration the following factors, namely :—

(a) the nature of the industrial or commercial operation;

(b) whether the excess land is required for immediate use or use in future; and

(c) such other particulars as may be prescribed.

(4) Notwithstanding anything contained in this Act, no industrial or commercial undertaking which has been approved by the Government under clause (iv) of section 73 before the date of the publication of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972, in the *Tamil Nadu Government Gazette*, shall be entitled to hold or acquire land in excess of the ceiling area unless such industrial or commercial undertaking has obtained the permission of the Government under this section in respect of such excess land.

(5) The Government may cancel the permission in respect of any land granted under this section on the breach of any condition specified by the Government.”;

(10) to section 62 of the principal Act, after the second proviso, the following proviso had been inserted, namely :—

“ Provided further that the authorized officer may, for reasons to be recorded in writing, permit the possession of the land held by the person as cultivating tenant and in excess of the cultivating tenant's ceiling area, if the total extent of such excess land does not exceed half an acre in the case of wet land and one acre in the case of dry land, irrespective of the assessment of such land. ”;

(11) in section 73 of the principal Act,—

(a) for clause (iv), the following clause had been substituted, namely :—

“ (iv) any land in respect of which the Government have granted permission to any industrial or commercial undertaking under section 37-A and such permission continues in force :

Provided that such land shall be exempt only so long as the conditions, if any, specified by the Government are complied with; ”;

(b) clause (v) had been omitted;

(c) in clause (xi), the words “ other than a hill area ” had been omitted;

(12) section 111 of the principal Act had been omitted;

(13) in section 112 of the principal Act,—

(a) in the heading, the words “ and orders ” had been omitted;

(b) in sub-section (1), the words and figures “ and all orders made under section 111 ” had been omitted; and

(c) in sub-section (2), the words and figures “ and every order made under section 111 ” and the words “ or order ” wherever they occur had been omitted;

(14) in the principal Act, Schedule I had been omitted;

(15) in the Table under the Explanation to paragraph 2 of Part I of Schedule III to the principal Act, under the heading “ Kanyakumari district ”, after item (2) and the entries relating thereto, the following item and entries had been inserted, namely :—

“(2-A) Wet land irrigated by other

Government source

6.62 ”.

(By order of the Governor)

C. BALASUBRAMANIAM,
Secretary to Government, Law Department.