



The Tamil Nadu Tenants and Ryots Protection Act, 1949

Act 24 of 1949

Keyword(s):

Estate, Landlord, Private Land, Temporary Protection, Eviction

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¹[TAMIL NADU] ACT No. XXIV OF 1949.²

[THE ¹[TAMIL NADU] TENANTS AND RYOTS PROTECTION
ACT, 1949.]

¹Received the assent of the Governor-General on the 8th December 1949; first published in the Fort St. George Gazette on the 13th December 1949.)

An Act to provide for the temporary protection of certain classes of tenants and ryots in the ³[State of Tamil Nadu].

WHEREAS it is necessary, pending further legislation, to provide for the temporary protection against eviction ⁴[* *] of tenants of private lands in estates governed by the ¹[Tamil Nadu] Estates Land Act, 1908; and against sale of the holdings of ⁴[* *] ryots in such estates and to provide for the stay of suits and other

¹[Tamil
Nadu]Act
I of 1908.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, Extraordinary, dated the 1st November 1949, Part IV-A, page 439.

Under section 66 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948), with effect on and from the date an estate is notified under that Act, the Madras Tenants and Ryots Protection Act, 1946 (now Tamil Nadu Act XXIV of 1949), shall be deemed to have been repealed in its application to private lands in the estate.

By virtue of section 74 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26 of 1963), the Tamil Nadu Act XXIV of 1949 shall be deemed to have been repealed in its application to private lands in the existing inam estate with effect on and from the notified date.

³ This expression was substituted for the expression "Province of Madras" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

⁴ The words "of tenants to whom the Malabar Tenancy Act, 1929, applies and" and "such tenants and of", were omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

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proceedings relating to such eviction and sale ; It is hereby enacted as follows :—

1. (1) This Act may be called the ¹[Tamil Nadu] Tenants and Ryots Protection Act, 1949.

Short title,
application,
commencement
and duration.

(2) It applies to—

²[(a) * * * * *]

Tamil
Nadu] Act
of 1908. and

(b) ryots in estates in the ³ [State of Tamil Nadu] governed by the ¹[Tamil Nadu] Estates Land Act, 1908;

(c) tenants of private lands in such estates.

ii
Act
08.

(3) It shall come into force at once and shall remain in force up to and inclusive of ⁴ [the 7th October 1965].

Tamil
Nadu] Act
of 1891.

(4) Upon the expiry of this Act, the provisions of section 8 of the ¹[Tamil Nadu] General Clauses Act, 1891, shall apply as if this Act had then been repealed by a ⁵[Tamil Nadu Act].

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1959, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² Clause (a) was omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ The words, figures and letters in brackets were substituted for the words, figures and letters "the 7th October 1963" by section 2 of the Tamil Nadu Tenants and Ryots Protection (Amendment) Act, 1963 (Tamil Nadu Act 12 of 1963).

The life of this Act has been extended from time to time by Madras Acts VIII of 1950, XXVIII of 1951 and XIV of 1953 and Tamil Nadu Acts XXXI of 1954, XXVII of 1955, VIII of 1957, 13 of 1959, 30 of 1961 and 17 of 1963.

⁵ This expression was substituted for the expression "Madras Act" by the Tamil Nadu Adaptation of Laws Order, 1970.

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

(a) the expressions 'estate', 'holding', 'private land', 'rent' and 'ryot' shall in relation to estates governed by the ¹[Tamil Nadu] Estates Land Act, 1908, have the same meanings respectively as in that Act ; ² [Tamil Nadu] Act 1 of 1908.

² [(b) " * *]

(c) the expression 'landlord' shall mean—

(i) in relation to estates governed by the ¹[Tamil Nadu] Estates Land Act, 1908, 'landholder', as defined in that Act ; ³[* *] ¹ [Tamil Nadu] Act 1 of 1908.

³ [(ii) * * * *]

Ryots and tenants not to be evicted. 3. During the continuance of this Act and subject to the provisions of sections 4 and 5—

(a) ⁴[* * *] no tenant of any private land in an estate shall be liable to be evicted by his landlord in pursuance of a decree or order for eviction; and

(b) no holding of a ⁵[* *] ryot shall be liable to be sold or brought to sale in pursuance of a decree, order, or other proceeding for recovery of rent.

Stay of suits and proceedings for eviction of tenants. 4. (1) All suits, proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their ⁶[* *] land, ⁶[* *] or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² Clause (b) was omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

³ The word "and" occurring at the end of sub-clause (i) and sub-clause (ii) were omitted by *ibid.*

⁴ The words "no tenant in the district of Malabar, and" were omitted by *ibid.*

⁵ The words "tenant or" were omitted by *ibid.*

⁶ The words "holdings or", and "as the case may be", were omitted by *ibid.*

(b) in which the sale of the holding of a ¹[* *] ryot for recovery of rent is claimed

and which stood stayed upto the commencement of this Act or which may be instituted after such commencement in any Civil or Revenue Court, shall continue to stand stayed or shall stand stayed as the case may be, subject to the provisions of the following sub-sections :

Provided that nothing contained in this sub-section shall affect the power of the Court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908, with a view to prevent wilful waste by the tenant or any person claiming under him. Central Act V of 1908.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from ²[the date on which notice of the suit was served on him by the Court (which service shall be the duty of the Court)], deposit in Court, for payment to the landlord the arrears of rent claimed in the plaint, or ³[an amount equivalent to rent for two years immediately preceding the date aforesaid] at the rate claimed in the plaint, whichever is less, together with such interest as may be payable under law, custom or agreement.

⁴[(2-A) In the case of a suit or proceeding for the sale of a holding to recover rent, or of a proceeding in execution of a decree or order obtained in any such suit or proceeding, or of a proceeding in execution of a decree or order for eviction, where the decree or order provides for the payment of rent—

(i) if the suit or proceeding was instituted before the commencement of the Madras Tenants and Ryots Protection (Amendment) Act, 1950, and no deposit has been made in pursuance of section 4, sub-section (3), of the Madras Tenants and Ryots Protection Act, 1946, Madras Act XVII of 1946.

¹ The words "tenant or", were omitted by clause (3) of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

² These words and brackets were substituted for the words "the date of institution of the suit" by section 3 (i) (a) of the Madras Tenants and Ryots Protection (Amendment) Act, 1950 (Madras Act VIII of 1950).

³ These words were substituted for the words "an amount equivalent to rent for two years" by section 3 (i) (b), *ibid.*

⁴ These sub-sections were inserted by section 3 (ii), *ibid.*

the ¹[] ryot shall deposit in Court for payment to the landlord, within two months from such commencement, (a) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (b) the rent for two years immediately preceding such commencement, whichever is less, or

(ii) if the suit or proceeding is instituted after such commencement, the ²[] ryot shall deposit in Court for payment to the landlord, within two months from the date on which notice of the suit or proceeding is served on him by the Court (which service shall be the duty of the Court), (a) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (b) the rent for two years immediately preceding the date aforesaid, whichever is less, together with such interest as may be payable under law, custom, or agreement up to the date of deposit.

(2-B) Where, before the institution of any suit or proceeding of the description referred to in sub-section (1), a tenant or ryot has paid to the landlord or deposited in Court for payment to him, an amount equivalent to the rent for two years immediately preceding the date of payment or deposit or to the rent due up to such date, whichever is less, together with such interest as may be payable up to such date, under law, custom, or agreement, and has continued to pay or deposit as aforesaid each year's rent, within a period of two months from the date on which it accrued due, the tenant or ryot shall not be liable to make the deposit referred to in sub-section (2), or sub-section (2-A.)]

(3) Notwithstanding the expiry of the period specified in ³[sub-section (2) or (2 A)] the Court may, if satisfied that ⁴[the tenant or ryot] was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period r c t

¹The words "tenant or" were omitted by clause 3 of, and the Schedule to the Madras Adaptation of Laws Order, 1957.

²The words "tenant or" were omitted by *ibid.*

³These words, brackets, figures and letter were substituted for the word, brackets and figure "sub-section (2)" by section 3 (iii) (a) of the Madras Tenants and Ryots Protection (Amendment) Act, 1950 (Madras Act VIII of 1950).

⁴These words were substituted for the words "the tenant" by section 3 (iii) (b), *ibid.*

exceeding one month and may extend it by such period or periods not exceeding one month in the aggregate, as it thinks fit.

(4) Where a suit or other proceeding is stayed under sub-section (1), the tenant or ryot shall, so long as this Act is in force, deposit or continue to deposit in Court, for payment to the landlord, each year's rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the Court.

(5) The deposit specified in ¹[sub-sections (2), (2-A), (2-B) and (4)] may be made by the tenant or ryot or any person whose interests are likely to be affected by the eviction or sale of the holding or land.

(6) If the deposit required by ²[sub-sections (2), (2-A) or (4)] is not made within the time specified therein or within such time as may be granted under sub-section (3) or sub-section (4), the Court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(7) Where a deposit has been made under ³[sub-sections (2), (2-A), (2-B) or (4)] and there is a dispute in regard to the rate of rent or the existence of the arrears of rent or the amount thereof, the Court may—

(i) refuse to pay to the landlord the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute ; Or

(ii) direct the payment of the same to the landlord on such terms and conditions as it thinks fit.

¹These words, brackets, figures and letters were substituted for the words, brackets and figures "sub-sections (2) and (4)" by section 3 (iv) of the Madras Tenants and Ryots Protection (Amendment) Act, 1950 (Madras Act VIII of 1950).

²These words, brackets, figures and letter were substituted for the words, brackets and figures "sub-section (2) or sub-section (4)" by section 3 (v), *ibid.*

³These words, brackets, figures and letters were substituted for the words, brackets and figures "sub-section (2) or sub-section (4)" by section 3 (vi), *ibid.*

(8) The provisions of sub-sections (2) to (7) shall apply *mutatis mutandis* to all proceedings pending at the commencement of this Act or instituted thereafter, in any Court of appeal or revision.

Power of State Government to order continuance of suits and proceedings. 5. Notwithstanding anything contained in section 4, the [State] Government may direct that any suit or proceeding or class or classes thereof, stayed under sub-section (1) or sub-section (8) of that section, shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

Continuance of suits and proceedings after the expiration of the Act. 6. All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed :

Provided that, in the case of a suit instituted after the commencement of this Act, the Court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

Power to remove difficulties. 7. If any difficulty arises in giving effect to the provisions of this Act, the [State] Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

Savings and validation. 8. (1) Any order made or purporting to have been made, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or anything done or purporting to have been done—

(a) under any provision of the Madras Tenants and Ryots Protection Act, 1946 (hereinafter in this section and Act in section 9 referred to as the said Act) and in force of immediately before the 8th October 1948, or

(b) on or after the 8th October 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the Madras Tenants and Ryots Protection Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance) shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after

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

that date under the said Act on the footing that it was in force at the relevant time or made under the said Ordinance, be deemed to be an order made, decision or direction given, action or proceeding taken, or thing done, under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, and any application made or purporting to have been made—

(a) under any provision of the said Act before the 8th October 1948, or

(b) on or after the 8th October 1948 under any provision of the said Act on the footing that it was in force at the relevant time, or

(c) under any provision of the said Ordinance, shall be deemed to have been incurred or made under the corresponding provision of this Act.

9. (1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the [State] Government or any person acting under his direction or aiding or assisting him—

Indemnity
for Acts, etc.,
done after
expiry of
Madras Act
XVII of 1946.

(a) for, or on account of, or in respect of, any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act, or

(b) for carrying out any decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the [State] Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

10. The Madras Tenants and Ryots Protection Act, 1946 and the Madras Tenants and Ryots Protection Ordinance, 1949, are hereby repealed.

Repeal

¹ This word was substituted for the word "Provincial" by the 1949. Adaptation of Laws Order, 1950.