



The Tamil Nadu Cultivating Tenants (Protection) Act, 1955

Act 25 of 1955

Keyword(s):

Cultivating Tenant, Cultivation, Holding, Land, Landlord, Revenue Divisional Officer

Amendments appended: 14 of 1956, 18 of 1976, 7 of 1980

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¹[TAMIL NADU] ACT No. XXV OF 1955².

[THE ¹[TAMIL NADU] CULTIVATING TENANTS (PROTECTION) ACT, 1955.]

(Received the assent of the President on the 24th September 1955; first published in the Fort St. George Gazette Extraordinary on the 27th September 1955.)

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

²For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, dated the 3rd August 1955, Page 145.

This Act was extended to the Shencottah taluk of the Tirunelveli district by section 2 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Shencottah taluk) Act, 1959 (Tamil Nadu Act 28 of 1959) repealing the corresponding law in force in that taluk.

This Act was extended to the added territories by section 5 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963) repealing the corresponding law in force in those territories.

This Act was extended to the Kanyakumari district by section 4 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976) repealing the corresponding law in force in that district.

Notwithstanding anything contained in this Act the provisions of this Act shall apply to any *mattuvaramdhar* under a land owner who owns more than ten acres of wet land and such a *mattuvaramdhar* shall be deemed to be a cultivating tenant within the meaning of this Act. Any *mattuvaramdhar* under a landowner referred to in sub-section (2) of section 9 of the Tiruchirappalli Kaiaeruvaram and Mattuvaram Act, 1958 (Tamil Nadu Act XXXVI of 1958), whose engagement had not been terminated under that sub-section, was entitled to continue as a *mattuvaramdhar* on the same terms immediately before the commencement of the said Act, and this Act shall as far as may be apply to him as if he were a cultivating tenant. Please see section 7 of Tamil Nadu Act XXXVI of 1958.

By virtue of section 8 (1) of the Tiruchirappalli Kaiaeruvaram and Mattuvaram Act, 1958 (Tamil Nadu Act XXXVI of 1958) any proceeding under this Act, disposed of on or after the 1st January 1957 and before the commencement of the said Tamil Nadu Act XXXVI of 1958, on the ground that the said 1958 Act did not apply to any *mattuvaramdhar* was entitled to be reopened and disposed of in accordance with this Act as if he were a cultivating tenant.

This Act shall, in its application to a cultivating tenant in respect of any land held by him under a public trust, stand repealed on and from the date of commencement of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) by virtue of section 62 of that Act.

This Act shall, except in so far as it is inconsistent with any of the provisions of Chapter VIII of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), continue in force by virtue of section 71 of that Act.

However, nothing contained in Chapter VIII of the said 1961 Act shall be deemed to affect the right of any land owner under this Act to resume possession for purposes of personal cultivation of the land taken possession of by the Government; and for the purposes of such resumption the Government shall be deemed to be the cultivating tenant. Please see section 68 of Tamil Nadu Act 58 of 1961.

Under the Madras Cultivating Tenants (Protection from Eviction) Act, 1966 (Madras Act 11 of 1966), the life of which Act expired on the 19th April 1968, the cultivating tenants in the State were given protection from eviction on the ground of arrears of rent. To enable the cultivating tenants to pay the arrears outstanding on the 20th April 1968 in easy instalments certain special provisions were made in the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1968 (Tamil Nadu Act 16 of 1968).

The Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1968 (Tamil Nadu Act 16 of 1968), the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972), the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1975 (Tamil Nadu Act 10 of 1975), the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976) and the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1976 (President's Act 36 of 1976), which provide relief to cultivating tenants (including indebted agriculturists) in respect of certain arrears of rent, debts, etc., and against eviction shall override the provisions in this Act or in any other law, contract, etc. Please see section 9 of Tamil Nadu Act 16 of 1968, section 9 of Tamil Nadu Act 21 of 1972, section 7 of Tamil Nadu Act 10 of 1975, section 7 of President's Act 15 of 1976 and section 8 of President's Act 36 of 1976.

The life of this Act had been extended from time to time by Tamil Nadu Acts XIX of 1958, 12 of 1959, 26 of 1961 and 15 of 1963; and it became a permanent Act by virtue of section 2 of the Tamil Nadu Cultivating Tenants Protection (Continuance) Act, 1965 (Tamil Nadu Act 8 of 1965).

¹[(ee) a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;]

(f) "Revenue Divisional Officer" means the Revenue Divisional Officer in whose jurisdiction the holding in question or part thereof is situate or an officer of the Revenue Department not lower in rank than the Revenue Divisional Officer, empowered by the State Government in this behalf;

²[(g) one acre of wet land shall be deemed to be equivalent to one and a half acres of garden land or three acres of dry land and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land].

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expressions.

³2-A. ⁴[(1)] In relation to the Shencottah taluk of the Tirunelveli district, the expressions 'the commencement of this Act', 'the day this Act comes into force', 'the date of coming into force of the ⁵[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956,' 'the day the ⁵[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956 comes into force', and 'the coming into force of the ⁵[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956' wherever they occur in this Act except in clause (a) of, and Explanation II to, sub-section (2) and sub-section (3) of section 3 shall be construed as referring to 'the 2nd March 1960'; and the expression '31st March 1954', wherever it occurs in this Act, shall be construed as referring to '31st March 1959'.

¹ This clause was inserted by section 3(3) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

² This clause was added by section 3 (4) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

³ This section was inserted by section 2(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

⁴ Section 2-A was re-numbered as sub-section (1) of that section and sub-section (2) was added by section 3 (ii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

⁵ 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.

¹[(aa) 'Cultivating tenant'—

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

(ii) includes—

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

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

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

(d) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land; but

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

(b) "cultivation" means the use of lands for the purpose of agriculture or horticulture;

²[(bb) 'garden land' means dry land irrigated by lifting water from wells or other sources;]

(c) "holding" means a parcel or parcels of land held by a cultivating tenant;

(d) "land" means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto, and any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy;

(e) "landlord" in relation to a holding or part thereof means the person entitled to evict the cultivating tenant from such holding or part;

¹ This clause was substituted for clause (aa) as so re-lettered by section 2(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1969 (Tamil Nadu Act 9 of 1969).

² This clause was inserted by section 3(2) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956.)

¹[(e) a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;]

(f) "Revenue Divisional Officer" means the Revenue Divisional Officer in whose jurisdiction the holding in question or part thereof is situate or an officer of the Revenue Department not lower in rank than the Revenue Divisional Officer, empowered by the State Government in his behalf ;

²[(g) one acre of wet land shall be deemed to be equivalent to one and a half acres of garden land or three acres of dry land and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land].

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³[2-A. ⁴[(1)] In relation to the Shencottah taluk of the Tirunelveli district, the expressions 'the commencement of this Act', 'the day this Act comes into force', 'the date of coming into force of the ⁵[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956,' 'the day the ⁵[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956 comes into force', and 'the coming into force of the ⁵[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956' wherever they occur in this Act except in clause (a) of, and Explanation II to, sub-section (2) and sub-section (3) of section 3 shall be construed as referring to 'the 2nd March 1960'; and the expression '31st March 1954', wherever it occurs in this Act, shall be construed as referring to '31st March 1959'.

¹ This clause was inserted by section 3(3) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

² This clause was added by section 3 (4) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

³ This section was inserted by section 2(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

⁴ Section 2-A was re-numbered as sub-section (1) of that section and sub-section (2) was added by section 3 (ii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

⁵ 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.

¹[(2) In relation to the added territories, the expressions 'the commencement of this Act', 'such commencement', 'the day this Act comes into force,' 'the date of coming into force of the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956'; 'the day the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956 comes into force', and 'the coming into force of the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956' wherever they occur in this Act except in sub-section (1) of this section and clause (a) of, and Explanation II to, sub-section (2) of section 3 shall be construed as referring to 'the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963, is first published in the *Fort St. George Gazette'.]

³[(3) In relation to the Kanyakumari district, the expressions 'the commencement of this Act', 'such commencement', 'the day this Act comes into force,' 'the date of coming into force of the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956,' 'the day the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956 comes into force', and 'the coming into force of the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956' wherever they occur in this Act except in sub-sections (1) and (2) of this section and clause (a) of, and *Explanation II* to, sub-section (2) of section 3 shall be construed as referring to 'the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*'.]

¹ This sub-section was added by section 3 (ii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to added Territories) Act, 1963. (Tamil Nadu Act 33 of 1963.)

² 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.

³ This sub-section was added by section 2(i) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari district) Act, 1972 (Tamil Nadu Act 4 of 1976).

* Now the *Tamil Nadu Government Gazette*.

Landlords not
to evict culti-
vating tenants.

3. (1) Subject to the next succeeding sub-sections,
no cultivating tenant shall be evicted from his holding
or any part thereof, ¹[* * * *

*] by or at the instance of his landlord, whether
in execution of a decree or order of a Court or otherwise,

(2) Subject to the next succeeding sub-section, sub-
section (1) shall not apply to a cultivating tenant—

²[a) who, in the areas where the Tanjore Tenants
and Pannaiyal Protection Act, 1952 ³[Tamil Nadu] Act
XIV of 1952), ⁴[was in force] immediately before the
date of coming into force of the ³[Tamil Nadu] Cultiv-
ating Tenants Protection (Amendment) Act, 1956, if
in arrear at the commencement of this Act, with respect
to the rent payable to the landlord does not pay such
rent within six weeks after such commencement or who
in respect of rent payable to the landlord after the com-
mencement of this Act, does not pay such rent within a
month after such rent becomes due ; or

(aa) who, in the other areas of the ⁵[State of
Tamil Nadu], if in arrear at the commencement of this
Act, with respect to the rent payable to the landlord and
accrued due subsequent to the 31st March 1954, does
not pay such rent within a month after such commence-
ment, or who in respect of rent payable to the landlord
after such commencement, does not pay such rent within
a month after such rent becomes due ; or]

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

¹The words "during the continuance of this Act" were omitted
by section 4 of the Tamil Nadu Cultivating Tenants Protection
(Continuance) Act, 1965 (Tamil Nadu Act 8 of 1965).

²These clauses were substituted for the original clause (a) by
section 4 (a) (i) of the Tamil Nadu Cultivating Tenants Protection
(Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956)

³These 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.

⁴These words were substituted for the expression "and in the
areas where the South Kanara Cultivating Tenants Protection Act
1954 (Madras Act VI of 1954), were in force" by clause 3 of, and
the Schedule to, the Madras Adaptation of Laws Order, 1957.

⁵This 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.

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

(d) who has wilfully denied the title of the landlord to the land.

Explanation ¹[I]—A denial of the landlord's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause.

¹[*Explanation II.*—In relation to areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (²[Tamil Nadu] Act XIV of 1952), ³[was in force] immediately before the date of coming into force of the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act 1956, the expression 'commencement of this Act' wherever it occurs in this Act shall be construed as referring to the date aforesaid ;]

⁴[*Explanation III.*—In relation to the added territories, clause (aa) of this sub-section shall have effect as if the following clause had been substituted, namely :—

'(aa) who, if in arrear on the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963, is first published in the **Fort St. George Gazette* with respect to the rent payable to the landlord and accrued due during a period of one month before such date does not pay such rent within a month after such date, or who in respect of rent payable to the landlord after such date, does not pay such rent within a month after such rent becomes due or']

¹The original Explanation was renumbered as Explanation I and Explanation II was added by section 4(a) (ii) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

²These 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.

³These words were substituted for the words "and to areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954 were in force" by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

⁴This Explanation was added by 'section 3 (iii) (a) of the Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

*Now the *Tamil Nadu Government Gazette*.

¹[*Explanation IV.*—In relation to the Kanykaumari district, clause (aa) of this sub-section shall have effect as if the following clause had been substituted, namely:—

(aa) who, if in arrear on the date on which the ²[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanykaumari district) Act, 1972, is first published in the *Tamil Nadu Government Gazette*, with respect to the rent payable to the landlord and accrued due during a period of one month before such date does not pay such rent within a month after such date, or who in respect of rent payable to the landlord after such date, does not pay such rent within a month after such rent becomes due ; or]

(3) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord—

(i) in the case of rent accrued due subsequent to the 31st March 1954, within a month after the commencement of this Act ;

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

(b) The Court shall cause notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing such further sum inclusive of such costs as the Court may allow. If the Court adjudges that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have

¹This Explanation was added by section 2.(ii) (a) of the Tamil Nadu Cultivating Tenants Protection of Payment of Fair Rent (Extension to Kanyakumari district) Act, 1972 (Tamil Nadu Act 4 of 1976).

²These 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.

paid the rent within the period specified in the last foregoing sub-section. If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as provided in sub-section (4).

(c) The expression "Court" in this sub-section means the Court which passed the decree or order for eviction or, where there is no such decree or order, the Revenue Divisional Officer.

¹[*Explanation 2* [(I)].—In relation to the Shencottah taluk of the Tirunelveli district, the expression 'commencement of this Act' wherever it occurs in clause (a) of this sub-section shall be construed as referring to the date on which the ³[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 is first published in the *Fort St. George Gazette.]

²[*Explanation II*.—In relation to the added territories, the expression 'rent accrued due subsequent to the 31st March 1954' occurring in sub-clause (i) of clause (a) of this sub-section shall be construed as referring to rent accrued due during a period of one month before the date on which the ³[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 is first published in the *Fort St. George Gazette'].

⁴[*Explanation III*.—In relation to the Kanyakumari district, the expression 'rent accrued due subsequent to the 31st March 1954' occurring in sub-clause (i) of clause (a)

¹This Explanation was added by section 2 (ii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

²The Explanation to sub-section (3) of section 3 was numbered as Explanation I and Explanation II was added by section 3 (iii) (b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

³These 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.

⁴This Explanation was added by section 2 (ii) (b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari district) Act, 1972 (Tamil Nadu Act 4 of 1976.)

*Now the *Tamil Nadu Government Gazette*.

of this sub-section shall be construed as referring to rent accrued due during a period of one month before the date on which the ¹[Tamil Nadu] Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari district) Act, 1972, is first published in the *Tamil Nadu Government Gazette*].

(4) (a) Every landlord seeking to evict a cultivating tenant falling under sub-section (2) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the Revenue Divisional Officer and such application shall bear a Court-fee stamp of one rupee.

(b) On receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) ²[or clause (aa)] of sub-section (2) in which the tenant had not availed of the provisions contained in sub-section (3), the Revenue Divisional Officer may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under sub-section (3) (b). If the cultivating tenant fails to deposit the sum as directed, the Revenue Divisional Officer shall pass an order for eviction:

³[Provided that the Revenue Divisional Officer shall not direct the cultivating tenant to deposit such arrears of rent as have become time barred under any law of limitation for the time being in force.]

¹These 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.

²These words, brackets and letters were inserted by section 4 (b) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

³This proviso was added by section 11 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972.)

4. (1) Every cultivating tenant who was in possession of any land on the 1st December 1953 and who is not in possession thereof at the commencement of this Act shall, on application to the Revenue Divisional Officer, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December 1953. Right to restoration of possession.

(2) Nothing in sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession—

(i) if, on the day this Act comes into force, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the Explanation below or if he has been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55 ; or

(ii) if the landlord, after evicting such cultivating tenant from the land, ¹[has been carrying on personal cultivation on the land], provided as follows :—

(a) the total extent of land held by such landlord inclusive of the land, if any, held by him as a tenant does not exceed the extent specified in the Explanation below ; and

(b) the landlord has not been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55 ; or

(iii) if subsequent to the 1st December 1953, the landlord has *bona fide* admitted some other cultivating tenant to the possession of land and such other tenant has cultivated the land before the commencement of this Act :

Provided that where such other tenant is in possession, either as owner or as tenant or as both of any other land which exceeds the extent specified in the Explanation below and the cultivating tenant who was evicted is not in possession of any land or is in possession of any other

¹These words were substituted for the words "has been cultivating the land by his own labour or by that of any other member of his family or by hired labour under his supervision or control" by section 5(1) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

¹[*Explanation.*—The extent referred to in clauses (i) to (iii) above is 6½ acres of wet land.]

(3) Every application to a Revenue Divisional Officer under sub-section (1) shall be made within thirty days from the commencement of this Act, and shall bear a court-fee stamp of one rupee :

Provided that the application may be received after the period of thirty days aforesaid, if the applicant satisfies the Revenue Divisional Officer that he had sufficient cause for not making the application within that period.

(4) On receipt of an application under sub-section (3), the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it. In passing an order allowing the application, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to—

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding in amount one year's rent; and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession, on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.—In lieu of imposing any condition relating to reimbursement as provided in clause (ii), the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

¹This explanation was substituted for the original Explanation by section 5(2) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

¹[(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Divisional Officer within two months from the date of such eviction or within two months from the date of coming into force of the ²[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956) ³[Tamil Nadu] Act XIV of 1956) for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) shall, so far as may be, apply to such an application.]

³[*Explanation* ⁴[(1)].—In relation to the Shencottah taluk of the Tirunelveli district, the expressions '1st December 1953' and '1953-54 or 1954-55' wherever they occur in this section shall be construed respectively as referring to '31st March 1958' and '1957-58 or 1958-59'.]

⁴[*Explanation II*—Nothing in sub-sections (1), (2) and (3) shall apply to the added territories.]

⁵[*Explanation III*.—Nothing in sub-sections (1), (2) and (3) shall apply to the Kanyakumari district.]

¹ This sub-section was added by section 5 (3) of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

² 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.

³ This Explanation was added by section 2(iii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961) which was deemed to have come into force on the 2nd March 1960.

⁴ The Explanation at the end of section 4 was numbered as Explanation I thereof and Explanation II was added by section 3 (iv) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963).

⁵ This Explanation was added by section 2(iii) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1972).

[4-A * * * * *]

¹After the words "in any other provision of this Act" occurring in sub-section(1) of section 4-A, the words, figure and letters "but subject to the provisions of section 4-AA" were inserted by section 3(i) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act 9 of 1965).

The word 'Madras' occurring in sub-sections (4) and (5) were substituted by the words 'Tamil Nadu' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

The following Explanation was added to sub-section (4) of section 4-A by section 3(v) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Added Territories) Act, 1963 (Tamil Nadu Act 33 of 1963):—

"Explanation.—In relation to the added territories the expression '1954-55 or 1955-56, occurring in this sub-section shall be construed as referring to '1961-62 or 1962-63'."

Clause (iv) of section 2 of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976), which added the following' Explanation II after numbering the above Explanation as Explanation I was omitted and deemed never to have been enacted by section 5 of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1976 (President's Act 18 of 1976).

"Explanation II—In relation to the Kanyakumari district, the expression '27th September 1955' occurring in sub-section(3) and the expression '1954-55 or 1955-56' occurring in sub-section (4) shall be construed respectively as referring to 'the date on which the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972, is first published in the *Tamil Nadu Government Gazette*' and '1970-71 or 1971-72'."

The following Explanation was added at the end of section 4-A by section 2 (iv) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960 :—

"Explanation.—In relation to the Shencottah taluk of the Firunveli district, the expression '27th September 1955' occurring in sub-section [3] and the expression '1954-55 or 1955-56' occurring in sub-section (4) shall be construed respectively as referring to '2nd March 1960' and '1957-58 or 1958-59'."

Certain saving provisions were, however, made for restoration to possession of land from which any person was evicted during the period between the 5th July 1973 and 5th March 1976. Please see section 4 of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1976 (President's Act 18 of 1976). Finally section 4-A was omitted, and was deemed to have been omitted, with effect from the 5th July 1973 by section 2 of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1976 (President's Act 18 of 1976).

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¹[4-AA(1) A cultivating tenant who is enrolled as a member of the Armed Forces, may, on or after such enrolment, sublet the lands held by him as a cultivating tenant, ²[* * * *]]. Special privileges for member of the Armed forces.

(2) A cultivating tenant who is enrolled as a member of the Armed Forces, on discharge or retirement from service or on being sent to Reserve, shall, on application for resumption made within the prescribed period to the Revenue Divisional Officer, be entitled to ³[resume possession of the land sublet by him under sub-section (1).]

(3) A landlord who is enrolled as a member of the Armed Forces shall, on discharge or retirement from service or on being sent to Reserve, be entitled to resume possession from any cultivating tenant for purposes of personal cultivation of that extent of land, which together with the extent of land, if any, already in his possession does not exceed the ceiling area which he is entitled to hold under the ⁴[Tamil Nadu] Land Reforms (Fixation of Ceiling on Land) Act, 1961 (⁴[Tamil Nadu] Act 58 of 1961.)

¹ This section was inserted by section 3(ii) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act 9 of 1965).

² The portion "and the sub-tenant concerned shall, subject to the provisions of sub-section (2), be deemed to be a cultivating tenant for the purposes of this Act and of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), if such sub-tenant contributes his own physical labour or that of any member of his family in the cultivation of such land" was omitted by section 2(ii) (a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1969 (Tamil Nadu Act 9 of 1969).

³ This expression was substituted for the expression "resume possession from the sub-tenant referred to in sub-section (1), of the land sublet by him under that sub-section" by section 2(ii) (b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1969 (Tamil Nadu Act 9 of 1969).

⁴ 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.

Protection

1[(4) (a) Any person desiring to resume any land under sub-section (2) or, as the case may be, under sub-section (3) (hereafter in this sub-section referred to as the applicant) shall apply to the Revenue Divisional Officer and on receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the applicant and the person in possession of the land (hereafter in this sub-section referred to as the possessor) to make their representations, hold a summary enquiry into the matter and pass an order either directing the possessor to put the applicant in possession of the land or dismissing the application.

(b) Where a Revenue Divisional Officer passes an order under clause (a) directing the possessor to put the applicant in possession of the land, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement by the Applicant to the possessor in respect of the expenses incurred by the possessor or the labour contributed by him on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Exp'ation.—In lieu of imposing any condition relating to reimbursement as provided in clause (b), the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon, at the time when the order is passed, has been harvested.]

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

¹This sub-section was substituted and was deemed to have been substituted, with effect from the 5th July 1973, by section 3 of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1976 (President's Act 18 of 1976) for the following sub-section (4) inserted by section 3 (ii) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act 9 of 1965) :

“ (4) The provisions of sub-section (2) of section 4-A shall, as far as may be, apply for the resumption of any land under sub-section (2) or sub-section (3) as they apply for the resumption of any land under sub-section (1) of section 4-A.”

(6) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in any other provision of this Act or of any other Act.

Explanation.—For the purposes of this Act—

(a) 'member of the Armed Forces' shall have the same meaning as in clause (29) of section 3 of the ¹[Tamil Nadu] Land Reforms (Fixation of Ceiling on Land) Act, 1961 (¹[Tamil Nadu] Act 58 of 1961).

(b) a member of the Armed Forces who has been discharged or retired from service or who has been sent to Reserve is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land ; and

(c) a member of the Armed Forces in service shall be deemed to carry on personal cultivation on a land if such land is cultivated by the members of his family or by his own servants or by hired labour, with his own or hired stock.

²[4-B. (1) In the case of every tenancy agreement entered into after the coming into force of the ¹[Tamil Nadu] Cultivating Tenants Protection (Amendment) Act, 1956, between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy ; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk office by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it :

Execution of lease.

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 This section was inserted by section 6 of the TamilNadu Cultivating Tenants Protection (Amendment) Act, 1956 (Tamil Nadu Act XIV of 1956).

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk office with a declaration that the other party has refused or delayed unreasonably to execute it.

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

(3) In the case of any tenancy, if the landlord or his agent or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the Revenue Divisional Officer may impose on the landlord or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if it were an arrear of land revenue].

1[5 * * *]

lar of jurisdic-
tion of Civil
Courts. (6) No Civil Court shall, except to the extent speci-
fied in section 3(3), have jurisdiction in respect of any matter
which the Revenue Divisional Officer is empowered
by or under this Act to determine and no injunction shall
be granted by any Court in respect of any action taken
or to be taken in pursuance of any power conferred by
or under this Act.

Transfer of
certain suits
to the Revenue
Divisional
Officer
by Civil
Courts. 2[6-A. If in any suit before any Court for possession of,
or injunction in relation to, any land, it is proved by
affidavit or otherwise that the defendant is a cultivating
tenant entitled to the benefits of this Act, the Court shall
not proceed with the trial of the suit but shall transfer
it to the Revenue Divisional Officer who shall thereupon
deal with and dispose of it as though it were an application
under this Act and all the provisions of this Act shall
apply to such an application and the applicant.

¹ Section 5 was omitted by section 5 of the TamilNadu Cultiva-
ting Tenants Protection (Continuance) Act, 1965 (Tamil Nadu
Act 8 of 1965).

² Sections 6-A and 6-B were inserted by section 7 of the
Tamil Nadu Cultivating Tenants Protection (Amendment) Act,
1956 (Tamil Nadu Act XIV of 1956).

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6-B. The Revenue Divisional Officer shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and his orders shall be liable to revision by the High Court under the provisions of that section]. Revision by High Court.

¹[6-BB where any cultivating tenant has been evicted in execution of an order for eviction passed under sub-section (4) of section 3, and where such order for eviction is set aside in revision by the High Court, the High Court shall direct restoration to such cultivating tenant of the possession of lands from which he was evicted with all the rights and subject to all the liabilities of a cultivating tenant. The High Court may also impose such condition as may be imposed by the Revenue Divisional Officer under clause (ii) of sub-section (4) of section 4 and the Explanation thereto.] High Court to direct restoration in certain cases.

²[6-C. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the High Court may at any stage transfer any application or other proceeding under this Act pending before any Revenue Divisional Officer in any district for disposal to any other Revenue Divisional Officer in the same district. Transfer of application or other proceeding by High Court.

(2) Where any application or other proceeding has been transferred under sub-section (1), the Revenue Divisional Officer who thereafter holds the inquiry may, subject to any special directions in the case of an order of transfer, either hold the inquiry *de novo* or proceed from the point at which the application or other proceeding stood when it was transferred.]

7. (1) The State Government may, ³[* *], make rules to carry out the purposes of this Act. Power to make rules.

¹ This section was inserted by section 2 of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1973 (Tamil Nadu Act 6 of 1974).

² This section was inserted by section 3 of the Tamil Nadu Cultivating Tenants Protection (Amendment) Act, 1958 (Tamil Nadu Act XIX of 1958).

³ The words "by notification in the *Fort St. George Gazette*" were omitted by section 2(v) (a) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

¹(2) 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 into force on the day on which they are so published.

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

¹These sub-sections were substituted for the original sub-section (2) by section 2 (v)(b) of the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 (Tamil Nadu Act 32 of 1961), which was deemed to have come into force on the 2nd March 1960.

* Now the *Tamil Nadu Government Gazette*.

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¹[TAMIL NADU] ACT No. XIV OF 1956.²

[THE ¹[TAMIL NADU] CULTIVATING TENANTS PROTECTION
(AMENDMENT) ACT, 1956.]

(Received the assent of the President on the 29th September
1956 ; first published in the Fort St. George Gazette
Extraordinary on the 1st October 1956.)

An Act to amend and extend the duration of the ¹[Tamil
Nadu] Cultivating Tenants Protection Act, 1955.

WHEREAS it is expedient to amend and extend the duration
of the ¹[Tamil Nadu] Cultivating Tenants Protection
Act, 1955 (¹[Tamil Nadu] Act XXV of 1955);

BE it enacted in the Seventh Year of the Republic of India
as follows :—

Short title. 1. This Act may be called the ¹[Tamil Nadu] Cultivating
Tenants Protection (Amendment) Act, 1956.

2—7. [The amendments made by sections 2—7 have
been incorporated in the principal Act (Tamil Nadu
Act XXV of 1955)].

Continuation 8 The principal Act shall be deemed to have continued
force of force until the date of coming into force of this Act
the princi- and the principal Act as amended by this Act shall continue
pal Act. in force for the period specified in sub-section (3) of
section 1 of the principal Act as amended by this Act.

Repeal of 9. (1) The South Kanara Cultivating Tenants Protec-
Madras tion Act, 1954 (Madras Act VI of 1954), is hereby repealed.
Act VI of

1954. (2) Notwithstanding such repeal, all proceedings
taken under the said Act and which are pending on the
date of coming into force of this Act shall be disposed of
by the Court before which such proceedings are pending
as if this Act had not been passed.

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*, Part IV-A, Extraordinary, dated the 10th August 1956,
page 132.

10. If any provision contained in the Tanjore Tenants Act to and Pannaiyal Protection Act, 1952 (²[Tamil Nadu] Act XIV of 1952), is repugnant to any provision contained in the principal Act as amended by this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be of no effect.

override
[Tamil Nadu
Act] XIV
of 1952.

11. (1) Any application made to a Conciliation Officer under the Tanjore Tenants and Pannaiyal Protection Act, 1952 (²[Tamil Nadu] Act XIV of 1952), and pending on the date of the coming into force of this Act, shall, if it relates to a matter falling within the purview of the principal Act, as amended by this Act, be transferred to and disposed of by the Revenue Divisional Officer who would have had jurisdiction to entertain such application under the principal Act, as if it had been made thereunder.

Transitory
provision.

(2) All proceedings pending with the Revenue Court on the date of coming into force of this Act shall be disposed of by that Court as if this Act had not been passed.

12. (1) Any proceeding under the principal Act which has been disposed of between the 27th September 1956 and the date of coming into force of this Act on the footing that the principal Act was not in force at the relevant time, shall be re-opened and disposed of in accordance with the provisions of the principal Act.

Saving.

(2) Any cultivating tenant who has been evicted from any land between the dates referred to in sub-section (1) on the footing that the Principal Act was not in force at the relevant time, shall, on application, be entitled to be restored to the possession of such land on the same terms as those applicable to the possession of it under the principal Act.

(3) The provisions of section 4 of the principal Act shall, so far as may be, apply to an application made under sub-section (2).

¹ This expression was substituted for the expression "Madras Act" by the Tamil Nadu Adaptation of Laws Order, 1970.

² 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.

PRESIDENT'S ACT NO. 18 OF 1976.*

**THE TAMIL NADU CULTIVATING TENANTS
PROTECTION (AMENDMENT) ACT, 1976.**

[*Received the assent of the President on the 16th April 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 17th April 1976 (Chithirai 5, Nala (2007—Tiruvalluvar Aandu)).*]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

**An Act further to amend the Tamil Nadu Cultivating
Tenants Protection Act, 1955.**

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows :—

1. This Act may be called the Tamil Nadu Cultivating Short title.
Tenants Protection (Amendment) Act, 1976.

2-3. [*The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955).*]

4. (1) (a) Any person who has been evicted from Savings.
any land under section 4-A of the principal Act on or after the 5th day of July 1973, but before the 5th day of March 1976, being the date on which the Tamil Nadu Cultivating Tenants Protection (Amendment) Ordinance, 1976 (Tamil Nadu Ordinance 10 of 1976), was published in the *Tamil Nadu Government Gazette*, shall, on application to the Revenue Divisional Officer within a period of six months after the 5th day of March 1976, be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the principal Act.

(b) The provisions of sub-section (4) of section 4 of the principal Act shall, so far as may be, apply to applications under clause (a).

* For Reasons for the enactment, see *Tamil Nadu Government Gazette Extraordinary*, dated the 17th April 1976, Part IV—Section 2, Pages 169—170.

(2) Notwithstanding the repeal of section 4-A of the principal Act by this Act, the provisions of sub-section (6) of that section shall apply and continue to apply to or in relation to all cases of resumption of lands made by landlords in accordance with the provisions of that section before the 5th day of July, 1973.

(3) Save as provided in sub-section (2)—

(a) no legal proceeding or remedy in respect of any right, privilege, obligation or liability acquired, accrued or incurred under section 4-A of the principal Act on or after the 5th day of July, 1973 but before the 5th day of March, 1976 shall be instituted, continued or enforced;

(b) every suit, appeal, application, revision or other proceeding instituted, made or taken under section 4-A of the principal Act on or after the 5th day of July, 1973 but before the 5th day of March, 1976 and pending on the later date shall abate.

5. [*The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Cultivating Tenants Protection and Payment of Fair Rent (Extension to Kanyakumari District) Act, 1972 (Tamil Nadu Act 4 of 1976).*]

Repeal and saving. 6. (1) The Tamil Nadu Cultivating Tenants Protection (Amendment) Ordinance, 1976 (Tamil Nadu Ordinance 10 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under or by virtue of the said Ordinance shall be deemed to have been done or taken under or by virtue of this Act.

TAMIL NADU ACT NO. 7 OF 1980*

**THE TAMIL NADU CULTIVATING TENANTS
PROTECTION AND PAYMENT OF FAIR RENT
(AMENDMENT) ACT, 1979.**

[Received the assent of the President on the 7th March 1980,
first published in the Tamil Nadu Government
Gazette Extraordinary on the 10th March 1980
(Masi 27, Chitharthi-2011-Thiruvalluvar Aandu).]

*An Act further to amend the Tamil Nadu Cultivating Tenants
Protection Act, 1955 and the Tamil Nadu Cultivating
Tenants (Payment of Fair Rent) Act, 1956.*

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

1. This Act may be called the Tamil Nadu Cultivating
Tenants Protection and Payment of Fair Rent
(Amendment) Act, 1979. Short title.

2. In the Tamil Nadu Cultivating Tenants Protection
Act, 1955 (Tamil Nadu Act XXV of 1955), after section 7,
the following section shall be and shall be deemed always to
have been added, namely:— Amendment of
Tamil Nadu
Act XXV of
1955.

“8. Act not to apply to lands owned by Central Govern-
ment, State Governments, etc.—Nothing contained in
this Act shall apply to any land owned or taken on lease
by,—

(i) the Central Government or any State Govern-
ment or any local authority; or

(ii) any company or corporation owned or contro-
lled by the Central Government or any State Government;
or

(iii) any University constituted by any law.”

* For Statement of Objects and Reasons, see *Tamil Nadu Govern-
ment Gazette*, dated the 27th October 1979, Part IV—Section 1,
page 368.

8 *Cultivating Tenants Protection and Payment of Fair Rent (Amendment)* [1980 : T. N. Act 7]

Amendment of
Tamil Nadu Act
XXIV of 1956.

3. In the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), after section 18, the following section shall be and shall be deemed always to have been added, namely:—

“19. *Act not to apply to lands owned by Central Government, State Governments, etc.*—Nothing contained in this Act shall apply to any land owned or taken on lease by,—

(i) the Central Government or any State Government or any local authority ; or

(ii) any company or corporation owned or controlled by the Central Government or any State Government ; or

(iii) any University constituted by any law.”