



**The Tamil Nadu Lease-Holds (Abolition and Conversion into Ryotwari) Act,
1963**

Act 27 of 1963

Keyword(s):

Appointed Day, Assistant Settlement Officer, Land, Lease, Lease-hold, Lessee, Owned Land, Rent, Ryot, Settlement Officer, Tribunal

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¹[TAMIL NADU] ACT No. 27 OF 1963².

THE ¹[TAMIL NADU] LEASE-HOLDS (ABOLI-
TION AND CONVERSION INTO RYOTWARI)
ACT, 1963.

[Received the assent of the President on the 12th December
1963, first published in the Fort St. George Gazette
on the 1st January 1964 (Pausa 11, 1885).]

*An Act to provide for the termination of leases of certain
lease-holds granted by the Government, the acqui-
sition of the rights of lessees in such lease-holds and the
introduction of ryotwari settlement in such lease-
holds.*

Enacted by the Legislature of the ³[State of Tamil
Nadu] in the Fourteenth Year of the Republic of India
as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the ¹[Tamil Nadu] Lease-holds (Abolition and Conversion into Ryotwari) Act, 1963. Short title,
extent and
commencement.

(2) It extends to the lease-holds specified in the
First Schedule.

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

2. (1) The Government may, by notification, amend the First Schedule. Power to
amend the First
Schedule.

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 For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 30th September 1961, Part IV-Section 3, page 513.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1960, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(2) Where the First Schedule is amended by omitting therefrom any lease-hold,—

(i) the provisions of this Act shall be deemed never to have applied to that lease-hold, and every proceeding taken under this Act and pending in respect of that lease-hold shall abate ;

(ii) any amount paid under this Act to the lessee or other person in respect of that lease-hold shall with interest thereon at three per cent per annum be recoverable as if it were an arrear of land revenue.

(3) All references made in this Act to the First Schedule shall be considered as relating to the said Schedule as for the time being amended in exercise of the powers conferred by sub-section (1).

Definitions.

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

(a) “appointed day” means the date appointed by the Government under sub-section (3) of section 1 :

Provided that—

(i) where the operation of this Act in respect of a lease-hold has been stayed or interrupted by order of a Court, Tribunal or other competent authority constituted under any law for the time being in force, “appointed day” means the date from which the Government have been in uninterrupted possession of the lease-hold ;

(ii) in relation to a lease-hold added to the First Schedule by a notification under sub-section (1) of section 2, “appointed day” means the date on which the said notification was published in the **Fort St. George Gazette*;

(b) “Assistant Settlement Officer” in relation to any lease-hold means the Assistant Settlement Officer appointed under section 6 ;

(c) “Government” means the State Government ;

(d) “land” means any land in a lease-hold ;

(e) “lease” in relation to any lease-hold means the lease under which the lessee held the lease-hold under the Government immediately before the appointed day ;

* Now the Tamil Nadu Government Gazette.

(f) "lease-hold" means any village specified in the First Schedule ;

(g) "lessee" in relation to any lease-hold, means the person to whom the lease was granted by the Government and includes his heirs, legal representatives and assigns ;

(h) "owned land" means any land in which a ryot or the lessee had a permanent right of occupancy immediately before the appointed day ;

(i) "rent" means whatever is lawfully payable, for the fasli year immediately preceding the fasli year in which the appointed day falls, in money or in kind or in both, to the lessee by a ryot in respect of any land in a lease-hold ;

(j) "ryot" in relation to a lease-hold means any person who immediately before the appointed day had a permanent right of occupancy in respect of any land and who had been paying rent to the lessee in respect of that land ;

¹[(k) "Settlement Officer" means a Settlement Officer appointed under section 5 and having jurisdiction;]

(l) "Tribunal" means a Tribunal constituted under section 8 and having jurisdiction.

¹ This clause was substituted for the following clause by section 2 of the Tamil Nadu Lease-holds (Abolition and Conversion into Ryotwari) Amendment Act, 1964 (Tamil Nadu Act 26 of 1964):—

"(k) "Settlement Officer" in relation to any lease-hold means the Settlement Officer appointed under section 5;"

CHAPTER II.

VESTING OF LEASE-HOLDS IN GOVERNMENT.

Vesting of
lease-holds in
Government.

4. With effect on and from the appointed day and save as otherwise expressly provided in this Act—

(a) the lease of every lease-hold shall cease and determine ;

(b) every lease-hold including all communal lands and poramboles, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, ¹[tanks and ooranies (including private tanks and ooranies) 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 the ¹[Tamil Nadu] Revenue Recovery Act, 1864 (²[Tamil Nadu] Act II of 1864), the ²[Tamil Nadu] Irrigation Cess Act, 1865 (²[Tamil Nadu] Act VII of 1865) and all other enactments applicable to ryotwari lands shall apply to the lease-hold ;

(c) all rights and interests created in or over the lease-hold before the appointed day by the lessee or any other person shall, as against the Government, cease and determine ;

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

(e) the rights and obligations of the lessee as such shall be extinguished ;

(f) any rights and privileges which may have accrued in the lease-hold to any person before the appointed day against the lessee shall cease and determine and shall not be enforceable against the Government or against the lessee, and every such person shall be entitled only to such rights and privileges as are recognized or conferred on him by or under this Act ;

¹ These words and brackets were substituted for the words "tanks and irrigation works" by section 3 (1) of the Tamil Nadu Inam Estates, Lease-holds and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975 (Tamil Nadu Act 2 of 1976).

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.

(g) the Government may, after removing any obstruction that may be offered, forthwith take possession of the lease-hold, and all accounts, registers, pattas, muchlikas, maps, plans and other documents relating to the lease-hold which the Government may require for the administration thereof :

Provided that the Government shall not dispossess any person of any land 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 he is actually entitled to such patta.

[5. As soon as may be after the publication of this Act in the *Fort St. George Gazette*, the Government shall appoint one or more Settlement Officers to carry out survey and settlement operations in respect of lease-holds and introduce ryotwari settlement therein. Every Settlement Officer shall be subordinate to the †Board of Revenue.]

Appointment
and functions
of Settlement
Officers.

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

Appointment
and functions
of Assistant
Settlement
Officers.

(2) Every Assistant Settlement Officer shall be subordinate to the Settlement Officer and shall be guided by such lawful instructions as he may issue from time to time, and the Settlement Officer shall also have power to revise within such period as may be prescribed any of the orders, acts or proceedings of the Assistant Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

7. The Board of Revenue† shall have power—

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

Powers of
control of the
†Board of
Revenue.

¹ This section was substituted for the following section by section 3 of the Tamil Nadu Lease-holds (Abolition and Conversion into Ryotwari) Amendment Act, 1964 (Tamil Nadu Act 26 of 1964) :—

“5. *Appointment and functions of Settlement Officer.*—As soon as may be after the publication of this Act in the *Fort St. George Gazette*, the Government shall appoint a Settlement Officer to carry out survey and settlement operations in lease-holds and introduce ryotwari settlement therein. The Settlement Officer shall be subordinate to the Board of Revenue.”

* Now the *Tamil Nadu Government Gazette*.

† 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) to issue instructions for the guidance of the Settlement Officer and Assistant Settlement Officers ;

(c) to cancel or revise within such period as may be prescribed any of the orders, acts or proceedings of any Settlement Officer other than those in respect of which an appeal lies to the Tribunal.

Constitution
of Tribunals.

8. (1) The Government shall constitute as many Tribunals as may be necessary for the purposes of this Act.

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

(3) Each Tribunal shall have such jurisdiction as the Government may, by notification from time to time, determine.

(4) Each Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.

CHAPTER III.

GRANT OF RYOTWARI PATTAS.

Grant of
ryotwari pattas.

9. (1) With effect on and from the appointed day—

(a) every ryot shall be entitled to ryotwari patta in respect of all his owned lands ;

(b) the lessee shall be entitled to ryotwari patta in respect of all his owned lands ;

(c) every person whether a ryot or the lessee shall be entitled to ryotwari patta in respect of all lands (other than owned lands) cultivated by him continuously for a period of not less than twelve fasli years immediately before the appointed day :

Provided that no ryotwari patta shall be granted under this Act in respect of any land falling under any of the categories specified below situated within the limits of any lease-hold, namely—

(i) forests ;

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

(iii) threshing floor, cattle stands, village-sites, cart-tracks, roads, temple sites and such other lands as are set apart for the common use of the villagers;

(iv) rivers, streams and other porambokes.

(2) The Assistant Settlement Officer shall, subject to the provisions of sub-section (3), inquire into the claims of any person for a ryotwari patta under this Act in respect of any land and decide in respect of which land the claim should be allowed.

(3) Before holding the inquiry under sub-section (2), the Assistant Settlement Officer shall give notice in the prescribed manner to the lessee and if the person in occupation of the land is not the lessee, to the occupant, and to the Tahsildar of the taluk or the Deputy Tahsildar of the sub-taluk in which the land is situated, and also publish the notice in the prescribed manner in the village. He shall give the parties who appear before him an opportunity to be heard and to adduce their evidence, and then give his decision.

(4) Against a decision of the Assistant Settlement Officer under sub-section (3), 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 filing 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 Assistant Settlement Officer was vitiated by fraud or by mistake of fact.

Ryotwari patta
not to be
granted in
respect of
private tank or
oorani.

¹[9-A. (1) Notwithstanding anything contained in this Act, no ryotwari patta shall be granted in respect of any private tank or oorani.

(2) Any ryotwari patta granted in respect of any private tank or oorani under this Act before the date of the publication of the Tamil Nadu Inam Estates, Lease-holds and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975 in the *Tamil Nadu Government Gazette*, shall stand cancelled, and for purposes of compensation under this Act, the private tank or oorani shall be deemed to be land occupied neither by the lessee nor by any other person.]

Liability to pay
land revenue to
Government.

10. Every person, whether a lessee or a ryot, who becomes entitled to a ryotwari patta under this Act in respect of any land shall, for each fasli year commencing with the fasli year in which the appointed day falls, be liable to pay to the Government such assessment as may be lawfully imposed on the land.

Vesting of
buildings.

11. (1) Every building situated within the limits of a lease-hold 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.

Right of
certain lessees
and others.

12. (1) In cases not governed by any other provision of this Act, where, on or after the 30th day of September 1961, but before the appointed day, a lessee has created by way of lease or otherwise, right in any mines or minerals, quarries, fisheries or ferries, the transaction shall be deemed to be valid, and all rights and obligations arising

¹ This section was inserted and was deemed always to have been inserted by section 3(2) of the Tamil Nadu Inam Estates, Lease-holds and Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1975 (Tamil Nadu Act 2 of 1976).

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 30th day of September 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. The decision of the Board of Revenue* shall be final and shall not be liable to be questioned in any court of law.

(c) Where any such right created before the 30th day of September 1961 is not determined under this subsection, 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.

(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 4 (d) and not under this section.

* 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.

CHAPTER IV.

SURVEY AND SETTLEMENT OF LEASE-HOLDS.

Survey of lease-holds.

13 (1) Any lease-hold may be surveyed, or if it has been surveyed before the appointed day, may be resurveyed, as if it were Government land, in accordance with the provisions for the survey of such land contained in the ¹[Tamil Nadu] Survey and Boundaries Act, 1923 (¹[Tamil Nadu] Act VIII of 1923):

Provided that any resurvey made under this sub-section may be limited to what is necessary for the ryotwari settlement of the lease-hold.

(2) The cost of the survey or resurvey, except so much thereof as is payable by any person under the provisions of section 8 of the ¹[Tamil Nadu] Survey and Boundaries Act, 1923 (¹[Tamil Nadu] Act VIII of 1923), shall be borne by the Government.

Manner of effecting ryotwari settlement.

14. (1) The Settlement Officer shall effect a ryotwari settlement of each lease-hold 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 St. George Gazette* in the district in which the lease-hold is situated ; 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.

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.

* Now the *Tamil Nadu Government Gazette*.

(3) All rates of assessment imposed at a ryotwari settlement under this section shall be liable to revision from time to time as laid down in the settlement or resettlement notification aforesaid, as the case may be.

(4) Nothing in this section shall be construed—

(i) as entitling any person to a ryotwari patta for any land in respect of which he has not made any claim under section 9 ; or

(ii) as empowering the appropriate officer or authority to reopen any decision made under section 9.

15. The land revenue payable to the Government in respect of any land for each fasli year commencing with the fasli year in which the appointed day falls, shall, until a ryotwari settlement effected in pursuance of section 14 has been brought into force in the lease-hold, be determined as follows:—

(a) Where rent was payable to the lessee by the ryot for the fasli year immediately preceding the fasli year in which the appointed day falls, the rent so payable ;

(b) Where no rent was so payable either because the land was in the enjoyment of the lessee or for any other reason, the rent which would have been payable to the lessee in the fasli year preceding the fasli year in which the appointed day falls, by a ryot holding similar land with similar advantages in the village :

Provided that in cases falling under clause (a) the land revenue in respect of the fasli year in which the appointed day falls, shall be the rent due to the lessee as any payment made to him before the appointed day is authenticated in the prescribed manner :

Provided further that, where after the ryotwari settlement effected in pursuance of section 14 has been brought into force in the lease-hold, it is found that the land revenue paid exceeds the assessment imposed at the settlement, such excess shall be adjusted towards the land revenue payable in the subsequent fasli year.

CHAPTER V.

DETERMINATION AND PAYMENT OF COMPENSATION.

Compensation how determined. 16. The compensation payable in respect of each lease-hold shall be determined in accordance with the following provisions.

Compensation to be determined for the lease-hold as a whole. 17. The compensation shall be determined for each lease-hold as a whole and not separately for each of the interests therein.

Basic annual sum. 18. A sum called the basic annual sum shall first be determined in respect of the lease-hold.

Component parts of basic annual sum. 19. (1) The basic annual sum in respect of a lease-hold shall be the aggregate of the sums specified below, less the deductions specified in section 22 :—

(i) the whole of the gross annual rent demand in respect of all lands in the lease-hold occupied by any person other than the lessee on the appointed day, less the deduction specified in section 20 ;

(ii) the whole of the average net annual miscellaneous revenue derived from all other sources in the lease-hold specified in section 4 (b) but not including lands occupied by the lessee on the appointed day.

(2) Where the rent payable by a ryot to the lessee 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.

(3) Where the rent in respect of any land exceeds the fair rent as determined in accordance with the provisions contained in the Second Schedule such fair rent shall be deemed to be the rent in respect of that land for the purpose of clause (i) of sub-section (1).

Deduction from gross annual rent demand. 20. 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 lease-hold :

Provided that no such deduction shall be made if there is no irrigation work serving the lease-hold or if the lessee is under no legal obligation to maintain any such work serving the lease-hold:

provided further that, where the obligation of the lessee to maintain every one of the irrigation works serving the leasehold is shared by him either with the Government or with some other person, the percentage of such obligation shall be reduced by such extent as the Government may deem reasonable.

1. The average net annual miscellaneous revenue Computation of net miscellaneous revenue. from the sources referred to in clause (ii) of sub-section (1) of section 19 shall be the average of the net annual income derived by the lessee from such sources during the three years immediately preceding the fasli year in which the appointed day falls :

provided that, if the Settlement Officer or the * Board of Revenue is of the opinion that there are no reliable sources for ascertaining the said annual income derived by the lessee, the average net annual miscellaneous revenue from the sources referred to in clause (ii) of sub-section (1) of section 19 shall be the average of the net annual income derived by the Government from such sources during the fasli year commencing on the appointed day, if that day was the first day of July or on the first day of the month immediately succeeding the appointed day if that day was not the first day of July, and the next fasli year in which ryotwari settlement is effected in that year or the next two fasli years in other cases.

2. From the aggregate of the sums referred to in clauses (i) and (ii) of sub-section (1) of section 19, ascertained as aforesaid, there shall be deducted -- Sums payable under the lease to be deducted.

(a) the whole of the amount payable annually by the lessee to the Government ; and

(b) the proportionate amount, ascertained in the prescribed manner, payable for each year, by the lessee to the Government in respect of any additional payment made under the lease.

By virtue of section 10 (1) of the Tamil Nadu Board of Revenue 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.

Amount of compensation. 23. The compensation payable in respect of any lease-hold shall be—

(i) in cases in which the lease was granted in perpetuity, ten times the basic annual sum ; and

(ii) in other cases, five times the basic annual sum.

Determination of basic annual sum and compensation. 24. (1) The Settlement Officer shall, by order in writing, determine in accordance with the provisions of sections 19, 20, 21, 22 and 23, the basic annual sum in respect of each lease-hold and the compensation payable in respect thereof.

(2) The lessee or other person interested may, within such time as may be prescribed or such further time as the Settlement Officer may, in his discretion, allow, apply in writing to 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 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 lessee and also to every applicant under sub-section (2).

(5) (i) The Settlement Officer may, at any time, either *suo motu* or on the application of any person, review any 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 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 Settlement Officer shall not exercise the powers under this sub-section in respect of any lease-hold without giving the lessee 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 *Board of Revenue and also to the lessee 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 Board 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) The *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 Settlement Officer 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 lease-hold shall not be reduced

*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.

by the Board without giving the lessee and every person who has made an application under sub-section (2) a reasonable opportunity of being heard.

(8) Notwithstanding anything contained in sub-section (6) or sub-section (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 (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 of law or by a mistake, and may make such order on the application as it thinks fit :

Provided that no application for review shall be granted by the *Board of Revenue without previous notice to the lessee, 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 *Board of Revenue as aforesaid ; and no order passed by the *Board of Revenue under sub-sections (6), (7) or (8) shall be liable to be cancelled or modified by the Government or any other authority.

**Compensation
to be paid in
prescribed man-
ner.**

25. 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.

* 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.

CHAPTER VI

DEPOSIT AND APPORTIONMENT OF COMPENSATION.

26. (1) The Government shall deposit in the office of 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 rules made under section 25:

Compensation to be deposited in office of Tribunal.

Provided that the Government shall be entitled to deduct from the amount to be deposited all moneys, if any, still remaining due to them—

(i) in respect of any amount payable under the Act; or

(ii) in respect of any claim which was secured immediately before the appointed day by a mortgage or a charge on, the lease-hold or any portion thereof:

Provided further that, where the amount of the compensation payable in respect of any lease-hold 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 27, 28, 29, 30, 32 and 33 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.

(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.

27. (1) Every person making a claim to, or enforceable against, the compensation deposited under any of the provisions of this Act or any portion thereof, shall apply to the Tribunal within three 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.

Claims to be made within three months.

(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 34 ; or

(ii) subject to the provisions of section 36, 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.

28. The Tribunal shall, after giving notice to all persons who have applied under section 27 and to any others 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 each of them is entitled.

Compensation to be apportioned by the Tribunal.

29. (1) As a preliminary to such determination, the Tribunal shall apportion the compensation among the lessee and any other persons whose rights or interests in the lease-hold stand transferred to the Government under clause (b) of section 4, or cease and determine under clause (c) of section 4, as far as possible in accordance with the value of their respective interests in the lease-hold.

(2) The value of those interests shall be ascertained in accordance with such rules as may be made by the Government in this behalf.

(3) After the compensation has been apportioned among the persons referred to in sub-section (1) or, where it is more convenient so to do pending such apportionment, the Tribunal shall take into consideration the application of creditors and decide the amount to which each of such creditors is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

30. Where it is alleged that the interest of any person entitled to receive payment of any portion of the compensation has 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. Devolution of interest in compensation.

31. (1) If the compensation payable in respect of a lease-hold is not determined and deposited in pursuance of this Act before the close of the fasli year in which the appointed day falls, interim payments in respect of the lease-hold shall be deposited by the Government in the office of the Tribunal every fasli year prior to the fasli year in which the said deposit is made. Interim payments.

(2) In respect of the fasli 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 lease-hold actually derived by the lessee before the appointed day in respect of that fasli year.

(3) In respect of each of the subsequent fasli years, the interim payment to be deposited shall be the basic annual sum roughly estimated as aforesaid.

(4) The Government shall deposit all such amounts 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 amounts 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 lease-hold under sub-sections (2) and (3) for the fasli years concerned, if the basic annual sum as finally determined had been adopted instead of the basic annual sum as roughly estimated.

(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 the 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 26, 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 the Government and make the necessary adjustments when apportioning the compensation as finally determined.

Appeals

32. (1) Against any decision of the Tribunal under sub-section (4) of section 9, the Government may, within six months from the date of the decision, and any person aggrieved by any decision of the Tribunal under sub-section (4) of section 9, section 28, section 29, section 30 or section 31 may, within three months from the date of the decision, appeal to the Special Appellate Tribunal consisting 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 exceeding 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 on which they are so divided, and such point or points together with their opinions thereon shall then be laid before one or more Judges nominated for the purpose 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 those 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 (Central Act V of 1908), when hearing an appeal.

(4) 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 lease-hold 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.

33. In respect of compensation finally determined under section 24, and the interim payments made under section 31, the jurisdiction of the Tribunal and the Special Appellate Tribunal shall be limited to the apportionment thereof among the persons referred to in section 28, or sub-section (4) of section 31, as the case may be, 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.

Restriction on the jurisdiction of Tribunal and Special Appellate Tribunal.

Disbursement of
compensation.

34. All payments made out of the compensation deposited in the office of the Tribunal under section 26 shall be made by it in accordance with its orders and decisions subject to the modifications, if any, made on appeal under section 32.

Limitation for
claims by
persons entitled
to payment.

35. 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, where 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 or the appeal.

Unclaimed and
undisbursed
amounts how
dealt with.

36. (1) (a) All amounts deposited in the office of the Tribunal under sub-section (1) of section 26 and sub-sections (4) and (7) of section 31, and remaining unpaid and with reference to which no claim has been made within the time specified in sub-section (1) of section 27, or no application for payment has been made within the time specified in section 35 ; 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 35,

shall be withdrawn by the Tribunal and deposited in the District Court having jurisdiction over the lease-hold concerned in the name of the lease-hold or, as the case may be, in the name of the person or persons in whose favour an order for payment 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 sub-section (1) shall apply to the District Court in the prescribed form setting forth his claim.

(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 interested, 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.

37. 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. Wrong and excess payments to be recoverable as land revenue.

CHAPTER VII.

MISCELLANEOUS.

38. Any amount which the lessee was liable, under the lease, to pay every year to the Government before the appointed day shall cease to accrue with effect from the end of the fasli year immediately preceding the appointed day. Lease amount to cease to accrue.

Stay of execution
proceedings.

39. (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 respect of any decree or order passed against the lessee against his interests in the lease-hold or against his other immovable property or against him personally by 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 40.

(2) All proceedings for the execution of any decree or order by the arrest and detention in prison of the lessee pending on the appointed day shall stand dismissed and if on such day the lessee is detained in 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 lessee 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.

Transitional pro-
vision in regard
to liabilities of
lessee, etc.

40. (1) No claim or liability enforceable immediately before the appointed day against the lessee or against any other person whose rights in the lease-hold stand transferred to the Government in pursuance of clause (b) of section 4, shall on or after that day, be enforceable against the interest he had in the lease-hold ; 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 lease-hold immediately before the appointed day ; and

(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 lessee, or any other person aforesaid, against the interest he had in the lease-hold; 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, in enforcing any claim or liability against the lessee 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 made in the office of the Tribunal.

41. When under this Act, any person is dispossessed of any land, any crop or other product raised on the land, and any building or other construction erected or anything deposited thereon, shall, if not removed by him after such written notice as the officer who issued the order for dispossession may deem reasonable, be liable to forfeiture. Forfeiture under this section shall be adjudged by the said officer and any property so forfeited shall be disposed of in such manner as that officer may direct.

Liability of person unauthorisedly occupying land to forfeiture of crops, etc.

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

Decision of questions regarding forests.

43. (1) Notwithstanding anything contained in this Act, all arrears of rent payable by a ryot to a lessee in respect of any land and outstanding on the appointed day shall, to the extent to which such arrears are in excess of the rent

Lessee's right to collect arrears of rent.

* 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.

due for three fasli years in respect of that land, be deemed to be discharged whether or not a decree has been obtained therefor, if the ryot pays to the lessee the arrears of rent due for a period of any three fasli 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 ryot of the payment, of arrears of such rent for any three fasli years, dismiss the suit or proceeding.

(3) If before the appointed day any decree or order has been passed in any suit or proceedings for the recovery of any arrears of rent due from a ryot, which is inconsistent with the provisions of this section, the court or authority concerned shall, upon deposit in the court or before the authority, or upon proof of the payment, of the arrears of rent due from the ryot for any three fasli 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.

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

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

44. Where a person—

(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, or 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 be entitled to all the rights under this Act of his transferor.

45. (1) The decision of a Tribunal or the Special Appellate Tribunal in any proceeding under this Act, in any matter falling within its jurisdiction, shall be binding on the parties thereto and persons 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. *Res judicata.*

(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 be binding on the parties thereto and persons claiming under them in any proceeding under this Act before a Tribunal or the Special Appellate Tribunal in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

46. In computing the period of limitation for any suit or application filed in a civil court by a creditor in respect of any matter which was the subject of a proceeding under any of the following sections, namely, 27, 28, 29, 30, 31 and 32, the period commencing on the appointed day and ending with the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal, and the time during which such proceedings were pending as well as the time taken for obtaining certified copies of the order passed in such proceeding shall be excluded. *Saving of limitation.*

47. (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. *Limitation.*

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

(3) The provisions of section 4 and sub-sections (1) and (2) of section 12 of the*Indian Limitation Act, 1908 (Central Act IX of 1908), shall, so far as may be, apply to any appeal or application for revision under this Act.

(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 orders
passed under this
Act.**

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

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

**Jurisdiction of
courts barred in
certain cases.**

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

(2) (a) No suit, prosecution or other proceedings shall lie 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, without the previous sanction of the Government.

(b) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course 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.

* Now the Limitation Act, 1963 (Central Act 36 of 1963).

50. (1) The Government may make rules to carry ^{Power to make} the purposes of this Act. _{rules.}
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide
- (a) all matters expressly required or allowed by this Act to be prescribed ;
 - (b) the procedure to be followed by the Tribunals, Special Appellate Tribunal, authorities and officers appointed, or having jurisdiction, under this Act ;
 - (c) the delegation of the 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 Procedure, 1908 (Central Act V of 1908), to applications, appeals and revisions under this Act ;
 - (f) the fees to be paid in respect of applications and appeals under this Act ;
 - (g) the transfer of proceedings from one Tribunal, authority or officer, to another ;
 - (h) the manner in which, and the officer by whom, fair rent shall be ascertained for the purposes of this Act.
- (3) A rule made under clause (c) 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 on application of the orders of the authority or person to whom the power 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 into 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 it is so placed or the next session, both Houses agree in making any modification in 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.

51. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court or other authority.

Special provi-
sion relating
to fixation of
ceiling area
in respect of
any land in a
lease-hold.

52. (1) Notwithstanding anything contained in the ¹[Tamil Nadu] Land Reforms (Fixation of Ceiling on Land) Act, 1961 (¹[Tamil Nadu] Act 58 of 1961), but subject to the provisions of sub-section (2), the authorized officer shall in the fixation of the ceiling area of any person under that Act, exclude any land in a lease-hold.

(2) As soon as may be, after the ryotwari settlement is brought into force in any land referred to in sub-section (1) and after the grant of the ryotwari patta in respect of such land to any person in accordance with the provisions of this Act, the authorized officer shall calculate or recalculate the ceiling area of such person and in so calculating or recalculating, the authorized officer shall take into account the extent of the land in respect of which the ryotwari patta has been granted under this Act.

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.

* Now the Tamil Nadu Government Gazette.

(3) For the purposes of the [Tamil Nadu] Land Reforms (Fixation of Ceiling on Land) Act, 1961 ([Tamil Nadu] Act 58 of 1961), any ryotwari patta granted under the Act shall be deemed to have taken effect on the 6th day of April 1960 and for the purposes of calculating the standard acre under that Act, "land revenue" shall in respect of the land referred to in sub-section (1) mean the ryotwari assessment payable in pursuance of the ryotwari assessment referred to in sub-section (2).

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

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, 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 order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, but however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

THE FIRST SCHEDULE.

[See section 1 (2).]

Serial number.	District.	Taluk.	Revenue number and name of village.	Extent of the lease-hold.
(1)	(2)	(3)	(4)	(5)
1	Chingleput	Saidapet	13. Grant Lyon	Whole village.
2	Do.	Do.	55. Mukthapudupattu	Do.
3	Do.	Ponneri	146. Karadiputhur	Do.
4	Do.	Do.	147. Kannankottar	Do.
5	Do.	Do.	150. Thervoy	Do.
6	Do.	Do.	151. Kandigai	Do.
7	Do.	Do.	180. Pappankuppam <i>alias</i> Alamelumangapuram.	Do.
8	Madras	..	121. Ikkattuthangal	Do.
9	Salem	Harur	317. Humsanahalli	Do.
10	Do.	Do.	318. Sillarahalli	Do.
11	Do.	Do.	321. Regadahalli	Do.
12	Do.	Do.	322. Mottankurichi	Do.

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.

THE SECOND SCHEDULE.

[See section 19 (3).]

Provisions relating to the determination of fair rent.

1. For topes, orchards and lands used for non-agricultural purposes, the fair rent shall be the lease amount as determined by rules made by the Government in this behalf.

2. In respect of lands other than those specified in paragraph 1, the fair rent shall be the aggregate of—

(a) (i) in the case of wet land, 40 per cent of the normal gross produce or its value in money ;

(ii) in the case of wet land the irrigation of which is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money ;

(iii) in the case of land on which crops which do not give any yield within a period of one year from the time of cultivation are cultivated, 40 per cent of the normal gross produce or its value in money ;

(iv) in the case of any other class of land, 33-1/3 per cent of the normal gross produce or its value in money :

Provided that, in the case of lands referred to in subparagraphs (ii) and (iv) for the cultivation of which water is lifted by pump sets installed at the cost of the person owning the land, the fair rent shall be increased to 40 per cent ; and

(b) the value of one-fifth of the straw or stalk of all the crops cultivated on the land in an agricultural year.

Explanation I.—In this paragraph “normal gross produce” —

(a) in respect of a land cultivated with any crop does not give any yield within a period of one year from the time of cultivation, means the gross produce of one year if the land were cultivated with paddy ;

(b) in respect of a land cultivated with any other crop means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantages if the rainfall and the seasons were normal.

Explanation II.—In the case of land on which different crops are cultivated at different times on different portions of the land, the fair rent shall be calculated with reference to the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated.

Explanation III.—In this paragraph, “agricultural year” shall have the same meaning as in section 2(1) (a) of the ¹[Tamil Nadu] Cultivating Tenants (Payment of Fair Rent) Act, 1956 (¹[Tamil Nadu] Act XXIV of 1956).

3. In the case of land cultivated by the person owning the land the fair rent shall be the fair rent as calculated in the manner specified in paragraph 2 in respect of a land of the same class as the land in question, similarly situated and possessing similar advantages.

4. Notwithstanding anything in this Schedule, if the rent actually payable to the person owning the land in respect of the land during the fasli year immediately preceding the fasli year in which the appointed day falls is less than the fair rent ascertained as aforesaid, the said rent shall be deemed to be the fair rent in respect of the land.

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.