



## The Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964

Act 30 of 1964

**Keyword(s):**

Assistant Settlement Officer, Fasli Year, Jenmikaram, Landholder, Ryotwari Assessment, Settlement Officer, Thiruppuvaram, Transferred Territory

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<sup>2</sup>[TAMIL NADU] ACT No. 30 OF 1964.<sup>2</sup>

THE <sup>1</sup>[TAMIL NADU] (TRANSFERRED TERRITORY)  
RYOTWARI SETTLEMENT ACT, 1964.

[Received the assent of the President on the 5th November 1964, first published in the Fort St. George Gazette on the 18th November 1964 (Kartika 27, 1886).]

*An Act to provide for the survey and ryotwari settlement of lands in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.*

Be it enacted by the Legislature of the <sup>3</sup>[State of Tamil Nadu] in the Fifteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Short title and  
(Transferred Territory) Ryotwari Settlement Act, 1964. extent.

(2) It extends to the whole of the transferred territory.

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

(a) “Assistant Settlement Officer” means an Assistant Settlement Officer appointed under section 6 and having jurisdiction ;

(b) “Director” means the Director of Settlements appointed under section 4 ;

(c) “fasli year” means the year commencing on the first day of July ;

(d) “Government” means the State Government ;

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<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 26th March 1964, Part IV—Section 3, page 70.

<sup>3</sup> This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

†(e) "jenmikaram" means jenmikaram as defined in the Travancore Jenmi and Kudiyan Act of 1071 (Travancore Act V of 1071) ;

(f) "landholder" means the registered holder for the time being of any land and includes—

(1) his heirs, legal representatives and assigns ;

(2) any person who under any law for the time being in force is liable to pay public revenue due in respect of land held by him,

but does not include a lessee under the Kuthagattam Rules, for the time being in force, in the transferred territory ;

(g) "ryotwari assessment" means the assessment payable to the Government under sub-section (1) of section 10 ;

(h) "Settlement Officer" means a Settlement Officer appointed under section 5 and having jurisdiction ;

\*(i) "thiruppuvaram" or "melvaram" means thiruppuvaram or melvaram entered as such in the revenue accounts ;

(j) "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

3. Nothing in this Act shall apply to—

(i) inam lands ;

(ii) Sreepandaravaka lands belonging to the Sree Padmanabhaswami Temple at Trivandrum ;

(iii) Sreepadam lands belonging to the Sreepadam Palace.

† This clause was repealed by section 38 of the Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition Act, 1964 (Tamil Nadu Act 39 of 1964).

\* By virtue of section 15 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1964 (Tamil Nadu Act 33 of 1964), section 2 (i), in so far as they relate to melvaram, is repealed.

Act not to  
apply to certain  
lands.

4. As soon as may be, after the publication of this Act in the *Fort St. George Gazette*\*, the Government shall appoint a Director of Settlements to carry out survey and settlement operations in respect of all lands to which this Act applies, to introduce ryotwari settlement therein, and to carry out the functions and duties assigned to him by or under this Act. The Director shall be subordinate to the †Board of Revenue.

Appointment  
and functions  
of the Director  
of Settlements.

5. (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 Settlement Officers to carry out the functions and duties assigned to them by or under this Act.

Appointment  
and functions  
of Settlement  
Officers.

(2) Every Settlement Officer shall be subordinate to the Director and shall be guided by such lawful instructions as he may issue from time to time and the Director shall also have power to cancel or revise any of the orders, acts or proceedings of the Settlement Officer.

6. (1) As soon as may be, after the publication of this Act in the *Fort St. George Gazette*\*, the Government may 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 cancel or revise any of the orders, acts or proceedings of the Assistant Settlement Officer.

7. The †Board of Revenue shall have power—  
(a) to give effect to the provisions of this Act ;  
(b) to issue instructions for the guidance of the Director, District Collectors, Settlement Officers and Assistant Settlement Officers.

Powers of  
control of th  
†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.

Survey of  
lands.

8. (1) Subject to the provisions of section 3, every land in the transferred territory shall, if such land has not been surveyed in accordance with the provisions contained in the <sup>1</sup>[Tamil Nadu] Survey and Boundaries Act, 1923 (<sup>1</sup>[Tamil Nadu] Act VIII of 1923), be surveyed in accordance with the provisions of that Act.

(2) If any land has been already surveyed under the Act referred to in sub-section (1), such land may be re-surveyed and such re-survey may be limited to what is necessary for the ryotwari settlement of that land.

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

Manner of  
effecting  
ryotwari  
settlement.

9. (1) Subject to the provisions of section 3, the Settlement Officer shall, as soon as may be, after the publication of this Act in the *Fort St. George Gazette*\* effect a ryotwari settlement of every land in the transferred territory 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 in the rest of the State and shall adopt—

(a) the rates of assessment set out in the settlement or re-settlement notification in force on such date and in such district as may be specified by the Government ;

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

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

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<sup>1</sup>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*.

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

10. (1) Every landholder shall for the fasli year commencing on the 1st July 1964 and for each subsequent fasli year be liable to pay to the Government in respect of his land, the assessment under the ryotwari settlement effected under this Act : **Landholder's liability to pay land revenue to Government.**

Provided that nothing in this sub-section shall,—

(a) except to the extent of the liability to pay the assessment under this sub-section, affect any rights or liabilities under any agreement, grant or deed relating to any land ;

(b) affect any rights which have accrued to the Government before the date of the publication of this Act in the *Fort St. George Gazette*\*.

(2) The ryotwari assessment payable under sub-section (1) shall be deemed to be public revenue due on and within the meaning of the <sup>1</sup>[Tamil Nadu] Revenue Recovery Act, 1864 (<sup>1</sup>[Tamil Nadu] Act II of 1864), and shall be recoverable under the provisions of that Act.

11. (1) Any amount of basic tax paid under the Travancore-Cochin Land Tax Act, 1955 (Travancore-Cochin Act XV of 1955), by any landholder as due for the fasli year commencing on the 1st July 1964, shall be adjusted towards the amount of ryotwari assessment payable under this Act, and if the amount of basic tax so paid is in excess of the amount of ryotwari assessment, such excess shall on application by him to the prescribed authority be refunded to him, or in the absence of such application, such excess shall be adjusted towards the ryotwari assessment due from him for the subsequent fasli year or years. **Adjustment of basic tax paid.**

<sup>1</sup> 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*.

(2) If the amount of basic tax referred to in sub-section (1) is less than the ryotwari assessment due from the land holder, he shall be liable to pay to the Government the difference.

(3) An application under sub-section (1) shall be made within such period and in such form as may be prescribed.

Jenmikaram to be payable.

<sup>1</sup>[12. Jenmikaram charged on and payable in respect of any land under the Travancore Jenmi and Kudiyan Act of 1071 (Travancore Act V of 1071) shall continue to be paid to the jenmies in addition to the ryotwari assessment thereon payable to the Government.]

\*Thiruppuvaram to be payable.

13. \*Thiruppuvaram or \*\*melvaram charged on and payable in respect of any land shall continue to be paid to those entitled to it as heretofore in addition to the ryotwari assessment thereon payable to the Government.

Decision of certain disputes.

14. (1) If any person disputes,—  
(i) his liability to pay the ryotwari assessment under this Act ; or  
(ii) the application in respect of his land, of a particular rate of ryotwari assessment imposed at a ryotwari settlement under section 9,

the Settlement Officer shall decide such dispute.

(2) From every decision of the Settlement Officer under sub-section (1), an appeal shall, within such time as may be prescribed, lie to the Director.

*Explanation.*—Nothing in this section shall be construed as conferring any right on any person to dispute the rates of ryotwari assessment imposed at a ryotwari settlement under section 9.

<sup>1</sup> This section was repealed by section 38 of the Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition Act, 1964 (Tamil Nadu Act 39 of 1964).

\* By virtue of section 35 of the Tamil Nadu (Transferred Territory) Thiruppuvaram Payment Abolition Act, 1964 (Tamil Nadu Act 32 of 1964) this section, in so far as it relates to Thiruppuvaram, is abolished.

\*\* By virtue of section 15 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Amendment Act, 1964 (Tamil Nadu Act 33 of 1964) this section, in so far as it relates to Melvaram, is repealed.



15. (1) The \*Board of Revenue may—

Power of  
revision by  
\*Board of  
Revenue.

(i) on its own motion call for and examine the records of any proceeding under this Act ; or

(ii) on application made by any land holder in this behalf, call for and examine the records of any proceeding under this Act [not being a proceeding in respect of which an appeal lies to the Director under sub-section (2) of section 14],

to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein, and if, in any case, it appears to the Board of Revenue that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly :

Provided that the \*Board of Revenue shall not pass any order under this section prejudicial to any party unless he has had a reasonable opportunity of making his representation.

(2) The \*Board of Revenue may stay the execution of any such decision or order pending the exercise of its powers under sub-section (1) in respect thereof.

(3) Every application to the \*Board of Revenue for the exercise of its powers under this section shall be preferred, within the prescribed period :

Provided that the \*Board of Revenue may in its discretion allow further time not exceeding one month for the filing of any such application if it is satisfied that the applicant had sufficient cause for not preferring the application within the prescribed period.

16. In computing the period of limitation prescribed for an appeal or revision against any decision or order under this Act, the time required for obtaining the certified copy of the decision or order shall be excluded.

Computation of  
period of  
limitation.

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



Power of \*Board of Revenue, Director, Settlement Officer and Assistant Settlement Officer to rectify bona fide mistakes and clerical errors.

17. The \*Board of Revenue, the Director, the Settlement Officer or the Assistant Settlement Officer may either on its or his own motion or on the application of any person—

(a) if it or he is satisfied that a *bona fide* mistake has been made in regard to any decision or proceeding under this Act, make or cause to be made the necessary correction therein ;

(b) at any time correct or cause to be corrected any clerical or arithmetical mistake in any such decision or proceeding.

Power to take evidence on oath, etc.

18. The \*Board of Revenue, the Director, the Settlement Officer, the Assistant Settlement Officer or any other officer empowered under this Act shall, for the purposes of this Act have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) receiving evidence on affidavit ;

(d) issuing commissions for the examination of witnesses ;

and any proceeding before the \*Board of Revenue, the Director, the Settlement Officer, the Assistant Settlement Officer or any other officer empowered under this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (Central Act XLV of 1860).

Power of Government to issue orders and directions.

19. The Government may issue such orders and directions of a general character, as they may consider necessary in respect of any matter relating to the powers and duties of the \*Board of Revenue, the Director, the Settlement

\*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.

Officers and the Assistant Settlement Officers. The authority or officer referred to above shall give effect to all such orders and directions.

20. The Government may, by notification, direct that any power or function exercisable by the Settlement Officer under this Act or the rules made thereunder shall, in addition to such matters and subject to such conditions as may be specified in such notification, be exercisable also by the Assistant Settlement Officer or such other officer subordinate to the Government as may be specified in such notification. Delegation of powers.

21. (1) No suit shall lie in any civil court to set aside or modify any ryotwari assessment made under this Act. Bar of suits in civil courts.

(2) Except as otherwise provided in this Act, the decision of any authority or officer under this Act shall be final and no civil court shall have jurisdiction to decide or deal with any question which by or under this Act is required to be decided or dealt with by the authorities or officers under this Act.

22. No suit, prosecution or other legal proceeding shall lie against the Government, the \*Board of Revenue, the Director, the Settlement Officer, the Assistant Settlement Officer or any other officer empowered under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. Indemnity.

23. The \*Board of Revenue, the Director, the Settlement Officer, the Assistant Settlement Officer or any of the subordinates of such officers may enter upon any land with such other officers and persons as it or he considers necessary and make a survey and take measurements thereof or do any other act which it or he considers necessary for carrying out the purposes of this Act. Power to enter upon land.

24. (1) The Government may make rules to carry out the purposes of this Act. Power to make rules.

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

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

(b) the form of appeal and application for revision under this Act ;

(c) the procedure to be followed by the \*Board of Revenue, the Director, the Settlement Officer and the Assistant Settlement Officer when exercising the powers under this Act ;

(d) the fees payable in respect of applications and appeals under this Act ;

(e) determining the kist or instalments in which the ryotwari assessment is payable and the dates on which such kist or instalments shall be due.

Power to remove difficulties.

25. 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 necessary for the purpose of removing the difficulty.

Rules and orders to be placed before the Legislature.

26. (1) All rules made under this Act and all orders made under section 25 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.

(2) Every rule made under this Act and every order made under section 25 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 order or both Houses agree that the rule or order should not be made, the rule or order 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 order.

\*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.

†Now the *Tamil Nadu Government Gazette*.

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27. The Travancore-Cochin Land Tax Act, 1955 (Travancore-Cochin Act XV of 1955) is hereby repealed. Repeal of Travancore-Cochin Act XV of 1955.

28. (1) This section shall come into force on such date as the Government may, by notification, appoint. Extension of certain irrigation laws to the transferred territory, repeals and savings.

(2) The <sup>1</sup>[Tamil Nadu] Irrigation Cess Act, 1865 (<sup>1</sup>[Tamil Nadu] Act VII of 1865), the <sup>1</sup>[Tamil Nadu] Irrigation (Voluntary Cess) Act, 1942 (<sup>1</sup>[Tamil Nadu] Act XIII of 1942), the <sup>1</sup>[Tamil Nadu] Irrigation Works (Repairs, Improvement and Construction) Act, 1943 (<sup>1</sup>[Tamil Nadu] Act XVIII of 1943), the <sup>1</sup>[Tamil Nadu] Irrigation Tanks (Improvement) Act, 1949 (<sup>1</sup>[Tamil Nadu] Act XIX of 1949) and the <sup>1</sup>[Tamil Nadu] Irrigation (Levy of Betterment Contribution) Act, 1955 (<sup>1</sup>[Tamil Nadu] Act III of 1955) as in force immediately before the date of the commencement of this section (hereinafter in this section referred to as the said law) are hereby extended to, and shall be in force in, the transferred territory.

(3) The Irrigation Act of 1072 (Travancore Act III of 1072), the Travancore-Cochin Irrigation Tanks (Preservation and Improvement) Act, 1952 (Travancore-Cochin Act XXIII of 1952), the Travancore-Cochin Irrigation Act, 1956 (President's Act VII of 1956) and any other law corresponding to the said law, in force in the transferred territory immediately before the date of the commencement of this section shall stand repealed on the date of such commencement.

(4) The repeal by sub-section (3), of any Act or law referred to therein shall not affect—

(a) the previous operation of any such Act or law or anything duly done or suffered thereunder ; or

<sup>1</sup> 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.

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such Act or law ; or

(c) any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such Act or law ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if this section had not been in force.

(5) Subject to the provisions of sub-section (4), anything done or any action taken, including any appointment made, notification, order, instruction or direction issued, or any rule or form framed under any such Act or law shall be deemed to have been done or taken under the said law corresponding thereto and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under the said law.

(6) For the purpose of facilitating the application of the said law in the transferred territory, any court or other authority may construe the said law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(7) Any reference in the said law to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(8) Any reference in any law which continues to be in force in the transferred territory after the date of the commencement of this section, to any Act or law, repealed by sub-section (3) shall, in relation to that territory, be construed as a reference to the said law corresponding thereto.

(9) (a) If any difficulty arises in giving effect to the provisions of the said law as extended to the transferred territory by this Act, the Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.

(b) All orders made under clause (a) 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.

(c) Every order made under clause (a) 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 order or both Houses agree that the order should not be made, the order 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 order.

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\*Now the *Tamil Nadu Government Gazette*.