



**The Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition Act,
1964**

Act 39 of 1964

Keyword(s):

Assistant Settlement Officer, Fasli Year, Jenmi, Jenmi and Kudiyan Act, Jenmikaram, Kudiyan, Register of Jenmikarams, Settlement Officer, Transferred Territory

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¹[TAMIL NADU] ACT NO. 39 OF 1964 ².

THE ¹[TAMIL NADU] (TRANSFERRED TERRITORY) JENMIKARAM PAYMENT ABOLITION ACT, 1964.

[Received the assent of the President on the 19th January 1965, first published in the Fort. St. George Gazette, on the 17th March 1965 (Phalguna 26, 1886).]

An Act to provide for the extinguishment of the right to receive, and the liability to pay, jenmikaram in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

BE it enacted by the Legislature of the ³ [State of Tamil Nadu] in the Fifteenth year of the Republic of India as follows : —

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the ¹[Tamil Nadu] (Transferred Territory) Jenmikaram Payment Abolition Act, 1964.

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

(3) This Chapter [except clauses (1), (5), (7) and (9) to (11) of section 2] and sections 4 to 11, 17, 18 and 29 to 36 shall come into force at once and the rest of this Act shall come into force on the date of expiration of a period of six months from the date of the publication of this Act in the *Fort St. George Gazette*.*

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

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 15th July 1964, Part IV—Section 3, page 141.

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

* Now the *Tamil Nadu Government Gazette*.

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

(1) “appointed day” means the date of expiration of a period of six months from the date of the publication of this Act :

¹[Provided that in the case of any jenmom land included in the Register of Jenmikarams after the date of expiration of a period of six months from the date of the publication of this Act, ‘appointed day’ means the date of inclusion of such jenmom land in the Register of Jenmikarams];

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

(3) “date of the publication of this Act” means the date of the publication of this Act in the *Fort St. George Gazette* *;

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

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

(6) “Government” means the State Government ;

(7) “jenmi” means any individual or any religious, educational or charitable institution —

(i) specified as jenmi in the Register of Jenmikarams or the heirs, assigns or legal representatives of such individual, or persons deriving rights through such institution ; and

(ii) entitled to receive jenmikaram immediately before the appointed day under the Jenmi and Kudiyan Act ;

(8) “Jenmi and Kudiyan Act” means the Travancore Jenmi and Kudiyan Act of 1071 (Travancore Act V of 1071) ;

¹This proviso was added by section 2 of the Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition (Amendment) Act, 1967 (Tamil Nadu Act 13 of 1967).

*Now the *Tamil Nadu Government Gazette*.

(9) "jenmikaram" in respect of any land means the amount entered as jenmikaram in the Register of Jenmikarams in respect of that land and payable by the kudiyan to the jenmi every year under the Jenmi and Kudiyan Act;

(10) "kudiyan" means a person ---

(i) specified as kudiyan in the Register of Jenmikarams or his heirs, legal representatives or assigns; and

(ii) liable to pay jenmikaram immediately before the appointed day under the Jenmi and Kudiyan Act;

(11) "Register of Jenmikarams" means the register of jenmikarams as prepared under section 40-B of the Jenmi and Kudiyan Act and as in force on the date of the publication of this Act, and as modified after the said date—

(i) under the provisions of this Act, or

(ii) by the order of any competent authority or court in any proceeding instituted under the Jenmi and Kudiyan Act before the date of the publication of this Act;

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

(13) "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district;

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

CHAPTER II.

ABOLITION OF JENMIKARAM.

Jenmikaram to
be abolished.

3. (1) With effect on and from the appointed day, no jenmi shall have the right to receive payment of jenmikaram and no kudiyan shall be liable to pay jenmikaram to the jenmi; and the right to receive payment of, and the liability to pay, jenmikaram shall stand extinguished.

(2) With effect on and from the appointed day and save as otherwise expressly provided in this Act, any rights and privileges which may have accrued in respect of Jenmikaram to any person before the appointed day against the jommi shall cease and determine, and shall not be enforceable against the Government or against the jommi, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him by or under this Act.

4. As soon as may be, after the date of the publication of this Act, the Government shall appoint a Director of Settlements 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 date of the publication of this Act, 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, other than those in respect of which an appeal lies to the Director or to the Tribunal under this Act.

6. (1) As soon as may be, after the date of the publication of this Act, 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 Settle-
ment 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, within such period as may be prescribed, any of the orders, acts or proceedings of the Assistant settlement Officer.

*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.

Powers of control of the *Board of Revenue.

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, Settlement Officers and Assistant Settlement Officers ;

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

Constitution of Tribunals.

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

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

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

(4) Every 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.

INCLUSION OF JENMOM LAND OR AMENDMENT OF ENTRIES IN THE REGISTER OF JENMIKARAMS.

Inclusion of certain jenmom lands in the Register of Jenmikarams.

9. (1) Where any person claims that any jenmom land in respect of which he is the jenmi or the kudiyan has not been included in the Register of Jenmikarams, as in force on the date of the publication of this Act, he shall make an application to the Settlement Officer for inclusion of such jenmom land in the Register of Jenmikarams :

* 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.

Provided that no application shall be made under sub-section in respect of any land, if in respect of that land any proceeding has already been instituted under the Jenmi and Kudiyan Act for its inclusion in the Register of Jenmikarams.

(2) An application under sub-section (1) shall contain such particulars as may be prescribed and shall be accompanied by the documents relied on by the applicant as evidence in support of his claim.

(3) An application to the Settlement Officer under sub-section (1) shall be made within such period as may be prescribed :

Provided that the Settlement Officer may in his discretion allow further time not exceeding such period as may be prescribed for the filing of such application.]

(4) (a) Before passing an order on an application under sub-section (1), the Settlement Officer shall follow such procedure as may be prescribed and if he decides that the land specified in the application should be included in the Register of Jenmikarams, he shall pass an order accordingly.

(b) The order referred to in clause (a) shall contain the particulars of the jenmom land, the name of the jenmi and of the kudiyan and the amount of jenmikaram payable and such other particulars as may be prescribed.

(c) If the Settlement Officer decides that there is no case for inclusion of the land in the Register of Jenmikarams, he shall reject the application.

Explanation.—For the purposes of this Chapter, “jenmi”, “jenmikaram”, “jenmom land”, “kudiyan” and “Register of Jenmikarams” shall have the same meaning as in the Jenmi and Kudiyan Act.

This sub-section was substituted for the following sub-section (3) by section 3 of the Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition (Amendment) Act, 1967 (Tamil Nadu Act 13 of 1967) :—

(3) An application to the Settlement Officer under sub-section (1) shall be made within a period of three months from the date of the publication of this Act:

Provided that the Settlement Officer may in his discretion allow further time not exceeding three months for the filing of such application”.

Modification of entries in respect of jenmom land. 10. (1) Where any person claims that in respect of any jenmom land already included in the Register of Jenmikarams, as in force on the date of the publication of this Act, any modification is required in respect of the entries relating to the name of the jenmi or of the kudiyan as entered in the said Register either by reason of the death of the persons concerned or by reason of the transfer of interest or by reason of any other subsequent change in circumstances and where such person has not instituted any proceeding under the Jenmi and Kudiyan Act for such modification, he shall make an application to the Settlement Officer for the modification of the relevant entries in the Register of Jenmikarams.

Explanation.—Nothing in this sub-section shall be deemed to entitle any person to make any application for the omission of any jenmom land from the Register of Jenmikarams or for altering the total amount of the jenmikaram as entered in the said Register.

(2) An application under sub-section (1) shall contain such particulars as may be prescribed and shall be accompanied by the documents relied on by the applicant as evidence in support of his claim.

(3) An application to the Settlement Officer under sub-section (1) shall be made within such period as may be prescribed :

Provided that the Settlement Officer may in his discretion allow further time not exceeding such period as may be prescribed for the filing of such application.]

¹ This sub-section was substituted for the following sub-section (3) by section 4 of the Tamil Nadu (Transferred Territory) Jenmikaram Payment Abolition (Amendment) Act, 1967 (Tamil Nadu Act 13 of 1967):—

“(3) An application to the Settlement Officer under sub-section (1) shall be made within a period of three months from the date of the publication of this Act:—

“Provided that the Settlement Officer may in his discretion allow further time not exceeding three months for the filing of such application”.

- (4) (a) Before passing an order on an application under sub-section (1), the Settlement Officer shall follow the procedure as may be prescribed and if he decides that any modification should be made in respect of the name of the jenmi or of the kudiyan in respect of common land, he shall pass an order for effecting the modification and for making such incidental and consequential changes in the Register of Jenmikarams as appear to be necessary or desirable for giving effect to his order.
- (b) If the Settlement Officer decides that there is no case for effecting any modification in the entries in the Register of Jenmikarams, he shall reject the application.

11. For the purposes of this Act, the entries in the Register of Jenmikarams as in force on the date of the publication of this Act shall be deemed to describe correctly the right, title and interest of the jenmi and kudiyan concerned in respect of the land to which they relate, subject, however, to any inclusion, modification or amendment required to be made by an order passed after the said date—

Entries in the Register of Jenmikarams deemed to be correct.

(i) by the Settlement Officer under section 9 or 10, subject to modification, if any, made on appeal or revision under this Act ; or

(ii) by any competent authority or court in any proceeding instituted under the Jenmi and Kudiyan Act before the said date.

CHAPTER IV.

DETERMINATION AND PAYMENT OF COMPENSATION.

Scale of compensation to jenmi.

12. In the case of any jenmi (not being a religious, educational or charitable institution), the Government shall pay to the jenmi concerned as compensation an amount equal to ten times the aggregate of the annual amount of jenmikaram payable to him after deducting a sum equal to two and a half per cent of the said aggregate on account of collection charges.

Payment of tasdik allowance to religious, educational or charitable institution.

13. (1) Where the jenmi is a religious, educational or charitable institution, the Government shall pay to the institution every fasli year commencing with the fasli year in which the appointed day falls an amount equal to the tasdik allowance as calculated under sub-section (2).

(2) The tasdik allowance shall be a sum equal to the aggregate of the annual amount of jenmikaram payable to the religious, educational or charitable institution after deducting a sum equal to two and a half per cent of the said aggregate on account of collection charges.

(3) The payment shall be made to the institution under this section so long as it exists.

Determination of compensation and tasdik allowance.

14. (1) The Settlement Officer shall, by order in writing and on the basis of the entries in the Register of Jenmikarams, determine in respect of each jenmi the compensation payable under section 12 or, as the case may be, the tasdik allowance payable under section 13.

(2) Any jenmi 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 compensation or tasdik allowance payable.

(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 jenmi 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 an order passed by him under sub-section (1) on any one or more of the following grounds, namely :—

(1) that the said order is vitiated by any clerical or arithmetical mistake or error apparent on the face of the record, or

(2) 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 without giving the jenmi 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 jenmi 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 Director may, in his discretion, allow, appeal to the Director ; and the Director shall, after giving the applicant a reasonable opportunity of being heard, pass such orders on the appeal as he thinks fit.

(7) The *Board of Revenue may, 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 Director or the

* 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.

Settlement Officer under this section, for the purpose of verifying 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 compensation or the tasdik allowance payable to the jenmi shall not be altered by the Board without giving him and every person who has made an application under this sub-section and sub-section (2), a reasonable opportunity of being heard.

(8) Notwithstanding anything contained in sub-section (6) or sub-section (1), the *Board of Revenue may, on application made to it by the Director or the Settlement Officer or by any other person in that behalf, review any order passed by it under 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 jenmi, 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 Director or the *Board of Revenue as aforesaid ; no order passed by the Director under sub-section (6) 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-section (7) or sub-section (8) shall be liable to be cancelled or modified by the Government or any other authority.

15. The compensation and the annual tasdik allowance payable under this Act shall be paid in cash and in one lumpsum.

Manner of payment of compensation and tasdik allowance.

*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.

(1) The amount of compensation finally determined as payable to the jenmi (not being a religious, educational or charitable institution) shall, on application of the jenmi concerned to such authority and within such period as may be prescribed, be paid to him. Payment of compensation.

(2) In disposing of an application under sub-section (1), the prescribed authority shall follow such procedure as may be prescribed.

(3) Where it is alleged that the interest of the jenmi entitled to receive payment of the compensation has devolved on any other person or persons, whether by gift of parties or by operation of law, the prescribed authority shall determine whether there has been any devolution of the interest, and if so, on whom it has devolved, and the amount of compensation shall be paid to the persons on whom such interest has devolved.

17. Any person aggrieved by the decision of the Settlement Officer under section 9 or 10, or by the decision of the prescribed authority under section 16 may, within three months from the date of the decision, appeal to the Tribunal: Appeal.

Provided that the Tribunal may, in its discretion, allow further time not exceeding two months for the filing of such appeal.

18. The Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of section 5 of the Code of Civil Procedure, 1908 (Central Act of 1908) and its orders shall be liable to revision by the High Court under the provisions of that section. Revision by High Court.

19. (1) (a) All amounts remaining unpaid and with reference to which no application for payment has been made within the time prescribed under section 16; and Unclaimed and undisbursed amounts, how dealt with.

(b) all amounts remaining unpaid after the expiry of a period of six months from the date of disposal of an application under section 16 or from the date of the decision on appeal or revision under section 17 or 18, the case may be,

shall be deposited in the District Court having jurisdiction and in cases falling under clause (b) in the name of the person or persons in whose favour an order for payment has been made by the prescribed authority, or the Tribunal, or the High Court, as the case may be.

(2) All amounts deposited in the District Court under sub-section (1) shall be dealt with by the District Court in accordance with such rates 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 inquiry 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 prescribed authority, the Tribunal or the High Court in favour of any person shall be binding on the District Court.

Wrong and
excess payments
to be recover-
able as land
revenue.

20. 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.

21. In respect of the compensation finally determined under section 14, the jurisdiction of the prescribed authority, the Tribunal and the High Court shall be limited to the determination of the persons who will be entitled to the compensation, and the prescribed authority, the Tribunal and the High Court shall not have jurisdiction to go into the question of the correctness of the determination or of the adequacy of the compensation.

22. All payments of compensation made under this Act, shall be made by the prescribed authority in accordance with its orders and decisions subject to the modifications, if any, made on appeal or on revision under this Act.

CHAPTER V.

RECOVERY OF CONTRIBUTION FROM KUDIYAN.

23. The Government shall be entitled to collect from each kudiyan, and each kudiyan shall be liable to pay to the Government, by way of contribution, an amount equal to ten times the aggregate of the annual amount of Jenmikaram payable by him.

24. (1) The Settlement Officer shall, by order in writing and on the basis of the entries in the Register of Jenmikarams, determine in respect of each kudiyan the contribution payable by him under section 23.

(2) Any kudiyan 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 amount of contribution payable under section 23.

(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 kudiyan 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 an order passed by him under sub-section (1) on any one or more of the following grounds, namely :—

(1) that the said order is vitiated by any clerical or arithmetical mistake or error apparent on the face of the record, or

(2) 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 without giving the kudiyan 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 kudiyan 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 Director may, in his discretion, allow, appeal to the Director ; and the Director shall, after giving the applicant a reasonable opportunity of being heard, pass such orders on the appeal as he thinks fit.

(7) The *Board of Revenue may, 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 Director or 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 :

* 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.

Provided that the amount of contribution payable by the kudiyan shall not be altered by the Board without giving him and every person who has made an application under this sub-section and 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 Director or the Settlement Officer or by any other person in that behalf, review any order passed by it under 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 kudiyan 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 Director or the *Board of Revenue as aforesaid; no order passed by the Director under sub-section (6) 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-section (7) or sub-section (8) shall be liable to be cancelled or modified by the Government or any other authority.

25. (1) The amount of contribution payable by the kudiyan under this Act shall be paid to the Government in ten equal annual instalments at such place, in such manner, on such date and with interest at such rate as may be prescribed :

Recovery of contribution payable under the Act.

Provided that a kudiyan shall be entitled to pay the entire amount of contribution with a rebate of five per cent

*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.

within a period of two years from the date on which he becomes liable to pay the contribution :

Provided further that a kudiyan shall be entitled to pay, at any time, any sum in excess of the annual instalment and such excess shall be adjusted towards the subsequent instalment or instalments.

(2) The amount of contribution payable to the Government under this Act may be recovered as if it were an arrear of land revenue.

Obligation of transferor and transferee to give notice of transfer.

26. (1) Whenever the title of any person primarily liable to the payment of contribution under this Act is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it be registered, or after the transfer is effected, if no instrument be effected, give notice of such transfer to the Assistant Settlement Officer or any other officer authorized in this behalf by the Government (hereinafter in this section referred to as the authorized officer).

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise, shall give notice of such transfer to the Assistant Settlement Officer or the authorized officer within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as may be prescribed and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the Assistant Settlement Officer or the authorized officer, any document evidencing such transfer or succession.

(4) Every person who makes a transfer as aforesaid, without giving such notice to the Assistant Settlement Officer or the authorized officer shall (in addition to any other liability which he may incur through such neglect), continue liable for the payment of the contribution in respect of the land transferred until he gives notice or until the transfer shall have been recorded in the revenue registers, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said contribution.

CHAPTER VI.
MISCELLANEOUS.

27. (1) All claims and liabilities enforceable immediately before the appointed day against the jenmi in respect of jenmikaram shall, on or after that day, be enforceable against the compensation or the tasdik allowance payable to the jenmi under this Act to the same extent to which such claims and liabilities were enforceable against the jenmikaram immediately before the appointed day.

Transitional provision in regard to certain liabilities.

(2) No Court shall on or after the appointed day order or continue execution in respect of any decree or order passed against the jenmi against the jenmikaram and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the compensation or tasdik allowance payable to the jenmi.

(3) No Court shall in enforcing any claim or liability against the jenmi in respect of any jenmikaram allow interest at a rate exceeding six per cent per annum simple interest for any period after the appointed day.

28. Any amount of jenmikaram payable under the Jenmi and Kudiyan Act, which accrued due from any kudiyan before, and is outstanding on, the appointed day, shall be recovered as if this Act had not been passed.

Collection of arrears.

29. (1) The decision of a Tribunal or the High Court in any proceeding under this Act on 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 in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

Limitation.

30. (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.

(2) For the purpose 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-section (1) and sub-section (2) of section 12 of the Limitation Act, 1963 (Central Act 36 of 1963) 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.

31. (1) Any order passed by any officer, the *Board of Revenue or other authority or any decision of the Tribunal or the High Court under this Act in respect of matters to be determined for the purposes of this Act shall, subject 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.

* 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.

32. Except as otherwise provided in this Act, no Civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any officer, the *Board of Revenue, the Tribunal or other authority. Bar of jurisdiction of Civil Courts.

33. (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. Indemnity.

(2) (a) No suit, prosecution, or other proceeding 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 expiration of a period of six months from the date of the act complained of.

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

*By virtue of section 30(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.

(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 procedure to be followed by the Tribunals, authorities and officers appointed, or having jurisdiction, under this Act ;

(c) the delegation of 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 therein ;

(e) the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), to applications, appeals and proceedings 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.

(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.

35. (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, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

† Now the *Tamil Nadu Government Gazette*.

Act to
override
contract
and other laws,
etc.

36. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract.

Repeal of
Travancore
Act V of 1071.

37. (1) With effect on and from the appointed day, the Travancore Jenmi and Kudiyan Act of 1071 (Travancore Act V of 1071) shall stand repealed.

(2) Notwithstanding the repeal of the Travancore Jenmi and Kudiyan Act of 1071 (Travancore Act V of 1071) by sub-section (1), the right of ownership of the kudiyan in the land in respect of which he was liable to pay jenmikaram immediately before the appointed day shall not be deemed to be affected, and for the removal of doubts it is hereby declared that he shall continue to be the owner of such land.

Repeal of
sections 2 (e)
and 12 of the
Ryotwari
Settlement Act.

38. With effect on and from the appointed day, section 2 (e) and section 12 of the ¹[Tamil Nadu] (Transferred Territory) Ryotwari Settlement Act, 1964, shall stand repealed.

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.