



## The Wakf (Tamil Nadu Amendment) Act, 1982

Act 34 of 1982

**Keyword(s):**

Central Act Amendment, The Wakf Act, 1954, Extension of Period of Limitation for Suits

Amendment appended: 27 of 2003

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**TAMIL NADU ACT NO. 34 OF 1982.\*****THE WAKF (TAMIL NADU AMENDMENT)  
ACT, 1982.**

[Received the assent of the President on the 16th June 1982, first published in the Tamil Nadu Government Gazette Extraordinary on the 21st June 1982 (Aani 7, Thunthubi, Thiruvalluvar Aandu—2013).]

*An Act further to amend the Wakf Act, 1954, in its application to the State of Tamil Nadu.*

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

Short title  
and  
extent.

1. (1) This Act may be called the Wakf (Tamil Nadu Amendment) Act, 1982.

(2) It extends to the whole of the State of Tamil Nadu.

Insertion of  
new sections  
59-A and  
59-B  
in Central  
Act 29 of  
1954.

2. After section 59 of the Wakf Act, 1954 (Central Act 29 of 1954), the following sections shall be inserted, namely:—

“59-A. *Properties and funds of wakfs not to vest under the law of limitation after the 14th August 1947 and suits not barred.*—Nothing contained in any law of limitation for the time being in force—

(i) shall be deemed to vest or ever to have vested in any person the property of funds or any wakf which had not vested in such person or his predecessor-in-title on or before the 14th August 1947;

(ii) shall be deemed to bar or ever to have barred any suit or proceeding for the recovery of any such property or funds.

59-B. *Extension of period of limitation for suits to recover rent and mesne profits of wakfs.*—Notwithstanding anything to the contrary contained in the Limitation Act, 1963 (Central Act 36 of 1963) the period of limitation in respect of any suit or proceeding for the recovery of rent or mesne profits in respect of the property of any wakf shall be twelve years.”

\*For Statement of Objects and Reasons see *Tamil Nadu Government Gazette Extraordinary*, dated the 25th August 1981, pages 706-707.

39

3. Notwithstanding anything to the contrary contained in the Limitation Act, 1963 (Central Act 36 of 1963) or in any other law for the time being in force, where any suit or proceeding for the recovery of the property or funds of any wakf or for the recovery of rent or mesne profits in respect of the property of any wakf has been dismissed on or before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, by any court or other authority and if such suit or proceeding would not have been dismissed if section 2 of this Act had been in force at the relevant time, such court or other authority shall, on an application made within six months from the date of the publication of this Act in the *Tamil Nadu Government Gazette*, by any party aggrieved by such dismissal, make an order setting aside its decree or order and shall proceed with the suit or other proceeding from the stage reached immediately before the dismissal of such suit or other proceeding. Restoration of suits and proceedings.

4. The Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959), in its application to the State of Tamil Nadu, is hereby repealed. Repeal of Central Act 29 of 1959.



# TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 201]

CHENNAI, THURSDAY, JULY 10, 2003  
Aani 26, Subhanu, Thiruvalluvar Aandu-2034

## Part IV—Section 2

### Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 4th July 2003 and is hereby published for general information:—

#### ACT No. 27 OF 2003.

*An Act to amend the Wakf Act, 1995 in its application to the State of Tamil Nadu.*

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Wakf (Tamil Nadu Amendment) Act, 2003.

(2) It extends to the whole of the State of Tamil Nadu.

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

Short title,  
extent and  
commence-  
ment.

Central Act  
43 of  
1995.

2. In the Wakf Act, 1995, section 16 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

Amendment  
of section  
16.

“(2) A Mutawalli shall be disqualified—

(a) for being elected as a member of the Board if, at the last date for filing of nomination or at the date of election, or

(b) for continuing as a member of the Board if,  
he is in arrears of—

(i) any due to the Central Government or State Government or Central Wakf Council, or

(ii) contribution under sub-section (1) of section 72,  
exceeding a year from the date on which such due or contribution become payable.”.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,  
Secretary to Government,  
Law Department.