



## The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1986

Act 57 of 1986

**Keyword(s):**

**Administrative Member, Chairman, Judicial, Member, Vice Chairman**

**Amendment appended: 30 of 1989**

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TAMIL NADU  
GOVERNMENT GAZETTE  
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 523]

MADRAS, MONDAY, SEPTEMBER 8, 1986

AAVANI 23, ATCHAYA, THIRUVALLUVAR AANDU - 2017

**Part IV—Section 2**  
**Tamil Nadu Acts and Ordinances**

The following Act of the Tamil Nadu Legislature received the assent of the President on the 26th August 1986, and is hereby published for general information :—

ACT No. 57 OF 1986.

*An Act to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1983.*

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

1. *Short title.*—This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1986.

2. *Amendment of section 3, Tamil Nadu Act 3 of 1984.*—In the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1983 (Tamil Nadu Act 3 of 1984) (hereinafter referred to as the Amendment Act), in section 3,—

(1) in Chapter X-A proposed to be inserted by clause (f),—

(a) for section 77-B, the following section shall be substituted, namely:—

“77-B. *Special definitions.*—In this Chapter, unless the context otherwise requires,—

(A Group) IV-2 Ex. (523)—1 [ 341 ]

(a) "Administrative Member" means a Member of the Special Appellate Tribunal who is not a Judicial Member within the meaning of clause (c);

(b) "Chairman" means the Chairman of the Special Appellate Tribunal;

(c) "Judicial Member" means a Member of the Special Appellate Tribunal appointed as such and includes the Chairman who possesses any of the qualifications specified in clause (c) of sub-section (4) of section 77-C;

(d) "Member" means a Member (whether Judicial or Administrative) of the Special Appellate Tribunal and includes the Chairman and a Vice-Chairman;

(e) "Vice-Chairman" means the Vice-Chairman of the Special Appellate Tribunal;

(b) in section 77-C, for sub-sections (3), (4) and (5), the sub-sections shall be substituted, namely:—

The Special Appellate Tribunal shall consist of a Vice-Chairman and a Member appointed by the Government in consultation with the Chief Justice of the High Court.

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of the Special Appellate Tribunal

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Special Appellate Tribunal

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(iii) has been Secretary to Government, Law Department of the State Government, for a period of not less than six years; or

(iv) has, for a period of not less than three years, held office as a Judicial Member or an Administrative Member;

(c) as a Judicial Member of the Special Appellate Tribunal unless he—

(i) is, or has been, or is qualified to be, a Judge of a High Court; or

(ii) has been the Secretary to Government, Law Department of the State Government, for a period of not less than three years;

(d) as an Administrative Member of the Special Appellate Tribunal unless he has been an officer of the State Government not below the rank of Commissioner and Secretary to the State Government, whether in the Secretariat or elsewhere, and has dealt with land reform measures during his service in the Government in any capacity for a period of not less than one year in the aggregate.

(5) Any vacancy in the office of Chairman, Vice-Chairman or other Member shall be filled in by the Government in accordance with the provisions of this Chapter.”;

(c) for section 77-D, the following section shall be substituted, namely:—

“77-D. *Terms and conditions of service of Chairman, Vice-Chairman and Member.*—(1) The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

(a) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(b) in the case of other Member, the age of sixty-two years, whichever is earlier.

(2) The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Member shall be such as may be prescribed by the Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or other Member shall be varied to his disadvantage after his appointment.

(3) (a) The Chairman or Vice-Chairman or other Member shall not be removed from his office before the expiry of the term of his office, except by an order of the Government on the ground of proved misbehaviour or incapacity, and except after an inquiry by a Special Tribunal in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges. The Special Tribunal shall consist of three Judges of the High Court, nominated from time to time by the Chief Justice in that behalf.

(b) The Government may, by rules made under this Act, regulate the procedure for the investigation and proof of the misbehaviour or incapacity of the Chairman, Vice-Chairman or the Member referred to in clause (a).";

(d) in section 77-F,—

(A) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The functions of the Special Appellate Tribunal may be exercised—

(i) by a Bench consisting of Chairman, Vice-Chairman and the other Member; or

(ii) by a Bench consisting of the Vice-Chairman and the other Member constituted by the Chairman; or

(iii) by a single Member of the Special Appellate Tribunal nominated in this behalf by the Chairman in such cases as he deems fit.

*Explanation.*—The single Member referred to in clause (iii) may be either the Chairman, Vice-Chairman or the other Member:

Provided that if any case which comes up before a single Member (who is not the Chairman) or a Bench (of which the Chairman is not a Member) involves a question of law, such single Member or Bench may, in his or its discretion, reserve such case for decision by a Bench of which the Chairman shall be a Member."

(B) in sub-section (5),—

(i) in clause (a), for the expression "bench consisting of the Chairman and two other Members", the expression "bench consisting of the Chairman, Vice-Chairman and the other Member" shall be substituted;

(ii) in clause (b), for the expression "bench consisting of the Chairman and two other members", the expression "bench consisting of the Chairman, Vice-Chairman and the other Member" shall be substituted;

(e) in section 77-G, the expression "under Article 32 and Article 136 of the Constitution" shall be omitted;

(f) after section 77-H, the following new section shall be inserted, namely:—

*"77-HH. Power to summon persons to give evidence and produce documents.—*(1) The Special Appellate Tribunal, the Land Commissioner, the Land Tribunal, the Land Board and the authorized officer shall have power to summon any person whose attendance such authority or officer considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such authority or officer is making in connection with the adjudication or trial of any dispute or complaint with respect to land reform matters arising under this Act.

(2) A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned.

(3) All persons so summoned shall be bound to attend either in person or by an authorized agent, as such authority or officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents and other things as may be required:

Provided that the exemption under section 132 of the Code of Civil Procedure, 1908 (Central Act V of 1908) shall be applicable to any requisition for attendance under this section.

(4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (Central Act XLV of 1860).

(2) in section 83 proposed to be substituted by clause (h), for the expression "the Land Board", the expression "the authorized officer, the Land Board" shall be substituted;

(3) clause (n) shall be omitted.

3. *Amendment of section 4, Tamil Nadu Act 3 of 1984.*—  
Section 4 of the Amendment Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-sections shall be added, namely:—

"(2) All writ petitions (including any petitions and proceedings relating thereto), connected with, or arising out of proceedings under, the principal Act and pending in the High Court immediately before the date of commencement of this Act, shall stand transferred to the Special Appellate Tribunal, with effect from the date of commencement of this Act and the said writ petitions, petitions and proceedings shall be deemed to be *suo motu* revision petitions under section 83 of the principal Act and the Special Appellate Tribunal shall pass appropriate orders accordingly.

(3) All writ appeals (including any petitions and proceedings relating thereto), connected with, or arising out of proceedings under, the principal Act and pending in the High Court immediately before the date of commencement of this Act, shall be heard and disposed of by the High Court, as if this Act had not been passed."

(By order of the Governor)

S. VADIVELU,  
*Commissioner and Secretary to Government  
Law Department.*

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TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 614]

MADRAS, WEDNESDAY, OCTOBER 25, 1989

AIPPAZI, 9, SUKLA, THIRUVALLUVAR AANDU-2026

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 17th October 1989 and is hereby published for general information.

ACT No. 30 OF 1989.

An Act further to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1983.

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

1. (1) This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment (Amendment) Act, 1989.

Short title and commencement

(2) It shall come into force at once.

2. In the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1983, in section 3, in Chapter X-A proposed to be inserted by clause (f),—

Amendment of section 3.

(1) in section 77-C,—

(A) in sub-section (3), for the expression "the Government" after consultation with the Chief Justice of the High Court", the expression "the Governor of the State after consultation with the Chief Justice of India" shall be substituted;

(B) in sub-section (4),—

(a) in clause (a),—

(i) in sub-clause (ii), the word "or" occurring at the end shall be omitted;

(ii) sub-clause (iii) shall be omitted;



(b) in clause (b),—

(i) for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) is, or has been, or is qualified to be, a Judge of a High Court; or”;

(ii) in sub-clause (iii), for the words “six years”, the words “two years” shall be substituted;

(c) in clause (c), in sub-clause (ii), for the words “three years”, the words “two years” shall be substituted;

(2) in section 77-D,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years:

Provided that no Chairman, Vice-Chairman or other Member shall hold office as such after he has attained,—

(a) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(b) in the case of any other Member, the age of sixty-two years.”;

(b) in sub-section (3), in clause (a), for the word “Government”, the words “Governor of the State” shall be substituted.

(By order of the Governor.)

P. JEYASINGH PETER,

Secretary to Government, Law Department.