The Tamil Nadu Limited Proprietors Act, 1911

Act 4 of 1911

Keyword(s):
Estate, Village, Proprietors of Estates
An Act to amend the Law relating to Proprietors of Estates.

WHEREAS it is expedient that certain persons who are not proprietors as defined in the Madras Proprietary Estates' Village-service Act, 1894, the Madras Hereditary Village-offices Act, 1895, and the Madras Survey and Boundaries Act, 1897, should be enabled to exercise the powers and discharge the duties of proprietors under the said Acts; and whereas it is also expedient to make provision for the recovery of arrears of revenue from such persons;

It is hereby enacted as follows:—

1. This Act may be called the Limited Proprietors Act, 1911.

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* 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, which came into force on the 14th January 1969.

* For Statement of Objects and Reasons, see Fort St. George Gazette, 1911, Pt. IV, p. 4; for Report of Select Committee, see ibid, 1911, Extraordinary, p. 39; for Proceedings in Council, see ibid, 1911, Pt. IV, pp. 80, 332 and 449.

* The Act has been repealed. See now the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).

* This section was repealed by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as this Act applies to the added territories, section 2 was repealed by section 12 of the Tamil Nadu (Added Territories) Extension of Laws (No.2) Act, 1961 (Tamil Nadu Act 39 of 1961).
3. In this Act, unless there be something repugnant in the subject or context, "Estate" and "Village" respectively mean an estate and a village as defined in the Madras Proprietary Estates' Village-service Act, 1894.

4. Where any person is entitled otherwise than as owner to collect the rents of the whole of an estate or any portion thereof consisting of one or more villages by virtue of any transfer from an owner or of any decree or order of a competent court or of any rule or provision of law and is not the proprietor as defined in section 4 of the Madras Proprietary Estates' Village-service Act, 1894, he may apply to the District Collector to be registered as proprietor in respect of such estate or portion for all or any of the purposes of the Madras Proprietary Estates' Village-service Act, 1894, the Madras Hereditary Village-offices Act, 1895, and the Madras Survey and Boundaries Act, 1897.

5. (1) The District Collector shall give notice of the application to the registered proprietor and such other persons as appear to him to be interested in the result of the application and, after giving them an opportunity of being heard and making such inquiry as he thinks fit, may register the applicant as proprietor for all or any specified purposes of the said Acts or may refuse registry:

Provided that where the applicant is entitled to collect the rents by virtue of a decree or order of a competent court or of any rule or provision of law, it shall be open to the District Collector to register him as proprietor without giving notice or holding any inquiry.

(2) Subject to the provisions of sections 7, 11 and 13 and to any decree of a competent civil court, such registration shall remain in force so long as the applicant is entitled to collect the rents.

1 This Act has been repealed. See now the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).
6. If the District Collector is satisfied that there exists a substantial dispute regarding the applicant's right to collect the rents, he shall require the applicant to establish his right in a civil court, unless for other reasons he is of opinion that the application should not be granted.

7. Any registration made by the District Collector under section 5 may be cancelled or varied by him at any time after notice to the persons concerned.

8. During the time that any registration under this Act remains in force in respect of an estate or portion of an estate the person so registered shall exercise the powers and discharge the duties of a proprietor under the Madras Proprietary Estates' Village-service Act, 1894, the Madras Hereditary Village-offices Act, 1895, and the Madras Survey and Boundaries Act, 1897¹, in such estate or portion in respect of the purposes for which he is registered, and no other person shall act or be treated as proprietor in respect of those purposes in the said estate or portion.

9. (1) Any person registered as proprietor under this Act by virtue of any transfer made after the commencement of this Act (hereinafter called the transferee) shall in relation to the Government be deemed to be a landholder in respect of the estate or portion of an estate concerned for the purposes of the [Tamil Nadu] Revenue Recovery Act, 1864, and shall be liable to be proceeded against under that Act for all sums which are recoverable thereunder from a landholder and which at the time of the registration may be due on such estate or portion as the case may be, or which may become due thereon at any time while such registration remains in force.

¹ This Act has been repealed. See now the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923)

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, which came into force on the 14th January 1969.
(2) If there is any valid agreement between the owner and the transferee of a portion of an estate as to the amount recoverable in respect of such portion, the said amount shall be determined in accordance with such agreement, except where the agreement appears to the District Collector to be unreasonable. In cases where there is no such agreement, or where the agreement appears to be unreasonable, the District Collector shall fix the said amount in the manner laid down in section 45 of the 1[Tamil Nadu] Revenue Recovery Act, 1864.

(3) Nothing in this section shall relieve the transferor or his legal representative from any liability under the 1[Tamil Nadu] Revenue Recovery Act 1864.

10. Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act it becomes necessary for the recovery of an arrear to proceed against the estate or portion of an estate in respect of which he is registered as proprietor, the Collector or other officer empowered by the Collector in that behalf shall cause a copy of the notice prescribed in section 36 of the 1[Tamil Nadu] Revenue Recovery Act, 1864, to be served also upon the owner of the estate not less than one month before the sale.

11. Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act, the owner of the estate pays the arrears due by the defaulter or any part of the estate is sold for the recovery of the arrears, the registration of the defaulter as proprietor under this Act may be cancelled by the District Collector and the defaulter shall, from the date of the cancellation and in cases where it has been appealed against from the date of the appellate order confirming the same, cease to exercise the powers and discharge the duties of a proprietor and cease to be a landholder for the purposes of the 1[Tamil Nadu] Revenue Recovery Act, 1864.

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1960, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
12. From the date on which any registration under Revival of
this Act ceases for any cause to be in force the proprieto
or then registered under the 'Tamil Nadu] Land
Registration Regulation, 1802, or the 'Tamil Nadu]
Land Revenue Assessment Act, 1876, shall possess the
powers and be subject to the duties conferred and
imposed upon the proprietor by the Madras
Proprietary Estates' Village-service Act, 1894, the
Madras Hereditary Village-offices Act, 1895, and
the Madras Survey and Boundaries Act, 1897.

13. (1) The District Collector shall record his District
reasons in writing for every order passed by him
under this Act. A copy of the order shall be
despached by registered post to all parties
affected thereby whose addresses can be ascertained.

(2) Against every such order an appeal shall lie to the Board of Revenue within two months from
the date of despatch.

14. No suit or application shall lie for an injunction
to restrain a District Collector from proceeding
under this Act, nor shall 'the Government' or any
officer of 'the Government' be made a party to any injunction.
suit or be liable in respect of anything done or
purporting to be done under this Act in good faith.

15. Subject to the approval of the "State Govern-
ment" the Board of Revenue may make rules not
inconsistent with this Act for carrying out the purposes
of the 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, which came into force on the 14th January 1969.

2 Now the Tamil Nadu Survey and Boundaries Act, 1923
(Tamil Nadu Act VIII of 1923).

3 The words "the Crown" were substituted for the words
"the Secretary of State for India in Council" by the Adaptation
Order of 1937 and the word "Government" was substituted for
"Crown" by the Adaptation Order of 1950.

4 The words "the Crown" were substituted for the word
"Government" by the Adaptation Order of 1937 and the word
"Government" was substituted for "Crown" by the Adaptation
Order of 1950.

5 The words "Provincial Government" were substituted
for the words "Local Government" by the Adaptation Order of
1937 and the word "State" was substituted for "Provincial" by
the Adaptation Order of 1950.