



**The Kanyakumari Sree-Padam Lands (Abolition and Conversion into
Ryotwari) Act, 1972**

Act 11 of 1973

Keyword(s):

**Fasli Year, Landholder, Rent, Settlement Officer, Sreepadam Land,
Sreepadam Palace**

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THE KANYAKUMARI SREEPADAM LANDS (ABOLITION AND
CONVERSION INTO RYOTWARI) ACT, 1972.

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TAMIL NADU ACT NO. 11 OF 1973*

**THE KANYAKUMARI SREEPADAM LANDS
(ABOLITION AND CONVERSION INTO RYOT-
WARI) ACT, 1972.**

[*Received the assent of the President on the 1st March 1973, first published in the Tamil Nadu Government Gazette Extraordinary on the 7th March 1973 (Masi 24, Parithapi, (2004-Tiruvalluvar Andu)).*]

An Act to provide for the acquisition of the rights of the landholders in Sreepadam lands in the Kanyakumari district and the introduction of ryotwari settlement in such lands.

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

CHAPTER I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Kanyakumari Sreepadam Lands (Abolition and Conversion into Ryotwari) Act, 1972.

(2) It extends to the whole of the Kanyakumari district.

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

Definitions.

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

(1) “appointed day” means the date appointed by the Government under sub-section (3) of section 1 ;

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

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

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

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 19th August 1972, Part IV—Section 3, Page 404.

(5) "financial year" means the year commencing on the first day of April;

(6) "Government" means the State Government;

(7) "holding" means any Sreepadam land held by a tenant ;

(8) "landholder" means the Sreepadam Palace and includes—

(i) any person to whom the ownership in any Sreepadam land has been transferred by the Sreepadam Palace; and

(ii) the heirs, legal representatives and assigns of such person ;

(9) "rent" means whatever is lawfully payable, in money or in kind or in both, to the landholder by a person for the use or occupation of any Sreepadam land ;

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

(11) "Sreepadam land" means land not being Sreepandaravaka land situate in the Kanyakumari district and owned by the Sreepadam Palace and includes any land entered as Sreepadam land in the revenue accounts in force on the appointed day, notwithstanding the ownership in such land has been transferred by the Sreepadam Palace to any other person.

Explanation.—For the purpose of this clause, "revenue accounts" means the approved jamabandi accounts and includes the settlement register ;

(12) "Sreepadam Palace" means the Sreepadam Palace at Trivandrum ;

(13) "tenant" means a person who holds Sreepadam lands on Sreepadam pattom or other favourable tenures, or on kuthakapattom ; and includes his heirs, legal representatives and assigns ;

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

CHAPTER II.

VESTING OF SREEPADAM LANDS IN GOVERNMENT.

Vesting of
Sreepadam
lands in
Government.

3. With effect on and from the appointed day and save as otherwise expressly provided in this Act —

(a) all Sreepadam lands shall stand transferred to the Government and vest in them free of all encumbrances and all enactments applicable to ryotwari lands in the Kanyakumari district shall apply to the Sreepadam lands;

(b) all rights and interests created by the landholder in or over such land before the appointed day, shall, as against the Government, cease and determine ;

(c) the Government may, after removing any obstruction that may be offered, forthwith take possession of the Sreepadam lands and all accounts, registers, pattas, muchilikas, maps, plans, and other documents relating to Sreepadam lands which the Government may require for the administration thereof :

Provided that the Government shall not dispossess any person who is personally cultivating any Sreepadam land, until the Assistant Settlement Officer and the Tribunal and the Special Appellate Tribunal, on appeal, if any, decide that such person is not actually entitled to a ryotwari patta in respect of that land under the provisions of this Act.

Explanation.—For the purposes of this proviso, a person is said to personally cultivate a land when he contributes his own physical labour or that of the members of his tarward, tavazhi or family in the cultivation of that land ;

(d) the landholder and any other person whose rights stand transferred under clause (a) or cease and determine under clause (b) shall be entitled only to such rights and privileges as are recognised or conferred on him, by or under this Act ;

(e) the rights and obligations in Sreepadam lands of the landholder as such shall be extinguished ;

(f) any rights and privileges which may have accrued in any Sreepadam land to any person before the appointed day against the landholder shall cease and determine and shall not be enforceable against the Government or against the landholder, 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 publication of this Act in the *Tamil Nadu Government Gazette*, 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 publication of this Act in the *Tamil Nadu Government 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, other than those in respect of which an appeal lies to the Director under sub-section (6) of section 16 or sub-section (6) of section 30.

6. (1) As soon as may be, after the publication of this Act in the *Tamil Nadu Government 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, within such period as may be prescribed, any of the orders, acts or proceedings of the Assistant Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

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.

Powers of control of the Board of Revenue*.

*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.

Constitution
of Tribunals.

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

(2) Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

(3) Each 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.

GRANT OF RYOTWARI PATTAS.

Grant of
ryotwari
patta to
landholder.

9. The landholder shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of all lands proved to have been cultivated by the landholder himself, or by the members of his tarward, tavazhi or family or by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry for a continuous period of three years immediately before the appointed day.

Explanation.—“Cultivate” in this section and in section 10 includes the planting and rearing of topes, gardens and orchards, but does not include the rearing of topes of spontaneous growth.

Grant of
ryotwari
patta to
tenants and
others.

10. (1) Every tenant shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of the Sreepadam lands held by him on that day:

Provided that such land is proved to have been cultivated by the tenant himself or by the members of his tarward or tavazhi or family or by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry for a continuous period of three years immediately before the appointed day.

(2) Where no person is entitled to a ryotwari patta under section 9 or under sub-section (1) and the land vests in the Government, a person who had been personally cultivating such land for a continuous period of three years immediately before the appointed day shall be entitled to a ryotwari patta in respect of that land.

Explanation.—For the purposes of this sub-section, a person is said to personally cultivate a land when he contributes his own physical labour or that of the members of his tarward, tavazhi or family in the cultivation of that land.

(3) Any ryotwari patta granted under sub-section (2) shall take effect on and from the date of the grant of such patta.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), no tenant or person shall be entitled to a ryotwari patta in respect of any Sreepadam land under sub-section (1) or sub-section (2), if such tenant or person has voluntarily abandoned or relinquished his rights in respect of such land on or before the date of the decision of the Assistant Settlement Officer under sub-section (1) of section 11.

(5) Notwithstanding anything contained in section 9 or in this section, no ryotwari patta shall be granted in respect of any Sreepadam land falling under any of the categories specified below :—

(a) Roads, channels, threshing floor, cattle stands, village sites, cart tracks, temple sites ; and

(b) such other lands set apart for the common use of the villagers.

11. (1) The Assistant Settlement Officer shall, subject to the provisions of sub-section (2), inquire into the claims of any person for a ryotwari patta under this Act in respect of any Sreepadam land and decide in respect of which land the claim should be allowed.

Determination of Sreepadam lands in respect of which any person is entitled to ryotwari patta.

(2) (a) Before holding the enquiry under sub-section (1), the Assistant Settlement Officer shall give notice in the prescribed manner to the Tahsildar of the taluk in which the Sreepadam land is situated, to the landholder, the tenant concerned and to such other persons as may be prescribed.

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Ryotwari*)

(b) The Assistant Settlement Officer shall also publish in the prescribed manner in the village in which the Sreepadam land is situated, the notice referred to in clause (a) and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision.

(3) Against a decision of the Assistant Settlement Officer under sub-section (2), the Government may, within one year from the date of the decision, and any person aggrieved by such decision may, within three months of the said date, appeal to the Tribunal :

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

Provided further that the Tribunal may, in its discretion, entertain an appeal by the Government at any time if it appears to the Tribunal that the decision of the Assistant Settlement Officer was vitiated by fraud or by mistake of fact.

Vesting of
buildings.

12. (1) Every building situated in the Sreepadam land shall, with effect on and from the appointed day, vest in the person who owned it immediately before that day ; but the Government shall be entitled for each fasli year commencing with the fasli year in which the appointed day falls, to levy the appropriate assessment thereon.

(2) In this section, " building " includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

CHAPTER IV.

SURVEY AND SETTLEMENT OF SREEPADAM LANDS.

Survey and
settlement of
Sreepadam
lands.

13. (1) In respect of every Sreepadam land, survey shall be made and ryotwari settlement shall be effected in accordance with the provisions of the Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964 (Tamil Nadu Act 30 of 1964) (hereinafter referred to as the Settlement Act), and with effect on and from the appointed day section 3 of that Act shall be deemed to have been repealed.

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Ryotwari)

(2) Nothing in sub-section (1) shall be construed—

(i) as entitling any person to a ryotwari patta for any Sreepadam land in respect of which he has not made any claim under section 11 ; or

(ii) as empowering the appropriate officer or authority to reopen any decision made under section 11.

14. (1) (a) Every person who becomes entitled to a ryotwari patta under section 9 or sub-section (1) of section 10 in respect of any Sreepadam land shall, for each fasli year commencing with the fasli year in which the appointed day falls ; and

Liability to pay land revenue to Government.

(b) every person who becomes entitled to a ryotwari patta under sub-section (2) of section 10 in respect of any Sreepadam land shall, for each fasli year commencing with the fasli year in which such patta is granted, be liable to pay to the Government in respect of such land the ryotwari assessment under the Settlement Act and pending the ryotwari settlement under that Act be liable to pay land revenue at the rate specified in sub-section (2).

(2) The rate of land revenue referred to in sub-section (1) shall be fixed by the prescribed authority and in so fixing, the prescribed authority shall have regard to the rate of assessment for the nearest ryotwari land of similar description and with similar advantages in the Kanyakumari district.

CHAPTER V.

DETERMINATION AND PAYMENT OF COMPENSATION.

15. The Government shall pay to the landholder as compensation an amount equal to eight and one-third times the difference between the gross annual rent demand in respect of all Sreepadam lands (other than Sreepadam lands in respect of which a landholder is entitled to a ryotwari patta under this Act) and the Rajabhogam payable in respect of such lands to the Government.

Payment of compensation to landholder.

16. (1) The Settlement Officer shall, by order in writing, determine in respect of each landholder the compensation payable under section 15.

Determination of compensation.

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Ryotwari)

(2) Any landholder 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 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 landholder 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 subsequent to the passing of the said order, data for the better calculation of the compensation have become available, or

(3) 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 landholder 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 Director and the *Board of Revenue and also to the landholder concerned and every applicant under this sub-section and sub-section (2).

*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.

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(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 appellant 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 :

Provided that the compensation payable to a landholder shall not be altered by the *Board of Revenue 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 (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 mistake and may make such order on the application as it thinks fit :

Provided that no application for review shall be allowed by the *Board of Revenue without previous notice to the landholder 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 or to be questioned in any Court of law; no order passed by the Director under sub-section (6)

*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.

shall be liable to be cancelled or modified except by the *Board of Revenue as aforesaid, or to be questioned in any Court of law ; 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 or to be questioned in any Court of law.

Deduction from compensation in certain cases.

17. (1) The Government shall be entitled to deduct from the aggregate of the compensation payable to the Sreepadam Palace under section 15, a sum of thirty thousand rupees towards the annual maintenance grants to be made by the Government to the Devaswoms specified in Part III of Schedule II to the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959).

(2) The Government shall be entitled to deduct from the aggregate of the compensation payable to any landholder under this Act,—

(a) all monies including Rajabhogam, if any, still remaining due to the Government from such landholder;

(b) all interim payments made under sub-sections (2) and (3) of section 26 in excess of the amounts finally found to be payable under that section.

Manner of payment of compensation.

18. The compensation payable under this Act shall, after making the deductions mentioned in section 17, be paid in cash and in one lumpsum.

Commutation of paddy portion of rent.

19. For the purposes of calculating the compensation payable under this Chapter, the paddy portion of rent shall be commuted into money at the rate of one rupee and twenty-five paise per standard *para*.

Explanation.—For the purposes of this section, “standard *para*” means a measure equivalent to 13.11 litres.

Payment on application.

20. (1) The amount of compensation payable to the landholder less the deductions mentioned in section 17 and the interim payments under section 26 shall, on application by the landholder concerned to such authority and within such period as may be prescribed, be paid to him.

*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.

(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 landholder entitled to receive payment of the compensation has devolved on any other person or persons, whether by act 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.

21. Any person aggrieved by the decision of the prescribed authority under section 20 may, within three months from the date of the decision, appeal to the Tribunal.

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

22. (1) Against any decision of the Tribunal under sub-section (3) of section 11 or under section 21, the Government may, within six months from the date of the decision, and any person aggrieved by any such decision may, within three months from the date of the decision, appeal to the Special Appellate Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in this behalf:

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

(2) The members of the Special Appellate Tribunal shall hear the appeal on all points, whether of law or of fact. Where on any such point or points the members are divided in their opinion, they shall state the point or points on which they are so divided and such point or points together with their opinion thereon shall then be laid before one or more Judges nominated for the purpose by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points and on each such point, the decision of the majority of the Judges who have heard the appeal including those who first heard it shall be deemed to be the decision of the Special Appellate Tribunal.

(3) The Special Appellate 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 hearing an appeal.

(4) Every decision of the Special Appellate Tribunal, and subject to such decision every decision of the Tribunal, shall be binding on all persons claiming an interest in any land notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in any proceeding before the Tribunal or the Special Appellate Tribunal, as the case may be.

Unclaimed and
undisbursed
amounts how
dealt with,

23. (1) (a) All amounts remaining unpaid and with reference to which no application for payment has been made within the time prescribed under section 20 ; and

(b) all amounts remaining unpaid after the expiry of a period of six months from the date of disposal of the application under section 20 or from the date of the decision on appeal under section 21 or 22, as 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 Special Appellate Tribunal, 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 rules 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 Special Appellate Tribunal in favour of any person shall be binding on the District Court.

24. 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.

Wrong and excess payments to be recoverable as land revenue.

25. In respect of the compensation finally determined under section 16 and the interim payments made under section 26, the jurisdiction of the prescribed authority, the Tribunal and the Special Appellate Tribunal shall be limited to the determination of the persons who will be entitled to the compensation or the interim payments, and the prescribed authority, the Tribunal or the Special Appellate Tribunal shall not have jurisdiction to go into the question of the correctness of the determination or the adequacy of the compensation or of the interim payments.

Restriction on the jurisdiction of prescribed authority, Tribunal and Special Appellate Tribunal.

26. (1) If the compensation payable is not finally determined before the close of the fasli year in which the appointed day falls, interim payments shall be made by the prescribed authority every fasli year prior to the fasli year in which the compensation is so determined.

Interim payments to landholder.

(2) In respect of the fasli year in which the appointed day falls, the interim payment to be made shall be the aggregate of the annual amount of rent as roughly estimated by the prescribed authority after deducting therefrom the rent actually derived by the landholder before the appointed day in respect of the financial year concerned and the Rajabhogam payable to the Government.

(3) In respect of each of the subsequent fasli years, the interim payment to be made shall be the aggregate of the annual amount of rent roughly estimated as aforesaid after deducting therefrom the Rajabhogam payable to the Government.

(4) After the compensation has been finally determined, the prescribed authority shall ascertain the aggregate interim payment which would have been due under sub-sections (2) and (3) for the fasli years concerned, if the rent as finally determined had been adopted instead of the rent as roughly estimated.

(5) If the aggregate interim payment thus determined exceeds the aggregate interim payment already made, the balance with interest thereon at three per cent per annum shall be paid along with the compensation payable under this Act.

(6) If the aggregate interim payment determined under sub-section (4) is less than the aggregate interim payment already made, the excess amount paid shall be deducted from the amount of compensation payable under this Act and the balance shall be paid to the landholder.

(7) No interim payment made under this section shall be deemed to constitute any part of the compensation which the Government are liable to pay under section 15 or to any extent to be in lieu of such compensation.

Disbursement
of compensation
and
interim
payments.

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

Contribution
towards
maintenance of
certain
Devaswoms

28. The Government shall pay annually a sum of two thousand rupees to ¹[the Board of Trustees constituted under clause (b) of sub-section (1) of section 47 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)] for the administration, management and maintenance by the said Board of the Devaswoms specified in Part III of Schedule II to the said Act.

¹ This expression was substituted for the expression "The Devaswom Board constituted under section 4 of the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959)" by section 18 of the Tamil Nadu Hindu Religious and Charitable Endowments (Third Amendment) Act, 1974 (Tamil Nadu Act 50 of 1974).

CHAPTER VI.

RECOVERY OF CONTRIBUTION FROM PATTADARS.

29. The Government shall be entitled to collect from Pattadars each pattadar and each pattadar shall be liable to pay to the Government, by way of contribution for every land in respect of which he has been granted a ryotwari patta, an amount equal to eight and one-third times the difference between the gross annual rent demand in respect of such land and the Rajabhogam payable in respect of such land to the Government.

Explanation.—For the purposes of this Chapter “pattadar” means any person who on the appointed day was holding any Sreepadam land on kuthakapattom and to whom a ryotwari patta has been granted under the provisions of this Act.

30. (1) The Settlement Officer shall, by order in writing, determine in respect of each pattadar the contribution payable by him under section 29. Determination of contribution.

(2) Any pattadar 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 29.

(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 pattadar 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 pattadar 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 Director and the *Board of Revenue and also to the pattadar 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 appellant 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 :

Provided that the amount of contribution payable by the pattadar shall not be altered by the *Board of Revenue 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 (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 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.

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 mistake, and may make such order on the application as it thinks fit :

Provided that no application for review shall be allowed by the *Board of Revenue without previous notice to the pattadar 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 or to be questioned in any Court of law ; 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 or to be questioned in any Court of law ; 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 or to be questioned in any Court of law.

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

Recovery of
contribution
payable under
the Act.

Provided that a pattadar shall be entitled to pay the entire amount of contribution with a rebate of five per cent within a period of two years from the date on which he becomes liable to pay the contribution :

Provided further that a pattadar 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.

* 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 reference to the State Government.

Obligation of transferor and transferee to give notice of transfer.

32. (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 executed, give notice of such transfer to the Settlement Officer or any other officer authorised 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 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 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 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 VII.

MISCELLANEOUS.

Rent, Rajabhogam, etc., to cease to accrue.

33. (1) The rent payable to the landholder by any person in respect of any Sreepadam land, shall cease to accrue with effect from the end of the financial year immediately preceding the appointed day.

(2) The Rajabhogam payable to the Government by any person in respect of any Sreepadam land shall cease to accrue with effect from the end of the fasli year immediately preceding the appointed day.

34.(1) All claims and liabilities enforceable immediately before the appointed day against the landholder in respect of any Sreepadam land shall, on or after that day, be enforceable against the compensation payable to the landholder under this Act to the same extent to which such claims and liabilities were enforceable against the interests of the landholder in the Sreepadam land immediately before the appointed day.

Transitional provision in regard to 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 landholder against the interest he had in the Sreepadam land and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the compensation payable to the landholder.

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

35. (1) On and after the appointed day, the landholder shall not be entitled to collect any rent which accrued due to him from any person in respect of any Sreepadam land before, and is outstanding on that day ; but the Tahsildar of the taluk concerned shall, subject to the provisions of sub-sections (3) to (5), be entitled to collect all such rent and any interest payable thereon together with any costs which may have been decreed, as if they were arrears of land revenue; and there shall be paid to the landholder all amounts so collected after deducting (a) two and a half per cent on account of collection charges, (b) the arrears of amount, if any, due from the landholder to the Government, and (c) the rent, if any, collected before the appointed day by the landholder from any person in respect of the financial year in which the appointed day falls.

Collection of arrears.

(2) All amounts which the Tahsildar is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable.

(3) Notwithstanding anything contained in sub-sections (1) and (2), all such arrears of rent as are referred

to in sub-section (1) shall be deemed to be discharged, whether or not a decree has been obtained therefor, if such person—

(a) has paid before the appointed day the rent due for the three financial years immediately preceding that day ; or

(b) pays to the Tahsildar within three years of the appointed day and in not more than two instalments per year, an amount equal to the arrears of rent due for the three financial years immediately preceding the appointed day.

(4) In any suit or proceeding pending on the appointed day for the recovery of any arrears of rent referred to in sub-section (1), the court or authority concerned shall, upon proof by the person of the payment as specified in clause (a) or clause (b) of sub-section (3) or upon deposit in the court or before the authority of the amount equal to the arrears of rent for the three financial years immediately preceding the appointed day, dismiss the suit or proceeding.

(5) If before the appointed day any decree or order has been passed in any suit or proceeding for the recovery of any arrears of rent due from any person, in respect of any Sreepadam land, which is inconsistent with the provisions of this section, the court or authority concerned shall, upon proof of the payment as specified in clause (a) or clause (b) of sub-section (3) or upon deposit in the court or before the authority, of the amount equal to the arrears of rent due from the person for the three financial years immediately preceding the appointed day and on the application of any person affected by such decree or order, whether or not he was a party thereto, vacate the decree or order :

Provided that nothing contained in this sub-section shall apply to any suit or proceeding in which the decree or order has been satisfied in full before the appointed day.

36. Where a person—

(a) is entitled to the possession or occupation of any Sreepadam land immediately before the appointed day but has transferred his right to the possession or occupation thereof or has been temporarily dispossessed or deprived of his right to the occupation thereof ; and

Right of occupier not to be affected by temporary discontinuance of possession or occupation.

(b) has not on that day lost his right to recover the possession or occupation of such land, he shall, for the purposes of this Act, and subject to the provisions thereof, be deemed to be in possession, or occupation, of such land :

Provided that any lawful transferee of the right to the possession or occupation of such land shall, save as otherwise expressly provided in this Act, continue to have the same rights against his transferor as he had immediately before the appointed day.

37. (1) The decision of a Tribunal or the Special Appellate Tribunal 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 before a Tribunal or the Special Appellate Tribunal in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

38. (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. Limitation.

(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 receipt of a copy of the decision or order by 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
under this
Act.

39. (1) Any order passed by any officer, the Government or other authority or any decision of the Tribunal or the Special Appellate Tribunal under this Act in respect of matters to be determined for the purposes of this Act shall, subject only 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.

Jurisdiction
of courts
barred in
certain cases.

40. (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.

(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 expiry of six months from the date of the Act complained of.

41. When under this Act, any person is dispossessed of any Sreepadam land, any crop or other produce raised on the land and any building or other construction erected or anything deposited thereon shall, if not removed by him after such written notice as the officer who issued the order for dispossession may deem reasonable, be liable to forfeiture. Forfeitures under this section shall be adjudged by the said officer and any property so forfeited shall be disposed of in such manner as that officer may direct.

Liability of person unauthorisedly occupying Sreepadam land to forfeiture of crops, etc.

42. Notwithstanding any law, custom or contract to the contrary, the following provisions shall apply in regard to the persons employed in the Sreepadam office in Kanyakumari district immediately before the appointed day :—

Provision for Sreepadam staff.

(1) The Government shall have power to terminate the services of any such person after giving him one calendar month's notice or paying him one month's pay in lieu of such notice.

(2) Persons whose services are retained shall be governed by such rules as the Government may make in regard to them.

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

Power to make rules.

(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 time within which a claim under section 11 may be made ;

(c) the procedure to be followed by the Tribunal, the Special Appellate Tribunal, authorities and officers appointed, or having jurisdiction under this Act;

(d) the delegation of powers conferred by this Act on the Government or any other authority, officer or person ;

(e) 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 ;

(f) 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 ;

(g) the fees to be paid in respect of applications and appeals under this Act ;

(h) the transfer of proceedings from one Tribunal, authority or officer to another.

(3) A rule made under clause (d) 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 *Tamil Nadu Government 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.

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

Act to override contract and other laws, etc.

45. With effect on and from the appointed day, the Sreepadam Palace shall not be liable to maintain the Devaswoms mentioned in Part III of Schedule II to the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959) and the right to administer the said Devaswoms by the Sreepadam Palace shall cease.

The Sreepadam Palace not liable to maintain certain Devaswoms.

46. [*The amendments made by this section have already been incorporated in the Tamil Nadu (Transferred Territory) Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959).*]