



The Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1997

Act 20 of 1997

Keyword(s):

Cultivating Tenant, Drought Affected Areas, Flood Affected Areas, Public Trust Act, Tenant Protection Act

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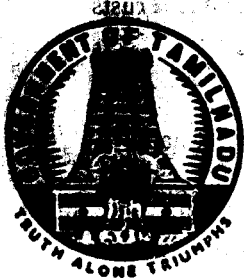
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GOVERNMENT OF TAMIL NADU

1997

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Chithirai 12, Isvara, Thiruvalluvar Aandu 2028

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 22nd April 1997 and is hereby published for general information:—

ACT No. 20 OF 1997.

An Act to provide for the protection from eviction of cultivating tenants who are in arrears with respect to the rent payable to the landlord.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty eighth year of the Republic of India as follows—

1. (1) This Act may be called the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1997.

(2) It applies to all cultivating tenants in the drought affected areas and flood affected areas.

(3) It shall be deemed to have come into force on the 1st day of July 1996 and shall remain in force upto and inclusive of the 30th day of June 1999.

(4) Upon the expiry of this Act, the provisions of section 8 of the Tamil Nadu General Clauses Act, 1891 shall apply as if this Act had then been repealed by a Tamil Nadu Act.

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

(a) "Cultivating tenant" means—

(i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants' Protection Act; or

(ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act;

(b) "drought affected areas" means the areas specified in Schedule I in this Act;

(c) "flood affected areas" means the areas specified in Schedule-II to this Act;

(d) "Public Trust Act" means the Tamil Nadu Public Trust (Regulation of Administration of Agricultural Lands) Act, 1961;

Short title
application
commencement
and duration.

Definitions.

Tamil Nadu Act
of 1891

Tamil Nadu Act
of 1961

(A Group) IV-2 Ex. (228)-1

(e) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955;

(f) words and expression used and not defined in this Act but defined in the Tenants Protection Act or in the Public Trusts Act shall have the meanings respectively assigned to them in the Tenants Protection Act or in the Public Trusts Act, as the case may be.

3. During continuance of this Act.—

Cultivating tenant not to be evicted on the ground that he is in arrear.

(i) no application under the Tenants Protection Act or under Chapter III of the Public Trusts Act shall be made by or at the instance of a landlord or a public trust, for the eviction of a cultivating tenant from his holding or any part thereof on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be.

(ii) no cultivating tenant shall be evicted from his holding or any part thereof by or at the instance of the landlord or the public trust concerned whether in execution of a decree or order of a Court or otherwise on the ground that the cultivating tenant is in arrear with respect to the rent payable to the landlord or to the public trust as the case may be.

Explanation.—For the purpose of this section and section 4 and "rent" means the total amount of arrears of rent accrued due to the landlord on or before the 30th day of June 1996 and outstanding on the date of the publication of this Act or rent payable for the fasli year ending with the 30th day of June 1997 or both.

Stay of applications and suits for eviction of a cultivating tenant.

4. (a) All applications under the Tenants Protection Act or under Chapter III of the Public Trusts Act and

(b) all suits proceedings in execution of decrees or orders and other proceedings for the eviction of a cultivating tenant on the ground that he is in arrear with respect to the rent payable to the landlord or to the public trust, as the case may be and pending before a Revenue Divisional Officer, an authorised officer, a court or other authority as the case may be shall stand stayed.

Exclusion of time for limitation.

5. In computing the period of limitation or limit of time prescribed for a suit or an application for the eviction of a cultivating tenant or an application for the execution of a decree or order for such eviction the time during which he was protected by sections 3 and 4 from eviction shall be excluded.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant notwithstanding that any other relief is also granted by such decree or order.

Continuance of application and suits and proceedings after the expiration of the Act.

6. All application for the eviction of a cultivating tenant under the Tenants Protection Act or under Chapter III of the Public Trusts Act, as the case may be, and all suits and proceedings stayed under this Act shall after the expiration of this Act be proceeded with subject to the provisions of any law which may then be in force, from the stage which had been reached when the application, suit or other proceedings was stayed.

Right to restoration of possession of evicted cultivating tenant.

7. (1) Any cultivating tenant who had been evicted from any land on or after the 1st day of July 1996 but before the date of the publication of this Act after the *Tamil Nadu Government Gazette*, on the ground that such cultivating tenant was in arrear with respect to the rent payable to the landlord or the public trust as the case may be shall on application, to the Revenue Divisional Officer or the authorised officer as the case may be within a period of three months after the date of such publication be entitled to be restored to possession of such land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant under the Tenants Protection Act or under the Public Trusts Act, as the case may be:

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V of 19

Provided that the application may be received after the period of three months aforesaid but before the expiry of this Act, if the applicant satisfies the Revenue Divisional Officer or the authorised Officer,, as the case may be that the had sufficient cause for not making the application within the said period of three months.

(2) The Provisions of sub-section (4) of section 4 of the Tenants Protection Act or as the case may be, sub-section (2) of section 20 of the Public Trusts Act shall so far as may be, apply to an application under sub-section (1).

Tamil Nadu
Act 15 of 1980.
Tamil Nadu
Act 16 of 1980.
Tamil Nadu
Act 29 of 1984
Tamil Nadu
Act, 60 of 1986
Tamil Nadu
Act 28 of 1990
Central Act V
of 1908

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, the Public Trusts Act, the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief Act, 1980) the Tamil Nadu cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief Act 1980) the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984, the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Special Provisions. Act. 1986 the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief Act 1990) the Code of Civil Procedure 1908 or in any other law for the time being in force or any custom usage or contract or decree or order of a court or other authority.

Act to over ride
other laws,
contract, etc.

9. The State Government may by notification from time to time include p any drought affected area or flood affected area in Schedule I or Scheduled II, as the case may be to this Act.

Power to
amend
Schedules.

SCHEDULE—I.

[See Section 2(b) and 9].

DROUGHT-AFFECTED AREAS.

Name of the District—

1. Chidambaranar.
2. Kanniyakumari.
3. Ramanathapuram.
4. Kamarajar.
5. Tirunelveli-Kattabomman.
6. Coimbatore.
7. Pudukkottai.
8. Tiruchirappalli-Perumbudugu, Mutharayar
9. Karur-Dheeran Chinnamalai.
10. Perambalur-Thiruvalluvar.
11. Thanjavur.
12. Pasumpon Muthuramalainga Thevar
13. Nagai Quaid-e-Milleth.
14. South Arcot Vallajar.
15. Salem.
16. Villupuram-Ramasamy Padayachiar.
17. Thiruvannamalai-Sambuvarayar.
18. Madurai.
19. Dindigul, Mannar Thirumalai