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**Madras Buildings (Lease And Rent Control) Act, 1949**

**25 of 1949**

**[14 December 1949]**

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# **Madras Buildings (Lease And Rent Control) Act, 1949**

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## **PREAMBLE**

An Act to regulate the leasing of buildings and for control of rent in the Province of Madras.

WHEREAS it is expedient to regulate the letting of residential and non-residential buildings and to control the rents of such buildings and to prevent unreasonable eviction of tenants therefrom in the Province;

It is hereby enacted as follows: --

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary) dated the 31st October 1949, Part IV-A, page 429.

## **1. Short title, application, commencement and duration :-**

(1) This Act may be called the Madras Buildings (Lease and Rent Control) Act, 1949.

**1**[(2) (a) This Act, except section 3, sub-section (2), shall apply to the City of Madras and to all other municipalities in the State:

**2**[Provided that the State Government may, by notification in the Fort St. George Gazette, direct that this Act shall cease to apply to any municipality specified therein from such date as may be mentioned in the notification.]

(b) Section 3, sub-section (2), shall apply to the City of Madras or any other municipality in the State, if the State Government, by notification in the Fort St. George Gazette, so direct.

(c) The State Government may, by notification in the Fort St. George Gazette, apply all or any of the provisions of this Act except section 3, sub-section (2), to any other area in the State with effect from such date as may be specified in the notification, and may

cancel or modify any such notification.]

(3) It shall come into force at once and shall remain in force up to and inclusive of the <sup>3</sup>[30th September 1959].

1. This sub-section was substituted for the original sub-section (2) by section 2 of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII (1951))

2. This proviso was added by section 2 of the Madras Buildings (Lease and Rent Control) Amendment Act, 1955 (Madras Act XXVI of 1955) and came into force on the 1st October, 1955.

3. This expression was substituted for the expression "30th September, 1957", by section 2 of the Madras Buildings (Lease and Rent Control) Amendment Act, 1957 (Madras Act XII of 1957) which came into force on 1-10-1957. The life of this Act has been extended from time to time. --see Madras Acts XV of 1950, XXV of 1951, XVI of 1953, XXVI of 1955 and XII of 1957.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context --

(1) "building" means any building or hut or part of a building or hut, let or to be let separately for residential or non-residential purposes and includes--

(a) the garden, grounds and out-houses, if any, appurtenant to such building, hut or part of such building or hut and let or to be let along with such building or hut,

(b) any furniture supplied by the landlord for use in such building or hut or part of a building or hut, but does not include a room in a hotel or boarding house;

(2) " Controller" means any person appointed to perform the functions of a Controller under this Act;

(3) "landlord" includes the person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of another or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant;

<sup>1</sup>[Explanation.--A tenant who sub-lets shall be deemed to be a landlord within the meaning of this Act in relation to the sub-tenant.]

<sup>2</sup>[(3-A) "prescribed" means prescribed by rules made under this Act;]

(4) "tenant" means any person by whom or on whose account rent is payable for a building and includes <sup>3</sup>[the surviving spouse, or any son or daughter, of a deceased tenant who had been living with the tenant in the building as a member of the tenants family up to the death of the tenant and] a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rent or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a municipal council or local board or the Corporation of Madras.

1. This Explanation was added by section (sic) (i) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

2. This clause was inserted by section 3(ii), *ibid*.

3. These words were inserted by section 3(iii), *ibid*.

### **3. Notice of vacancy :-**

<sup>1</sup>[(1) (a) Every landlord shall, within seven days after the building becomes vacant by his ceasing to occupy it, or by the termination

of a tenancy, or by release from requisition give notice of the vacancy in writing to the officer authorized in that behalf by the State Government (hereinafter in this section referred to as the authorized officer):

Provided that this sub-section shall not apply to a building in respect of which the landlord has obtained an order for possession on any of the grounds specified in section 7, sub-section (3).

(b) Every notice given under clause (a) shall contain such particulars as may be prescribed.

(2) In any municipality (including the City of Madras) to which this sub-section has been applied under section 1(2) (b), where, after the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951), the tenant of a building puts another person in occupation thereof and does not re-occupy it within a period of three months, then, on the expiry of such, period, the tenancy shall be deemed to have terminated and it shall be the duty of the tenant, and also of the landlord if he is aware of such termination, to give notice thereof in writing to the authorized officer within seven days of such termination;

Provided that where the tenant obtains written permission from the authorized officer to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein a period of six months were substituted.

Explanation.--This sub-section shall not apply where the building has been sub-let by a tenant entitled to do so, after giving due notice to the authorized officer under sub-section (1) and in conformity with the provisions of this section.

(3) If, within ten days of the receipt by the authorized officer of a notice under sub-section (1) or sub-section (2), the State

Government or the authorized officer does not intimate to the landlord in writing that the building is required for the purposes of the State or Central Government or of any local authority or of any public institution under the control of any such Government or for the occupation of any officer of such Government, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

**2**Explanation--A building required for providing accommodation for an office of the Andhra State which may have temporarily to be continued to be located in, the City of Madras or for an Officer of that Government after the 1st day of October 1953, shall be deemed to be required for the purposes of the State Government of Madras.]

(4) The landlord shall not let the building to a tenant or occupy it himself, before the expiry of the period of ten days specified in sub-section (3), unless in the meantime he has received intimation that the building is not required for the purposes, or for occupation by any of the officers, specified in that sub-section.

(5) If the building is required for any of the purposes, or for occupation by any of the officers, specified in sub-section (3), the landlord shall deliver possession of the building to the authorized officer and the State Government shall be deemed to be the tenant of the landlord, with retrospective effect from the date on which the authorised officer received notice under sub-section (1) or sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant and in default of an agreement, as may be determined by the City Civil Court in the City of Madras and elsewhere by the Subordinate Judges Court having original jurisdiction over the area in which the building is situated or, if there is no such Court, by the District Court:

Provided that the rent payable shall be the fair rent, if any, fixed for the building under the provisions of this Act; and if no fair rent has been so fixed, such fair rent as may be determined by the Court aforesaid in accordance with the provisions of this Act:

Provided further that if the building is a residential building, it shall not be converted into a non-residential building unless the permission in writing of the Controller is obtained under section 11, sub-section (1):

Provided also that no structural alterations shall be made in the building, unless the consent of the landlord is also obtained therefor.

(6) In cases not falling under sub-section (5), where the landlord lets the building to any tenant after giving notice to the authorized officer under sub-section (1) or sub-section (2) and without having occupied the building himself, the tenancy shall be deemed to have been antedated by the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (4), and the tenant shall be liable to pay rent for those days also.

(7) (a) Where a landlord has two or more residential buildings in the same city, town or village and they have not been let by him subsequent to the 1st January 1950, then, within fifteen days from the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951), the landlord may choose any one of such buildings for his own occupation and shall give notice to the authorized officer of the building so chosen by him and of every other building not so chosen.

(b) When giving notice as aforesaid, the landlord shall also specify therein--

(i) whether any building other than the one chosen by him under clause (a) has, from the 1st January 1950, been continuously in the occupation of any member of his family or of any dependent of the landlord; or

(ii) whether he requires any such building for the occupation of any member of his family.

(c) In the case referred to in sub-clause (i) of clause (b), the authorized officer may, if he is satisfied that the occupation of the building by any member of the family, or of any dependent, of the landlord is bona fide, make an order permitting the landlord to allow such member or dependent to continue to occupy the building; and if the authorized officer is not so satisfied, he shall make an order refusing such permission.

(d) In the case referred to in sub-clause (ii) of clause (b), the authorised officer may, if he is satisfied that the building is required by any member of the family of the landlord bona fide for such occupation, make an order permitting the landlord to allow such member to occupy the building; and if the authorized officer is not so satisfied, he shall make an order refusing such permission.

(e) Any landlord who is aggrieved by any order passed by the authorized officer under clause (c) or clause (d) may, within fifteen days from the date of the receipt of such order, prefer an appeal in writing to the State Government; and the State Government shall pass such orders on the appeal as they may think fit.

(f) Every notice given by the landlord under clause (a) shall, in so far as it relates to any building other than the one chosen by him for his own occupation, be deemed to be a notice given under sub-section (1):

Provided that in respect of any building referred to in clause (b), the provisions of sub-section (3) shall apply as if notice had been given by the landlord under sub-section (1) immediately after the lapse of a period of fifteen days from the date of receipt by the landlord of the order passed by the authorized officer or, if an appeal has been preferred to the State Government against that order within that period, is if notice had been given as aforesaid by the landlord on the date of the order passed on the appeal.



(8) (a) Any officer empowered by the State Government in this behalf may summarily dispossess--

(i) any landlord, tenant or other person occupying any building in contravention of the provisions of this section or any landlord who fails to deliver to the State Government possession of any building in respect of which they are deemed to be the tenant by virtue of this section, or

(ii) any officer, local authority or public institution continuing to occupy, or failing to deliver possession of, any building in respect of which the State Government are deemed to be the tenant by virtue of this section, after the termination of his or its licence to occupy such building, and take possession of the building including any portion thereof which may have been sub-let;

Provided that in cases where any landlord has been refused permission for the occupation of a building under clause (c) or clause (d) of sub-section (7), not less than one weeks notice shall be given before action is taken under this sub-section.

Explanation.--The provisions of this clause shall apply also to cases which arose before the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).

(b) If free access to the building is not afforded to the officer empowered under clause (a) he may after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(c) Any landlord, tenant or other person or any officer, local authority or public institution, liable to be summarily dispossessed under clause (a), shall pay to the State Government--

(i) the fair rent payable for the building under the provisions of this Act for the period of his or its occupation or possession thereof as described in that clause, whether such period was before or after the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951); and

(ii) the expenses, if any, incurred by the State Government in effecting such summary dispossession, as determined by them (which determination shall be final).

(9) Nothing contained in this section shall apply--

(a) to a residential building the monthly rent of which does not exceed twenty-five rupees; or

(b) to a non-residential building the monthly rent of which does not exceed fifty rupees; or

(c) to any building or buildings in the same city, town or village, owned by any company, association or firm, whether incorporated or not, and bona fide intended solely for the occupation of its officers, servants or agents.]

1. This section was substituted for original section 3 by section 4, *ibid*.

2. This Explanation was added by the Madras Buildings (Lease and Rent Control) Amendment Order, 1953.

#### **4. Determination of fair rent :-**

(1) The Controller shall, on application by the tenant or landlord of a building, fix the fair rent for such building after holding such inquiry as the Controller thinks fit.

(2) In fixing the fair rent under this section the Controller shall

have due regard--

(a) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st April 1940;

(b) to the rental value as entered in the property tax assessment book of the municipal council, local board or the Corporation of Madras, as the case may be, relating to the period mentioned in clause (a):

(c) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the 1st April 1940.

(3) In fixing the fair rent of residential buildings, the Controller may allow--

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding  $8\frac{1}{3}$  per cent on such rate or rental value;

(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem, an increase not exceeding  $12\frac{1}{2}$  per cent on such rate or rental value;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 25 per cent on such rate or rental value:

Provided that in the case of a residential building which has been constructed after the 1st April 1940, the percentage of increase shall not exceed 25,  $37\frac{1}{2}$  and 50, respectively.

(4) In fixing the fair rent of non-residential buildings, the Controller may allow--

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed Rs. 50 per mensem, an increase not exceeding  $37\frac{1}{2}$  per cent on such rate or rental value;

(ii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent on such rate or rental value:

Provided that in the case of a non-residential building which has been constructed after the 1st April 1940, the percentage of increase shall not exceed 50 and 100, respectively.

(5) In the case of a building for which the fair rent has been fixed before the 1st October 1946, the Controller shall on the application of the landlord allow such increase in the fair rent as in the opinion of the Controller, the landlord is entitled to under this section.

## **5. Increase in fair rent in what cases admissible :-**

**1**[(1)] When the fair rent of a building has been fixed **2**[under this Act,] no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlords expense and if the building is then in the occupation of a tenant, at his request:

Provided that the fair rent as increased **3**[under this sub-section] shall not exceed the fair rent payable under this Act for a similar building in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed:

Provided further that any dispute between the landlord and tenant in regard to any increase claimed **3**[under this sub-section] shall be decided by the Controller.

**4**[(2) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed:

Provided that any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Controller.]

1. Section 5 was renumbered as sub-section (1) of that section by section 5 (1) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

2. These words were substituted for the words and figure "under section 4" by *ibid*.

3. These words were substituted for the words "under this section" by section 5 (1) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

4. This sub-section was added by section 5 (2), *ibid*.

#### **5A. Increase of rent in certain cases :-**

**1**[(1) Where the amount of the taxes and cesses payable by the landlord in respect of any building to a local authority for any half-year commencing on the 1st April 1950 or on any later date exceeds the amount of the taxes and cesses payable in respect thereof to the same or any other local authority for the half-year ending on the 30th day of September 1946 or for the first complete half-year after the date on which the building was first let, whichever is later, the landlord shall be entitled to claim such excess from the tenant in addition to the rent payable for the building under this Act:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Controller.]

1. This section was inserted by section 6, *ibid*.

**6. Landlord not to claim or receive anything in excess of fair rent or agreed rent :-**

**<sup>1</sup>**[(1) Where the Controller has determined the fair rent of a building--

(a) the landlord shall not claim, receive or stipulate for the payment of (i) any premium or other like sum in addition to such fair rent, or (ii) save as provided in section 5 or section 5-A, **<sup>2</sup>**anything in excess of such fair rent]:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months rent, by way of advance;

(b) save as provided in clause (a), any premium or other like sum or any rent paid in addition to, or in excess of, such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such, person, shall be otherwise adjusted by the landlord:

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of one year immediately before such determination.

(2) Where the fair rent of a building has not been so determined--

(a) the landlord shall not, after the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951, claim, receive or stipulate for the payment of, any premium or other like

sum in addition to the agreed rent;

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months rent by way of advance;

(b) save as provided in clause (a), any sum paid in excess of the agreed rent, whether before or after the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951), in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.]

1. This section was substituted for the original section 6 by section 7, *ibid*.

2. These words were substituted for the words "any rent in excess of such fair rent" by section 3 of the Madras Buildings (Lease and Rent Control) Second Amendment Act, 1951 (Madras Act XXV of 1951). This amendment shall be deemed to have taken effect from the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

#### **6A. Right of tenant paying rent or advance to receipt :-**

**1**[(1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt in the prescribed form for the amount paid duly signed by the landlord or his authorized agent.

(2) Where a landlord refuses to accept, or evades the receipt of, any rent lawfully payable to him by a tenant in receipt of any building, the tenant may, by notice in writing, require the landlord to specify within ten days from the date of receipt of the notice by

him, a bank into which the rent may be deposited by the tenant to the credit of the landlord:

Provided that such bank shall be one situated in the city, town or village in which the building is situated or if there is no such bank in such city, town or village, within three miles of the limits thereof.

Explanation.--It shall be open to the landlord to specify from time to time by a written notice to the tenant and subject to the proviso aforesaid, a bank different from the one already specified by him under this sub-section.

(3) If the landlord specifies a bank as aforesaid, the tenant shall deposit the rent in the bank and shall continue to deposit in it any rent which may subsequently become due in respect of the building.

(4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited in accordance with the provisions of subsection (2).

1. Sections 6-A and 6-B were inserted by section 8 of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

#### **6B. Right of tenant to deposit rent in certain cases :-**

(1) Where the address of the landlord or his authorized agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building, together with such fee as may be prescribed for the service of the notice referred to in subsection (2), before such authority and in such manner as may be



prescribed, and continue to deposit any rent which may subsequently become due in respect of the building, together with the fee prescribed as aforesaid, before the same authority and in the same manner until the address of the landlord or his authorized agent becomes known to the tenant.

(2) When any deposit is made under sub-section (1) the Controller shall cause notice of the deposit to be, served by affixture at the last known place of residence of the landlord and in such other manner its may be prescribed; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Controller in that behalf.

(3) Where any bona fide doubt or dispute arises as to the person who is entitled to receive the rent for any building the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Controller the circumstances under which such deposit was made by him, and may continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decision of a competent Court or by a settlement between the parties or until the Controller makes an order under sub-section (4); clause (b), as the case may be.

(4) (a) The Controller to whom a report is made under sub-section (3) shall, if satisfied that a bona fide doubt or dispute exists in the matter, direct that, pending removal of the doubt or settlement of the dispute as aforesaid, the deposit be held by the authority concerned.

(b) If the Controller is not so satisfied, he shall forthwith order payment of the amount deposited to the landlord.

(5) Where the Controller passes an order under subsection (4), clause (a), any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a

competent Court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties, only by the person who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.]

## **7. Eviction of tenants :-**

(1) A tenant <sup>1</sup>[ ] shall not be evicted <sup>1</sup>[ ] whether in execution of a decree or otherwise <sup>1</sup>[ ] except in accordance with the provisions of this section:

Provided that nothing contained in this section shall apply to a tenant whose landlord is the <sup>2</sup>[State] Government:

Provided further that where the tenant denies the title of the landlord or claims right of permanent tenancy, the Controller shall decide whether the denial or claim is bona fide and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied

(i) that the tenant has not paid or tendered the rent due by him in respect of the building within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or

(ii) that the tenant has <sup>3</sup>[after the 23rd October 1945] without the written consent of the landlord--

(a) transferred his right under the lease or sub-let the entire building or any portion thereof <sup>4</sup>[if the lease does not confer on him any right to do so], or

(b) used the building for a purpose other than that for which it was leased, or

(iii) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the building, or

(iv) that the tenant has been guilty of such acts and conduct which are a nuisance to the <sup>5</sup>[occupiers of other portions in the same building or of buildings in the neighbourhood], or

(v) that where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause, <sup>6</sup>[or (vi) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not bona fide,]

the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application:.

<sup>7</sup>[Provided that in any case falling under clause (i), if the Controller is satisfied that the tenants default to pay or tender rent was not wilful, he may, <sup>8</sup>[notwithstanding anything contained in section 7-A,] give the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender <sup>9</sup>[and on such payment or tender, the application shall be rejected)]

<sup>10</sup>[(3) (a) A landlord may, subject to the provisions of clause (d), apply to the Controller for an order directing the tenant to put the landlord in possession of the building--

(i) in case it is a residential building, if the landlord requires it for his own occupation and if he is not occupying a residential building of his own in the city, town or village concerned;

(ii) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise;

(iii) in case it is any other non-residential building, if the landlord is not occupying for purposes of a business which he is carrying on, a non-residential building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument inter vivos shall

not be entitled to apply under this clause before the expiry of three months from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this clause he shall not be entitled to apply again under this clause--

(i) in case he has obtained possession of a residential building, for possession of another residential building of his own;

(ii) in case ho has obtained possession of a non-residential building, for possession of another nonresidential building of his own.

(b) Where the landlord of a building, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of clause (d), for an order directing the tenant to put the institution in possession of the building.

(c) A landlord who is occupying only a part of a building, whether residential or non-residential, may, notwithstanding anything contained in clause (a), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if ho requires additional accommodation for residential purposes or for the purposes of a business which he is carrying on, as the case may be-

(d) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.

(e) The Controller shall, if he is satisfied that the claim of the landlord is bona fide, make an order directing the tenant to put the

landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that, in the case of an application under clause (c) the Controller shall reject the application if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord:

Provided further that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.]

**11**[(3-A) No order for eviction shall be passed, under sub-section (3)--

(i) against any tenant who is engaged in any employment or class of employment notified by the State Government as an essential service for the purposes of this sub-section, unless the landlord is himself engaged in any employment or class of employment which has been so notified; or

(ii) in respect of any building which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognized by the State Government or any authority empowered by them in this behalf, so long as such recognition continues.]

(4) **12**[(a)] Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) does not himself occupy it within one month of the date of obtaining possession, **13**[or having so occupied it, vacates it without reasonable cause within six months of such date], the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly **14**[notwithstanding

anything contained in section 3.

**15**[(b) Where a tenant who is entitled to apply for possession under clause (a) fails to do so within one month from the date on which the right to make the application accrued to him, the State Government or the officer referred to in section 3, sub-section (1), shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) of that section to give intimation to the landlord that the building is so required, and thereupon the provisions of section 3, subsections (5) and (8) shall apply to the building:

Provided that this clause shall not apply to a residential building the monthly rent of which does not exceed twenty-five rupees or to a non-residential building the monthly rent of which does not exceed fifty rupees.]

(5) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding fifty rupees be paid by such landlord to the tenant.

(6) Where an application under sub-section (2) or subsection (3) for evicting a tenant has been rejected by the Controller, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in sub-section (2) or sub-section (3).

**16**[(7) Notwithstanding anything contained in this section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.]

1. The words "in possession of a building", "therefrom" "and

whether before or after the termination of the tenancy" were omitted by section 9(i) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).

2. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

3. These words, figures and letters were substituted for the words, figures and letters "after the 1st October 1946" by Section 9(iii) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

4. These words were inserted by section 9(iv), *ibid*.

5. These words were substituted for the words "occupiers of building in the neighbourhood" by section 9(v), *ibid*.

6. This word and clause were added by section 9(vi), *ibid*.

7. This proviso was added by section 9(ii) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

8. These words, figure and letter were inserted in lieu of the words "before making an order as aforesaid" omitted by section 4 of the Madras Buildings (Lease and Rent Control) Second Amendment Act, 1951 (Madras Act XXV of 1951). The amendment made by section 4 shall be deemed to have taken effect from the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

9. These words were added by section 4, *ibid*.

10. This sub-section was substituted for the original sub-section (3) by section 9 (vii) of Madras Act VIII of 1951, *ibid*.

11. This sub-section was inserted by section 9(viii) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

12 Sub-section (4) was re-lettered as clause (a) of that section by section 9(ix), *ibid*.

13. These words were inserted by section 9(ix), *ibid*.

14. These words and figure were added by *ibid*.

15. This clause was added by section 9(x), *ibid*.

16. This sub-section was added by section 9(xi) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951) 2 This section was inserted by section 10, *ibid*.

**7A. Payment or deposit of rent during the pendency of proceedings for eviction :-**

**<sup>1</sup>**[(1) No tenant against whom an application for eviction has been made by a landlord under section 7, shall be entitled to contest the application before the Controller under that section, or to prefer any appeal under section 12 against any order made by the Controller on the application, unless he has paid or pays to the landlord, or deposits with the Controller or the appellate authority, as the case may be, all arrears of rent due in respect of the building up to the date of payment or deposit, and continues to pay or to deposit any rent which may subsequently become due in respect of the building **<sup>2</sup>**[ . . . ],until the termination of the proceedings before the Controller or the appellate authority, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed and shall be accompanied by the fee prescribed for the service of the notice referred to in sub-section (5).

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1),the Controller shall, on application made to him either by the tenant or by the landlord, and after making such inquiry as he deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate authority as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.

(5) When any deposit is made under sub-section (1) the Controller or the appellate authority, as the case may be, shall cause notice of the deposit to be served on the landlord in the prescribed manner;



and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Controller in that behalf.]

1. This section was inserted by section 10, *ibid*.

2. The words "at the rate at which it was last paid or agreed to be paid" were omitted by section 5 of the Madras Buildings (Lease and Rent Control) Second Amendment Act, 1951 (Madras Act XXV of 1951). The amendment made by section 5 shall be deemed to have effect from the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

**8. Landlord not to interfere with amenities enjoyed by the tenant :-**

(1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

**1**[(2-A) If the tenant satisfies the Controller that the amenities were cut off or withheld with a view to compel him to vacate the building or to pay an enhanced rent, the Controller may pass an interim order, directing the landlord to restore the amenities immediately, pending the enquiry referred to in sub-section (3).

Explanation.--An interim order may be passed under this sub-section without giving notice to the landlord.]

(3) If the Controller on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

**2**[(4) The Controller may in his discretion direct that compensation

not exceeding fifty rupees--

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the amenities frivolously or vexatiously.]

1. This sub-section was inserted by section II (i) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951),

2. This sub-section was added by section II (ii), *ibid*.

### **9. Execution orders :-**

**1**[Every order made under section 7 or section 8 and every order passed on appeal under section 12 or on revision under section 12-B shall be executed--

(i) in the City of Madras, by the Principal Judge of the Madras City Civil Court and during the vacation of that Court, by the Vacation Judge of the Court of Small Causes, Madras;

(ii) elsewhere--

(a) by the District Munsif or if there are more than one District Munsif, by the Principal District Munsif having original jurisdiction over the area in which the building is situated; or

(b) if there is no such District Munsif, by the Subordinate Judge, or if there are more than one Subordinate Judge, by the Principal Subordinate Judge having original jurisdiction over the area aforesaid; or

(c) if there is no such District Munsif or Subordinate Judge, by the

District Judge having jurisdiction; as if it were a decree passed by him:

Provided that an order passed in execution under this section shall not be subject to an appeal, but shall be subject to revision under section 12-B.]

1. This section was, and shall be deemed always to have been substituted by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957), for the original section 9 as amended by Madras Act VIII of 1951.

**10. Decisions which have become final not to be reopened :-**

The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 7 which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided or as purport to have been finally decided, in a former proceeding--

(i) under the Madras House Rent Control Order, 1945, or the Madras Non-Residential Building Rent Control Order, 1945, or

(ii) under the Madras Buildings (Lease and Rent Control) Act, 1946 (Madras Act XV of 1946), or on or after the 1st October 1948, under that Act, on the footing that it was in force at the relevant time, or

(iii) under the Act aforesaid as applied to <sup>1</sup>[the Pudukkottai State] under the <sup>2</sup>[Foreign Jurisdiction Act,] 1947 (Central Act XLVII of 1947), on the footing aforesaid, or

(iv) under the Madras Buildings (Leased and Rent Control) Ordinance, 1949 (Madras Ordinance V of 1949), or

(v) under this Act.

1. These words were substituted for the words "the pudukkottai and Banganapalle States", by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

2. These words were substituted for the words "Extra-Provincial Jurisdiction Act", by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

#### **10A. Orders of Controller to be pronounced in open Court :-**

<sup>1</sup>[Every order passed by a Controller under this Act shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.]

1. This section was inserted by section 13 of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951)

#### **11. Conversion of nonresidential buildings and failure by landlord to make necessary repairs :-**

(1) No residential building shall be converted into a non-residential building except with the permission in writing of the Controller.

(2) If a landlord fails to make the necessary repairs to the building within a reasonable time after notice is given by the tenant, it shall be competent for the Controller to direct on application by the tenant that such repairs may be made by the tenant and that the cost thereof may be deducted from the rent which is payable by him:

<sup>1</sup>[Provided that the amount that may be so deducted in any one year shall not exceed one-twelfth of the rent payable in respect of the building for that year.]

1. This proviso was added by section 14 of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII

of 1951).

## **12. Appeal :-**

(1) (a) The <sup>1</sup>[State] Government may, by general or special order notified in the Fort St. George Gazette, confer on such officers and authorities as they think fit, the powers of appellate authorities for the purposes of this Act, in such areas or in such classes of cases as may be specified in the order.

(b) Any person aggrieved by an order passed by the Controller may, within fifteen days from the <sup>2</sup>[date of such order], prefer an appeal in writing to the appellate authority having jurisdiction.

<sup>3</sup>[In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.]

(2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(3) The appellate authority shall send for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

<sup>4</sup>[Explanation---The appellate authority may, while confirming the order of eviction passed by the Controller grant an extension of time to the tenant for putting the landlord in possession of the building.]

<sup>5</sup>[(4) The decision of the appellate authority, and subject to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of law, except as provided in section 12-B.]

1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
2. These words were substituted for the words "date of receipt of such order" by section 15(i) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).
3. This paragraph was added by *ibid*.
4. This Explanation was added by section 15(ii) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1950).
5. This sub-section was substituted for the original sub-section (4) by Section 15(iii), *ibid*.

#### **12A. Costs :-**

<sup>1</sup>[Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the Controller or the appellate authority referred to in section 12 shall be in the discretion of the Controller or appellate authority, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.--The appellate authority may set aside or vary any order passed by the Controller in regard to the costs of and incident to the proceedings before him.

1. Sections 12-A to 12-E were inserted by section 16, *ibid*.

#### **12B. Revision :-**

(1) The High Court, in the case of an authority empowered by section 9 to execute an order, or of an appellate authority empowered under section 12, and functioning in the "Presidency-town and the District Court concerned in the case of any such authority so empowered and functioning in a district, may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceeding taken under this Act by such authority for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding, and may pass such order in reference thereto, as it

thinks fit.

(2) The costs of and incident to all proceedings before the High Court or District Court under sub-section (1) shall be in its discretion.

Explanation.--The jurisdiction of the High Court or District Court under this section shall extend also to orders passed or proceedings taken at anytime within six months before the commencement of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).

**12C. Order under the Act to be binding on sub-tenants :-**

Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants under such tenant, whether they were parties to the proceeding or not, provided that such order was not obtained by fraud or collusion.

**12D. Proceedings by or against legal representatives :-**

(1) Any application made, appeal preferred, or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken, under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

**12E. Summonses to public servants :-**

Subject to such conditions and limitations as may be prescribed, the Controller may, in his discretion, issue summonses to public servants requiring them to attend in person to give evidence or to produce documents in their custody in connexion with any proceedings before him.]

### **13. Exemptions :-**

Notwithstanding anything contained in this Act, the <sup>1</sup>[State] Government may, by notification in the Fort St. George Gazette, exempt any building or class of buildings from all or any of the provisions of this Act.

1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

### **14. Executive authorities of local bodies to furnish certified extracts from property tax assessment books :-**

The executive authority of a municipal council or local board or the Revenue Officer of the Corporation of Madras shall, on application made in this behalf and on payment of such fee as may, from time to time, be fixed by the <sup>1</sup>[State] Government by notification in the Fort St. George Gazette, grant to the applicant a certified copy of the extract from the property-tax assessment book of the municipal council, local board or the Corporation of Madras, as the case may be, showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

### **15. Landlord and tenant to furnish particulars :-**

Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorized by him in that behalf, such particulars in respect of the building as may be prescribed by rules made under this Act.

### **16. Penalties :-**

(1) If any person contravenes any of the provisions of <sup>1</sup>[sub-sections (1), (2), (4), (5) and (7) of section 3, subsections (1) (a) and (2) (a) of section 6,] sub-section (1) of section 8, sub-section (1) of section 11 and section 15, he shall be punishable with simple imprisonment for a term which may extend to three months or with



fine which may extend to two thousand rupees or with both.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898(Central Act V of 1898), it shall be lawful for any Magistrate of the first class specially empowered by the <sup>2</sup>[State] Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1) <sup>3</sup>[or for the contravention of any rule made punishable under section 17 (3)].

1. These words, brackets, figures and letters were substituted for the words, brackets, figures and letter "sub-section (1) of section 3, clause (a) of section 6" by section 17(i) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).

2. This word was substituted for the word Provincial by the Adaptation of Laws Order, 1950.

3. These words, figures and brackets were added by section 17(ii) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).

### **17. Power to make rules :-**

(1) The <sup>1</sup>[State] Government may make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for--

<sup>2</sup>[(a) all matters expressly required or allowed by this Act to be prescribed;]

<sup>2</sup>[(b)] the procedure to be followed by Controllers and appellate authorities in the performance of their functions under this Act;

**2**[(c)) the manner in which notices and orders under this Act shall be given or served;

**3**[(d) setting aside ex-parte orders passed under this Act;

**3**(e) applications for making legal representatives of deceased persons, parties to proceedings under this Act and the time within which such applications shall be preferred.]

**4**[(3) In making a rule under this section, the State Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.]

**4**[(4)] All rules made under this section shall be published in the Fort St. George Gazette, and upon such publication shall have effect as if enacted in this Act.

1. This word was substituted for the word Provincial by the Adaptation of Laws Order, 1950.

2. Clauses (a) and (b) were re-lettered as (b) and (c) respectively and clause (a) was inserted by section 18(i), *ibid*.

3. Clauses (d) and (e) were added by section 18(ii), *ibid*.

4. Original sub-section (3) was re-numbered as sub-section (4) and new section (3) was inserted by section 18(2) of the Madras Buildings (Lease and Rent Control) Amendment Act, 1951 (Madras Act VIII of 1951).

**18. Continuance in force of existing proceedings, orders, etc :-**

(1) All proceedings commenced and all action taken --

(i) under the Madras House Rent Control Order, 1945, or the

Madras Non-Residential Building Rent Control Order, 1945, or

(ii) under the Madras Buildings (Lease and Rent Control) Act, 1946(Madras Act XV of 1946) (hereinafter in this section and in sections 20 and 21 referred to as the said Act) or on or after the 1st October 1948(Madras Act XV of 1946)z, under that Act, on the footing that it was in force at the relevant time, or

(iii) under the said Act as applied to <sup>1</sup>[the Pudukkottai State] under the <sup>2</sup>[Foreign Jurisdiction Act,] 1947(Central Act XLVII of 1947), on the footing aforesaid, or

(iv) under the Madras Buildings (Lease and Rent Control) Ordinance, 1949(Madras Ordinance V of 1949)(hereinafter in this section and in section 20 referred to as the said Ordinance), and pending at the commencement of this Act, shall, so far as may be, be deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions thereof.

(2) All orders passed or deemed or purporting to have been passed and all decisions given or deemed or purporting to have been given --

(i) under the Madras House Rent Control Order, 1945, or the Madras Non-Residential Building Rent Control Order, 1945, or

(ii) under the said Act, or on or after the 1st October 1948, under that Act, on the footing that it was in force at the relevant time, or

(iii) under the said Act, as applied to <sup>3</sup>[the State aforesaid] on the footing aforesaid, or

(iv) under the said Ordinance, and in which fair rent has been fixed shall continue in force until they are superseded or modified under

this Act by the authority competent to do so.

1. These words were substituted for the words "the Pudukkottai and Banganapalle States", by clause (3) of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

2. These words were substituted for the words "Extra-Provincial jurisdiction Act", by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

3. These words were substituted for the words "the States aforesaid", by clause (3) of, and the Schedule to, the Madras Adaptation, of Laws Order, 1954.

### **19. Saving on expiration of Act :-**

The expiration of this Act shall not--

(a) render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder,

(b) affect any liability incurred under this Act or any punishment incurred in respect of any contravention of this Act or any order made thereunder,

(c) affect any investigation or legal proceeding in respect of any such liability or punishment as aforesaid, and any such investigation or legal proceeding may be instituted, continued or enforced and any such punishment may be imposed, as if this Act had not expired.

### **20. Saving and validation :-**

(1) Any rule or order made or deemed or purporting to have been made, any decision or direction given or deemed or purporting to have been given, any notification issued or deemed or purporting to have been issued, any action or proceeding taken or deemed or purporting to have been taken, or anything done or deemed or

purporting to have been done--

(i) under any provision of the said Act, and in force immediately before the 1st October 1948, or

(ii) on or after the 1st October 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(iii) under any provision of the said Act as applied to <sup>1</sup>[the Pudukkottai State] under the Extra-Provincial Jurisdiction Act, 1947(Central Act XLVII of 1947), on the footing aforesaid, or

(iv) under any provision of the said Ordinance, shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that it was in force at the relevant time, or made under the said Act as applied to <sup>2</sup>[the State aforesaid] on that footing or under the said Ordinance be deemed to be a rule or order made, decision or direction given, notification issued, action or proceeding taken, or thing done, under the corresponding provision of this Act.

(2) Any liability or penalty incurred or deemed or purporting to have been incurred, any punishment awarded or deemed or purporting to have been awarded, any application made or deemed or purporting to have been made and any prosecution commenced or deemed or purporting to have been commenced--

(i) under any provision of the said Act before the 1st October 1948, or

(ii) on or after the 1st October 1948, under any provision of the said Act on the footing that it was in force at the relevant time, or

(iii) under any provision of the said Act as applied to <sup>2</sup>[the State

aforesaid] on the footing aforesaid, or

(iv) under any provision of the said Ordinance, shall be deemed to have been incurred, awarded, made or commenced under the corresponding provision of this Act.

1. These words were substituted for the words "the Pudukkottai and Banganapalle States", by clause (3) of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

2. These words were substituted for the words "the States aforesaid", by clause (3) of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

**21. Indemnity for acts, etc., done after expiry of Madras Act XV of 1946 :-**

(1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the <sup>2</sup>[State] Government or any person acting under his direction or aiding or assisting him--

(a) for, or on account of, or in respect of, any sentence passed, any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act or the said Act as applied to <sup>3</sup>[the Pudukkottai State], or

(b) for carrying out any sentence passed or decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the <sup>2</sup>[State] Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act or the said Act as applied to <sup>1</sup>[the State aforesaid].

(3) Sub-sections (1) and (2) shall have effect although the said Act or the said Act as applied to <sup>1</sup>[the State aforesaid] was not or might not have been in force at the relevant time.

1. These words were substituted for the words "the States aforesaid", by clause (3) of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

2. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. These words were substituted for the words "the Pudukkottai and Banganapalle States", by clause (3) of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

## **22. Repeals :-**

The Madras Buildings (Lease and Rent Control) Act, 1946(Madras Act XV of 1946), the Madras Buildings(Lease and Rent Control) Ordinance, 1949(Madras Ordinance V of 1949), and the Madras Buildings (Lease and Rent Control) Act, 1946(Madras Act XV of 1946), as applied to <sup>1</sup>[the Pudukkottai State] under the <sup>2</sup>[Foreign Jurisdiction Act], 1947(Central Act XLVII of 1947) are hereby repealed.

1. These words were substituted for the words "the Pudukkottai and Banganapalle States", by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1954.

2. These words were substituted for the words "Extra-Provincial Jurisdiction Act", by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).