

**Madras Cultivating Tenants Protection Act, 1955**

**25 of 1955**

**[27 September 1955]**

CONTENTS

1. Short title, extent and duration
2. Definitions
3. Landlords not to evict cultivating tenants
4. Right to restoration of possession
- 4A. Right of landlord to resume land for persona] cultivation
- 4B. Execution of lease
5. Exclusion of time for limitation
6. Bar of jurisdiction of civil courts
- 6A. Transfer of certain suits to the Revenue Divisional Officer by Civil Courts
- 6B. Revision by High Court
7. Power to make rules

**Madras Cultivating Tenants Protection Act, 1955**

**25 of 1955**

**[27 September 1955]**

PREAMBLE

An Act for the protection from eviction of cultivating tenants in certain areas in the State of Madras.

Whereas it is necessary to protect cultivating tenants in certain areas in the State of Madras from unjust eviction;

Be it enacted in the Sixth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Part IV-A, dated the 3rd August 1955, page 145.

**1. Short title, extent and duration :-**

(1) This Act may be called the Madras Cultivating Tenants Protection Act, 1955.

**1**[(2) It extends to the whole of the State of Madras, other than the areas to which the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), extends.]

(3) It shall remain in force **2**[for a period of three years.]

1. This sub-section was substituted for the Original sub-section (2) by section 2(a) of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

2. These words were substituted for the words "for a period of one year" by section 2(b), *ibid*.

## **2. Definitions :-**

In this Act, unless the context otherwise requires--

**1**[(a) cultivating tenant in relation to any land means a person who carries on personal cultivation on such and, under a tenancy agreement, express or implied, and includes--

(i) any such person who continues in possession of the land after the determination of the tenancy agreement, and

(ii) the heirs of such person, but does not include a mere intermediary or his heirs;]

(b) "cultivation" means the use of lands for the purpose of agriculture or horticulture;

**2**[(bb) garden land means dry land irrigated by lifting water from wells or other sources;]

(c) "holdin" means a parcel or parcels of land held by a cultivating tenant;

(d) "land" means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto, and any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy;

(e) "landlord" in relation to a holding or part thereof means the person entitled to evict the cultivating tenant from such holding or part;

**3**[(ee) a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;]

(f) "Revenue Divisional Officer" means the Revenue Divisional Officer in whose jurisdiction the holding in question or part thereof is situate or an officer of the Revenue Department not lower in rank than the Revenue Divisional Officer, empowered by the State Government in this behalf;

**4**[(g) one acre of wet land shall be deemed to be equivalent to one and a half acres of garden land or three acres of dry land and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land;]

1. This clause was substituted for the Original clause (a) by section 3(1) of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

2. Clause(bb) was inserted by section 3(2), *ibid*.

3. Clause (ee) was inserted by section 3(3), of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

4. Clause (g) was inserted by section 3(4), *ibid*.

### **3. Landlords not to evict cultivating tenants :-**

(1) Subject to the next succeeding sub-sections, no cultivating tenant shall be evicted from his holding or any part thereof, during the continuance of this Act, by or at the instance of his landlord, whether in execution of a decree or order of a Court or otherwise.

(2) Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant--

<sup>1</sup>[(a) who, in the areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952),<sup>2</sup>[was in force] immediately before the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), if in arrear at the commencement of this Act, with respect to the rent payable to the landlord does not pay such rent within six weeks after such commencement or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(aa) who, in the other areas of the State of Madras, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord and accrued due subsequent to the 31st March 1954, does not pay such rent within a month after such commencement, or who in respect of rent payable to the landlord after such commencement, does not pay such rent within a month after such rent becomes due; or]

(b) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land; or

(c) who has used the land for any purpose not being an agricultural or horticultural purpose; or

(d) who has wilfully denied the title of the landlord to the land.

Explanation [I]--A denial of the landlords title under a bona fide mistake of fact is not wilful within the meaning of this clause.

**3**Explanation II.--In relation to areas where the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952),  
**4**(was in force) immediately before the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), the expression commencement of this Act wherever it occurs in this Act shall be construed as referring to the date aforesaid];

(3) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord--

(i) in the case of rent accrued due subsequent to the 31st March 1954, within a month after the commencement of this Act;

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b) The Court shall cause notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing such further sum inclusive of such costs as the Court may allow. If the Court adjudges that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing sub-section. If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as provided in

sub-section (4).

(c) The expression "Court" in this sub-section means the Court which passed the decree or order for eviction or, where there is no such decree or order, the Revenue Divisional Officer.

(4) (a) Every landlord seeking to evict a cultivating tenant falling under sub-section (2) shall, whether or not there is an order or decree of a court for the eviction of such cultivating tenant, make an application to the Revenue Divisional Officer and such application shall bear a court-fee stamp of one rupee.

(b) On receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) 5[or clause (aa)] of sub-section (2) in which the tenant had not availed of the provisions contained in sub-section (3), the Revenue Divisional Officer may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under sub-section (3)(b). If the cultivating tenant fails to deposit the sum as directed, the Revenue Divisional Officer shall pass an order for eviction.

1. These clauses were substituted for the original clause (a) by section 4(a)(i), *ibid*.

2. These words were substituted for the expression "and in the areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954, were in force" by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

3. The original Explanation was renumbered as Explanation I and Explanation II was added by section 4(a)(ii) of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

4. These words were substituted for the words "and to areas where the South Kanara Cultivating Tenants Protection Act, 1954 (Madras Act VI of 1954 were in force" by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

5. These words, letters and brackets were inserted by section 4(b), of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

#### **4. Right to restoration of possession :-**

(1) Every cultivating tenant who was in possession of any land on the 1st December 1953 and who is not in possession thereof at the commencement of this Act shall, on application to the Revenue Divisional Officer, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December 1953.

(2) Nothing in sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession--

(i) if, on the day this Act comes into force, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the Explanation below or if he has been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55; or

(ii) if the landlord, after evicting such cultivating tenant from the land, <sup>1</sup>[has been carrying on personal cultivation on the land,] provided as follows:--

(a) the total extent of land held by such landlord inclusive of the land, if any, held by him as a tenant does not exceed the extent specified in the Explanation below; and

(b) the landlord has not been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of

such taxes during 1953-54 or 1954-55; or

(iii) if subsequent to the 1st December 1953, the landlord has bona fide admitted some other cultivating tenant to the possession of land and such other tenant has cultivated the land before the commencement of this Act:

Provided that where such other tenant is in possession, either as owner or as tenant or as both of any other land which exceeds the extent specified in the Explanation below and the cultivating tenant who was evicted is not in possession of any land or is in possession of any other land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

**2**[Explanation.--The extent referred to in clauses (i) to (iii) above is 6-2/3 acres of wet land.]

(3) Every application to a Revenue Divisional Officer under sub-section (1) shall be made within thirty days from the commencement of this Act, and shall bear a court-fee stamp of one rupee:

Provided that the application may be received after the period of thirty days aforesaid, if the applicant satisfies the Revenue Divisional Officer that he had sufficient cause for not making the application within that period.

(4) On receipt of an application under sub-section (3), the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it. In passing an order allowing the application, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to--

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding in amount one years rent, and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession, on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.--In lieu of imposing any condition relating to reimbursement as provided in clause (ii), the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

**3**[(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Divisional Officer within two months from the date of such eviction or within two months from the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) shall, so far as may be, apply to such an application,]

1. These words were substituted for the words "has been cultivating the land by his own labour or by that of any other member of his family or by hired labour under his supervision or control", by section 5(1) of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

2. This Explanation was substituted for the original Explanation by section 5(2) of the Madras Cultivating Tenants Protection

(Amendment) Act, 1956 (Madras Act XIV of 1956).

3. Sub-section (5) was added by section 5(3) of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

**4A. Right of landlord to resume land for personal cultivation :-**

**1**[(1) Notwithstanding anything contained in any other provision of this Act, a landlord shall be entitled to resume possession from any cultivating tenant possession for purposes of personal cultivation of lands not exceeding one-half of the extent of lands leased out to the cultivating tenant.

(2) Any landlord desiring to resume any land under sub-section (1) shall apply to the Revenue Divisional Officer and on receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant in possession of the land to make their representations, hold a summary inquiry into the matter and pass an order either directing the cultivating tenant to put the landlord in possession of the land or dismissing the application. In passing an order directing the cultivating tenant to put the landlord in possession, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement, by the landlord, of the cultivating tenant in respect of the expenses incurred by him or the labour contributed by him on, any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.--In lieu of imposing any condition relating to reimbursement as provided above, the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

(3) Any cultivating tenant from whom any land is sought to be resumed by the landlord for purposes of personal cultivation, may

offer to pay to the landlord in respect of the extent of the land which the landlord is entitled to resume for personal cultivation the rent at the rate which was payable to him before the 27th September 1955 and the Revenue Divisional Officer shall thereupon pass an order permitting him to continue in possession on payment of such rent. The cultivating tenant shall, as long as he continues to cultivate that land, be bound to pay rent accordingly.

(4) Nothing in sub-section (1) shall be deemed to entitle any landlord to resume possession, if, on the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), comes into force, he owns land exceeding 13-1/3 acres of wet land or he has been assessed to any sales tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56 nor shall sub-section (1) be deemed to confer on the landlord a right to resume possession of a greater extent than that which along with the extent he is already in possession of either as owner or as tenant or as both would make up an extent of five acres of wet land.

(5) No person who is not entitled to resume possession under this section on the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), comes into force, shall be deemed to be so entitled by reason of any subsequent change in his circumstances.

(6) If any landlord who has resumed possession of any land under the provisions of this section does not carry on personal cultivation on the land within a year of such resumption or allows the land to lie fallow for more than a year, or has so resumed under fraudulent misrepresentations, the cultivating tenant from whom the land had been resumed shall, on application to the Revenue Divisional Officer, be entitled to be restored to possession of that land and to hold it with all the rights and subject to all the liabilities of a cultivating tenant. The provisions of sub-section (4) of section 4 shall, so far as may be, apply to such an application.

1. Sections 4-A and 4-B were inserted by section 6 of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act

XIV of 1956).

#### **4B. Execution of lease :-**

(1) In the case of every tenancy agreement entered into after the coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956), between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk office by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it:

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk office with a declaration that the other party has refused or delayed unreasonably to execute it.

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the landlord or his agent or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the Revenue Divisional Officer may impose on the landlord or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if it were an arrear of land revenue.]

#### **5. Exclusion of time for limitation :-**

In computing the period of limitation or limit of time prescribed for

an application for the execution of a decree or order for the eviction of a cultivating tenant, the time during which he was protected by section 3 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.

## **6. Bar of jurisdiction of civil courts :-**

No civil court shall, except to the extent specified in section 3(3), have jurisdiction in respect of any matter which the Revenue Divisional Officer is empowered by or under this Act to determine and no injunction shall be granted by any court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

### **6A. Transfer of certain suits to the Revenue Divisional Officer by Civil Courts :-**

<sup>1</sup>[If in any suit before any Court for possession of, or injunction in relation to, any land, it is proved by affidavit or otherwise that the defendant is a cultivating tenant entitled to the benefits of this Act, the Court shall not proceed with the trial of the suit but shall transfer it to the Revenue Divisional Officer who shall thereupon deal with and dispose of it as though it were an application under this Act and all the provisions of this Act shall apply to such an application and the applicant.

1. Sections 6-A and 6-B were inserted by section 7, of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 (Madras Act XIV of 1956).

### **6B. Revision by High Court :-**

The Revenue Divisional Officer shall be deemed to be a Court subordinate to the High Court for the purposes of section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), and his orders shall be liable to revision by the High Court under the provisions of that section.]

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

(1) The State Government may, by notification in the Fort St.

George Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than fourteen days before both Houses of the State Legislature, as soon as possible after they are made, and shall be subject to such modifications whether by way of repeal or amendment, as those Houses may make during the session in which they are laid.