

Madras Estates (Supplementary) Act, 1956

30 of 1956

[19 December 1956]

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PREAMBLE

An Act to provide for the determination of questions whether any non-ryotwari area in the State of Madras is or is not an estate.

Whereas it is expedient to provide for the determination of questions whether any non-ryotwari area in the State of Madras is or is not an estate;

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

1 For Statement of Objects and Reasons, see Fort St. George Gazette, Part IV-A, Extraordinary, dated the 26th September 1956, page 190.

1. Short title, commencement and application :-

(1) This Act may be called the Madras Estates (Supplementary) Act, 1956.

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

(3) It applies to all non-ryotwari areas in the State of Madras, including any area in respect of which an order under section 3, sub-section (2), of the Rent Reduction Act or a notification under section 1, sub-section (4), of the Abolition Act, or both an order and a notification as aforesaid has or have been published.

* Came into force on the 3rd August 1957.

2. Definitions :-

In this Act, unless the context otherwise requires--

(a) Abolition Act means the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948);

(b) Estates Land Act means the Madras Estates Land Act, 1908 (Madras Act I of 1908);

(c) Rent Reduction Act means the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947);

(d) Tribunal means a Tribunal having jurisdiction over the area and constituted under section 5.

3. Determination of questions whether any non-ryotwari area is Or is not an estate :-

(1) Not with standing any thing contained in the Estates Land Act or in any other law for the time being in force, any person interested may make an application to the Tribunal for a declaration that the area specified in the application is or is not an estate or part of an estate as defined in section 3, clause (2), of the Estates Land Act, or that it is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act.

(2) Any such application shall be filed within three months from the date on which this Act comes into force or within three months from the date of publication of the order under section 3, sub-section (2), of the Rent Reduction Act, or of the notification under section 1, sub-section (4), of the Abolition Act, whichever of the dates aforesaid is the latest.

(3) The Tribunal may, in its discretion, allow further time not exceeding three months for the making of any application under this section.

4. Applications by Government :-

(1) Against the decision of any Court or of a Settlement Officer or Tribunal (constituted under the Abolition Act), an application may, within one year from the date on which this Act comes into force, be filed under this Act on behalf of the State Government by such officer as they may from time to time authorize in this behalf, for a declaration that any non-ryotwari area is an estate under section 3, clause (2), of the Estates Land Act, or that it is an inam estate as defined in section 2, clause (7), of the Abolition Act.

(2) Such application--

(a) against the decision of a Settlement Officer shall lie to the appropriate Tribunal and be dealt with under section 6;

(b) in other cases, shall lie to the Special Appellate Tribunal

constituted under section 7 and be dealt with as an appeal under the said section.

5. Constitution of Tribunals :-

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

(2) Each Tribunal shall consist of a Chairman who shall be a Judicial Officer not below the rank of District Judge and two other members.

(3) Each Tribunal shall have such jurisdiction and over such areas as the State Government may, by notification, from time to time, determine.

(4) Every Tribunal shall have all the powers of a Civil Court to compel the attendance of witnesses and the production of documents.

6. Procedure to be followed by the Tribunal :-

On receipt of an application under section 3 or under section 4, the Tribunal shall, after giving notice in the prescribed manner to the applicant, to the State Government if the State Government is not the applicant, to the landholder and if the applicant is the landholder to the person in occupation of the land in the area concerned, and after publishing the notice in the prescribed manner in the village, and after giving the parties who appear before it an opportunity to be heard and to adduce their evidence, give its decision on the question whether the area concerning which the application is filed is or is not an estate as defined in section 3, clause (2), of the Estates Land Act and if it is an estate, the sub-clause of the above clause under which it falls, and if it falls under sub-clause (d) of the above clause whether it is an inam village which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936).

7. Appeals to the Special Appellate Tribunal :-

(1) Against any such decision of the Tribunal, the State Government, within six months from the date of the decision, and any person aggrieved by such decision within two months from the said date, may appeal to a Special Appellate Tribunal, consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf, provided that the Special Appellate Tribunal may, in its discretion, allow further time not exceeding three months for the filing of such appeal.

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

(3) Subject to the decision on such appeal, the decision of the Tribunal shall be final and shall not be liable to be questioned in any court of law.

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

8. Presumption as to inam villages or parts thereof :-

In deciding the question whether any inam village or a separated

part of an inam village was or was not an estate within the meaning of the Estates Land Act as it stood before the commencement of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), it shall be presumed, until the contrary is proved, that such area or part was such an estate.

9. Defect not to invalidate decision of Tribunal or Special Appellate Tribunal :-

No decision of the Tribunal or of the Special Appellate Tribunal shall be invalid by reason of any defect in the form of any notice issued by it or in the manner of publication of such notice.

10. Jurisdiction of civil and revenue courts barred in certain matters :-

Save as otherwise expressly provided in this Act, no civil or revenue court and no Tribunal constituted under any other law shall have jurisdiction--

(a) to entertain or adjudicate upon any question whether any non-ryotwari area is or is not an estate or part of an estate as defined in section 3, clause (2), of the Estates Land Act, or whether it is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act; or

(b) in respect of any matter which the Tribunal or the Special Appellate Tribunal is empowered by or under this Act to determine.

11. constituted under this Act for the determination of that question :-

(1) All suits, appeals or other proceedings (other than those pending before the High Court) pending at the commencement of this Act before any Court or Tribunal or Settlement Officer as defined in section 2, clause (13), of the Abolition Act, in which any question is in issue whether a particular area is or was an estate as defined in section 3, clause (2), of the Estates Land Act, or is or was an inam estate as defined in section 2, clause (7), of the Abolition Act, shall stand transferred to the appropriate Tribunal

(2) (a) In cases in which, at the commencement of this Act, a Tribunal constituted under the Abolition Act has given a finding under section 9 of that Act that a particular area is an inam estate as defined in section 2, clause (7), of that Act, that finding shall be final, subject to the decision of the Special Appellate Tribunal constituted under this Act on any appeal preferred to that Tribunal.

(b) Any such finding shall be deemed to be a decision given by a Tribunal constituted under this Act and the provisions of section 7, sub-section (1), shall apply to appeals against such finding.

12. Tribunal to give decision in certain cases remanded by the High Court :-

If, on remand by the High Court in respect of a case pending before it on or after the commencement of this Act, a court subordinate to the High Court is seized of the question whether a particular non-ryotwari area is or is not an estate as defined in section 3, clause (2), of the Estates Land Act, or is or is not an inam estate as defined in section 2, clause (7), of the Abolition Act, that case shall stand transferred to the appropriate Tribunal constituted under this Act for the determination of that question and be disposed of by it in accordance with the provisions of this Act.

13. Incorporated :-

[The amendment made by section 13 has been incorporated in Madras Act XXVI of 1948].

14. Power to make rules :-

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

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for--

(a) all matters expressly required or allowed by this Act to be

prescribed;

(b) the procedure to be followed by Tribunals and Special Appellate Tribunals appointed under this Act;

(c) the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908);

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

(e) the filling up of vacancies in Tribunals; and

(f) the transfer of proceedings from one Tribunal to another.

(3) All rules made and all notifications issued under this Act shall, as soon as possible after they are made or issued, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.