

Madras Hereditary Village-Offices (Amendment) Act, 1942

28 of 1942

[08 December 1942]

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PREAMBLE

An Act further to amend the Madras Hereditary Village-offices Act, 1895.

Whereas it is expedient further to amend the Madras Hereditary Village-offices Act, 1895 (Madras Act III of 1895), for the purposes herein-after appearing; ²[It is hereby enacted as follows:--]

1. For Statement of Objects and Reasons, see Fort St, George Gazette, dated 14th July 1942, Part IV-A, pages 58-59.

2. These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948).

1. Short title :-

This Act may be called the Madras Hereditary Village-offices (Amendment) Act, 1942.

2. Omitted :-

Omitted

3. Omitted :-

1[* * *]

1. Sections 2 and 3 were repealed by Madras Act XI of 1952.

4. Act to apply to pending suits and appeals :-

For the removal of doubts, it is hereby declared that the following suits and appeals shall be decided in accordance with the provisions of the said Act as amended by section 2 of this Act, if they relate to the recovery of the emoluments of any of the offices falling under clause (4) in. section 3 of the said date and before the commencement of this Act.

(a) Suits under section 13 (1) of the said Act which are pending on the 14th July 1942 or which are instituted after the said date and before the commencement of this Act:--

(b) Appeals under section 23 (1) of the said Act which are pending on the said date or which are preferred after the said date against any decree or order passed before that date.

5. Saving of previous decisions of Revenue Courts :-

Except in the appeals referred to in clause (b) of section 4 no decision of any Revenue Court under section 13 (1) or section 23 (1) of the said Act, passed before the 14th July 1942 and holding that the emoluments of any office falling under clause (4) in section 3 of the said Act consisted of an assignment of revenue payable in respect of land, shall be liable to be questioned or reopened, whether in the same or any other Revenue Court, merely on the ground that such decision was arrived at on the assumption referred to in the said section 13 (1), namely, that only the said assignment constituted the emoluments of the said office.

6. Section 6 :-

Any question as to the validity of any mortgage or lease executed by the holder of any office falling under clause (4) in section 3 of the said Act and subsisting on the 14th July 1942 shall be decided

as if this Act had not been passed.