

Madras Limited Proprietors Act, 1911

04 of 1911

[18 July 1911]

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PREAMBLE

An Act to amend the Law relating to Proprietors of Estates.

Whereas it is expedient that certain persons who are not proprietors as defined in the Madras Proprietary Estates Village-service Act, 1894(Mad. Act II of 1894), the Madras Hereditary Village-offices Act, 1895(Mad. Act III of 1895), and the Madras Survey and Boundaries Act, 1897²(Mad. Act IV of 1897), should be enabled to exercise the powers and discharge the duties of proprietors under the said Acts; and whereas it is also expedient to make provision for the recovery of arrears of revenue from such persons; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Port St. George

Gazette, 1911, Pt, IV, p 4; for Report of Select Committee, see *ibid*, 1911, Extraordinary, p. 39; for Proceedings in Council, see *ibid*, 1911, Pt. IV, pp. 80, 332 and 449.

2. The Act has been repealed. See now the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).

1. Short title :-

This Act may be called the ¹[Madras] Limited Proprietors Act, 1911.

1. This word was inserted by section 3(1) of and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951.)

2. [Omitted] :-

¹[]

1. This section was repealed by section 3 of, and the Second Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

3. Definitions :-

In this Act, unless there be something repugnant in the subject or context, "Estate" and "Village" respectively mean an estate and a village as defined in the Madras Proprietary Estates Village-service Act, 1894(Mad. Act II of 1894).

4. Application to Collector for registration as proprietor :-

Where any person is entitled otherwise than as owner to collect the rents of the whole of an estate or any portion thereof consisting of one or more villages by virtue of any transfer from an owner or of any decree or order of a competent court or of any rule or provision of law and is not the proprietor as defined in section 4 of the Madras Proprietary Estates Village-service Act, 1894(Mad. Act II of 1894), he may apply to the District Collector to be registered as proprietor in respect of such estate or portion for all or any of the purposes of the Madras Proprietary Estates Village-service Act, 1894(Mad. Act II of 1894), the Madras Hereditary Village-offices Act, 1895(Mad. Act III of 1895), and the Madras Survey and Boundaries Act, 1897(Mad. Act IV of 1897)¹.

1. The Act has been repealed. See now the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).

5. Procedure on such application :-

(1) The District Collector shall give notice of the application to the registered proprietor and such other persons as appear to him to be interested in the result of the application and, after giving them an opportunity of being heard and making such inquiry as he thinks fit, may register the applicant as proprietor for all or any specified purposes of the said Acts or may refuse registry:

Provided that where the applicant is entitled to collect the rents by virtue of a decree or order of a competent court or of any rule or provision of law, it shall be open to the District Collector to register him as proprietor without giving notice or holding any inquiry.

(2) Subject to the provisions of sections 7, 11 and 13 and to any decree of a competent civil court, such registration shall remain in force so long as the applicant is entitled to collect the rents.

6. Procedure in case of dispute :-

If the District Collector is satisfied that there exists a substantial dispute regarding the applicants right to collect the rents, he shall require the applicant to establish his right in a civil court, unless for other reasons he is of opinion that the application should not be granted.

7. Collector may vary or cancel registration :-

Any registration made by the District Collector under section 5 may be cancelled or varied by him at any time after, notice to the persons concerned.

8. Effect of registration :-

During the time that any registration under this Act remains in force in respect of an estate or portion of an estate the person so registered shall exercise the powers and discharge the duties of a proprietor under the Madras. Proprietary Estates Village-service Act,

1894(Mad. Act II of 1894), the Madras Hereditary Village-offices Act, 1895(Mad. Act III of 1895), and the Madras Survey and Boundaries Act, 1897(Mad. Act IV of 1897),¹ in such estate or portion in respect of the purposes for which he is registered, and no other person shall act or be treated as proprietor in respect of those purposes in the said estate or portion.

1. This Act has been repealed. See the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).

9. Liability of the person registered to pay Government dues :-

(1) Any person registered as proprietor under this Act by virtue of any transfer made after the commencement of this Act (hereinafter called the transferee) shall in relation to the Government be deemed to be a landholder in respect of the estate or portion of an estate concerned for the purposes of the Madras Revenue Recovery Act, 1864(Mad. Act II of 1864), and shall be liable to be proceeded against under that Act for all sums which are recoverable thereunder from a landholder and which at the time of the registration may be due on such estate or portion as the case may be, or which may become due thereon at any time while such, registration remains in force.

(2) If there is any valid agreement between the owner and the transferee of a portion of an estate as to the amount recoverable in respect of such portion, the said amount shall be determined in accordance with such agreement, except where the agreement appears to the District Collector to be unreasonable. In cases where there is no such agreement, or where the agreement appears to be unreasonable, the District Collector shall fix the said amount in the manner laid down in section 45 of the Madras Revenue Recovery Act, 1864(Mad. Act II of 1864).

(3) Nothing in this section shall relieve the transferor or his legal representative from any liability under the Madras Revenue Recovery Act, 1864(Mad. Act II of 1864).

10. Procedure in the case of default :-

10. Procedure in the case of default :-

Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act it becomes necessary for the recovery of an arrear to proceed against the estate or portion of an estate in respect of which he is registered as proprietor, the Collector or other officer empowered by the Collector in that behalf shall cause a copy of the notice prescribed in section 36 of the Madras Revenue Recovery Act, 1864(Mad. Act II of 1864), to be served also upon the owner of the estate not less than one month before the sale.

11. Cancellation of registration in case of default :-

Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act the owner of the estate pays the arrears due by the defaulter or any part of the estate is sold for the recovery of the arrears, the registration of the defaulter as proprietor under this Act may be cancelled by the District Collector and the defaulter shall, from the date of the cancellation and in cases where it has been appealed against from the date of the appellate order confirming the same, cease to exercise the powers and discharge the duties of a proprietor and cease to be a landholder for the purposes of the Madras Revenue Recovery Act, 1864(Mad. Act II of 1864).

12. Revival of powers and duties of ordinary proprietor on expiry of registry under this Act :-

From the date on which any registration under this Act ceases for any cause to be in force the proprietor then registered under the Madras Land Registration Regulation, 1802(Mad. Reg. XXVI of 1802), or the Madras Land Revenue Assessment Act, 1876(Mad. Act I of 1876), shall possess the powers and be subject to the duties conferred and imposed upon the proprietor by the Madras Proprietary Estates Village-service Act, 1894(Mad. Act II of 1894), the Madras Hereditary Village-offices Act, 1895, and the Madras Survey and Boundaries Act, 1897(Mad. Act IV of 1897)¹.

1. Now the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).

13. District Collectors orders to be in writing :-

(1) The District Collector shall record his reasons in writing for every order passed by him under this Act. A copy of the order shall be despatched by registered post to all parties affected thereby whose addresses can be ascertained.

Appeal to Board of Revenue

(2) Against every such order an appeal shall lie to the Board of Revenue within two months from the date of despatch.

14. Barring of suits and applications for an injunction :-

No suit or application shall lie for an injunction to restrain a District Collector from proceeding under this Act, nor shall ¹[the Government] or any officer of ²[the Government] be made a party to any suit or be liable in respect of anything done or purporting to be done under this Act in good faith.

1. The words "the Crown" were substituted for the words "the Secretary of State for India in Council" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

2. The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

15. Power to make rules :-

Subject to the approval of the ¹[State Government] the Board of Revenue may make rules not inconsistent with this Act for carrying out the purposes of the Act.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.