

**Madras Restoration Of Village Officers (Validation) Act,
1939**

18 of 1939

[25 July 1939]

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**Madras Restoration Of Village Officers (Validation) Act,
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PREAMBLE

An Act to validate the restoration of village officers who lost their offices by reason of their association or connexion with political movements.

Whereas certain village officers in the Province of Madras or their registered heirs lost their offices or their right to the offices by reason of their association or connexion with political movements;

And whereas by reason of the Madras Proprietary Estates' Village-service and the Hereditary Village Offices (Temporary Amendment) Act, 1922 (Madras Act VIII of 1922), the hereditary right to the offices of the undivided members of the families of certain village officers who had lost their offices as aforesaid has ceased;

And whereas it is desirable now to restore the position which would have obtained if the officers or heirs aforesaid had not lost their offices or their right thereto and thereby establish an atmosphere of contentment and peace;

And whereas some doubts have been raised as to the validity of certain orders already passed by the Provincial Government in pursuance of the aforesaid policy; and it is expedient to remove such doubts and validate all orders which have been so passed or

which may hereafter be passed by the Provincial Government on the subject;

It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 4th April 1939, Part IV, pages 199-200.

1. Short title :-

This Act may be called the Madras Restoration of Village Officers (Validation) Act, 1939.

2. Validation of certain orders restoring, etc., village officers in certain cases :-

Notwithstanding anything contained in the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894), or in the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895), or in any decree or order passed in any suit, appeal, application, or revision or other proceeding (whether instituted, made, or taken under the Acts aforesaid or not), every order which has been, or which may hereafter be, passed by, or on the direction of, the ¹[State] Government--

(a) restoring a village officer who, by reason wholly or partly of his association or connexion with any political movement had been removed or dismissed from his office, or had resigned therefrom, or had otherwise in any manner whatsoever ceased to hold the same; or

(b) appointing to the office or registering as entitled thereto the heir of any such village officer or of any person who in the ordinary course of events would have succeeded to the office or been registered as entitled thereto; or

(c) appointing to a village office any person who, by reason wholly or partly of his association or connexion with any political movement, had declined to accept the office or had been declared ineligible therefor; or

(d) appointing to the village office or registering as entitled thereto, the heir of any such person or of any other person who in the ordinary course of events, would have succeeded to the office or been registered as entitled thereto; or

(e) directing the removal of any person from a village office in consequence of an order of the nature referred to in clause (a), (b), (c) or (d) above,

shall be valid and be given effect to according to its tenor, and no such order shall be called in question in any Court of law.

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

3. Declaration by Government to be conclusive proof :-

If the ¹(State) Government declare that any order passed by them is of the nature referred to in section 2, such declaration shall be conclusive proof thereof, and all Courts shall take judicial notice of the same.

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

4. Provision for suits instituted and decrees passed before Act, etc :-

(1) Every suit appeal, application, or revision or other proceeding instituted, made or taken before the commencement of this Act for a declaration that any order of the nature referred to in section 2 is invalid or for any relief based on such invalidity shall be dismissed by the Court or other authority concerned.

(2) If before the commencement of this Act any decree or order has been passed in any such suit, appeal, application, or revision or other proceeding, which is inconsistent with the provisions of section 2, the Court or other authority concerned shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, vacate the decree or order and pass a fresh decree or order which shall be in conformity with section 2 aforesaid.