

Madras Tenants And Ryots Protection Act, 1949

24 of 1949

[13 December 1949]

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PREAMBLE

An Act to provide for the temporary protection of certain classes of tenants and ryots in the Province of Madras.

Whereas it is necessary, pending further legislation, to provide for the temporary protection against eviction ²[] of tenants of private lands in estates governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908), and against sale of the holdings of ²[] ryots in such estates and to provide for the stay of suits and other proceedings relating to such eviction and sale; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 1st November 1949, Part IV-A, page 439.

Under section 66 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), with effect on

and from the date an estate is notified under that Act, the Madras Tenants and Ryots Protection Act, 1946 (now Madras Act XXIV of 1949), shall be deemed to have been repealed in its application to private lands in the estate.

2. The words "of tenants to whom the Malabar Tenancy Act, 1929, applies and" and "such tenants and of", were omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

1. Short title, application, commencement and duration :-

(1) This Act may be called the Madras Tenants and Ryots Protection Act, 1949.

(2) It applies to -- ¹[(a)]

(b) ryots in estates in the ²[State] of Madras governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908); and

(c) tenants of private lands in such estates.

(3) It shall come into force at once and shall remain in force up to and inclusive of ³[the 7th October 1959].

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by a Madras Act.

1. Clause (a) was omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

2. This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

3. These words, figures and letters were substituted for the words, figures and letters "the 7th October 1957", by section 2 of the Madras Tenants and Ryots Protection (Amendment) Act, 1957 (Madras Act VIII of 1957). The life of the Act has been extended from time to time. See Madras Acts VIII of 1950, XXVIII of 1951, XIV of 1953, XXXI of 1954, XXVII of 1955 and VIII of 1957.

2. Definitions :-

In this Act unless there is anything repugnant in the subject or context--

(a) the expressions estate, holding, private land rent and ryot shall in relation to estates governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908), have the same meanings respectively as in that Act;

¹[(b)]

(c) the expression landlord small mean--

(i) in relation to estates governed by the Madras Estates Land Act, 1908 (Madras Act I of 1908), landholder, as defined in that Act;

²[].

²[(ii)]

1. Clause (b) was omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.

2. The word "and" occurring at the end of sub-clause (i) and sub-clause (ii) were omitted by *ibid*.

3. Ryots and tenants not to be evicted :-

During the continuance of this Act and subject to the provisions of sections 4 and 5--

(a) ¹[] no tenant of any private land in an estate shall be liable to be evicted by his landlord in pursuance decree or order for eviction; and

(b) no holding of a ²[] ryot shall be liable to be sold or brought to sale in pursuance of a decree, order, or other proceeding for recovery of rent.

1. The words "no tenant in the district of Malabar, and" were omitted by *ibid*.

2. The words "tenant or" were omitted by *ibid*.

4. Stay of suits and proceedings for eviction of tenants :-

(1) All suits, proceedings in execution of decrees or orders and other proceedings--

(a) for the eviction of tenants from their ¹[] land, ¹[] or in which a claim for such eviction is involved, whether in addition to a claim for rent or not or

(b) in which the sale of the holding of a ²[] ryot for recovery of rent is claimed and which stood stayed up to the commencement of this Act or which may be instituted after such commencement in any Civil or Revenue Court, shall continue to stand stayed or shall stand stayed as the case may be, subject to the provisions of the following sub-sections:

Provided that nothing contained in this sub-section shall affect the power of the Court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908 (Madras Act I of 1908), with a view to prevent wilful waste by the tenant or any

person claiming under him.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from ³[the date on which notice of the suit was served on him by the Court (which service shall be the duty of the Court)], deposit in Court, for payment to the landlord the arrears of rent claimed in the plaint, or ⁴[an amount equivalent to rent for two years immediately preceding the date aforesaid] at the rate claimed in the plaint, whichever is less, together with such interest as may be payable under law, custom or agreement.

⁵[(2-A) In the case of a suit Or proceeding for the sale of a holding to recover rent, or of a proceeding in execution of a decree or order obtained in any such suit or proceeding, or of a proceeding in execution of a decree or order for eviction, where the decree or order provides for the payment of rent--

(i) if the suit or proceeding was instituted before the commencement of the Madras Tenants and Ryots Protection (Amendment) Act, 1950, and no deposit has been made in pursuance of section 4, sub-section (3), of the Madras Tenants and Ryots Protection Act, 1946, the ²[] ryot shall deposit in Court for payment to the landlord, within two months from such commencement, (a) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (b) the rent for two years immediately preceding such commencement, whichever is less, or

(ii) if the suit or proceeding is instituted after such commencement, the ⁶[] ryot shall deposit in Court for payment to the landlord, within two months from the date on which notice of the suit or proceeding is served on him by the Court (which service shall be the duty of the Court), (a) the amount claimed in the suit or proceeding or the amount payable under the decree or order, or (b) the rent for two years immediately preceding the date aforesaid, whichever is less, together with such interest as may be payable under law, custom, or agreement up to the date of deposit.

(2-B) Where, before the institution of any suit or proceeding of the description referred to in sub-section (1), a tenant or ryot has paid to the landlord or deposited in Court for payment to him, an amount equivalent to the rent for two years immediately preceding the date of payment or deposit or to the rent due up to such date, whichever is less, together with such interest as may be payable up to such date, under law, custom, or agreement, and has continued to pay or deposit as aforesaid each years rent, within a

period of two months from the date on which it accrued due, the tenant or ryot shall not be liable to make the deposit referred to in sub-section (2), or sub-section 2-A.]

(3) Notwithstanding the expiry of the period specified in ⁷[sub-section (2) or (2-A)] the Court may, if satisfied that ⁸[the tenant or ryot] was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period not exceeding one month and may extend it by such period or periods not exceeding one month in the aggregate, as it thinks fit.

(4) Where a suit or other proceeding is stayed under sub-section (1), the tenant or ryot shall, so long as this Act is in force, deposit or continue to deposit in Court, for payment to the landlord, each years rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the Court.

(5) The deposit specified in ⁹[sub-sections (2), (2-A), (2-B) and (4)] may be made by the tenant or ryot or any person whose interests are likely to be affected by the eviction or sale of the holding or land.

(6) If the deposit required by ¹⁰[sub-section (2), (2-A) or (4)] is not made within the time specified therein or within such time as may be granted under sub-section (3) or subsection (4), the Court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(7) Where a deposit has been made under ¹¹[sub-section (2), (2-A), (2-B) or (4)] and there is a dispute in regard to the rate of rent or the existence of the arrears of rent or the amount thereof, the Court may--

(i) refuse to pay to the landlord the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute; or
(ii) direct the payment of the same to the landlord on such terms and conditions as it thinks fit.

(8) The provisions of sub-sections (2) to (7) shall apply mutatis mutandis to all proceedings pending at the commencement of this Act or instituted thereafter, in any Court of appeal or revision.

1. The words "holdings or", and "as the case may be", were omitted by clause 3 of, and the Schedule to the Madras Adaptation of Laws Order, 1957.

2. The words "tenant or", were omitted by *ibid*.
3. These words and brackets were substituted for the words "the date of institution of the suit" by section 3(i)(a) of the Madras Tenants and Ryots Protection (Amendment) Act, 1950 (Madras Act VIII of 1950).
4. These words were substituted for the words "an amount equivalent to rent for two years" by section 3(i)(b), *ibid*.
5. These sub-sections were inserted by section 3(ii), *ibid*.
6. The words "tenant or" were Omitted by clause 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1957.
7. These words, brackets, figures and letter were substituted for the word, brackets and figure "sub-section (2)" By section 3(iii)(a) of the Madras Tenants and Ryots Protection (Amendment) Act, 1950 (Madras Act VIII of 1950).
8. These words were substituted for the words "the tenant" by section 3(iii)(b), *ibid*.
9. These words, brackets, figures and letters were substituted for the words, brackets and figures "sub-sections (2) and (4)" by section 3(iv), of the Madras Tenants and Ryots Protection (Amendment) Act, 1950 (Madras Act VIII of 1950).
10. These words, brackets, figures and letter were substituted for the words, brackets and figures "sub-section (2) or sub-section (4)" by section 3(v), *ibid*.
11. These words, brackets, figures and letters were substituted for the words, brackets and figures "sub-section (2) or sub-section (4)" by section 3(vi), *ibid*.

5. Power of State Government to order continuance of suits and proceedings :-

Notwithstanding anything contained in section 4, the ¹[State] Government may direct that any suit or proceeding or class or classes thereof, stayed under sub-section (1) or sub-section (8) of that section, shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

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

6. Continuance of suits and, proceedings after the

expiration of the Act :-

All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed:

Provided that, in the case of a suit instituted after the commencement of this Act, the Court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

7. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the ¹[State] Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

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

8. Savings and validation :-

(1) Any order made or purporting to have been made, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or anything done or purporting to have been done--

(a) under any provision of the Madras Tenants and Ryots Protection Act, 1946 (Madras Act XVII of 1946)(hereinafter in this section and in section 9 referred to as the said Act) and in force immediately before the 8th October 1948, or

(b) on or after the 8th October 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the Madras Tenants and Ryots Protection Ordinance, 1949 (Madras Ordinance VIII of 1949)(hereinafter in this section referred to as the said Ordinance)

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that it was in force at the relevant time or made under the said Ordinance, be deemed to be an order made, decision or direction given, action or proceeding taken, or thing done, under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, and any application made or purporting to have been made--

(a) under any provision of the said Act before the 8th October 1948, or

(b) on or after the 8th October 1948 under any provision of the said Act on the footing that it was in force at the relevant time, or

(c) under any provision of the said Ordinance, shall be deemed to have been incurred or made under the corresponding provision of this Act.

9. Indemnity for Acts etc., done after expiry of Madras Act XVII of 1946 :-

(1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the ¹[State] Government or any person acting under his direction or aiding or assisting him--

(a) for, or on account of, or in respect of, any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act, or

(b) for carrying out any decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the ¹[State] Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

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

10. Repeals :-

The Madras Tenants and Ryots Protection Act, 1946 (Madras Act XVII of 1946) and the Madras Tenants and Ryots Protection Ordinance, 1949 (Madras Ordinance VIII of 1949), are hereby repealed.