

Madras Village Officers Restoration Act, 1926

04 of 1926

[06 July 1926]

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PREAMBLE

An Act to enable the re-appointment to revived offices of the former holders.

Whereas since the commencement of June 1920, with a view to reduce public expenditure, villages have been grouped or amalgamated, or the number of village offices has been reduced under the provisions of the Madras Proprietary Estates' Village Service Act, 1894(Madras Act II of 1894), or the Madras Hereditary Village Offices Act, 1895(Madras Act III of 1895);

And whereas it is now deemed desirable and expedient, where the villages are redivided or regrouped and the abolished offices are revived or where the number of village offices which has been reduced is restored, to provide by law for the restoration of the officers who held office before the grouping or amalgamation or reduction as aforesaid;

And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as

follows:-

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 5th May 1925, Part IV, pages 112-113.

1. Short title :-

This Act may be called the Madras Village Officers Restoration Act, 1926.

Extent

It shall extend to those parts of the Presidency of Madras to which the Madras Proprietary Estates Village Service Act, 1894 (Madras Act II of 1894)(hereinafter referred to as the First Act), or the Madras Hereditary Village Offices Act, 1895(Madras Act III of 1895) (hereinafter referred to as the Second Act), applies.

2. Village office to which the Act applies :-

This Act shall apply to the village offices referred to in section 2 of the First Act, or forming classes (1) and (3) in section 3 of the Second Act.

3. Re-registry of minors and disqualified persons and appointment of deputies :-

Where new villages formed by the grouping or amalgamation of villages are redivided or regrouped into the old component villages and new offices are created, or where the number of village offices which has been reduced is restored,

if such formation or reduction was after the 1st day of June 1920 and Re-appointment in certain cases of village officers who held office at the date of grouping or amalgamation of Villages or reduction in number of offices.

such redivision or regrouping or restoration is made on or before the 31st day of December 1926 or such later date as may be fixed by the ¹[State Government]:-

The Collector shall, notwithstanding anything contained in the First Act or the Second Act,

(a) re-appoint the village officers who held such office at the date of such grouping or amalgamation or of such reduction unless they have become disqualified on the grounds defined by clause (c) or (e) of sub-section (1) of section 10 of the First Act or the Second Act or clause (c) of sub-section (1) of section 11 of the Second Act; or

(b) re-register any person who stood registered at such date as the heir of the last holder of the office if he continues a minor or if having attained majority is subject to the disqualification specified in clause (d) but is not disqualified under clause (c) or (e) of sub-section (1) of section 10 of the First Act or the Second Act as the case may be and has not attained the age of 25 years and appoint some other person qualified to discharge the duties of the office until the person registered becomes qualified to discharge the duties of the office and is appointed thereto or until he attains the age of 25 years without becoming qualified in which case the vacancy shall be filled up in accordance with the provisions of sub-sections (2) and (3) of section 10 of the First Act or the Second Act or sub-sections (2) and (3) of section 11 of the Second Act as the case may be; or

Appointment of registered minor who has attained majority

(c) appoint the person who stood registered at the date aforesaid as the heir of the previous holder if he has attained majority and is eligible for appointment under the provisions of the Act applicable.

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.

4. Method of filling up vacancy when no person is available for appointment :-

Where by reason of death or disqualification under section 3, no person is available for appointment under section 3, or where by failure of the person entitled to join office within six months of a notice sent by registered post to his last known address, the office remains vacant, the vacancy shall be filled up in accordance with the provisions of the First or the Second Act as though the vacancy had occurred by the death on the date of the passing of this Act of the person who held the office on the date of the amalgamation or grouping or reduction, or, if there was no person who held the office on that date, as upon the date of the death of the person who last held it before that date.

5. Certain Persons deemed not to have held office :-

A person appointed under section 12 or 13 of the First Act or under sub-section (4) or (5) of section 10 or sub-section (4) of section 11

of the Second Act to perform or discharge the duties of the office shall not be deemed to have held the office.

6. Appeal against orders declaring a person to be disqualified for appointment :-

Any person who would otherwise be entitled to appointment or re-appointment under section 3 but is declared by the Collector to be disqualified therefor may within two months appeal to the District Collector whose decision shall be final:

Provided that if the District Collector is the officer who passed the order of disqualification under section 3 an appeal shall lie within three months to the Board of Revenue whose decision shall be final.

7. Jurisdiction of civil courts barred :-

No civil court shall take cognizance of a suit instituted to set aside or modify any order passed under this Act.

Saving.

Nothing in this section shall affect the right of suit which a person may have under the provisions of the Second Act in cases falling under section 4.