
Tamil Nadu Land Reforms (Fixation Of Ceiling On Land) Amendment And Special Provisions Act, 2003

26 of 2003

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An Act further to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows :-

Statement of Objects and Reasons

The Tamil Nadu Land Reforms Special Appellate Tribunal has been constituted under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961, (Tamil Nadu Act 58 of 1961) for adjudication or trial of any dispute or complaint with respect to land reform matters arising under that Act. It started functioning from 1-11-1990. Consequent on the formation of the Tamil Nadu Land Reforms Special Appellate Tribunal, all the Writ Petitions and Civil Revision Petition pending before the High Court of Madras relating to the said matter were transferred to the Tribunal for disposal. The said Tribunal has appellate and reversionary powers also.

2. The Staff and Expenditure Reforms Commission has stated that the agriculture land reform legislation fixed ceilings as on 1960 and 1970 and the Urban Land Ceiling legislation has been repealed in 1999, hence it is unlikely that a number of fresh appeals are to be

filed. For the last 4 years, this Tribunal did not have adequate work. Hence, Staff and Expenditure Reforms Commission has recommended that the Tamil Nadu Land Reforms Special Appellate Tribunal may be wound up. 3. The Government have considered the said recommendation of the Commission and decided to wind up the said Tribunal. Therefore, the Government have decided to amend the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961), suitably. 4. The Bill seeks to give effect to the above decision. 1. Received the assent of the Governor on the 1st July, 2003 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Issue No. 198, dated 7th July, 2003. 2. Vide T.N. Bill No.23 of 2003 - Published in Tamil Nadu Government Gazette, Issue No. 130, dated 10th May, 2003.

1. Short Title And Commencement :-

(1) This Act may be called the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment and Special Provisions Act, 2003.

(2) It shall come into force at once.

2. Amendment To Sections 3, 13,14 And 34 :-

In the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) (hereinafter referred to as the principal Act),-

(a) in Section 3, clause (39-4) shall be omitted;

(b) in Section 13, in sub-section (1), in clause (i) the words "or the Special Appellate Tribunal" shall be omitted;

(c) in Section 14, in sub-section (1), the words "or the Special Appellate Tribunal" shall be omitted;

(d) in Section 34, for the expression "Subject to the provisions of Section 83, the decision" the expression "The decision" shall be substituted.

3. Omission Of Chapter X-A :-

Chapter X-A of the principal Act shall be omitted.

4. Amendment Of Section 79 :-

In Section 79 of the principal Act, including marginal heading, for the words "Special Appellate Tribunal", wherever they occur the words "High Court" shall be substituted.

5. Substitution Of Section 83 :-

For Section 83 of the principal Act, the following Section shall be substituted, namely.-

"83. Revision by High Court.- Subject to the provisions of Section 79, every Land Tribunal shall be deemed to be a Court subordinate to the High Court for the purposes of Section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and its orders shall be liable to revision by the High Court under the provisions of that Section."

6. Amendment Of Section 84 :-

In Section 84 of the principal Act, for the words "Special Appellate Tribunal" the words "High Court" shall be substituted.

7. Amendment Of Section 105 :-

In Section 105 of the principal Act, the words "Special Appellate Tribunal" shall be omitted.

8. Insertion Of New Section 107 :-

After Section 106 of the principal Act, the following Section 107 shall be inserted, namely .-

"107. Bar of Jurisdiction of Civil Courts.- Except as otherwise provided in this Act, no civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by the authorised officer, Land Board, the Land Commissioner, the Land Tribunal or other authority."

9. Amendment Of Section 108 :-

In Section 108 of the principal Act, in clauses (c) and (e), for the words "Special Appellate Tribunal", the words "High Court" shall be substituted.

10. Transfer Of Pending Proceedings In The Special Appellate Tribunal To The High Court :-

(1) All cases connected with the land reforms dealt with under the principal Act and pending in the Special Appellate Tribunal immediately before the date of commencement of this Act as would have been within the jurisdiction of the High Court, if the causes of

action on which such proceedings are based had arisen after the said date of commencement, shall stand transferred to the High Court with effect from the date of the commencement of this Act.

(2) All cases,-

(a) connected with the validity of any order granting exemption under sub-section (1) of Section 21 of the repealed Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Tamil Nadu Act 24 of 1978) (hereafter referred to as 1978 Act) and any action taken thereunder, as referred to in clause (b) of sub-section (1) of Section 3 of the Tamil Nadu Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Tamil Nadu Act 20 of 1999) (hereafter referred to as 1999 Act); and

(b) relating to Sections 12, 13, 14, 15, 15-B and 16 of the 1978 Act in so far as such proceedings are relatable to the land, possession of which has been taken over by the State Government or any person duly authorised by the State Government in this behalf or by the Competent Authority, as referred to in the proviso to Section 4 of the 1999 Act, and pending in the Special Appellate Tribunal immediately before the date of commencement of this Act as would have been within the jurisdiction of the High Court, if the causes of action on which such proceedings are based had arisen after the said date of commencement, shall stand transferred to the High Court with effect from the date of the commencement of this Act.