

The Tamil Nadu Inams (Supplementary) Act, 1963

Act 31 of 1963

Keyword(s):

Existing Inam Estate, Inam Estates Abolition Act, Minor Inam, Minor Inams Abolition Act, Part Village Inam Estate, Transferred Territory, Whole Inam Village in Pudukkottai

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[TAMIL NADU] ACT No. 31 OF 1963².THE [TAMIL NADU] INAMS (SUPPLEMENTARY)
ACT, 1963.

[Received the assent of the President on the 28th January 1964, first published in the Fort St. George Gazette on the 5th February 1964 (Magha 16, 1885).]

An Act to provide for the determination of questions whether any non-ryotwari area in the ³[State of Tamil Nadu] is or is not an existing inam estate, a part village inam estate, a minor inam or a whole inam village in Pudukkottai.

BE it enacted by the Legislature of the ³[State of Tamil Nadu] in the Fourteenth Year of the Republic of India as follows :—

Short title,
commencement
and application.

1. (1) This Act may be called the [Tamil Nadu] Inams (Supplementary) Act, 1963.

(2) It shall come into force on such date as the State Government may, by notification, appoint :

⁴[Provided that in respect of the transferred territory, it shall come into force on a date to be appointed by the State Government which date shall be after the publication of the [Tamil Nadu] Inams (Supplementary) Amendment Act, 1968, in the **Fort St. George Gazette*.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 14th August 1963, Part IV-Section 3, pages 265—266.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ This proviso was added by section 2 (i) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 (Tamil Nadu Act 8 of 1968).

* *Now the Tamil Nadu Government Gazette.*

(3) It applies to all non-ryotwari areas in the ¹[State of Tamil Nadu] ²[*****].

2. In this Act, unless the context otherwise requires,— Definitions.

(a) “existing inam estate” shall have the same meaning as in clause (4) of section 2 of the Inam Estates Abolition Act ;

(b) “Inam Estates Abolition Act” means the ³[Tamil Nadu] Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 ;

(c) “minor inam” shall have the same meaning as in clause (9) of section 2 of the Minor Inams Abolition Act ;

(d) “Minor Inams Abolition Act” means the ³[Tamil Nadu] Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 ;

(e) “part village inam estate” shall have the same meaning as in clause (11) of section 2 of the Inam Estates Abolition Act ;

(f) “Settlement Officer” means a Settlement Officer appointed under section 3 ;

⁴[(ff) “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district;]

(g) “Tribunal” means a Tribunal having jurisdiction over the area and constituted under section 4 ;

¹ This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² The words “except the Kanyakumari district and Shencottah taluk of the Tirunelveli district” were omitted by section 2 (ii) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 (Tamil Nadu Act 8 of 1968).

³ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ This clause was inserted by section 3 of the Tamil Nadu Inams (Supplementary) Amendment Act, 1968 (Tamil Nadu Act 8 of 1968).

(h) "whole inam village in Pudukkottai" means a whole inam village in the merged territory of Pudukkottai, but not including the whole inam villages specified in Schedule I to the Inam Estates Abolition Act.

Appointment of
Settlement
Officers.

3. (1) The State Government shall appoint as many Settlement Officers as may be necessary for the purposes of this Act.

(2) Each Settlement Officer shall have such jurisdiction and over such areas as the State Government may, by notification, from time to time, determine.

Constitution of
Tribunals.

4. (1) The State Government shall constitute as many Tribunals as may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

(3) Each Tribunal shall have such jurisdiction and over such areas as the State Government may, by notification, from time to time, determine.

(4) Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit or when hearing an appeal.

Determination
of questions
whether any
non-ryotwari
area is or is not
an existing inam
estate, etc.

5. (1) Notwithstanding anything contained in the ¹[Tamil Nadu] Estates Land Act, 1908 (¹[Tamil Nadu] Act 1 of 1908) or in any other law for the time being in force, any person interested may, ²[within such period as may be

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² These words were substituted for the words, brackets and figures "within three months from the notified date as defined in clause (10) of section 2 of the Inam Estates Abolition Act or from the date of publication in the District Gazette, under sub-section (5) of section 1 of the Minor Inams Abolition Act, of a copy of the notification under sub-section (4) of the said section 1" by section 2(a) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1967 (Tamil Nadu Act 14 of 1967).

prescribed], make an application to the Settlement Officer for a declaration that the non-ryotwari area specified in the application is or is not—

- (i) an existing inam estate ; or
- (ii) a part village inam estate ; or
- (iii) a minor inam ; or
- (iv) a whole inam village in Pudukkottai :

Provided that the Settlement Officer may, in his discretion, allow further time ¹[not exceeding such period as may be prescribed] for the making of any application under this section.

(2) On receipt of an application under sub-section (1) the Settlement Officer shall after giving notice in the prescribed manner to the applicant, to the State Government if the State Government is not the applicant, to the landholder or the inamdar, as the case may be, and if the applicant is the landholder or the inamdar, as the case may be, to the person in occupation of the land in the area concerned, and after publishing the notice in the prescribed manner in the village and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision whether the non-ryotwari area concerned is an existing inam estate, or a part village inam estate or a minor inam or a whole inam village in Pudukkottai.

¹ These words were substituted for the words "not exceeding thirty days" by section 2(b) of the Tamil Nadu Inams (Supplementary) Amendment Act, 1967 (Tamil Nadu Act 14 of 1967).

Appeal.

6. (1) Against the decision of the Settlement Officer under sub-section (2) of section 5, the State Government or any person aggrieved by such decision may, within three months from the date of the decision, appeal to the Tribunal :

Provided that the Tribunal may in its discretion allow further time not exceeding two months for the filing of any such appeal.

(2) In deciding an appeal under this section the Tribunal shall follow such procedure as may be prescribed.

Revision by
High Court.

7. The 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.

Decision under
this Act to be
binding.

8. Every decision of the Settlement Officer, subject to any decision of the Tribunal or of the High Court, and every decision of the Tribunal subject to any decision of the High Court shall be binding on all persons claiming an interest in any land in the non-ryotwari area concerned notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in the proceedings before the Settlement Officer, the Tribunal or the High Court, as the case may be.

Defect not to
invalidate deci-
sion of Settle-
ment Officer,
Tribunal, etc.

9. No decision of the Settlement Officer or of the Tribunal or of the High Court shall be invalid by reason of any defect in the form of any notice issued by him or it or in the manner of publication of such notice.

Jurisdiction of
Civil and
Revenue Courts
barred in cer-
tain matters.

10. Save as otherwise expressly provided in this Act, no Civil or Revenue Court and no Tribunal constituted under any other law shall have jurisdiction—

(a) to adjudicate upon any question whether any non-ryotwari area is or is not an existing inam estate or a part village inam estate or a minor inam or a whole inam, village in Pudukkottai; or

(b) in respect of any matter which the Settlement Officer or the Tribunal is empowered by or under this Act to determine.

(1) Where in any suit or appeal or other proceeding before any Court (other than the High Court) or other authority any question is in issue whether a particular area is or was an existing inam estate or a part of an inam estate or a minor inam or a whole inam village or *shakkottai*, such question shall be referred to the Settlement Officer for determination. Settlement Officer to give decision in certain cases referred to him.

(2) Notwithstanding any reference made to the Settlement Officer under sub-section (1), the Court or other authority which made the reference may pass such interim orders in respect of the suit, appeal or other proceeding as are allowed by law.

(3) Any reference under sub-section (1) shall be deemed to be an application under sub-section (1) of section 5 and the provisions of this Act shall, as far as they may be, apply accordingly.

(4) The decision of the Settlement Officer or of the Tribunal or of the High Court, as the case may be, under this section shall be communicated to the Court or other authority which made the reference and thereupon such Court or other authority shall proceed to dispose of the case.

12. In cases in which, before the notified date a Tribunal or the Special Appellate Tribunal constituted under the [Tamil Nadu] Estates (Supplementary) Act, 1956 (Act XXX of 1956), has given a finding under that Act that a particular area is an inam village which became an estate by virtue of the [Tamil Nadu] Estates Land (Amendment) Act, 1936 (Act XVIII of 1936), that finding shall be final and shall be binding for the purposes of this Act. Decision under [Tamil Nadu] Act XXX of 1956 to be binding.

This expression was substituted for the expression "Madras" by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Power to make rules.

13. (i) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the procedure to be followed by the Settlement Officer and the Tribunal ;

(c) the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) to proceedings before the Settlement Officer ;

(d) the fees to be paid in respect of applications and appeals under this Act ;

(e) the transfer of proceedings from one Settlement Officer or Tribunal to another.

(3) All rules made under this Act shall be published in the **Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the section in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

* Now the *Tamil Nadu Government Gazette*.