

**The Tamil Nadu Occupants of Kudiyruppu (Protection from Eviction) Act,
1961**

Act 38 of 1961

Keyword(s):

Agricultural Labourer, Agricultural Land, Agriculturist, Authorised Officer, Kudiyruppu, Person Interested, Plantation, Plantation Labourer, Tenant

Amendment appended: 35 of 1982

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



1961: T. N. Act 38] *Occupants of Kudiyiruppu (Protection from Eviction)*

739

THE TAMIL NADU OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT, 1961.

ARRANGEMENT OF SECTIONS.

SECTIONS.

- 1 Short title and extent.
- 2 Definitions.
- 3 Persons occupying kudiyiruppu not to be evicted.
- 4 Right to restoration of possession of kudiyiruppu.
- 5 Owner's right to apply to authorized officer.
- 6 Authorized officer to hold summary enquiry.
- 7 Appeals.
- 8 Saving.
- 9 Act to override other laws, contracts, etc.
- 10 Costs.
- 11 Bar of jurisdiction of civil courts.
- 12 Indemnity.
- 13 (omitted.)
- 14 Power to make rules.

Occupants of Kudiyiruppu [1961 : T.N. Act 38
(Protection from Eviction)]

¹[TAMIL NADU] ACT No. 38 OF 1961².

THE ¹[TAMIL NADU] OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT, 1961.

[Received the assent of the President on the 10th November 1961, first published in the Fort St. George Gazette on the 29th November 1961 (Agrahayana 8, 1883).].

An Act to provide for the protection from eviction of persons occupying kudiyiruppu in the ³[State of Tamil Nadu]

WHEREAS it is necessary to provide for the protection from eviction of persons occupying kudiyiruppu in the ³[State of Tamil Nadu] ;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the ¹[Tamil Nadu] Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961.

⁴[Short title and extent].

(2) It extends to the whole of the ³[State of Tamil Nadu].

¹These 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, Part IV—Section 3, dated the 24th August 1961 pages 279-280.

Nothing in this Act as re-enacted by the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Re-enacting Act, 1975 (Tamil Nadu Act 23 of 1975) or in the latter Act shall be deemed to affect the operation of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 (Tamil Nadu Act 40 of 1971)—Please see section 4 of Tamil Nadu Act 23 of 1975.

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

⁴This heading was substituted for the heading "Short title, extent and duration" by section 2 (1) (a) of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Re-enacting Act, 1975 (Tamil Nadu Act 23 of 1975), which was deemed to have come into force on the 29th November 1973.

1[(3)* * * * *]

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

(1) “agricultural labourer” means a person whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land ;

(2) “agricultural land” means any land used for any of the following purposes, namely :—

- (a) horticulture ;
- (b) the raising of crops, grass or garden produce;
- (c) grazing ;
- (d) the raising of manure crops ;
- (e) dairy farming ;
- (f) poultry farming ;
- (g) livestock breeding ;
- (h) growing of trees ; and

(i) includes any land used for any purpose subservient to the above purposes, any forest land, pasture land, plantation, orchard and tope; but

(ii) does not include house-site or land used exclusively for non-agricultural purposes ;

¹ The original sub-section (3) read as follows :—

“(3) It shall remain in force for a period of three years”.

In the said sub-section, the period of “three years” has subsequently been amended as “six years”, “nine years” and “twelve years” respectively by section 2 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1964 (Tamil Nadu Act 24 of 1964), by section 2 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1967 (Tamil Nadu Act 15 of 1967) and by section 2 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1970 (Tamil Nadu Act 1 of 1971), which was deemed to have come into force on the 23rd November 1970. Sub-section (3) as so amended was finally omitted by section 2 (1) (b) of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Re-enacting Act, 1975 (Tamil Nadu Act 23 of 1975), which was deemed to have come into force on the 29th November 1975.

742 *Occupants of Kudiyiruppu* [1961 : T.N. Act 38
(*Protection from Eviction*)

(3) "agriculturist" means a person who cultivates agricultural land by the contribution of his own manual labour or of the manual labour of any member of his family ;

(4) "authorized officer" means any Gazetted Officer authorized by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorized officer under this Act for such area as may be specified in the notification ;

(5) "Government" means the State Government ;

(6) "kudiyiruppu" means the site of any dwelling house or hut occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer and includes such other area adjacent to the dwelling house or hut as may be necessary for the convenient enjoyment of such dwelling house or hut ;

Explanation.—It shall be presumed that any person occupying the kudiyiruppu is an agricultural labourer or an agriculturist, until the contrary is proved.

(7) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under a tenancy agreement, express or implied, and includes his heirs and legal representatives.

Persons
occupying
kudiyiruppu
not to be
evicted.

3. 1[(1) Save as otherwise provided in this Act, no person occupying any kudiyiruppu shall be evicted from such kudiyiruppu.

¹ These sub-sections were substituted for the following sub-sections (1) and (2) by section 2 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1971 (Tamil Nadu Act 20 of 1971):—

"(1) Subject to the provisions of sub-section (3), no person occupying any kudiyiruppu on the 31st March 1959 shall be evicted from such kudiyiruppu.

(2) Subject to the provisions of sub-section (3), any person occupying any kudiyiruppu on the 31st March 1959, shall be entitled to continue to occupy the kudiyiruppu on the same terms and conditions as were applicable to him on such date."

875

1961 : T.N. Act 38] *Occupants of Kudiyiruppu* 743
(*Protection from Eviction*)

(2) Save as otherwise provided in this Act, any person occupying any kudiyiruppu shall be entitled to continue to occupy the kudiyiruppu on terms and conditions not less favourable than those applicable to him on the date on which he occupied such kudiyiruppu.]

(3) Sub-sections (1) and (2) shall not apply to any person occupying any kudiyiruppu—

(a) if he has done any act or has been guilty of any negligence which is destructive of, or injurious to, the property belonging to the owner of the kudiyiruppu; or

(b) if he has wilfully denied the title of the owner of the kudiyiruppu.

Explanation.—A denial of the owner's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause.

(4) In computing the period of limitation prescribed for an application for the execution of a decree or order for the eviction of a person occupying any kudiyiruppu, the time during which he was protected by sub-section (1) from eviction shall be excluded.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a person occupying any kudiyiruppu notwithstanding that any other relief is also granted by such decree or order.

4. [(1)] If any person who was occupying any kudiyiruppu on the 31st March 1959 has been evicted from such kudiyiruppu after such date, but before the date of the publication of this Act in the **Fort St. George Gazette* or is evicted from such kudiyiruppu after the date of such publication, he may, within a period of six months after the date of the publication of this Act in the **Fort St. George Gazette* or after the date of eviction, as the case may be, apply to the authorized officer within whose jurisdiction

Right to restoration of possession of kudiyiruppu.

¹ Section 4 was renumbered as sub-section (1) of that section by section 3 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1971 (Tamil Nadu Act 20 of 1971).

*Now the *Tamil Nadu Government Gazette*.

744 *Occupants of Kudiyiruppu*
(*Protection from Eviction*)

[1961: T.N. Act 38

the kudiyiruppu is situated in such form as may be prescribed for restoration to him of the possession of the kudiyiruppu from which he was evicted, and to occupy it subject to the same terms and conditions, as far as may be, as were applicable to him on the 31st March 1959.

¹[(2) If any person occupying any kudiyiruppu, to whom sub-section (1) does not apply, has been evicted from such kudiyiruppu on or after the 1st February 1969, but before the date of the publication of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1971, in the *Tamil Nadu Government Gazette*, or is evicted from such kudiyiruppu after the date of such publication, he may within a period of six months after the date of such publication or after the date of eviction, as the case may be, apply to the authorized officer within whose jurisdiction the kudiyiruppu is situated in such form as may be prescribed for restoration to him of the possession of the kudiyiruppu from which he was evicted, and to occupy it subject to the same terms and conditions, as far as may be as were applicable to him on the date on which he was evicted.]

²[(3) If any person who was occupying any kudiyiruppu on the 28th November 1973 has been evicted from such kudiyiruppu after such date, but before the date of the publication of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Re-enacting Act, 1975, in the *Tamil Nadu Government Gazette*, he may, within a period of six months after the date of such publication, apply to the authorized officer within whose jurisdiction the kudiyiruppu is situated in such form as may be prescribed for restoration to him of the possession of the kudiyiruppu from which he was evicted, and to occupy it subject to the same terms and conditions, as far as may be, as were applicable to him on the 28th November 1973.]

¹ Section 4 was renumbered as sub-section (1) of that section and this sub-section was added by section 3 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1971 (Tamil Nadu Act 20 of 1971).

² This sub-section was added by section 2 (2) of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Re-enacting Act, 1975 (Tamil Nadu Act 23 of 1975), which was deemed to have come into force on the 29th November 1973.

1961: T.N. Act 38]

Occupants of Kudiyruppu 745
(*Protection from Eviction*)

5. Any owner of kudiyruppu seeking to evict for any of the reasons mentioned in sub-section (3) of section 3 any person occupying any kudiyruppu may, whether or not there is an order or decree of court for the eviction of such person, make an application for such eviction to the authorized officer within whose jurisdiction the kudiyruppu is situated, in such form and within such time as may be prescribed.

Owner's right
to apply to
the
authorized
officer.

6. On receipt of the application under section 4 or section 5, the authorized officer shall, after giving a reasonable opportunity to the parties concerned to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and shall communicate a copy of such order to the party concerned.

Authorized
officer to
hold sum-
mary enquiry.

7. (1) Against any order passed by the authorized officer under section 6, any person aggrieved by such order may, within sixty days from the date of the order, appeal to the District Collector :

Appeals.

Provided that the District Collector may admit an appeal presented after the expiry of the said period if he is satisfied that the party concerned had sufficient cause for not presenting it within the said period.

Explanation.—For the purposes of this sub-section, “date of the order” means the date on which the order is communicated to the party concerned.

¹[(2) The provisions of section 4 and of sub-sections (1) and (2) of section 12 of the Limitation Act, 1963 (Central Act 36 of 1963) shall, as far as may be, apply to any appeal under sub-section (1)].

¹ This sub-section was substituted for the following sub-section by section 3 of the Tamil Nadu Occupants of Kudiyruppu (Protection from Eviction) Amendment Act, 1964 (Tamil Nadu Act 24 of 1964) :—

“(2) The provisions of section 4 and of sub-sections (1) and (2) of section 12 of the Indian Limitation Act, 1908 (Central Act IX of 1908) shall, as far as may be, apply to any appeal under sub-section (1).”

746

*Occupants of Kudiyiruppu
(Protection from Eviction)*

[1961 : T.N. Act 38]

(3) An appeal to the District Collector under subsection (1) shall be in such form and shall be accompanied by such fee as may be prescribed.

(4) The District Collector may, after giving the parties to the appeal, an opportunity of being heard, pass such order thereon as he thinks fit and shall communicate a copy of such order to the party concerned.

(5) The District Collector may stay the execution of any order passed by the authorized officer pending the exercise of his powers of appeal under this section.

Saving.

8. Nothing contained in this Act shall be deemed to affect the application of the Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1955 (Travancore-Cochin Act XIII of 1955), as in force in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district, to a kudikidappukaran as defined in section 2 (c) of that Act.

Act to over-
ride other
laws, con-
tracts, etc.

9. Subject to the provisions of section 8, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.

Costs.

10. The costs of, and incidental to, all proceedings before the authorized officer or the District Collector shall be in his discretion.

Bar of juris-
diction of
civil courts.

11. No civil court shall have jurisdiction in respect of any matter in which the authorized officer or the District Collector is empowered by or under this Act to decide and no injunction shall be granted by any court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.

Indemnity.

12. No suit, prosecution or other legal proceeding shall lie against the authorized officer or the District Collector for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

1961 : T.N. Act 38]

*Occupants of Kudiyiruppu
(Protection from Eviction)*

747

1[13. *** ** *

14. (1) The Government may make rules to carry out the purposes of this Act. Power to make rules.

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

(a) the form of application to be made to the authorized officer under section 4 or section 5 ;

(b) the manner of holding summary enquiry under section 6 ;

(c) the manner of communicating to the parties the order under section 6 or under sub-section (4) of section 7 ;

(d) the form of appeal, and the fee payable, under sub-section (3) of section 7.

²[(2-A) The Government may make rules providing for the preparation of record of persons occupying kudiyiruppu. Such rules may also provide for appeal and revision.]

(3) All rules made under this Act ³[* * * *] 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.

¹ The following section 13 was omitted by section 4 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1971 (Tamil Nadu Act 20 of 1971) :—

“ 13. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.”

² This sub-section was inserted by section 5 (i), *ibid.*

³The words and figures “ and all orders made under section 13 ” were omitted by section 5 (ii), *ibid.*

* Now the *Tamil Nadu Government Gazette*.

Occupants of Kudiyiruppu [1961 : T.N. Act 38
(*Protection from Eviction*)

(4) Every rule made under this Act ¹[* * * *] 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 session in which it is so placed or the next session, both Houses agree in making any modification in any such rule ²[**] or both Houses agree that the rule ²[***] should not be made, the rule ²[***] 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 ²[* *].

¹ The words and figures "and every order made under section 13" were omitted by section 5 (iii) of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Amendment Act, 1971 (Tamil Nadu Act 20 of 1971).

² The words "or order" were omitted by section 5 (iii), *ibid.*

864

*Kudiyiruppu Laws
(Amendment)*

[1982: T.N. Act 35]

TAMIL NADU ACT NO. 35 OF 1982. ***THE TAMIL NADU KUDIYIRUPPU LAWS
(AMENDMENT) ACT, 1982.**

[Received the assent of the President on the 26th June 1982, first published in the Tamil Nadu Government Gazette Extraordinary on the 30th June 1982 (Aani 16, Thunthubi, Thiruvalluvar Aandu—2013).]

An Act further to amend the Tamil Nadu Kudiyiruppu Laws.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Kudiyiruppu Laws (Amendment) Act, 1982.

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

Amendment of section 2, Tamil Nadu Act 38 of 1961.

2. In clause (4) of section 2 of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961), for the words "Gazetted Officer", the words "Revenue Officer not below the rank of Tahsildar" shall be substituted.

3-6. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 (Tamil Nadu Act 40 of 1971).]

7-8. [The amendments made by these sections have been incorporated in the principal Act, namely, the Tamil Nadu Rural Artisans (Conferment of Ownership of Kudiyiruppu) Act, 1976 (President's Act 38 of 1976).]

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 24th August 1982, Part IV—Section 1, pages 693—695.

5/10