

The Tiruchirappalli Kaiaeruvaram and Mattuvaram Act, 1958

Act 36 of 1958

Keyword(s):

Garden Land, Kaiaeruvaramdar, Landowner, Mattuvaramdar

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[TAMIL NADU] ACT No. XXXVI OF 1958.

**[THE TIRUCHIRAPPALLI KAIARUVARAM AND MATTUVARAM
ACT, 1958.]**

Received the assent of the President on the 26th March 1958 ; first published in the "Fort St. George Gazette, Extraordinary" on the 31st March 1959 (Chaitra 10, 1881).]

An Act to define the conditions of engagement and to provide for the protection of kajaeruvaramdars and mattuvaramdars in certain areas in the district of Tiruchirappalli.

WHEREAS in certain areas of Tiruchirappalli district certain peculiar kinds of relationship in respect of land called *kajaeruvaram* and *mattuvaram* are prevalent and whereas the uncertainties regarding the incidents of those relationships have led to frequent disputes between the landowners and *kajaeruvaramdars* and *mattuvaramdars*, leading to unsettled conditions and breaches of peace and causing fall in agricultural production ;

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.

²For Statement of Objects and Reasons, see *Fort St. George Gazette, Extraordinary*, dated the 9th September 1958, Part IV-A, pages 435 to 436.

This Act was extended to Mayanoor, Manavasi and Renganathapuram villages in the Kulitalai taluk of the Tiruchirappalli district by section 2 of the Tiruchirappalli Kajaeruvaram and Mattuvaram (Extension of Application) Act, 1964 (Tamil Nadu Act 9 of 1964) which was deemed to have come into force on the 1st April 1964, subject to the following modifications :-

(i) for the expressions "commencement of this Act" and "date of the commencement of this Act" wherever they occur, the expression "1st April 1964" shall be substituted.

(ii) for the expressions "1st day of April 1959" in sub-section (3) of the section 1, "1st January 1957" in section 5, "1st January 1957" in sub-sections (1) and (2) of section 8 and "1955-56 or 1956-57" in sub-sections (1) and (2) of section 9, the expressions "1st day of April 1964", "1st January 1960", "1st January 1960" and "1960-61 or 1961-62" shall respectively be substituted.

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AND WHEREAS it is expedient to define the conditions of engagement and to provide for the protection of *kaiaeruvaramdars* and *mattuvaramdars* in certain areas in the district of Tiruchirappalli ;

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

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Tiruchirappalli *Kaiaeruvaram and Mattuvaram* Act, 1958.

(2) It extends to the villages in the district of Tiruchirappalli specified in the schedule.

(3) It shall come into force on the 1st day of April 1959.

Definitions.

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

(a) “ garden land ” means dry land irrigated by lifting water from wells or other sources ;

(b) “ *kaiaeruvaramdar* ” means any person engaged by a landowner to do ploughing and watering operations or ploughing operation alone on a land for remuneration for such work by a share in the crop on the land in respect of which such work is done or by payment of a fixed quantity of paddy or by both such share and payment.

(c) “ landowner ” in relation to a *kaiaeruvaramdar* or *mattuvaramdar* means the owner of a land who has engaged the *kaiaeruvaramdar* or the *mattuvaramdar* and includes any person deriving any right from such owner in respect of that land ;

¹[(cc) ‘ member of the Armed Forces ’ shall have the same meaning as in clause (29) of section 3 of the ²[Tamil Nadu] Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961).]

¹This clause was inserted by section 4 (i) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act 9 of 1965).

²These 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.

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(d) "mattuvaramdār" means any person engaged by a landowner to supply bulls for ploughing operation and to do ploughing and other operations on a land for remuneration for such work by a share in the crop on the land in respect of which such work is done ;

(e) one acre of wet land shall be deemed to be equivalent to one and a half acres of garden land or three acres of dry land and any reference to acres of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land.

3. Notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court, the remuneration payable to any *kaiaeru-varamdār* shall be on the same terms as were applicable to him immediately before the commencement of this Act. Remuneration payable to *kaiaeru-varamdār*.

4. (1) Subject to the provisions of sub-sections (2) and (3), no landowner shall dismiss a *kaiaeruvaramdār* after the commencement of the agricultural operations in a crop season. Dismissal of *kaiaeruvaramdār*.

(2) Any landowner may dismiss a *kaiaeruvaramdār* for misconduct or for neglect of duty but shall within a week of the dismissal report the fact of such dismissal to the Tahsildar having jurisdiction over the area.

(3) Any landowner or *kaiaeruvaramdār* may terminate the engagement by giving notice in writing of not less than twelve months or by mutual agreement, provided that where the landowner terminates the engagement under this sub-section, he shall be liable to pay to the *kaiaeruvaramdār* such compensation as may be prescribed or such amounts as may be mutually agreed upon.

5. Any *kaiaeruvaramdār* whose engagement has been terminated on or after the 1st January 1957 and before the commencement of this Act shall, on application made within thirty days after the commencement of this Act to the Tahsildar having jurisdiction over the area in which the land is situated, be entitled to be re-engaged as a *Kaiaeruvaramdār* under this Act by the landowner concerned. Kiaeruvaramdār to be re-engaged in certain cases.

Provided that the application may be received after the period of thirty days aforesaid if the applicant

satisfies the Tahsildar that he had sufficient cause for not making the application within that period¹:

Provided further that any order for re-engaging any *kaiaeruvaramdar* under this section shall, in respect of any land where there are standing crops on the date of such order, take effect immediately after the harvest of such crops.

Special privileges for members of the Armed Forces who was a kaiaeruvaramdar.
¹[5-A. (1) Subject to the provisions of sub-section (2), a kaiaeruvaramdar in respect of any land, who is enrolled as a member of the Armed Forces may, on discharge or retirement from service or on being sent to Reserve make within the prescribed period on application for re-engagement; to the Tahsildar having jurisdiction over the area in which the land is situated. Upon such application he shall be entitled to be re-engaged by the land owner concerned as a kaiaeruvaramdar with all the rights enjoyed by him immediately before his enrolment as a member of the Armed Forces :

Provided that any order for re-engaging any kaiaeruvaramdar under this section shall, in respect of any land where there are standing crops on the date of such order, take effect immediately after the harvest of such crops.

(2) Nothing in sub-section (1) shall be deemed to entitle the kaiaeruvaramdar to be re-engaged if, having regard to all or any of the following matters, namely :—

(a) the reduction, if any, in the extent of the land concerned after the date of the enrolment ;

(b) the nature of the agricultural operations carried on in respect of that land on or after the date of the application ;

(c) such other matters as may be prescribed ;

the Tahsildar is satisfied that it will not be just and proper to require the land owner to re-engage the kaiaeruvaramdar.

(3) In disposing of an application under sub-section (1), the Tahsildar shall follow such procedure as may be prescribed.]

¹ This section was inserted by section 4 (ii) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act 9 of 1965).

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6. (1) Save as otherwise expressly provided in this Act, Adjudication of disputes, dispute between a landowner and a *kaiaeruvaramdar* including any dismissal of a *kaiaeruvaramdar* under sub-section (2) of section 4 or any matter which affects their mutual harmonious relationship in the cultivation of land, shall, on application by any party aggrieved, or on receipt of the report made under sub-section (2) of section 4, be decided by the Tahsildar having jurisdiction over the area in which the land is situated.

Explanation.—Where the land in respect of which the *kaiaeruvaramdar* is engaged is situated in the jurisdiction of more than one Tahsildar, it shall be open to the party aggrieved to apply to any one of those Tahsildars.

(2) Against any final order passed by the Tahsildar under section 5-A or sub-section (1)], an appeal shall lie to the Revenue Divisional Officer to whom the Tahsildar concerned is subordinate within thirty days of the passing of the order unless he, for reasons to be recorded in writing, considers that there was sufficient reason for not preferring the appeal within time and condones the delay in preferring the appeal within that time; and the decision of the Revenue Divisional Officer on such appeal shall be final.

7. Notwithstanding anything contained in the ²[Tamil Nadu] Cultivating Tenants Protection Act, 1955 (²[Tamil Nadu] Act XXV of 1955) and the ²[Tamil Nadu] Cultivating Tenants (Payment of Fair Rent) Act, 1956 (²[Tamil Nadu] Act XXIV of 1956),—

(a) the provisions of those Acts shall apply to any *mattuvaramdar* under a landowner who owns more than ten acres of wet land and such a *mattuvaramdar* shall be deemed to be a cultivating tenant within the meaning of those Acts; and

(b) any *mattuvaramdar* under a landowner referred to in sub-section (2) of section 9 whose engagement has not been terminated under that sub-section shall be entitled to continue as a *mattuvaramdar* on the same terms as were applicable to him immediately before the commencement

¹ This expression was substituted for the expression "under sub-section (1)" by section 4 (iii) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act, 9 of 1965.)

² 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.

of this Act and the ¹[Tamil Nadu] Cultivating Tenants Protection Act, 1955 (¹[Tamil Nadu] Act XXV of 1955), shall as far as may be apply to him as if he were a cultivating tenant under that Act.

Transitory provision. 8. (1) Any proceeding under the ¹[Tamil Nadu] Cultivating Tenants Protection Act, 1955 (¹[Tamil Nadu] Act XXV of 1955) (hereinafter in this section referred to as the said Act), which has been disposed of on or after the 1st January 1957 and before the commencement of this Act on the footing that the said Act did not apply to any *mattuvaramdhar* referred to in clause (a) of section 7 shall, on application made by such *mattuvaramdhar* within thirty days after the commencement of this Act, be reopened and disposed of in accordance with the provisions of the said Act as if he were a cultivating tenant within the meaning of the said Act :

Provided that the application may be received after the period of thirty days aforesaid if the applicant satisfies the authority concerned that he had sufficient cause for not making the application within that period.

(2) Any *mattuvaramdhar* referred to in clause (a) of section 7 whose engagement has been terminated on or after the 1st January 1957 and before the commencement of this Act on the footing that the said Act did not apply to him at the relevant time shall, on application made within thirty days after the commencement of this Act, be entitled to be re-engaged on the terms specified in clause (b) of section 7 :

Provided that no such application shall be maintainable as against a landowner who would be entitled to terminate the engagement under sub-section (1) or sub-section (2) of section 9 to the extent specified in those sub-sections:

Provided further that the application may be received after the period of thirty days aforesaid if the applicant satisfies the authority concerned that he had sufficient cause for not making the application within that period.

(3) The provisions of section 4 of the said Act shall, so far as may be, apply to any *mattuvaramdhar* entitled to be re-engaged on an application made under sub-section (2).

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.

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(4) Notwithstanding anything contained in this section, any order for re-engaging any *mattuvar mdar* under this section shall, in respect of any land where there are standing crops on the date of such order, take effect immediately after the harvest of such crops.

[8-A. (1) Any *mattuvaramd* in respect of any land, who is entitled to the benefits conferred by section 7, and who is enrolled as a member of the Armed Forces may, on discharge or retirement from service or on being sent to Reserve, make within the prescribed period an application for re-engagement to the Revenue Divisional Officer having jurisdiction over the area in which the land is situated. Upon such application he shall be entitled to be re-engaged by the land owner concerned as a *mattuvaramd* in respect of that land with all the rights enjoyed by him immediately before his enrolment as a member of the Armed Forces:

Special privileges for member of the Armed Forces who was a *mattuvaramd*.

Provided that any order for re-engaging any *mattuvaramd* under this section shall, in respect of any land where there are standing crops on the date of such order, take effect immediately after the harvest of such crops.

(2) In disposing of an application under sub-section (1), the Revenue Divisional Officer shall follow such procedure as may be prescribed.

8-B. Where a member of the Armed Forces dies while in service, the special privileges conferred by sections 5-A and 8-A on such member shall be available to the widow of such member, or any person dependent upon such member immediately before his death.]

Special privileges under sections 5-A and 8A to ensure to widow and dependents.

9. (1) Notwithstanding anything contained in sections 7 and 8, a landowner who owns not more than three acres of wet land and who has not been assessed to any sales tax or income-tax under the respective laws relating to the levy of such taxes during 1955-56 or 1956-57 shall be entitled to terminate the engagement of any *mattuvaramd* as if this Act had not been passed.

Landowner entitled to resume possession in certain cases.

¹ These sections were inserted by section 4(iv) of the Tamil Nadu Tenancy (Amendment) Act, 1965 (Tamil Nadu Act 9 of 1965).

(2) Notwithstanding anything contained in sections 7 and 8, a landowner who owns not more than ten acres of wet land and who has not been assessed to any sales tax or income-tax under the respective laws relating to the levy of such taxes during 1955-56 or 1956-57 shall be entitled to terminate the engagement of the *mattuvaramdars* as if this Act had not been passed :

Provided that the total extent of land in respect of which any such landowner as is referred to in this sub-section shall be entitled to so terminate the engagement of the *mattuvaramdars* shall not exceed three acres of wet land inclusive of the wet land on which such landowner has been carrying on personal cultivation :

Provided further that any such landowner as is referred to in this sub-section shall have the right of choosing the lands in respect of which he desires to terminate the engagement of the *mattuvaramdar*.

(3) Any landowner desiring to terminate the engagement of the *mattuvaramdars* under sub-section (1) or under sub-section (2) shall apply to the Revenue Divisional Officer in whose jurisdiction the lands or any part thereof are situate and the provisions of sub-section (2) of section 4-A of the [Tamil Nadu] Cultivating Tenants Protection Act, 1955 (¹[Tamil Nadu] Act XXV of 1955), [shall, so far as may be, apply to an application made under this sub-section.

(4) No person who is not entitled to terminate the engagement of the *mattuvaramdars* under this section on the date of the commencement of this Act shall be deemed to be so entitled by reason of any subsequent change in his circumstances.

Levy of court fee. 10. Every application or memorandum of appeal under this Act shall bear a court-fee stamp of one rupee.

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.

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11. The Revenue Divisional Officer 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 any order of the Revenue Divisional Officer under this Act shall be liable to revision by the High Court under the provisions of that section.

Revision by
the High
Court.

12. No civil court shall entertain any suit or other proceeding to set aside or modify any order, decision or award passed by any Tahsildar, Revenue Divisional Officer or other authority under this Act or in respect of any other matter falling within his or its scope.

Bar of juris-
diction of
civil court.

13. (1) The State Government may, by notification, make rules to carry out the purposes of this Act, and in particular for the execution or enforcement of any orders, decisions or awards passed thereunder or for the removal of any doubts or difficulties which may arise in giving effect to the provisions thereof.

Power to
make rules.

(2) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.

14. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty. A copy of every order passed under this section shall be laid before each House of the Legislature as soon as possible after they are made and shall be subject to such modifications whether by way of repeal or amendment as the Legislature may make in the same session or in the next session.

Power to
remove diffi-
culties.

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SCHEDULE.

[See section 1 (2).]

<i>Serial number.</i>	<i>Revenue number.</i>	<i>Name of village.</i>
(1)	(2)	(3)
<i>(1) Kulitalai taluk.</i>		
1	15	Krishnarayapuram.
2	13A	Mahadanapuram North.
3	14	Kammanallur.
4	11	Kallapalli.
5	12	Chintalavady.
6	10	Pillapalayam.
7	8	K. Pettai.
8	7	Vadiyam.
9	6	Manathattai.
10	5	Vaigainallur North.
11	4	Kulitalai.
12	3	Rajendram.
13	2	Marudur North.
14	1	Kumaramangalam.
15	37	Poyyamani.
16	38	Nangavaram North.
17	38A	Nangavaram South.

(2) Musiri taluk.

1	30	Natham.
2	32	Arasalur.
3	33	Thottiam.
4	48	Ayyampalayam.
5	54	Amur.
6	55	Konasilam.
7	46	Sundakkai.
8	47	Vellur.
9	28	Sriramasamudram.
10	86	Alagarai.
11	34	Sithur.

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<i>Serial number.</i>	<i>Revenue number.</i>	<i>Name of village.</i>
(1)	(2)	(3)

(3) *Karur taluk.*

1	22A	Nerur North.
2	22B	Nerur South.
3	23	Achamapuram.
4	25	Somur.
5	26	Koyampalli.

(4) *Tiruchirappalli taluk.*

1	14	Andanallur.
2	17	Sirugamani.
3	19	Kulumani.

(5) *Lalgudi taluk.*

1	2	Kariamannickam.
2	3	Kilianallur.
3	4	Melpathu.
4	11	Ulundangudi.
5	14	Manachanallur.
6	18	Melaseedevimangalam.
7	19	Vengangudi.