The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980

Act 15 of 1980

Keyword(s):
Cultivating Tenant, Landlord, Pay, Public Trusts Act, Tenants Protection Act

Amendments appended: 37 of 1980, 31 of 1981

TAMIL NADU ACT NO. 15 of 1980.*

THE TAMIL NADU CULTIVATING TENANTS ARREARS OF RENT (RELIEF) ACT, 1980.

[*Received the assent of the President on the 22nd April* 1980, *first published in the* Tamil Nadu Government Gazette *Exrtraordinary on the 26th April* 1980 (*Chithirai* 14, *Rowthiri*—2011—*Thiruvalluvar Aandu*).]

An Act to provide relief to cultivating tenants in respect of certain arrears of rents.

WHEREAS by the Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1976 (President's Act 36 of 1976), cultivating tenants in the State were given protection from eviction on the ground of arrears of rent;

AND WHEREAS the said Act will be in force only up to and inclusive of the 15th July 1980 ;

AND WHEREAS after the expiration of the said Act, it will be difficult for the cultivating tenants to pay the entire arrears outstanding on the 16th July 1980 ;

AND WHEREAS due to default in the payment of arrears of rent, landlords may take action against cultivating tenants for eviction and for recovery of arrears of rent ;

AND WHEREAS, in the interests of the general public, cultivating tenants should, at the present time, be spared the distractions and expenditure involved in such action in order that the maximum possible advantage may result to the State in the matter of production of food crops ;

AND WHEREAS it is considered necessary, as part of agrarian reform, to give relief to cultivating tenants from the heavy burdens of discharging arrears of rent, on certain conditions specified;

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

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 7th February 1980, Part IV-Section 1, page 53.

Short title. 1. This Act may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980.

Declaration. 2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in Part IV, and in particular clause (c) of Article 39 and Article 46 of the Constitution.

Definitions. 3. In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means the Revenue Divisional Officer or authorized officer having jurisdiction to entertain a proceeding for the eviction of a cultivating tenant under the Tenants Protection Act or the Public Trusts Act, as the case may be ;

(*b*) "court" means—

(i) any court in which any suit or proceeding for the recovery of any arrears of rent from a cultivating tenant is pending on the date of the publication of this Act ; or

(ii) any court which has passed a decree or order for such recovery ; or

(iii) any court to which such decree or order has been sent for execution ;

(*c*) "cultvating tenant" means—

(i) a cultivating tenant as defined in clause (aa) of section 2 of the Tenants Protection Act ; or

(ii) a cultivating tenant as defined in clause (5) of section 2 of the Public Trusts Act ;

(*d*) "date of the publication of this Act" means the date of the publication of this Act in the *Tamil Nadu Government Gazette* ;

(*e*) "landlord" means a landlord as defined in clause (*e*) of section 2 of the Tenants Protection Act and includes a public trust as defined in clause (25) of section 2 of the Public Trusts Act ;

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(*f*) "pay" with its grammatical variations includes deliver ;

[1] [* * *]

(*h*) "Public Trusts Act" means the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands Act, 1961 (Tamil Nadu Act 57 of 1961);

(*i*) "Tenants Protection Act" means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955);

(*j*) all other words and expressions used, but not defined in this Act and defined in the Tenants Protection Act or in the Public Trusts Act shall have the same meaning as in the Tenants Protection Act or in the Public Trusts Act as the case may be.

Relief for payment of arrears of rent.

[2][**4.** (1) All arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1972 and for any previous fasli year and outstanding on the date of the publication of this Act, shall be deemed to be dicharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant,—

(i) has, before the date of the publication of this Act, paid to the landlord or deposited in the court or before the competent authority, to the account of the landlord; or

(ii) pays to the landlord or deposits in the court or before the competent authority, to the account of the landlord in the manner specified in sub-sections (2) and (5) ; or

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[1] The following clause (g) was omitted by section 3 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980 (Tamil Nadu Act 37 of 1980) which was deemed to have come into force on the 26th April 1980:—

"(g) "previous arrears" means the total amount of arrears of rent accrued due to the landlord before the 30th June 1973 and outstanding on the date of the publication of this Act without interest;"

[2] Sections 4 to 6 were substituted for the following original sections by section 4 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980 (Tamil Nadu Act 37 of 1980) which was deemed to have come into force on the 26th April 1980:—

"4. *Relief for payment of arrears of rent.*—(1) All arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1976 and for any previous fasli year (hereinafter referred to as the said years) and outstanding on the date of the publication of this Act, shall be deemed to be discharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant,— *Cont.*

(iii) is deemed to have paid or deposited under thisAct,— the rent for the fasli year commencing on the 1st July 1971 and ending with the 30th June 1972 without interest (hereinafter referred to as the rent for the fasli year 1381).

(i) has, before the date of the publication of this Act, paid to the landlord or deposited in the court or before the competent authority, to the account of the landlord; or

(ii) pays to the landlord or deposits in the court or before the competent authority, to the account of the landlord in the manner specified in sub-sections (2) and (3); or

(iii) is deemed to have paid or deposited under this Act,—

(*a*) the previous arrears ; and

(*b*) one-third of the rent for each fasli year during the period commencing on the 1st July 1973 and ending with the 30th June 1976 without interest (hereinafter referred to as the reduced rent) :

Provided that where the cultivating tenant deposits in the court or before the competent authority under this Act the previous arrears or the instalments of the reduced rent, and in case where the rent is payable in kind, such deposit shall be the market value thereof on the date of such deposit.

(2) Any cultivating tenant may pay to the landlord or deposit in the court or before the competent authority to the account of the landlord,—

(*a*) the previous arrears, on or before the 30th June 1980; and

(*b*) the reduced rent in three annual instalments as specified below :—

(i) the first instalment being the one-fourth of the reduced rent on or before the 30th June 1980 ;

(ii) the second instalment being the one-half of the remainder of the reduced rent, on or before the 30th June 1981 ; and

(iii) the third instalment being the balance of the reduced rent, on or before the 30th June 1982.

(3) The court in which or the competent authority before which the deposit is made under sub-section (2) shall cause notice of the deposit to be issued to the landlord and determine after a summary enquiry, whether the amount deposited represents the correct amount of the previous arrears and the instalment of the reduced rent due from the cultivating tenant. If the court or the competent authority finds that any further sum is due towards such previous arrears or any instalment of the reduced rent, it shall allow the cultivating tenant to deposit the further sum within the period specified in that sub-section or within such further time as the court

(2) Any cultivating tenant may pay to the landlord or deposit in the court or before the competent authority to the account of

or competent authority may allow which shall not in any case exceed thirty days from the respective date specified in the said sub-section. If the court or the competent authority adjudges that no further sum is due or if the cultivating tenant deposits within the time referred to above such further sum as is ordered by the court or the competent authority, the cultivating tenant shall be deemed to have paid the previous arrears and the instalment of the reduced rent within the due date for the purposes of this Act. If having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the court or the competent authority the landlord may proceed against such cultivating tenant under the Public Trusts Act or the Tenants Protection Act, as the case may be, for arrears of rent.

(4) In any suit or proceeding pending on the date of the publication of this Act for the recovery of any arrears of rent payable by a cultivating tenant to the landlord for any fasli year in the said years, or for the eviction of a cultivating tenant for non-payment of any such arrears of rent, the court or competent authority shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the previous arrears and the reduced rent, and on the application of the cultivating tenant, pass an order dismissing, without costs, the suit or proceeding in so far as such suit or proceeding relates to such recovery or eviction.

(5) If, before the date of the publication of this Act, any decree or order has been passed in any suit or proceeding—

(i) for the recovery of any arrears of rent referred to in sub-section (4) ; or

(ii) for the eviction of a cultivating tenant for non-payment of any such arrears or rent,

the court or the competent authority shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the previous arrears and the reduced rent, and on the application of any person affected by such decree or order whether or not he was a party thereto, vacate the decree or order in so far as such decree or order relates to such recovery or eviction.

5. *Payment or deposit of rent on or after 1st July 1973 deemed to be payment towards previous arrears or reduced rent.*—(1) If, on or after the 1st July 1973, any cultivating tenant has,—

(i) made any payment, by way of rent, to the landlord; or

(ii) deposited, by way of rent, in the court or before the competent authority, to the account of the landlord,

whether or not such payment or deposit was towards the discharge of any arrears of rent payable by a cultivating tenant to the landlord for any fasli year in the said years, such payment or deposit shall be deemed to have been made towards the previous arrears or the instalments of the reduced rent in the order specified in sub-section (2) of section 4, notwithstanding anything to the contrary contained in any document or receipt, and in cases of payment through, or deposit before the court or the competent authority, it shall, on the application of the cultivating tenant, reopen the proceeding

the landlord the rent for the fasli year 1381 in three equal instalments as specified below:—

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and pass an order that the rent so paid or deposited shall be deemed to have been paid or deposited towards the previous arrears or the instalments of the reduced rent in the order specified in the said sub-section (2).

(2) If, on or after the 1st July 1973, any cultivating tenant has paid or deposited any amount towards full or part satistaction of a decree or order for the recovery of any arrears of rent referred to in sub-section (1), such amount shall be deemed to have been paid or deposited towards the previous arrears or the instalments of the reduced rent and the court or the competent authority shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, reopen the proceeding and pass an order that the amount so paid or deposited shall be deemed to have been paid or deposited towards the previous arrears or the instalments of the reduced rent in the order specified in sub-section(2) of section 4.

Explanation.—For the removal of doubts, it is hereby declared that where after adjustment of any payment to the landlord or deposit in the court or before the competent authority to the account of the landlord made by the cultivating tenant under this section, such payment or deposit falls short of the previous arrears or the reduced rent payable under sub-section (1) of section 4, the cultivating tenant shall be liable to pay the balance of the previous arrears or the reduced rent in accordance with the provisions of sub-section (2) of section 4 :

Provided that the provisions of this section shall not apply to,—

(i) any payment made to the landlord; or

(ii) any deposit made in the court or before the competent authority to the account of the landlord,

by the cultivating tenant by way of rent for the fasli year commencing on the 1st July 1976 and for any subsequent fasli year.

(3) Nothing in this section or in any other provision of this Act shall entitle any cultivating tenant to claim any refund from the landlord on the ground that the payment or deposit made on or after the 1st July 1973, towards the discharge of any arrears of rent referred to in sub-section (1) or towards full or part satisfaction of a decree or order for the recovery of any such arrears of rent, is in excess of the rent due as previous arrears or reduced rent.

6. *Bar of proceedings for eviction or recovery of arrears of rent.*—(1) No application shall be made for the eviction for non- payment of any arrears of rent payable to the landlord for any fasli year in the said years, and no suit shall be filed for the recovery of such arrears,—

(i) against any cultivating tenant till the 30th June 1980 ;

(ii) against the cultivating tenant who has paid or deposited, the previous arrears and the first instalment of the reduced rent, until the expiry of the period specified for the payment or deposit of the second instalment, in sub-section (2) of section 4 ;

(i) the first instalment, on or before the [1] [30th June 1981] ;

(ii) the second instalment, on or before the [2][31st March 1982] ;

(iii) the third instalment, on or before the 30th June 1982.

(3) All arrears of rent payable by a cultivating tenant to the landlord for the period commencing on the 1st July 1972 and ending with the 30th June 1976 and outstanding on the date of the publication of this Act, shall be deemed to be discharged, whether or not a decree or order has been obtained therefor, if such cultivating tenant,—

(i) has, before the date of the publication of this Act, paid to the landlord or deposited in the court or before the competent authority, to the account of the land lord ;or

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(iii) against the cultivating tenant who has paid or deposited the second instalment of the reduced rent, until the expiry of the period specified for the payment or deposit of the third instalment in the said sub-section (2); and

(iv) against the cultivating tenant in favour of whom further time has been granted by the court or the competent authority under sub-section (3) of section 4, until the expiry of such time.

(2) Subject to the provisions of sub-section (4) of section 4, all applications for the eviction of a cultivating tenant for non-payment of any arrears of rent referred to in sub-section (1) and all suits, proceedings in execution of decrees or orders and other proceedings pending before a court or competent authority for the recovery of any such arrears of rent or for such eviction, shall stand stayed,—

(*a*) till the 30th June 1980 ;

(*b*) till the 30th June 1981, if the cultivating tenant has paid the previous arrears and the first instalment of the reduced rent within the time specifed in sub-section (2) of section 4 ;

(*c*) till the 30th June 1982, if the cultivating tenant has paid the second instalment of the reduced rent within the time specifed in the said sub-section (2) ; and

(*d*) till the expiry of further time granted by the court or the competent authority under sub-section (3) of section 4.

(3) All applications and all suits and proceedings stayed under this section, shall after the expiration of the time limit specified therein be proceeded with against any cultivating tenant who has not paid or deposited or who is not deemed to have paid or depoisted under this Act the previous arrears and the reduced rent, within the said time limit specified in sub-section (2) of section 4 subject to the provisions of any law which may be then in force, from the stage which had been reached when the application, suit or proceeding was stayed.

[1]This expression was substituted for the expression "31st December 1980" by section 3(1)(*a*) of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981), which was deemed to have come into force on the 26th April 1980.

[2]This expression was substituted for the expression "30th June 1981" by section 3(1)(*b*), *ibid.*

(ii) pays to the landlord or deposits in the court or before the competent authority, to the account of the landlord in the manner specified in sub-sections (4) and (5) ; or

(iii) is deemed to have paid or deposited under this Act,—

(*a*) the rent for the fasli year commencing on the 1st July 1972 and ending with the 30th June 1973 without interest (hereinafter referred to as the rent for the fasli year 1382) ; and

(*b*) one-third of the rent for each fasli year during the period commencing on the 1st July 1973 and ending with the 30th June 1976 without interest (hereinafter refered to as the reduced rent) :

Provided that where the cultivating tenant deposits in the court or before the competent authority under this Act the instalments, of the rent for the falsi year 1381, the rent for the fasli year 1382, or the reduced rent, and in case where the rent is payable in kind, such deposit shall be the market value thereof on the date of such deposit.

(4) Any cultivating tenant may pay to the landlord or deposit in the court or before the competent authority to the account of the landlord,—

(*a*) the rent for the fasli year 1382 in three equal instalments as specified below :—

(i) the first instalment, on or before the [1][30th June 1981] ;

(ii) the second instalment, on or before the [2][31st March 1982] ;

(iii) the third instalment, on or before the 30th June 1982 ; and

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[1]This expression was substituted for the expression "31st December 1980" by section 3(2)(*a*)(i) of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981), which was deemed to have come into force on the 26th April 1980.

[2]This expression was substituted for the expression "30th June 1981" by section 3(2)(*a*)(ii) *ibid.*

(*b*) the reduced rent in three instalments as specified below :—

(i) the first instalment being the one-fourth of the reduced rent, on or before the [1][30th June 1981];

(ii) the second instalment being the one-half of the remainder of the reduced rent, on or before the [2][31st March 1981] ;

(iii) the third instalment being the balance of the reduced rent, on or before the 30th June 1982.

(5) The court in which or the competent authority before which the deposit is made under sub-sections (2) and (4) shall cause notice of the deposit to be issued to the landlord and determine after a summary enquiry, whether the amount deposited represents the correct amount of the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, due from the cultivating tenant. If the court or the competent authority finds that any further sum is due towards such instalments, it shall allow the cultivating tenant to deposit the further sum within the period specified in those sub-sections or within such further time as the court or competent authority may allow which shall not in any case exceed thirty days from the respective date specified in the said sub-sections. If the court or the competent authority adjudges that no further sum is due or ifthe cultivating tenant deposits within the time referred to above such further sum as is ordered by the court or the competent authority, the cultivating tenant shall be deemed to have paid the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, within the due date for the purposes of this Act. If having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the court or the competent authority the landlord may proceed against such cultivating tenant under the Public Trusts Act or the Tenants Protection Act, as the case may be, for arrears of rent.

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[1]This expression was substituted for the expression "31st December 1980" by section 3(2)(*b*)(i) of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981) which was deemed to have come into force on the 26th April 1980.

[2]This expression was substituted for the expression "30th June 1982" by section 3(2)(*b*)(ii)*ibid.*

(6) [1][In any suit or proceeding pending on the date of the publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981], for the recovery of any arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1976 and for any previous fasli year, or for the eviction of a cultivating tenant for non-payment of any such arrears of rent, the court or competent authority shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, and on the application of the cultivating tenant, pass an order dismissing, without costs, the suit or proceeding in so far as such suit or proceeding relates to such recovery or eviction.

(7) [2][If, before the date of the publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981] any decree or order has been passed in any suit or proceeding—

(i) for the recovery of any arrears of rent referred to in sub-section (6) ; or

(ii) for the eviction of a cultivating tenant for non-payment of any such arrears of rent,

the court or the competent authoirty shall, if the cultivating tenant pays or deposits, or has paid or deposited, or is deemed to have paid or deposited, under this Act, the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent and on the application of any person affected by such decree or order whether or not he was a party thereto, vacate the decree or order in so far as such decree or order relates to such recovery or eviction.

5. (1) If, on or after the 12th February 1973, any cultivating tenant has,—

(i) made any payment, by way of rent, to the landlord ; or

[1]This expression was substituted for the expression "If any suit or proceeding pending on the date of the publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980" by sub-section (3) of section 3 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981), which was deemed to have come into force on the 26th April 1980.

[2]This expression was substituted for the expression "If, before the date of publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980" by sub-section (4) of section 3, *ibid.*

(ii) deposited, by way of rent, in the Court or before the competent auhtority, to the account of the landord,

whether or not such payment or deposit was towards the discharge of any arrears of rent payable by a cultivating tenant to the landlord for the fasli year ending with the 30th June 1976 and for any previous fasli year, such payment or deposit shall be deemed to have been made towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent, in the order specified in sub-sections (2) and (4) of section 4, notwithstanding anything to the contrary contained in any document or receipt, and in cases of payment through, or deposit before, the Court or the competent authority, it shall, on the application of the cultivating tenant, reopen the proceeding and pass an order that the rent so paid or deposited shall be deemed to have been paid or deposited towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent, in the order specified in the said sub-sections (2) and (4) of section 4.

(2) If, on or after the 12th February 1973, any cultivating tenant has paid or deposited any amount towards full or part satisfaction of a decree or order for the recovery of any arrears of rent referred to in sub-section (1), such amount shall be deemed to have been paid or deposited towards the instalments, of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent and the court or the competent authority shall, on the application of any person affected by such decree or order, whether or not he was a party thereto, reopen the proceeding and pass an order that the amount so paid or deposited shall be deemed to have been paid or deposited towards the instalments,of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent in the order specified in sub-sections (2) and (4) of section 4.

Explanation.—For the removal of doubts, it is hereby declared that where after adjustment of any payment to the landlord or deposit in the court or before the competent authority to the account of the landlord made by the cultivating tenant under this section, such payment or deposit falls short of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent payable under sub-sections (1) and (3) of section 4, the cultivating tenant shall be liable to pay the balance of, the rent for

the fasli year 1381, the rent for the fasli year 1382 or the reduced rent in accordance with the provisions of sub-sections (2) and (4) of section 4 :

Provided that the provisions of this section shall not apply to,—

(i) any payment made to the landlord ; or

(ii) any deposit made in the court or before the competent authority to the account of the landlord,

by the cultivating tenant by way of rent for the fasli year commencing on the 1st July 1976 and for any subsequent fasli year.

(3) Nothing in this section or in any other provision of this Act shall entitle any cultivating tenant to claim any refund from the landlord on the ground that the payment or deposit made on or after the 12th February1973 towards the discharge of any arrears of rent referred to in sub-section (1) or towards full or part satisfaction of a decree or order for the recovery of any such arrears of rent, is in excess of the rent due as the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent.

Bar of proceedings for eviction or recovery of arrears of rent.

6. (1) No application shall be made for the eviction for non-payment of any arrears of rent payable to the landlord for the fasli year ending with the 30th June 1976 or for any previous fasli year, and no suit shall be filed for the recovery of such arrears,—

(i) against any cultivating tenant till the [1][30th June 1981] ;

(ii) against the cultivating tenant who has paid or deposited the first instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, until the expiry of the period specified for the payment or deposit of the second instalment in sub-sections (2) and (4) of section 4 ;

(iii) against the cultivating tenant who has paid or deposited the second instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent, until the expiry of the period specified for the payment or deposit of the third instalment in the said sub-sections (2) and (4) ; and

[1]This expression was substituted for the expression "31st December 1980" by sub-section (1) of section 4 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981), which was deemed to have come into force on the 26th April 1980.

(iv) against the cultivating tenant in favour of whom further time has been granted by the court or the competent authority under sub-section (5) of section 4, until the expiry of such time.

(2) Subject to the provisions of sub-section (6) of section 4, all applications for the eviction of a cultivating tenant for non-payment of any arrears of rent referred to in sub-section (1) and all suits, proceedings in execution of decrees or orders and other proceedings pending before a court or competent authority for the recovery of any such arrears of rent or for such eviction, shall stand stayed,–

(*a*) till the [1][30th June 1981];

(*b*) till the [2][31st March 1982], if the cultivating tenant has paid the first instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent within the time specified in sub-sections (2) and (4) of section 4 ;

(*c*) till the 30th June 1982, if the cultivating tenant has paid the second instalment, of the rent for the fasli year 1381, the rent for the fasli year 1382 and the reduced rent within the time specified in the said sub-sections (2) and (4) ; and

(*d*) till the expiry of further time, if any, granted by the court or the competent authority under sub-section (5) of section 4.

(3) All applications and all suits and proceedings stayed under this section shall, after the expiration of the time limit specified therein, be proceeded with against any cultivating tenant who has not paid or deposited or who is not deemed to have paid or deposited, under this Act, the rent for the fasli year 1381, the rent for the fasli

[1]This expression was substituted for the expression "31st December 1980" by sub-section (1) of section 4 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981), which was deemed to have come into force on the 26th April 1980.

[2]This expression was substituted for the expression "30th June 1981" by sub-section 2(b) of section 4 *ibid*.

year 1382 and the reduced rent, within the said time limit specified in sub-sections (2) and (4) of section 4, subject to the provisions of any law which may be then in force, from the stage which had been reached when the application, suit or proceeding was stayed.]

Exclusion of time for limitation.

7. In computing the period of limitation prescribed for a suit for the recovery of any arrears of rent payable by him to the landlord for [1][the fasli year ending with the 30th June 1976 or for any previous fasli year] or a proceeding for the eviction of a cultivating tenant for non-payment of any such arrears of rent or an application for the execution of a decree or order for such recovery or eviction, the time during which he was protected by section 6 from such recovery or eviction shall be excluded.

Explanation.—In this section and in section 6, a decree or order for the recovery of any such arrears of rent or for the eviction of a cultivating tenant for non-payment of any such arrears of rent, shall be deemed to be a decree or order for such recovery or eviction, notwithstanding that any other relief is also granted by such decree or order.

Bar of jurisdiction of civil courts.

8. 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 competent authority or other authority.

Revision by High Court.

9. The competent authority 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.

Arrears barred by limitation not to be revived.

10. Nothing in this Act shall be construed as reviving any claim for arrears of rent for any period before the date of the publication of this Act if such claim is barred by limitation on the said date under any law for the time being in force.

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[1] This expression was substituted for the expression "any fasli year in the said years" by section 5 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981 (Tamil Nadu Act 31 of 1981), which was deemed to have come into force on the 26th April 1980.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Tenants Protection Act, Public Trusts Act or in the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972) or in the Code of Civil Procedure, 1908 (Central Act V of 1908), or 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. **Act to override other laws, contracts, etc.**

12. Nothing in this Act shall apply to the cultivating tenants in the cyclone and flood affected areas specified in the Schedule to the Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1978 (Tamil Nadu Act 17 of 1978). **Act not to apply to cultivating tenants in cyclone and flood affected areas.**

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

(2) All rules made under this Act shall be published in the *Tamil Nadu Government 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.

(3) 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 session 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 previosuly done under that rule.

14. The Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1976 (President's Act 36 of 1976), is hereby repealed.] **Repeal.**

TAMIL NADU ACT NO. 37 OF 1980.*

THE TAMIL NADU CULTIVATING TENANTS ARREARS OF RENT (RELIEF) AMENDMENT ACT, 1980.

[*Received the assent of the President on the* 1st *November* 1980, *first published in the* Tamil Nadu Government Gazette *Extraordinary, on the* 5th *November* 1980 (*Aippasi* 20, *Rowthiri*-2011—*Thiruvalluvar Aandu*).]

An Act to amend the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1980.

(2) The provisions of this Act, except section 6, shall be deemed to have come into force on the 26th April 1980.

Declaration.

2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in clause (c) of Article 39 of the Constitution.

3-5. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980).]

Right to restoration of possession.

6. Notwithstanding anything contained in any judgement or decree or order of any court or competent authority, every cultivating tenant who was in possession of any land on the 30th June 1980 but who has been evicted before the date of the publication of this Act in the *Tamil Nadu Government Gazette* from the land on the ground that he has not paid the arrears of rent for the fasli year ending with the 30th June 1973 and for any previous fasli year or the first instalment of the reduced rent referred to in section 4 of the principal Act, on or before the 30th June 1980, shall, on application to the court or competent authoritity, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land, on the 30th June 1980.

* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 24th July 1980, Part IV—Section 1, pages 170—171.

TAMIL NADU ACT NO. 31 OF 1981 *.

THE TAMIL NADU CULTIVATING TENANTS ARREARS OF RENT (RELIEF) AMENDMENT ACT, 1981.

[*Received the assent of the President on the 28th May 1981, first published in the* Tamil Nadu Government Gazette *Extraordinary on the 29th May* 1981 (*Vaikasi 16, Thunmathi—2012—Thiruvalluvar Aandu*).]

An Act further to amend the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Amendment Act, 1981.

(2) The provisions of this Act, except section 5, shall be deemed to have come into force on the 26th April 1980.

Declaration.

2. It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in clause(*c*) of Article 39 of the Constitution.

Right to restoration of possession.

3-4. [The amendments made by these sections have already been incorporated in the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980).]

5. Notwithstanding anything contained in any judgment decree or order of any court or competent authority every cultivating tenant who was in possession of any land on the 31st December 1980 but who has been evicted before the date of the publication of this Act in the

*For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 28th January 1981, Part IV—section 1, pages 28 and 29.

Tamil Nadu Govenment Gazette from the land on the ground that he has not paid the the first instalment of the rent for the fasli year 1381, the rent for the fasli year 1382 or the reduced rent referred to in section 4 of the principal Act, on or before the 31st December 1980, shall, on application to the court or competent authority, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land, on the 31st December 1980.