

PATTAZHI DEVASWOM LANDS (VESTING AND ENFRANCHISEMENT) ACT, 1961 (NO.21 OF 1961)

467 THE PATTAZHI DEVASWOM LANDS (VESTING AND ENFRANCHISEMENT) ACT, 1961
(Act 21 of 1961) CONTENTS Preamble. Sections. 2. 3. 4. 5 6. 7. 8. 9. 11. 12

13. Short title and commencement, Saving. Definitions. Cessation Of the rights Of the Temple, Tenants to be proprietors and tharissu to vest in Government. Compensation to the Temple. Tenants to pay compensation for rights vested in them, Liability to pay basic tax and cess on land. Issue of pauas, etc., to tenants. Amounts due to Government to be recoverable under Revenue Recovery Act. Indemnity. Power to make rules. Power to remove difficulties. Schedule. the 468 ACT 21 OF 1961 THE PATTAZHI DEVASWOM LANDS (VESTING AND ENFRANCHISEMENT) ACT, 1961 * An Act to provide for the enfranchisement of certain lands belonging to the Pattazhi Temple and its Keezhedus and for the vesting in the Government Of Kerala Of certain Other lands belonging to the said Temple and Keezhedus. Preamble.—WHEREAS it is expedient to provide for the enfranchisement of certain lands belonging to the Pattazhi Devi Temple and its Keezhedus and for the vesting in the Government of Kerala of certain other lands belonging to the said Temple and Keezhedus, BE It enacted in the Twelfth Year Of the Republic of India as follows.— 1. Short title and This Act may be called the Pattazhi Devaswom Lands (Vesting and Enfranchisement) Act, 1961. (2) It shall come into force at once

2. Saving.—Nothing in this Act shall apply to the lands specified in the Schedule

3. Definitions.—In this Act, unless the context otherwise requires,— (a) "basic tax" means the tax Imposed by the Government under the provisions Of the Kerala Land Tax Act, 1961 ; (b) "Government" means the Government of Kerala. (c) "holding" means any land owned by the Temple and held by tenant , (d) "prescribed" means prescribed by rules made under this Act (e) "Temple*" means the Pattazhi Devi Temple situated in the Pattazhi Village in the Pathanapuram Taluk and includes the following Keezhedus of the said Temple, namely : — (i) the Kundayam temple situated in the Pattazhi Village in the Pathanapuram Taluk; and (ii) the Mannadi temple situated in the Kadampanadu Village the Kunnathur Taluk (f) "tenant" means a person holding at the commencement of this Act lands owned by the Temple on venpattam, kanam or any other kind of tenure directly under the temple, "tharissu" means land owned by the Temple and entered as (g) "tharissu" in the revenue records. * Received the assent of the President on 23rd June 1961 and published in the Gazette Extraordinary dated 6th July 1961 469 4. Cessation of the rights of the Temples—On and after the commencement of this Act, notwithstanding anything contained in any law or contract or in any decree or order of court, the Temple shall— (I) cease to have any right, claim or in respect of— (1) the lands comprised in the holdings; and (ii) tharissu, and (2) cease to have any right to collect arrears of rent in respect of lands comprised in any holding which remain unpaid to the Temple on the date of commencement of this Act, but the Temple shall be entitled to receive and be paid compensation as hereinafter provided for the extinguishment of such rights, claims and interests

5. Tenants to be proprietors and tharissu to vest in Government.—On and after the commencement of this Act,— (i) every tenant shall, subject to the provisions of section 7, have full proprietary rights in the land comprised in his holding and such rights shall be heritable and alienable, (ii) the tenants shall not be liable to pay rent to the Temple; and (iii), all tharissu shall vest in the Government

6. Compensation to the The Government shall, by way of compensation for the extinguishment of the rights, claims and Interests of the Temple under section 4, pay to the Temple a sum Of four lakhs and seventy-five thousand rupees- (2) The amount Of compensation payable under sub-section (1) shall be paid in cash and shall bear Interest at the rate of 4 per cent per annum from the 1st day Of April, 1959, till the date of payment

7. Tenants to pay compensation for rights vested in In consideration Of the rights vested in a tenant under section 5, the tenant shall be liable to pay— (i) to the Government— (a) in such manner as may be prescribed an amount which shall be equal to nine times the annual rent on the lands comprised in the holding where such lands are lands adapted for the cultivation Of paddy, or five times the annual rent on the lands comprised in the holding where such lands are not lands adapted for the cultivation or paddy; and (b) the basic tax in respect of the lands comprised in his holding from the first day of April,

1959, up to the commencement of this Act, and (11) to the panchayat the cess-an respect Of the lands comprised in hrs holding from the first day of April, 1959, up to the commencement of this Act. 470 (2) Whete the annual rent on any land comprised zn a holding is fixed in paddy, such annual rent shall, for the purposes of this section, be computed in money at the rate of one rilpee and fifty naye parse per para of paddy. (3) The amount payable under sub-clause (a) of clause (i) of sub- section (l) shall bear interest at the rate of 4 per cent per annum from the date of the commencement of this Act. The amount shall I be paid in twelve equal half-yearly Instalments together with interest accrued due on the amount outstanding on the date of payment of each instal- ment. Provided that it shall be open to the tenant to pay such amount a lump, without any Interest, within a period of one year from the com. mencement of this Act

8. Liability to pay basu tax and cess on Notwithstanding any. thing containd thus Act or in the Kerala Land Tax Act, 1961,— (1) the Temple shall be liable to pay to the Government, in respect of the lands comprised in the holdings and the tharissu only one-half of the basr tax for the financial year 1958-59, and no basrc tax shall be payable in respect of such lands by the Temple to the Government from the 1st day of April, 1959; every tenant shall be liable to pay basic tax to the Govern— ment on and from the commencement of this Act, m respect of the land comprised in his holding. (2) Notwithstanding anything contained in this Act or in the Kerala Pancha,rats Act, 1960, or any rules, bye-laws, notifications or orders issued thereunder,— (i) the Temple shall be liable to pay to any panchayat only one-half of the cess on land for the financial year 1958-59 levied by that panchayat m respect Of the land comprised rn the holdings and the tharissu, and no cess on land shall be payable m respect of any such land by the Temple to any panchayat from the 1st day of April, 1959; 01) every tenant shall be liable to pay on and from the com— mencement of this Act the cess on land in respect of the land comprised m his holding levied by the panchayat within whose junsdictton such land is situated

9. Issue of Pattas, etc., to As soon as may be after the commencement of this Act the Government shall issue pattas or other documents identifying the right of the tenants in their holdings. Such pattas or other documents shall contain such particulars as may be prescribed. (2) The Government may appoint or authorise such officer or officers as they deem necessary for the purpose of settling the tax or other dues payable by the tenants to the Government or to any other authority and for the issue of pattas or other documents.

11. No suitor othe legal procedmg shali lie against the Government for any act which IS in good faith done or mtended to be done under this Act.(2) No suit, posecution 01 other legal procedmg shall be instituted against any officer or person duly apporntcd or authonsed under this Act in respect of anything which IS m good faith done or intended to bc done undet this Act or the rules made thereunder

12. Power to make Rules.—The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for— (a) the settlement of the tax or other dues payable by the tenants; the determination of the date of payment of the first instalment of dues by the tenants; the procedure for the issue of pattas or other documents and the particulars they should contain; prescribing forms where forms are necessary, providing for appeals from orders of the officers appointed or authorised to settle the tax or other dues or to issue pattas or other documents; regulating the powers of the appellate authority and the procedure to be followed by such authority; all other matters required or allowed by this Act to be prescribed. (3) The power to make rules conferred by this section is subject to the condition of previous publication. (4) The rules made under this section shall, as soon as possible after they are made, be laid before the Legislative Assembly of the State of Kerala for a period of not less than fourteen days and shall be subject to such modification as the Legislative Assembly may make during the session in which they are so laid or the session immediately following. 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, do anything which appears to them necessary for the purpose of removing the difficulty. SCHEDULE (See section 2) Desamission of lands exempted from the provisions of the Act.

No. • Taluk 1 Pathanapuram 2 3 do. 4 do. do 6 do 7 do. 8 9 do. 10 K unnathoor 11 Pathanapuram 12 do 13 do. Village Pattazih do do do do do do do. Kadambanad Pattazhi do. Survey Extent No. I Letter I Acre I Cents 20 132 176 207 208 210 207 210 503 407 95 419 157 449 6 9A1 11 3 12 5 318 3 2 6 58 IO 51 70 20 85 48 27 89 56 Remarks Kuttalamalamkavu required for the conduct of Kurava Malakkuda function In Mcenam. Pultkunnnumala required for the conduct of Thullal and Poojas in connection With the Makayrram Thirunal festival In Kumbhom. Tank and its premises (Pattazhi Devaswom) Pattazhi Temple site and the buildings in it (village office, camp shed and temple buildings) Site of Devaswom Superintendent's Office, Pattam and the building in it. Land on the eastern Side of Vadakke Arapura. Pathway leading to temple tank. Site of the Vadakke Arapura and the buildings Site of Kundayam temple (Keezhccdu of the Pattazhi Devaswom) and the budding. Site of Mannad temple and the therein. One mango tree and one jack tree on road poramboke, Thanathu—leased out on short term Kuthakapattom. Thanathu land leased out on short term Kuthakapattom. Nine trees standing on the bunds at Kanjira- thumkal Yellah, Neduvankulathu Yellah and Chirakkara Yellah—leased out on short term Kuthakapattom.

