

SREE PANDARAVAKA LANDS (VESTING AND ENFRANCHISEMENT) ACT, 1971 (NO.20 OF 1971)

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question arises as to whether any building falls or does not fall within the scope of sub-section (1), It shall be referred to the Government whose decision thereon shall be final and shall not be liable to be questioned In any court of law. 4 Landholders to be vested with proprietary right.— Notwithstanding anything contained in any law or contract or In any Judgment, decree or order of court, with effect on and from the appointed day,— (a) every landholder shall, subject to the provisions of section 8, have full proprietary right In the land comprised in his holding, and such right shall be heritable and alienable ; (b) except as provided In section 13, no landholder shall be liable to pay rent to the Temple

5. Treatment of Thanathu lands.—(1) Where in respect of Sree Pandaravaka Thanathu lands vested in the Govern- ment under clause (b) of sub-section (1) of section 3, there IS a lease on kuthakapattam, such lease shall be deemed to continue under the Government on the same terms and conditions as under the Temple the (2) SubJect to the provisions of sub-section (1), Government may, at any Itime after the appointed day, after reserving the Sree Pandaravaka Thanathu lands necessary for Government or pubhc purposes, assign on registry in such manner and subject to such restrictions and conditions as may be prescribed. the reman-nng lands vested In the Government under clause (b) of sub-section (1) of section 3 6 Compensation to the Temple.—(1) The Government shall by way of compensation for the extmgishment of the rights, title and interest of the Temple under clause (a) of sub-section (1) of section 3 and for the vesting In the Govern- ment of Its rights, title and interest xn Sree Pandaxavaka Thanathu lands and of buildings under clauses (b) and (c) of sub-section pay m perpetuity to the Temple every financial year begmnmng With the financial year In which the an amount of fifty-eight thousand and appomted day falls, five hundred rupees as annuity. 197 (2) The annuity payable under sub-section (1) shall be paid In one lump every financial year on such date and In such Inanner as may be prescribed 7 Certam landholders to pay compensation for rights vested in them.—(1) Every landholder, the annual rent pay- able by whom Immediately before the appointed day In respect of all the Slee Pandaravaka lands held by him IS more than the amount calculated at the rate of four rupees and ninety- four paise per hectare of such lands, shall, in consideration of the rights conferred on him under section 4, be liable to pay to the Government compensation as provided in sub- sections (2) to (8) (2) The amount of compensation payable by a landholder under sub-section (1) shall be equal to sixteen ttnes the difference between the annual rent payable by the land- holder Immediately before the appointed day In re.spect of all the Sree Pandaravaka lands held by him and the arnount referred to m that sub-section (3) Where the annual rent In respect of land comprised in a holding or part thereof fixed in paddy. such annual rent shall, for the purposes of this section, be comr•nuted Into money at the rate of two rupees and twelve pal.se per standard para of paddy : Provided that In respect of the lands tn the Chiraylnkll taluk for which the commutation rate adopted has been eight and a half chakrams per para of paddy, the commutation rate shall be thirty paise per standard para of paddy Explanation.—For the purposes of this sub-section, "standard para" means the measure equivalent to 13•11 litres (4) The amount payable under sub-section (1) shall be paid in sixteen equal half-yearly instalments. the first instal- ment commencing from such date as the Government may specify by notification in the Gazette. (5) If any Instalment of the compensation payable under sub-section (4) is not paid on the due date, the amount of such instalment shall bear interest at the rate of five per centum per annum from that date till the date of payment of that instalment. (6) Nothmg contained in sub-section (4) shall be deemed to preclude 9 landholder from paymg at any time a larger sum than the amount of an Instalment, or from paying two 198 or from paying the whole or more instalments together, arnount due In one Instalment (7) If any sum in excess of the amount of any Instal- menb IS paid by the landlord, It shall be credited towards the succeeding Instalment or Instalments (8) Where a landholder pays the entire ænount due In a lump sum on or before the date on which the first Instal- nent IS payable, he shall be allowed a rebate of twenty-five per centum of the amount so paid 8 Liability to pay basic tax.—(1) With effect on and from the appointed day, all Sree Pandaravaka lands held by landholders Immediately before that day shall be deemed to be Pandaravaka lands for all purposes and shall, subject to the provisions of the Kerala Land Tax Act, 1961 (13 of 1961). be liable to be charged With basic tax (2) The landholders shall be liable to pay the basic tax and the provisions of the Kerala Land Tax Act, 1961 (13 of 1961), shall apply for the levy and collection oi such tax (3) Raaabhogam" payable to the Government by any landholder In lespect of any Sree Pandaravaka land shall cease to accrue With effect on and from the appointed day. Issue of pattas and other documents to landholders

9. As soon as may be after the appointed day, the Government shall Issue pattas or other documents evidencing the full proprietary rights of the landholders in their holdings (2) The pattas or other documents issued under sub- section (1) shall contain such particulars as may be prescribed

10 Appointment of officers to settle compensation payable by landholders and for issue of pattas.—The

Government may appoint or authorise such officer or officers as they deem necessary for the purpose of making enquiry and determining the compensation payable by the landholders to the Government under

section 7 and for the Issue of pattas or other documents under section 9 11 Appeal.—(1) Any person aggrieved by an order of any officer appointed or authorised under section 10 may appeal to the District Collector, Trivandrum or any other officer empowered in this behalf by the Government, within Sixty days from the date of the order. 199 Explanation.—For the purpose of computing the said period of sixty days,

the date of communication of a copy of the order to the appellant shall be deemed to be the date of the order. (2) A copy of every order against which an appeal lies under sub-section (1) shall be communicated

in such manner as may be prescribed 12 Revision.—(1) The Board of Revenue may, either of its own motion or on application by any person aggrieved by an order passed by any officer under this Act, call for and examine the record of any proceeding in which such order has been passed, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding and pass such order thereon as it thinks fit Provided that the Board of Revenue shall not call for the record of any proceeding if

an appeal against the order to which the proceeding relates pending or if the time for preferring appeal against such order has not expired (2) The Board of Revenue shall not of its own motion call for and examine

the record of any proceeding under sub- section (1) if the order to which the proceeding relates has been made more than two years previously (3) In the case of an application under sub-section (1) by any person aggrieved, the application shall be made within two years from the date of the order in question 13 Collection of arrears of With effect on and from the appointed day, the Temple shall not be entitled to

collect any rent which accrued due to it from any landholder in respect of his holding before, and is outstanding on, that day, but the Tahsildar of the taluk in which the holding is situated shall be entitled to collect all such arrears of rent and any interest payable thereon as if they were arrears of public revenue due on land : Provided that if a landholder pays within two years from the appointed day, in such manner

as may be prescribed, an amount equal to the arrears of rent for a financial year or the actual arrears outstanding on the appointed day, whichever is less, together with interest thereon, all arrears of rent shall

be deemed to be fully discharged and no suit or other proceedings shall lie or continue for the recovery thereof. (2) Where the annual rent on any land comprised in holding or part thereof is fixed in paddy, such annual rent shall, for the purposes of this section, be commuted into money at the rate of two rupees

and twelve paise per standard para of paddy : Provided that in respect of the lands in the Chirayinkeelam taluk, for which the commutation rate adopted has been, eight and a half chakrams per para of paddy, the commutation rate shall be thirty paise per standard para of paddy. Explanation.—For the purposes of this

sub-section (1), 'standard para' means the measure equivalent to 13 11 litres (3) All amounts paid or collected under sub-section (1) shall be paid to the Temple after deducting— (a) five per cent thereof by way of

collection charges ; (b) the amount if any, due from the Temple to the Government , and (c) the rent, 1] any, collected before the appointed day by the Temple from any landholder in respect of the financial year

in which the appointed day falls or any subsequent financial year 14 Certain amounts to be first charge.—The compensation payable by a landholder under section 7 and any amount which the

Tahsildar is entitled to collect under sub-section (1) of section 13 shall be a first charge upon the land in respect of which such compensation or amount is payable, subject only to the charge for basic tax. 15

Provision for Melkanganam staff.—Notwithstanding any law, custom or contract to the contrary, the following provisions shall apply in regard to the persons employed in the Melkanganam Branch of the Sree Pandaravaka Department immediately before the appointed day, namely :— (a) The Government

shall have power to terminate the services of any such person after giving him one calendar month's notice or paying him one month's pay in lieu of such notice ; (b) persons whose services are retained shall be

governed by such rules as the Government may make in regard to them. 201 16 Administration of temples under management of Melkanganam.—Notwithstanding any law, custom or contract to the contrary, the

following temples which have hitherto been administered by the Melkanganam Branch of the Sree Pandaravaka Department shall, on and from the appointed day, be administered by the Executive Officer appointed under sub-section (2) of section 18 of the Travancore-Cochin Hindu Temples (Amendment) Act, 1950, in accordance

Religious Institutions Act, 1950 (XV of with the pros, Isions of that Act (a) Sree Subramonla Swanw Temple, Puthenchanthal, Thiruvandrum , (b) Sabhapathi Temple, ChalaL, Thiruvandrum; and (c) Sree Vazhlchal Kanthan Sastha Temple, Vazhlchal. Neyyattmkara Taluk. 17 Finality of Any order passed by any officer under this Act In respect of matters to be determined for the purposes of this Act shall, subject only to any appeal or revision provided under this Act, be final (2) No such order shall be liable to be questioned In any court of law Indemnity.—(1) No suit or other legal proceedings shall be against the Government for any act which is In good faith done or Intended to be done under this Act or any rule made thereunder (2) No suit, prosecution or Other legal proceedings shall be Instituted against any officer or person duly appointed, authorised or empowered under this Act In respect of any- thing which is In good faith done or Intended to be done under this Act or any rule made thereunder 19. Provisions in regard to liabilities of the All claims and liabilities enforceable Immediately , before the appointed day against the Temple In respect of any Sree Pandaravaka land referred to in clause (a) or clause (b) of sub-section (1) of section 3 or in respect of any building referred to in clause (c) of that sub-section shall, on or after that day, be enforceable only against the annuity payable to the Temple under this Act (2) All claims and liabilities referred to in sub-section (1) shall be enforceable against the annuity payable to the Temple under this Act to the same extent to which such 202 claims and liabilities were enforceable against the Interest of the Temple In the said land or building Immediately before the appointed day. (3) No court shall, on or after the appointed day, order or continue execution In respect of any decree or order passed against the Temple or against the Interest It had in any Sree Pandaravaka land or building referred to in sub-section (1), and execution shall be ordered or continued In such cases in conformity 'With the provisions of sub-sections (1) and (2) only as against the annuity payable to the Temple (4) All rights and privileges which may have accrued in any Sree Pandaravaka land or building referred to in sub-section (1) to any person before the appointed day against the Temple shall cease and determine and shall not be enforceable against the Temple or against the Government, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him by or under this Act 20 Board of Revenue, District Collector and other officers to have certain powers of civil court.—The Board of Revenue, the District Collector, Trivandrum and any other officer exercising any power or performing any function under the Act shall, for the purposes of this Act, have all the powers of a CIVIL court when trying a suit under the Code of Civil 1.908), in respect of the Procedure, 1.908 (Central Act 5 of following matters, namely • (a) summoning and enforcing the attendance of any person and examining him on oath , (b) requiring the discovery and production of any document ; (c) receiving evidence on affidavit; and (d) requisitioning any public record or copy thereof from any court or office. 21 Power to make rules.—(1) The Government may, by notification In the Gazette, make rules for carrying out the provisions of this Act. and without prejudice to the (2) In particular, generality of the foregoing power, such rules may provide for— (a) the procedure for the determination of compensation payable by the landholders under this Act ; (b) the procedure for the issue of patta or other documents and the particulars they should contain (c) prescribing forms where forms are necessary , (d) the procedure before the officers appointed or authorised under section 10 and the procedure In appeals and revisions under this Act , (e) the manner in which and the conditions and restrictions subject to which lands vested In the Government under this Act may be assigned , (f) any other matter which is to be, or may be, prescribed for the purposes of this Act (3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is In session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification In the rule or the rule shall decide that the rule should not be made. thereafter have effect only in such modified

form 01 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 '22 Effect of this Act.—The provisions under this Act shall be deemed to be "other arrangements" made regarding the management of Sree Pandaravaka properties within the meaning of section 23 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950)

23. Amendment of section 2, Act 13 of 1961.—In section (2) of the Kerala Land Tax Act, 1961 (13 of 1961), In sub-section (1), clause (i) shall be omitted. THE SCHEDULE See Section 3 (2)] Vanchiyoore Village Do. Do. Do. Do. Chengazhaserry Survey number 560/4 560/ 134 560/135 660/268 560/311 587 719 1200 1201 2757 Extent Acre 1 3 Cent 82 12 2 14 7 36 19 51,448 16,973 73 Tenure Sree Pandaravaka Thanathu Pooja Nelputa Poramboke —Sirkar Thanathu Ulsavamatom Sree Pandaravaka Thanathu I Sirkar Nellukuthupura Sirkar Thanathu ChottupuraJ Sree Pandaravaka Thanathu Sree Pandaravaka Thanathu Virakupura Kulam Poramboke Sree Pandaravaka Thanathu do. Devasuoms Sree Padmanabha Swamy Temple Sree Padmanabhaswamy Temple (Mithranandapuram Nambimatam) Sree Padmanabhaswamy Temple • do. Subramonia Swamy Temple Sabhapathy Temple Chalai at

