

TAMIL NADU AGRICULTURAL LANDS RECORD OF TENANCY RIGHTS ACT, 1969

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includes— (i) a mattuvaramdar referred to in clause (a) or clause (b) of section 7 of the Tiruchirappalli Kaiaeru vara,, and Mattuvaram Act, 1958 (Tamil Nadu Act XXXVI of 1958) ; and i This clause was substituted for the following original clause by section 2 of the Tamil Nadu Agricultural Lands Record of Tenancy Rights (Amendment) Act, 1975 (Tamil Nadu Act 26 of 1975):-- "(8) 'tenant'. (a) in relation to any land to which the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), applies, means a cultivating tenant as defined in clause (aa) of section 2 of that Act and includes— (i) a mattuvaramdar referred to in clause (a) or clause (b) of section 7 of the Tiruchirappalli Kaiaeruvaram and Mattuvaram Act, 1958 (Tamil Nadu Act xxxvi of 1958), and (li) a possessory mortgagor, under a tenancy agreement express or implied, with the possessory mortgagee, contributes his own physical labour or that of any of his family in the cultivation of the land subject to possessory mortgage; and (b) in relation to any land to which the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural lands) Act, 1961 (Tamil Nadu Act 57 of 1961), applies, means a cultivating tenant as defined in clause (5) of section 2 of that Act." Agricultural Lands Record of 1466 f.N. Act in Tenancy Rights (ii) a possessory mortgagor, who, under a tenancy agreement, express or implied, with the possessory mortgagee, contributes his own physical labour or that of any member of his family in the cultivation of the land subject to possessory mortgage ; . and (b) means in relation to any land to which the Tamil Nadu Public Trusts (Regulation of Administration of Lands) Act, 1961 (Tamil Nadu Act 57 of 1961), applies, a cultivating tenant as defined in clause (5) of section 2 of that Act ; (ii) "tenant" in respect of any area in the Kanya-kumari district— (a) in relation to any land other than the land to which the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) applies— (i) means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied , and (ii) includes (a) any such person who continues in possession of the land after the determination of the tenancy agreement ; Agricultural Lands Record of Tenancy Rights 1969: f, N, Act (b) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land ; (c) a sub-tenant if he contributes his own physical labour or that of any of his family in the cultivation of such land ; or (d) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land (e) a possessory mortgagor, who, under a tenancy agreement; express or implied, with the possessory mortgagee, contributes his own physical labour or that of any member of his family in the cultivation of the land subject to possessory mortgage ; but (iii) does not include a mere intermediary or his heir (b) means in relation to any land to which the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961), applies, a cultivating tenant as defined in clause (5) of section 2 of that Act;] (9) "village" means any local area which is designated as a village in the revenue accounts and for which the revenue accounts are separately maintained by one or more karnams or which is now recognised by the Government or may hereafter be declared by the Government for the purposes of this Act to be a village, and shall include any hamlet or hamlets which may be attached thereto. Preparation of 3. (1) The Government may, by notification, direct record of the preparation of a record of tenancy rights for such tenancy rights, village or villages as may be specified in the notification and such record shall be prepared, maintained and revised in accordance with the provisions of this Act and the rules made thereunder. (2) The record referred to in sub-section (1) shall contain the following particulars, namely . (a) the survey number or sub-division number, extent and local name, if any, of the land Agricultural Lands Record of 9 : TON. Act in Tenancy Rights (b) the name and address of the landowner ; (c) the name and address of the intermediary, if (d) the name and address of the tenant cultivating the land ; and (e) such other particulars as may be prescribed. (3) (a) As soon as may be, after the publication of a notification under sub-section (1), the record officer shall publish a notice in the village informing the public that a record of tenancy rights is to be prepared for the village, and that the landowner, tenant or intermediary of every land which has been let for cultivation shall intimate in writing to him of his interest in such land (b) The notice shall contain such further particulars, and shall be published in such manner, as may be prescribed, (4) On the basis of the intimation given under clause (a) of sub-section (3) or on the basis of information obtained by the record officer under section 9 or on the basis of information and particulars furnished or recommendation made by the Advisory Committee under section 5-A] or in such other manner as may be prescribed, the record officer shall, after giving a

reasonable opportunity to the parties concerned to make their representations either orally or in writing, prepare a draft record of tenancy rights for the village. (5) As soon as may be after the completion of the preparation of the draft record of tenancy rights for a village, such draft record shall be published in the District Gazette of the district in which the is sit lated and in such other manner as may be prescribed. An extract of the entries in the draft record relating to any survey number or sub-division number of the land shall also be served on the landowner, intermedi?ry, if any, and the tenant concerned. (6) Any person aggrieved by such draft record either on the ground that the entry in respect of particulars This expression was inserted by section 2 of the Tamil Nadu Agricultural Lands Record of Tenancy Rights (Amendment) Act, 1981 (Tamil Nadu Act 45 of 1981), Agricultural Lands Record OJ 9,: T.N. Act 10] Tenancy Rights e,vn.lage is situated and in such other manner as may escribed. 669 4. (1) (a) Where subsequent to the publication of Inclusion Of lands in the e approved record of tenancy rights any land has approved record n let for cultivation, the land owner, intermediary of tenancy the tenant having interest in such land shall make rights, application to the record offcer for inclusion of rticulars relating to such land in the approved record f tenancy rights. (b) Where any land has been let for cultivation fore the publication of the approved record of nancy rights, but the particulars thereof have not been included in the approved record of tenancy rights r *any reason, the landowner, the intermediary or the nant shall make an application to the record offcer for inclusion of particulars relating to such land in pproved record of tenancy rights. (2) An application under sub-section (1) shall contain such particulars as may be prescribed and shall be accompanied by the documents, if any, relied ton by the applicant as evidence in support of his (3) (a) Before passing an order on an application under sub-section (1) the record offcer shall follow • such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing. cvlf the record officer decides that the particulars cf F) the land specified in the application should be inclu- ! ded in the approved record of tenancy rights he shall pass an order accordingly and shall make the necessary entries in the approved record of tenancy rights. (b) If the record omcer decides that there is no case for inclusion of particulars cf the land in the approved record of tenancy rights, he shoal reject the applicati on. (c) An order under clause (a) or clause (b) shall contain, the reasons. for such order and shall be ."ommuni- cated to the narties concerned in such manner as may be .escribed, 6+0 Agricultural Lands Record of Tenancy l',ights [1969 : T.N. Act 10 Power of 1[4-A. Where it appears to the record omoer in record omcer of any land let for cultivation, the landowner, t? take sue motu action, intermediary or tenant having interest in such land— (a) has failed to intimate his interest in such land under sub-section (3) of section 3 ; or (b) has failed to make an application for rectifi cation or inclusion under sub-section (6) of section 3 ; or (c) has failed to make an application for. inclusion of particulars relating to such land in the approved rewrd of tenancy rights under clause (a) or clause (b) of sub- section (1) of section 4, the record omcer shall make an enquiry in of the landowner, intermediary or tenant' having interest in such land, in accordance with such procedure as may be prescribed and if, after making such enquiry, the record offcer decides that the particulars of the land should be included in the draft or the approved record of tenancy rights, a' the case may be, he shall pass an order accordingly and shall make the entries in the draft or approved record of tenancy rights, as the case may be . Provided that the record omcer shall not pass an order undec this section unless the parties concerned •have been given a reasonable opportunity to make their repre- sentation either orally or in writing.] Modification of 5. (1) Where any person claims that In respect of any entries in the land already included in the approved record of tenancy approved record of tenancy rights. rights any modification is required in respect of the entries in such record either by reason of the death of any person or by reason of the transfer of interest or by reason of any other subsequent change in circumstanoes, he shall make an application to the record omcer for the modification of the relevant entries in the approved record of tenancy (2) An application under sub-section (1) shall contain such particulars as may be prescribed and shall be panied by the documents, if any, relied on by the applicant as evidence in support of Ws claim. * —his section was inserted by section 2 of the Tamil Nadu Agri' cultural Lands Record of Tenancy Rights (Amendment) Act, 1972 (Tamil Nadu Act 34 of 1972) Acrie:dtural Lands F.ecprd of 1969 T.N. Act Tenancy Rights (3) (a) Bforc passing an order cn an application sub-section (1) the record omcer shall follow such e procedure as may bc prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing, If the record offcer decides that any modification should be in respect of the entries in the approved record of *tenancy rights he shall pass an

order accordingly and shall effect the modification and make such incidental and consequential changes in the approved record of tenancy rights, as appear to him to be for giving effect to his order. (b) If the record officer decides that there is no cause for effecting any modification in the entries in the approved record of tenancy rights he shall reject the application, (c) An order under clause (a) or clause (b) shall contain the 'reasons for such' order and shall be communicated to the parties concerned in such manner as may be prescribed. 1[5-A. (1) For the purpose of advising the record officer Constitution of in the discharge of his functions and in particular in the Advisory Committees. preparation of record of tenancy rights under section 3, the Government may, by notification, constitute an Advisory Committee for every taluk in a revenue district, (2) Such committee shall consist of the following members, namely (a) one landless agricultural labourer belonging to the Schedule Castes or Schedule Tribes ; (b) one tenant ; and (c) three social workers. (3) The term of office of the members of the committee constituted under subsection (i) shall be three years from the date of their appointment and they shall be eligible for reappointment. They shall continue as such members until the appointment of their : This section was inserted by section 3 of the Tamil Nadu: Agricultural Lands. Record of Tenancy Rights (Amendment) Act, (Tamil Nadu Act 45 of 1981). 672 Appar. Agricultural Lands Record of Tenancy _ Rights [1969 ; T, N. Act 10 Provided that the Government may, by notification, extend the term of office of all or any of such members for such period or periods not exceeding six years in the aggregate as they think fit, (4) The members of the committee shall be paid travelling at such rate and upon such conditions as may be prescribed, (5) The functions of the Advisory Committee shall be— (i) to gather information and particulars regarding the land situated in the taluk with the name and address of land owner, intermediary and the tenant cultivating such land ; (ii) to furnish the information and particulars so gathered to the record officer having jurisdiction over the land ; (iii) to recommend to the record officer in the discharge of his functions under sections 3, 4 and 5 ; and (iv) to perform such other functions as may be assigned by rules made by the Government in this behalf. (6) The record officer in the discharge of his duties and functions under this Act and in particular passing orders under sections 3, 4 and 5 shall take into consideration the information and particulars and also the recommendation, if any, made by the Advisory Committee under this section. the record officer is of opinion that the recommendation made by the Committee is not acceptable he shall record his reasons in writing and pass orders accordingly,] 6. Any person aggrieved by an order made under subsection (8) of section 3, sub-section (3) of section 4 or sub-section (3) of section 5 may within such period as may be appeal to such authority as may be specified by the Government in this behalf (hereinafter to as the appellate authority) and the decision of such authority on such appeal shall, subject to the provisions of section 7, be final, 69 : T.N. Act 10] Agricultural Lands Record of Tenancy 673 7, IL The District Collector or such officer as maybe Revision.. cified by the Government in this behalf] may of his own motion or on the application of a party call for and examine the record of any record officer or appellate authority within his jurisdiction in respect of any proceeding under this Act and pass such as he may think fit. Provided that the District Collector or the said officer shall not pass any order prejudicial to any party he given a opportunity of being heard, 8. Where as a result of an order passed under section 6 Amendment of approved record Of section 7, any change becomes necessary in the approved record of tenancy rights .record of tenancy right!, appellate authority or [the to give effect District Collector or the officer, i.e. 'in section 7,) to the orders of the case may be, shall Air Force the proposed order under section 6 b*.vthe approved record of WI}), and the officer of the 9, (1) Any person whose rights, or interests are required Obligation to furnish information have been entered, in a Record of tenancy Rights .under this" Aet bound on the footing of the order, engaged in preparing of revising the record furnish of production for his inspection Within 'the line as may be specified in the sub requisition within 19 days Such further time not exceeding thirty days as the record officer may in his discretion allow, all such information or documents needed for the correct preparation or revision thereof, as may be within his knowledge or in his possession or power. (2) The record officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under Sub-section (1) shall at once give a written acknowledgment thereof to the person presenting the and shall endorse any such document; and the fact and facts of the production of the document. 4. The words were substituted for the words 'The District Collector Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 (Tamil Nadu Act 45 of 1981) substituted for the words " the District Collector " by section 3 (ii), ibid, These words and figure were substituted for the words " the District Collector " by section 4, ibid. C-1-125-7—43 evidence on oath, etc. Record [1969 : T.N. Act 10

10. The record officer or the appellate authority or [the District Collector or the officer referred to in section 7] shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit in the following matters, namely (a) enforcing the attendance of any person and examining him on oath (b) requiring the discovery and production of documents; (c) receiving evidence on affidavit; (d) issuing commissions for the examination of witnesses; and any proceeding before the record officer of the appellate authority or the District Collector, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code (Central Act XLV of 1860). If any person fails to furnish any information or Paalty for failure to produce any document requisitioned under sub-section (1) of section 9 within the time specified in the requisition or under that sub-section or within the further time, if any, allowed by the record officer under that sub-section he shall be punishable with fine, which may extend to two hundred rupees

12. If any person who is under an obligation to furnish Penalty for furnishing false any information under this Act, furnishes any information which he knows, or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees. Cognizance of offences, punishable under this Act, except on application by or on behalf of the Government - These words are hereby substituted for the words "the District Collector" by section 4 of the Tamil Nadu Lands Record of Tenancy Rights (Amendment) Act, 1972 (Tamil Nadu Act 34 of 1972.) - '4969 : T.N. Act 10] Agricultural Lands Record of Tenancy Rights, (2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act, 675 14, (1) After the date of the publication in the Fort St. George Gazette, of the approved record of tenancy of record to be rights under sub-section (10) of section 3 in respect of any annexed to village, every person making an application in pursuance of application in certain cases of any of the provisions of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) or the (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXV of 1956), or Chapters III and IV of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) relating to land in such village shall annex to the application, a certified copy of any entry in the approved record of tenancy rights relevant to such land. (2) If the applicant fails to comply with the provisions of sub-section (1) for any cause which the officer or authority to whom such application is made deems sufficient, he shall be required to produce such certified COPY within a reasonable time to be fixed by such officer or authority and if such certified copy is not so annexed or produced, the application shall be rejected, but the rejection shall not of its own force preclude the presentation of a fresh application in respect of the same subject-matter, with a certified copy annexed

15. Any entry in the approved record of tenancy Presumption of correctness shall be presumed to be true and correct until the contrary is proved or a new entry is lawfully substituted the approved record of therefore tenancy rights. According to sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate. Now, the Tamil Nadu Government Gazette. 125. 7-43h 676 Agriculture (Land Records) of Tenancy Rights [1969 : Act 10 16. Subject to such conditions and to the payment of such fees as may be prescribed, the approved records of tenancy rights shall be open to the inspection of the public at reasonable hours and certified extracts therefrom or certified copies thereof shall be given to all persons applying for the same, [16-A. No civil court shall have jurisdiction in respect of civil proceedings of any matter involving the District Collector or other authority empowered by or under this Act.] 17, (1) No suit, prosecution or other legal proceeding, shall lie against the record officer, the appellate authority, the District Collector or the officer referred to in section 7, or other authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder, (2) No suit or other legal proceeding shall lie against the Government for any damage

cauted or likely to be- caused by virtue of any provision of this Act or by anything, which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder. Power to make 18. (1) The Government may make rules to carry out the purposes of this Act, (2) In particular and without prejudice to the generality of the foregoing, this section was inserted by section 5 of the Tamil Nadu Agricultural Lands Record of Tenancy Rights (Amendment) Act, 1972 (Tamil Nadu Act 34 of 1972). These words and figure were substituted for the words 'the District Collector' by section 4, ibid, 1969 : T.N. Act 10] Agricultural Lands Record of Tenancy Rights (a) all matters expressly required or allowed by Act to be prescribed ; (b) the manner of preparation, maintenance and revision of the record of tenancy rights ; (c) the form in which the record of tenancy rights shall be prepared ; (d) the procedure to be followed by the authorities and officers appointed or having jurisdiction under this Act ; (e) the time within which applications for revision may be presented under this Act in cases for which no specific provision in that behalf has been made herein ; (f) the fees to be paid in respect of applications and appeals under this Act ; and (g) the manner of communication to the party concerned every decision or order in any proceeding against which an appeal or revision is provided for by this Act, (3) 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. (4) 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 there after 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. 19. Nothing contained in this Act shall apply to any Exemption. land owned by the Central Government or any State Government, or any local authority, * Now the Tamil Nadu Government Gazette, 1969 [1969. T.N. Act 10 Agricultural Lands Record of Tenancy Rights Explanation. —In this section 'local authority means,— (a) the Corporation of Madras ; (b) any municipal council ; (c) any panchayat or panchayat union council constituted or deemed to have been constituted under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act of 1958) ; (d) any township committee constituted or deemed to have been constituted under any law for the time being in force ; and (e) the Tamil Nadu State Housing Board constituted under the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961). Act to override 20. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract. 1975 : T.N. Act 26] Agricultural Lands Record of Tenancy Rights (Amendment) 465 THE TAMIL NADU ACT No. 26 OF 1975.* TAMIL NADU AGRICULTURAL LANDS RECORD OF TENANCY RIGHTS (AMENDMENT) ACT, 1975. [Received the assent of the President on the 30th July 1975, first published in the Tamil Nadu Government Gazette Extraordinary on the 2nd August 1975 (Adi 17, Iratchasa (2006—Tiruvalluvar Andu)).] An Act further to amend the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969. BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :— 1. (1) This Act may be called the Tamil Nadu Agri- Short title and cultural Lands Record of Tenancy Rights (Amendment) commencement. Act, 1975. (2) It shall be deemed to have come into force on the 8th September 1971. 2. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 (Tamil Nadu Act 10 of 1969).] 3. Notwithstanding anything contained in any judgment, decree or order of any court or other authority, all acts done and proceedings taken by any officer or authority under the principal Act before the date of publication of this Act in the Tamil Nadu Government Gazette, on the basis that the definition of tenant in clause (8) of section 2 of the principal Act as in force immediately before the date of such publication, had included all categories of persons specified in sub-clause (ii) of clause (8) of section 2 of the principal Act as amended by this Act shall, for all purposes be deemed to be and to have always been validly done or taken in accordance with law as if this Act had been in force at all material times when such acts or proceedings were done or taken. *For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 18th December 1974, Part IV—Section 1, Page 312, 125-10—30