

TAMIL NADU LAND ENCROACHMENT ACT, 1905

516 Preamble. Land Encroachment [1905 : TON, Act 111 NADU] ACT NO. 111 OF 1905. [THE TAMIL NADU] LAND ENCROACHMENT ACT, 1905]. (Received the assent of the Governor on the 19th April 1905, and that of the Governor-General on the 22nd May 1905; the assent of the Governor-General was first published in the Fort. St. George Gazette on the 6th June 1905.) An Act to provide measures for checking unauthorized occupation of lands which are the property of Government]. WHEREAS it has been the practice to check the unauthorized occupation of lands which are the property of Government] by the imposition of penal or prohibitory assessment or charge, and whereas doubts have arisen as to how far such practice is authorized by 1 These words were substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969. 2 For Statement of Objects and Reasons, see Fort. St. George Gazette, Part IV, dated the 23rd December 1904, page 595, for Report of the Select Committee, see ibid, dated the 27th February 1905, 45; for Proceedings in Council, see ibid, dated the 28th February 1905, page 75 and ibid, dated the 18th April 1905, page 206. This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949). This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corresponding law in that territory. This Act was extended to the added territories by section 12 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965) repealing the law in those territories. 3 The words "Crown property" were substituted for the word "the property of Government" by the Adaptation Order of 1937 and the words "the property of Government" were for "Crown property" by the Adaptation (Amendment) Order of 1950 1904 T.N. Act 111] Land Encroachment 517 law and it is expedient to make statutory provision - for checking such occupation; It is hereby enacted as follows 1. This Act may be cited as "The [Tamil Nadu] Short title and extent. Land Encroachment Act, 1905. " It extends to the whole of the 2[State of Tamil Nadu]. [I-A. In this Act, unless the context otherwise requires, the expression "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.] 2. (1) All public roads, streets, lanes and paths, Right of property in the bridges, ditches, dikes and fences, on or beside public roads, the same, the bed of the sea and of harbours and creeks etc. waters and below high water mark, and of rivers, streams, nalas, lands' lakes and tanks, and 4[all back waters, canals and water-courses] and all standing and flowing water, and all lands, wherever situated, save in so far as the same are the property— (a) of any zamindar, poligar, mittadar, Bhrotriendardar or inamdar or any person claiming through or holding under any of them, or (b) of any person paying shist, kattubadi, jodi, poruppu or quit-rent to any of the aforesaid persons, or (c) of any person holding under ryotwari tenure, 5[including that of a janmi in the Gudalur taluk of the *These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969. z This expression was substituted for the expression " Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969. 3 This section was inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960.) These - words were substituted for the words "all canals and water-courses" by ibid. 5 These words were substituted for the words "including that of janmi in Malabar, or of a wargdar in South Kanara" by the Madras Adaptation of Laws Order, 1957. 518 Land Encroachment [1905 : T.N. Act 111 of usement on lands unauthorisedly occupied. Nilgiris district] iLand in the transferred territory] or in any way subject to the payment of land-revenue direct to Government, or (d) of any other registered holder of land in proprietary right, or (e) of any other person holding land under grant from [the Government] otherwise than by way of licence, and, as to lands, save also in so far as they are temple site or owned as house-site or backyard, are and are hereby declared to be [the property of Government] except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other land-owners, and

to all customary rights legally subsisting. (2) All public roads and streets vested in any local authority shall, for the purposes of this Act, be deemed to be '[the property of Government]'. Explanation.—In this section "high water mark" means the highest point reached by ordinary spring- tides at any season of the year. 8. '[Any person who shall unauthorizedly occupy in any area other than the transferred territory any land] which is 8[the property of Government], shall be liable to pay by way of assessment— 1 These words were inserted by geotion 4 of, and the Schedule to, the Tamil Nadu (Trarwferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Aot 23 of 1960). 2 The words "the Crown" were substituted for the word "Gov- ernment'Qby the Adaptation Order of 1937 and the word "Govem- was substiti.wed for "Crown" by the Adaptation Order of 1950. 8 The words "Crown property" were substituted for the words "the property of Government" by the Ada?tbtion Order of 1937 and the words "the property of Government ' were for "Crown property" by the Adaptation (Amendment) Order of 1950. These words were substituted for the words "Any penon who s.hslI unauthorizedly occupy any land" by section 4 the Second Schedule to, the Tamil Nadu (Trandemd Extension of aot., 1960 (Tomit Nadu 23 of 1960). Land Encroachment 1905: T.N. Act 111] (i) if the land so occupied forms on assessed survey number or part thereof, the full assessment of such number for the whole period of his occupation or a part thereof proportionate to the area occupied, as the case may be, provided that, for special reasons, the Collector *Lor subject to his control, the Tahsildar or Deputy Tahsildar] may impose the full assessment of such number or any lesser sum irrespective of the area occupied ; (ii) if the land BO occupied be unassessed, an assessment on the area occupied calculated for the ame period at the rate imposed on lands of & similar ..•uality in the neighbourhood, or at the highest dry wet rate of the village, as the case may be, or when no such rates exist in such mannér as may be prescribed in rules or orders under section 8 : Provided that payment of assessment under this section shall not confer any right of occupancy. Bæptanaiaion.—For the purposes of this section occupation for in incomplete portion of a fasli may be deemed to be occupation for a whole fasli. 519 Levy of assess- '[8-A. Any person who shall unauthorizedly ment on IBnd' occupy in the transferred territory any land which unauthorizedly occupied in the is the property of Government shall be liable td pay transferred territory, by way of assessment,— (a) if the land so occupied forms an assessed survey number or part thereof, such assessment for the whole period of his occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar, in accordance with such rate as may be prescribed; (b) if the land so occupied be unassessed, such prohibitory assessment for the whole period of his I These words were inserted by Tamil Nodu Act VIII of 1914, section 2. 2 This section inserted by section 4 of, and the Second Schedule to, thel Tamil Nadu (Transferred Territory) Extensio Act, 1960 (Tamil Nadu Aot 23 of 1960). 520 Conclusive. ness of decision as to amount of assessment. Liability of person u.n. authorizedly occupying land to penalty after notice. Land Encroachment [1905 : T.N. Ae 11 occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tohsildar : Provided that payment of assessment or prohibitory assessment under this section shall not confer any right of occupancy. Explanation.—For the purposes of this section, occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli.] 4. The] decision as to the rate or amount of assessment payable under section 3 2[or section 3-A] shall be recorded in writing and shall not be questioned in any civil court, 5. 8 [Any person in any area other than the transferred territory liable to poy assessment under section 3] shall also be liable at the discretion of the Collector, 4[or subject to his control, the Tahsildar or Deputy Tahsildar] to pay in addition by way of penalty— (i) if the lond be assessed land, a sum not exceeding five rupees or, ,when ten times the assess- ment payable for one year under section 3 exceeds five rupees, a sum not exceeding ten times such assessment, provided that no penalty shall ordinarily be imposed in respect of the unauthorized occupation of suoh land for any period not exceeding one year ; (ii) if the land be unassessed, a sum not exceed- ing ten rupees, or when twenty times the assessment payable for one year under section 3 exceeds ten rupees, a sum not exceeding twenty times such assessment. 1 The word " Collector's was omitted by Tamil Nadu Act VIII of 1914, section 2. 2 These •words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Terri. tory) Extension of Laws Act, 1960 (T&rnil Nadu Aet 23 of 1960). 3 These words were substituted for the •words and - figure "Any person liable to pay æssessment under section 3 " by ibid. These words were inserted by Tamil Nadu Act VIII of section 2. 605 : T.N. Act Land Encroachment 521 1[5-A. Any person in the transferred territory Liability of liable to pay assessment under section 3-A shall person unautho- rizedly occup- also be liable at the discretion of the Collector or ying land to subject to his

control, the Tahsildar or Deputy Tahsildar, to pay in addition by way of penalty, notice in the transferred or unassessed, a sum territory. whether the , not exceeding h? Pergo pees.] shall 2[5-B. Before taking proceedings under section Notice before 5 or section 5-A, the Collector, or Tahsildar of proceeding under section 5 Deputy Tahsildar or Revenue Inspector, shall cause or section 5-A. to be served in the manner provided in section 7 on the person reputed to be in unauthorized occupa- tion of land being the property of Government, a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under secti0B 5 or section 5-A : Provided that where the notice under this sectiot* is caused to be served by the Revenue Inspector he shall require the person reputed to be in un authorized occupation of the land to show cause against such notice to the Tahsildar or Deputy Tahsildar having jurisdiction and shall also make 8 report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Tahsildar or Deputy Tahsildar having jurisdiction.] Liability 6. (1) Any person unauthorizedly occupying any person land for which he is liable to pay assessment under thorizedly section 3 8[or section 3-A] may be summarily evicted occupying land to summary by the Collector, 4[or subject to his control, by the eviction, 1 This section was inserted by section 4 of. and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1\$60). a This section was inserted by section 2 of the Tamil Nodu Land Enorachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965), 3 These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 196'). These words were inserted by section 3 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 522 'or feiture of orops, etc, Land Encroachmen* [1905 : T.N. Act III Tahsildar or Deputy Tahsildar or any other offeer authorized by the State Government in this behalf (hereinafter referred to as the ' authorized officer ')], and any crop or other product raised on the land shall be liable to forfeiture and any building or other construction erected or anything deposit' B. thereon shall also, if not removed by him after such written notioe as the Collector Ilor subject to his control, the Tahsildar or Deputy Tahsildar or authorized offcer] may deem reasonable, be liable to forfeiture, Forfeitures under this section shall be adjudged by the Collector l[or subject to his control by the Tahsildar or Deputy Tahsildar or authorized offcer] and any property so forfeited shall be disposed of as the Collector dor subject to his control,the Tahsildar or Deputy Tahsildar or authorized offcer] may direct. (2) An eviction under this section shall be made Model of evic.in the following manner, serving a notice in the manner provided in section 7 on the tion. person reputed to be in occupation . or his ogent requiring him within such time as the Collector] [or the Tahsildar or Deputy Tahsildar or the authorized offcer] may deem reasonable after receipt of the said notice to vacate the land, and, if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and if the offcer removing any such person shall be resisted or obstructed by any person, the Collector l[or the Tahsildar or Deputy Tahsildor or authorized omoer] shall hold a summary Inquiry into the facts of the case, and if satisfied that the resistancoe or obstruction was without any just cause and that guoh resistance or obstruction still continues, may issue warrant for the arrest of the said person and on his appearancoe commit him to olose oustody in the offoe of the Collector *Eor of ony Tahsildar or Deputy Tahsildar or authorized These words were inserted by section 3 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Aot 26 of 1965). a These word' were substituted for the words "or of any Tah• • Bildar . or Deputy mxasild" ar by 1905 : T.N. Act 111] Land Encroachment offcer] for such period not exceeding 30 days as may be necessary to prevent the continuance of such obstruction or resistance or may send him with a warrant in the form of the schedule for imprison- ment in the civil jail of the district for the like period : Provided that no person so committed or impriso- ned under this section shall be liable to be prosecuted under sections 183, 186 or 188 of the Indian Penal mtral Act Code in respect of the same facts. Any authorized offcer taking proceedings under this section shall make report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction.] 523 7. Before toking proceedings 2[under section 6] Prior noäoe to the Collector 3[or Tahsildar, '(or Deputy Tahsildar or person in oocu., potion. Revenue Inspector or any authorized offcer or any offcer of the Highways Department not below the rank of a Section Officer and not being an authorized offcer) as the case may be] shall cause to be served on the person reputed to be in unauthorized occupa- tion of land being 5[the property of Government] a notice specifying the land so occupied and

calling on him to show cause before a certain date why he should not be proceeded against 2[under section 6]. This sub.geotion was Bdded by section 3 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). a Thwe words and figure were substituted by section 4 of the Tamil Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965) for the words, figure and letter "under •eotion 5, notion 5-A or section 6 " which were substituted for the words and figures "under section 5 or section 6" by section 4 of, and the Second Schedule to, the Tan-ail Nadu (Transferred Territory) Extension of Lawg Act, 1960 (Tamil Nadu Aot 23 of 1960). 3 The words "or Tahsildar, or Deputy Tahsildar, as the case may be " were inserted by the Tamil Nadu Act VIII of 1914, section 4 These words weN substituted for the words "or Deputy " by section 4 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). 5The words "Crown property " were substituted for the words property of Government " by the Adaptation Order of 1937 •ad the words "the property of Government " wen eubstituted foe pmperty " by the Adaptation (Amendment) of 1". 524 Land Encroachment [1905 : T.N. Act 111 Such notice shall be served in the manner prescribed in section 25 of the I [Tamil Nadu] Revenue Recovery Act, 1864, or in such other marmer as the 11 of 2[State Government] by rules or orders under sootion 8 may direct 31 Provided that no such notice shall be necessary in the case of any person unauthorizedly occupying any land, if he has been previously evicted from such land under section 6 or if he has previously vacated such lond voluntarily after the receipt of a notice under section 5-B or under this section : Provided further that where the notice under this section is caused to be served by any Revenue Inspector or any officer of the Highways Department not below the rank of a Section Officer and not being an authorized officer, he shall require the person reputed to be in unauthorized occupation of the land to show cause against such notice to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction and shall also make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar or Deputy Tahsildar having jurisdiction.] Power to moke 8. The 2[State Government] may make rules, rules or orders either generally or in any particular instance— These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969. 2 The words " provincial Government " were substituted fer tho words "Local Government " by tho Adoptataon Order. 1937 and the word " Stoto " was substituted for " provincial " by tho Adaptation Order of 1950. 3 These proxnsos were added by section 4 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). The original section 8 wag renumbered as sub-section (l) of that section by section 5, ibid.. 1905 : T.N. Act 111] Land Encroachment 525 (@) regulating the rates of assessment leviabale under section 3 1[or section 3-A] ; (b) regulating the imposition of penalties under section 5 i[or section 5-A] ; (c) declaring that any particular land or class of lands which ore 2[the property of Government] shall not be open to oocupation ; (d) regulating the service of notices under this Aot a[and prescribing the form of such notices] ; specifying the particulars to be contained in the report under the proviso to section 5-B, under sub-section (3) of section 6 and under the second proviso to section 7 ; (f) regulating the procedure to be followed in appeals and revisions under this Act; and (g) for the purpose of carrying into effect the provisions of this Act]. All rules and orders made under this section shbll be published in the Fort St. George 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' 1 These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Aot 23 of 1960). 2 The words " Crown property " were substituted for the words " the property of Government " by the Adaptation Order of 1937 and the words " the property of Government " substituted for " Crown property 'i by the Adaptation (Amendment) Order of 1950. 8 These words were added by section 5 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Aot 26 of 1965). These clauses were added by ibid. 5 The eentence Such general rules or orders 8holl be mode after previous publication " was omitted by ibid. Thee sub-sections were added by ibid. 526 Laod Encroachment [1905 : T.N. Act 111 (3) Every rule and every order made under this section shall, as soon as possible after it is mode, be placed on the table of both Houses of the Legis- lature, 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 order or both Houses agree that the rule or order should not be made, the rule or order 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 previously done under that rule or order]. Recovery of 9. The amount of assessment and penalty imposed or penalty levied under this Act on any person unauthorizedly as arrears of occupying any land shall be deemed to be land- revenue, 1[Tamil Nadu] Act 11 of 1864. Madras Act VI of Appeal. revenue and may be recovered from him as arrears of land-revenue under the provisions of the i[Tamil Nadu] Revenue Recovery Act, 1864, or the Madras City Land-Revenue (Amendment) Act, 1867, as the case may be. 2[10. An appeal shall lie (c) to the Collector from any decision or order passed by a Tahsildar or Deputy Tahsildar [or an authorized officer] under this Act, and (b) to the District Collector from any decision or order of a Collector passed otherwise than on appeal, and (c) to the Board of Revenue from any decision or order of a District Collector passed otherwise than on appeal.5 [* * * 1 These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969. 2 This section was substituted by Tamil Nadu Act VIII of 1914 3 The brackets and figure "(1) " were omitted by section 6 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). These words were inserted by ibid. 5 The sentence "There shall be no appeal against a decision or order passed by the Collector or the District Collector on appeal, but the District Collector may revise any decision or order passed by a Deputy Tahsildar, Tahsildar or Collector under this Act, and the Board of Revenue may revise any decision or order passed by any officer under this Act " was omitted by ibid. 1905 : T.N. Act Land 527 2[10-A. (1) Any decision or order passed under Revision, this Act may be revised either suo motu or on application— (a) by the District Collector, if such decision or order was passed by an authorized officer or a Deputy Tahsildar, Tahsildar or Collector ; (b) by the Board of Revenue, if such decision or order was passed by any officer ; (c) by the State Government, if such decision or order was passed by the Board of Revenue. (2) The power conferred by sub-section (1) shall not be exercised except on the ground that the officer or authority whose decision or order is sought to be revised appears to have exercised jurisdiction not vested in him or it by law, or to have failed to exercise jurisdiction so vested, or to have acted in the exercise of his or its jurisdiction illegally or with material irregularity. (3) No decision or order shall be passed under sub-section (1) prejudicial to any person without giving such person reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration, before such decision or order is passed. IO-B. Pending the disposal of any appeal or Stay pending decision in application or proceedings for revision under this appeal or Act, the Collector, the District Collector, the Board of Revenue, or, the State Government, as the case may be, may by order, and subject to such conditions as may be specified therein, stay the execution of the decision or order appealed against or sought to be revised.] i Sub-section (2) was omitted by section 6 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). These sections were inserted by section 7, 528 Limitation appeal and revision. Document Land Encroachment • [1905: T.N. Act 111 1[11. (1) No appeal shall be preferred under for accompanying petition of appeal (or application for revision). Saving Of operation section 10 after the expiration of thirty days from the date on which the decision or order appealed against was received by the appellant. (2) No application for revision shall be preferred under sub-section (1) of section IO-A after the expiration of thirty days from the date on which the decision or order sought to be revised was received by the applicant. (3) In computing the period of thirty days referred to in sub-sections (1) and (2), the time required to obtain a copy of the decision or order appealed against or sought to be revised shall be excluded. (4) Notwithstanding anything contained in sub- sections (1) and (2), the officer or authority concerned or the State Government may admit on appeal or application preferred after the period specified therein, if such officer or authority or Government is or are satisfied that the appellant or applicant had sufficient cause for not preferring the appeal or application within that period.] 12. Every petition of appeal 3[or application for revision] under this Act shall be accompanied by the decision or order appealed against 3[or sought to be revised] or by an authenticated copy of the same

13. Nothing in this Act contained shall be construed as exempting any person unauthorizedly occupying lands of other laws in force. land from liability to be proceeded against under any other law for the time being in force : Provided that if any penalty has been levied from any person under section 5 [or section 5-A] of this Act, no similar penalty shall be levied from him under any other law in respect of such occupation. i This section substituted for the original section 11 by section 8 of the Tamil Land

Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). 2 These words were added by section 9 (i), 3 These words were inserted by section 9 (ii), *ibid.* These words, figure and letter were inserted by section 4 of, and the Second Schedule to, the (Transfer of Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960). 5 : T.N. Act 111] Land Encroachment 529 14. Nothing contained in this Act shall be held to saving of suits prevent persons deeming themselves aggrieved by any by persons proceedings under this Act except as herein before aggrieved by proceedings provided, from applying, to the civil courts for redress ; under Act. provided that the civil courts shall not take cognizance of any suit instituted by such person for any such cause of action such suit shall be instituted within six months under the time at which the cause of action arose for Deprivation—The cause of action shall be deemed to have arisen— (a) in respect of any assessment or penalty, on the date on which such assessment or penalty was levied ; (b) in respect of eviction or forfeiture, on the date of eviction or forfeiture

15. Every proceeding taken by a Collector for the Validation of recovery of any sum of money by way of penal or levy of penal assessment prohibitory assessment or charge from any person before the who has unauthorizedly occupied any land hereby passing of Act declared to be [the property of Government] shall, Saving of pending suits. if such sum has been recovered prior to the passing of this Act, be deemed to have been lawfully taken, provided that this section shall not apply to any suits pending when this Act comes into force in & Court of First Instance or in Court of Appeal or affect the validity and operation of any decree or order already passed by a court of competent jurisdiction. 2[15-A. Where lease of land which is the property of the Government expires or is terminated by the person deemed to be Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or 1 The words " Crown property " were substituted for the words " the property of Government " by the Adaptation Order of 1937 and the words " the property of Government " substituted for " Crown property " by the Adaptation (Amendment) Order of 1950. 2 This section inserted by section 2 of the Madras Land Encroachment (Amendment) Act, 1950 (Madras Act XXIX of 1950), 530 Land Encroachment [1905 : T.N. Act III where land granted to any person is liable to be resumed by the Government for the breach or non-observance of any of the conditions subject to which the grant is made and the Government or any other authority competent in that behalf have passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders, shall, for the purposes of sections 3 to 15, be deemed to be a person unauthorizedly occupying such land.] Saving of lands 16. Nothing in this Act [save as provided in section 15-A], shall apply to any lands, claimed by right of escheat, 2 [] or reversion until such or reversion. Lands have been reduced into possession by [the State Government]. SCHEDULE. FORM OF WARRANT TO BE ISSUED * * * SECTION 6. The Officer in charge of the Civil Jail at Whereas A.B. of has resisted (or obstructed) C.D. in removing B.F. (or himself, that is, the said These words, figures and letter were inserted by section 3 of the Madras Land Encroachment (Amendment) Act, 1950 (Madras Act XXIX of 1950). 2 The word " resumption was omitted by *ibid.* 8 The words " the Provincial Government " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950. The words " BY THE COLLECTOR " were omitted by section 10 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965.) •1905 : T.N. Act 111] Lapa 'Encroachment A .B.) from certain land in the village of in the taluk, and whereas it is necessary in order to prevent the continuance of such obstruction (or resistance) to commit the said A.B. to close custody, you are hereby required under the provisions of section 6 of the 11 Tamil Nadu] Land Encroachment Act, 1905, to receive the said A.B. into the jail under your charge and there to keep him 53.1 in safe custody for Dated this day of Collector Tahsildar a [Signature of Deputy Tahsildar L Authorized Officer.] i These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969. a This was substituted for the brackets and words " (Signature of Collector) " by section 10 of the Tamil Nadu Land Encroachment (Amendment) Act, 1965 (Tamil Nadu Act 26 of 1965). 125-19--3" Lahi'Encroachment (Amendment) 111965 Short title, [TAMIL NADU ACT No, 26 OF 1965.2 THE [TAMIL NADU] LAND ENCROACHMENT (AMENDMENT) ACT, 1965, [Received the assent of the President on the 10th November 1965, first published in the Fort St. George Gazette on the 24th November 1965 (Agrahayana 3,

1887).] An Act further to amend the 1[Tamil Nadu Land Encroachment Act, 1905. BE it enacted by the Legislature of the 3[State of Tamil Nadu] in the Sixteenth Year of the Republic of India as follows This Act may be called the 21 Tamil Nadu] Land Encroachment (Amendment) Act, 1965, 2-10. [The amendments made by these sections have already been incorporated in the principal Act, viz., the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act ITI of 1905),] 1 These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 2 For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 28th July 1965, Part IV— Section 3, page 122. 3 This expression was substituted for the expression " State of Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, 1965: Act Land 445 11. -Notwithstanding. any judgment, decision. or order Certain orders of any court, anything done. or any action: taken :or •anytaeSSdeedeÆOetd to decision or order passed by the State before -invalid. the date of publication of this Act in the *Fori St. George Gazette, shall not be deemed .to be invalid merely by reason of the fact that the State Government had, before. such. publication, no power to revise any decision or order passed by the t Board of Revenue. 12, (1) The principal Act, as in force immediately Extension of before the commencement of this Act in the 2[State of 1[Tamil Nadu Act] 111 of 1905 Tamil Nadu] except in the added territories and as amen- to the added territories, ded by this Act (hereinafter in this section referred to as repeal and the IL Tamil Nadu Act]), is hereby extended to, and shall savings, be in force in, the added territories. (2) If, immediately before the . commencement of this Act, there is in force in the added territories any law corresponding to the 11 Tamil Nadu Act], sad. correspond- ing law shall stand repealed on such commencement, This expression was substituted for the " Madras Act " by paragraph 3 (2) of the Tamil:- Nadu Adaptation of Laws Order, 1970. 2 This expression was substituted for. .the expression. 'd State of Madras " by the Tamil Nadu Adaptation of Laws Order; 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) 1969. * Now the Tamil •Nodu Government• Gazette. •t By VirtÜe •of •section- of --tfie Tamil Nadu Board of Revenue Abolition Act; 1980* (Tamil' Nadu •Act 36:' of {980), any reference to.. the . Board ..Revefiue •shall be deemed to' beea reference to the State Government, [1965: T.N,Act 26 Land Encroachment (Amendment) (3) The repeal by sub-section (2) of any law corresponding to the Itramil Nadu Act] in force in the added territories immediately before the commencement of this Act shall not affect— (a) the previous operation of any such law or anything duly done or suffered thereunder ; or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law ; or (d) any investigation, legal proceeding or remedy in resFct of any such right, privilege, obligation, liability. penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy: may instituted, continued or enforced •and any suéh» penalty, forfeiture or punishment may be imposed as if this Act had not been passed. (4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appoint- ment or delegation made, notification, order, Instructin or direction issued, rule, regulation or form framed, certificate canted or registration effected under any Such law shall be deemed to have been done or taken under the provision of the itramil Nadu Act] and shall in force accordingly, unlß and until superseded by anything done or any action taken under the 3[Tam11 Nadu Act], (5) For the purpose of facilitating the application L of the i[Tamil Nadu Act] in the added territories, any court? or other authority may construe e i[Tamil Nadu•.• Act] with such alterations not affectin e substance as may be or proper to adapt it to the mailer betbre the court or other authority. This exprwsion was substituted for the expression " Madras i Act " by paragapb 3 (2) of the Tamil Nadu Adaptation of Laws ord%, 1970, Act 261 Land. Encroachment (Amendment) & Any referefce in {tie 11 Taniil• • Ac,t] to a which is not in force in t flie added terrjlories she.ll, sib relation to those territories, be construed as a reference to the •cÖrresponding law; if any, in force in those terri- tories. 7jYAny reference in any raw 'which continues to infoæ'in the added territories after the commenemÉnt f, this Act to any law repealed by sub-section (2) shall , *elatioå to those territories; as a reference to the 1[Tamil Nadu Act]. Ithe • purpose of: this section, the " added territories ' shall. mean the •expression territories specified in the Second Schedule tethe Andhra naeshßan•d' Mo,dras (Alteratioh: df' Boundaries) Act, 56 •of *1959). t This expression was substituted for the "expression " Madras *Act " by paragraph 3 (2) of the Tamil Nadu Adaptati(of Laws Order, 1970. 44 7 1975* T.N. Act 20] Land Encroachment(Amendment) 435 TÆvm., NADU ACT NO, 20 OF 1975.*

TAMIL NADU LAND ENCROACHMENT (AMENDMENT) ACT, 1975. [Received the assent of the President on the 2nd July 1975, first published in the Tamil Nadu Government Gazette Extraordinary, on the 8th July 1975 (Aani 24, Iratchasa An Act further to amend the Tamil Nadu Land Encroachment Act, 1905. BB 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 Land Sb(rrt title Encroachment (Amendment) Act, 1975. and com• (2) It shall come into force on such date as the State Government may, by notification, appoint

2. In section 7 of the Tamil Nadu Land Encroachment Amendment Act, 1905 (Tamil Nadu Act III of 1905) (hereinafter referred Of section 7, Tamil to as the principal Act),—Nadu Act of (i) in the opening paragraph, for the words "any omcer of the Highways Department not below the rank of a Section Officer and not being an authorised omcer", the words and brackets "any other omcer specified by the State Government in this behalf (not being an authorised omcer) (hereinafter referred to as the ' specified omcer') ' shall be substituted; (ii) in the second proviso,— (a) for the words "any omcer of the Highways Department not below the rank of a Section Officer and not being an authorised omcer", the words "any specified omcer" shall be substituted; (b) for the words "or Deputy Tahsildar having jurisdiction", in the two places where they occur, the words "Deputy Tahsildar or authorised omcer having jurisdiction, as the case may be" shall be substituted. For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 8th March 1975, Part IV—Section 1, Pages 59-60. 436 3. Amendment of section 10, Tamil Nadu Act m of 1905. Amendment of section Tamil Nadu Act of 1905. Amendmmt of section IO-B, Tamil Nadu Act 111 of 1905. Land Encroachment (Amendment) t1975: T.N. Act In section IO of the principal Act,— (i) in clause (a), the words "or an authorised omcer" shall be omitted; (ii) after clause (a), the following clause shall be inserted, namely "(aa) to such omcer a may be specified by the State Government in this behalf (hereinafter referred to as the appellate authority) from any decision or order passed by an authorised officer under this Act and different appellate authorities may be specified for different classes of cases; and". 4. (1) of sec ion IO-A of the principal Act,— (i) in clause (a), the word "an authorised officer or ' shall be omitted ; (ii) in clause (b), the words "other than the appellate authority" shall be added at the end; (iii) in clause (c), for the words "by the Board of Revenue", the words "by the appellate authority or the . *Board of Revenue" shall be substituted. S. In section IO-B of the principal Act, after the words "the District Collector", the words "the appellate authority" shall be inserted. By virtue of section 10 (l) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be a reference to the State Government. OF TAMIL NADU 1996 Govt. Registered No M (Price 15 paig No, e. 14] NADU GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED AUTHORITY MADRAS. WEDNESDAY, JANUARY Jo, 1996 MARGAZHI 26, YUVA, THIRUVALLUVAR AANDU—2026 4 Part Section 2 Tamil Nadu Acts and Ordinances', The follo ing Act of the Tamil Nadu Legislative Assembly received the assent of the Preside rt on tl•e 3rd January, 1996 ard is hereby published for general informa- tion :— ACT No. 1 OF 1996. An Act further to amend the Tamil Nadu Land Encroachment Act, 1905. Be it enacted. by the Legislative Assembly of the State of Tamil Nadu in the Forty- fourth Year of the Republic of India as follows :— 1 . This Act may be called. the Tamil Nadu Land Encroachment (Amendmen.t) Short title. Act, 1993

2. In section 4 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter Amendment Tarn il Nadu Act referred to as the principal Act), the words " at-.d shall rot be questioned in any civil section 4.- of 1905. SY all be omitted . court ' 3. In sections IO, IO-A and IO-B of the principal Act, for the words " Board of Amendment Revenue" wherever they occur. the words " Commissioner of Land Administration" sections 10, I' shall be substituted . Group) Ex. (14) and IO-B. TAMIL NADJ GOVERNVIENP GAZEF rc of 4. For seJtio.i 14 ot' the Xtt, the follosri nanwlv : 'i 4. Bar QT jurisdictionuz q/ law' for the time in no o.•der or authority or the StâEe u 'his Aet s court, in a my suit a ld no injunction s yall be It respect of a IY ettoa takea ot to be taken by such or authorit Gover,unent in pursua Ice of a power by or It nder this In the application ot a rule, by-law, regulati D.I. notifi .•alio) , 01 m i ie or issued u Ider the A refere Ice to t ie 01' R requites, be dee:ned to be a the CD It e.Kt other 'vviS2 Commissioner of Land Administration. PRINTED AND PUBLISHED BY (By Order of the Governor) M. MUNIRAIN Secretary to Go yel Lali' Depart"ie THE DIRECTOR OF STATIONE AND PRINTING OF THE GOVERNMENT OP NADU.