

**Madras Estates (Abolition And Conversion Into Ryotwari),  
Estates Land (Reduction Of Rent) And Estates  
(Supplementary) (Amendment) Act, 1958**

**34 of 1958**

**[07 January 1959]**

CONTENTS

1. Short title and commencement
2. Amendment of section 8, Madras Act XXVI of 1948
3. Amendment of section 10, Madras Act XXVI of 1948
4. Amendment of section 20, Madras Act XXVI of 1948
5. Insertion of new section 30-A in Madras Act XXVI of 1948
6. Insertion of new section 35-A in Madras Act XXVI of 1948
7. Amendment of section 38, Madras Act XXVI of 1948
8. Amendment of section 51, Madras Act XXVI of 1948
9. Omission of section 56, Madras Act XXVI of 1948
10. Insertion of new section 64-BB in Madras Act XXVI of 1948
11. Amendment of section 64-C, Madras Act XXVI of 1948
12. Amendment of section 67, Madras Act XXVI of 1948
13. Amendment of section 3-B Madras Act XXX of 1947
14. Amendment of section 5, Madras Act XXX of 1956
15. Transitional provisions
16. Savings

**Madras Estates (Abolition And Conversion Into Ryotwari),  
Estates Land (Reduction Of Rent) And Estates  
(Supplementary) (Amendment) Act, 1958**

**34 of 1958**

**[07 January 1959]**

PREAMBLE

An Act further to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and the Madras Estates Land (Reduction of Rent) Act, 1947, and to amend the Madras Estates (Supplementary) Act, 1956.

Whereas it is expedient further to amend the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948), and the Madras Estates Land (Reduction of Rent)

Act, 1947 (Madras Act XXX of 1947), and to amend the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956), for the purposes hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 25th September 1958, Part IV-A, pages 466 to 469.

### **1. Short title and commencement :-**

(1) This Act may be called the "Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958.

(2) (a) Sections 5, 6 and 7 shall be deemed to have come into force on the 19th April 1949.

(b) Clause (i) of sections 2, 13 and 14 and sections 10, 12 and 15 and sub-section (1) of section 16, shall come into force on such date<sup>1</sup> as the Government may, by notification, appoint, and different dates may be appointed for different sections.

(c) The provisions of this Act, other than those specified in clauses (a) and (b), shall come into force at once.

1. Sections 10 and 12 and sub-section (1) of section 16 came into force on the 18th day of February 1959 and clause (i) of sections 2, 13 and 14 and section 15 came into force on the 1st day of July 1959.

### **2. Amendment of section 8, Madras Act XXVI of 1948 :-**

In section 8 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) (hereinafter referred to as the principal Act),--

(i) for sub-section (2), the following sub-section shall be substituted, namely:--

"(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge.";

(ii) for sub-section (4), the following sub-section shall be substituted, namely:--

"(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal."

### **3. Amendment of section 10, Madras Act XXVI of 1948 :-**

In section 10 of the principal Act --

(i) in sub-section (1), after the words "or such further time", the words "not exceeding two months" shall be inserted;

(ii) to same sub-section, the following proviso shall be added, namely:--

"Provided that in respect of an estate notified before the date of commencement of section 3 of the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Act, 1958, the period of two months aforesaid shall be computed from the date of such commencement."

### **4. Amendment of section 20, Madras Act XXVI of 1948 :-**

Clause (d) of sub-section (2) of section 20 of the principal Act shall be omitted.

### **5. Insertion of new section 30-A in Madras Act XXVI of 1948 :-**

After section 30 of the principal Act, the following section shall be inserted, namely:--

"30-A. A person deemed to be landholder in certain cases.--

(1) For the purposes of sections 27, 28, 29 and 30 any person who had, immediately before the notified date, any right or interest in any land in a zamindari estate as a landholder, shall be deemed to be a landholder of such estate.

(2) The ryotwari assessments imposed on, and the miscellaneous revenue derived from, all lands in a zamindari estate in respect of which, any landholder mentioned in subsection (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum."

**6. Insertion of new section 35-A in Madras Act XXVI of 1948 :-**

After section 35 of the principal Act, the following section shall be inserted, namely: --

"35-A. A person deemed to be landholder in certain cases.--

(1) For the purposes of sections 31, 32, 33, 34 and 35, any person who had, immediately before the notified date, any right or interest in any land in an inam estate as a landholder, shall be deemed to be a landholder of such estate.

(2) The ryotwari assessments imposed on, and the miscellaneous revenue derived from, all lands in an inam estate in respect of which, any landholder mentioned in subsection (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum."

**7. Amendment of section 38, Madras Act XXVI of 1948 :-**

In clause (a) of sub-section (2) of section 38 of the principal Act, for the words "the notified date", the words and figures "the fasli year 1357" shall be substituted.

**8. Amendment of section 51, Madras Act XXVI of 1948 :-**

In section 51 of the principal Act, after sub-section (2), the following sub-section shall be added, namely: --

"(3) The Special Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal."

**9. Omission of section 56, Madras Act XXVI of 1948 :-**

(1) Section 56 of the principal Act shall be omitted.

(2) Any legal proceedings pending by virtue of the said section 56 immediately before the date of the commencement of this section, whether before the Settlement Officer or the Tribunal, shall by virtue of this section abate on the date of such commencement.

**10. Insertion of new section 64-BB in Madras Act XXVI of 1948 :-**

After section 64-B of the principal Act, the following section shall be inserted, namely; --

64-BB. Limitation.--

(1) A copy of every decision or order in any proceeding against which an appeal or revision is provided for under this Act shall be communicated in such manner as may be prescribed.

(2) For the purpose of computing the period of limitation in respect of any appeal or application for revision against any decision or order, the date of communication of copy of the decision or order to the appellant or applicant shall be deemed to be the date of the decision or order,

(3) The provisions of section 4 and section 12, sub-sections(1) and (2), of the Indian Limitation Act, 1908 (Central Act IX of 1908) shall, so far as may be, apply to any appeal or application for revision under this Act,

(4) Where under this Act an appeal or application for revision may

be preferred to any authority or officer within a prescribed period or within such further time not exceeding a specified period as may be allowed by such authority or officer, the further time aforesaid shall be computed on and from the expiry of such prescribed period computed in accordance with the provisions of sub-sections (2) and (3).".

**11. Amendment of section 64-C, Madras Act XXVI of 1948 :-**

In section 64- C of the principal Act --

(i) in the heading, the words "by or" shall be omitted;

(ii) in sub-section (1), for the words "other authority by or under this Act", the words "other authority under this Act" shall be substituted.

**12. Amendment of section 67, Madras Act XXVI of 1948 :-**

In clause (e) of sub-section (2) of section 67 of the principal Act, the words and figures " and the Indian Limitation Act, 1908" shall be omitted.

**13. Amendment of section 3-B Madras Act XXX of 1947 :-**

In section 3-B of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947),--

(i) for sub-section (2), the following sub-section shall be substituted, namely: --

"(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge.";

(ii) for sub-section (4), the following sub-section shall be substituted, namely: --

(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.".

**14. Amendment of section 5, Madras Act XXX of 1956 :-**

In section 5 of the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956),--

(i) for sub-section (2), the following sub-section shall be substituted, namely;--

"(2) Each Tribunal shall consist of one person only who shall be a Judicial Officer not below the rank of District Judge or Additional District Judge.";

(ii) for sub-section (4), the following sub-section shall be substituted, namely:--

"(4) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit or when hearing an appeal.".

**15. Transitional provisions :-**

(1) Any proceedings pending immediately before the date of commencement of clause (i) of section 2 of this Act before any Tribunal constituted under sub-section (1) of section 8 of the principal Act and having jurisdiction over any estate or part thereof shall stand transferred to the Tribunal constituted under the same sub-section after such commencement and having jurisdiction over the same estate or part thereof.

(2) Any proceeding pending immediately before the date of the commencement of clause (i) of section 13 of this Act before any Tribunal constituted under sub-section (1) of section 3-B of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) and having jurisdiction over any village or group of villages shall stand transferred to the Tribunal constituted under the same sub-section after such commencement and having jurisdiction over the same village or group of villages.

(3) Any proceeding pending immediately before the date of commencement of clause (i) of section 14 of this Act before any Tribunal constituted under sub-section (1) of section 5 of the Madras Estates (Supplementary) Act, 1956 (Madras Act XXX of 1956) and having jurisdiction over any area shall stand transferred to the Tribunal constituted under the same sub-section after such commencement and having jurisdiction over the same area.

#### **16. Savings :-**

(1) Any appeal or application for revision which has been disposed of before the date of the commencement of section 10 of this Act on the footing that such appeal or application was preferred after the expiry of the period prescribed under the principal Act, shall, on application preferred within two months from the date of such commencement, by any person aggrieved, be re-opened and disposed of in accordance with the provisions of the principal Act as amended by section 10 of this Act.

(2) The Government or any authority or officer authorized by the Government in this behalf may, either suo motu at any time or on the application preferred within two months from the date of publication of this Act in the Fort St. George Gazette by any institution to which payment has been made before the date of such publication under sub-section (2) of section 38 of the principal Act, re-open any proceeding relating to such payment and dispose of such proceeding in accordance with the said sub-section as amended by section 7 of this Act.