

**THE ¹(TAMIL NADU) REVENUE RECOVERY
ACT, 1864.**

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¹ (TAMIL NADU) ACT No. II OF 1864².

[THE¹(TAMIL NADU) REVENUE RECOVERY ACT,
1864.]³

(Received the assent of the Governor on the 5th May 1864,
and of the Governor-General on the 20th June 1864.)

An Act to consolidate the Laws for the
Recovery of Arrears of Revenue in the ⁴[State of
Tamil Nadu].

Preamble

WHEREAS it is advisable that the laws relating to the
collection of the public revenue should be consolidated
and simplified; It is hereby enacted as follows:-

Interpretati
on clause
Landholder

1. The term "landholder" as used in this Act, shall
be taken to comprise the following persons:-

All persons holding under a Sanad-i-Milkiyat-i-is
timrar, all other Zamindars, Shrotriyamdars, Jagirdars,
Inamdars, and all persons farming the Land Revenue
under ⁵[the State Government]. All holders of land
under Ryotwar settlements, or in *any way* subject to the
payment of revenue direct to ⁵ [the State Government].

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 Short title, "The Madras Revenue Recovery Act, 1864" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

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 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961, repealing the corresponding law in that territory.

This Act was extended to, and is in force in, the areas to which the Madras City Land Revenue (Amendment) Act, 1867 (Madras Act VI of 1867) was applicable immediately before the date of the commencement of the Madras City Land-Revenue and Revenue Recovery (Amendment) Act, 1967 (Tamil Nadu Act 16 of 1967) by section 3 of the latter Act.

This Act was extended to the added territories by section 6 (1), *ibid* repealing the corresponding law in those territories.

³ The Act was temporarily amended by the Madras Revenue Recovery (Temporary Amendment) Act, 1922 (Madras Act IV of 1922)

⁴ This expression was substituted for the expression "Madras Presidency" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th *January* 1969.

⁵ 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.

¹ [Public revenue due on land shall, for the purposes of this Act, be taken to include-

Public
revenue

² [(a) assessment, quit-rent, ground-rent or other charge upon the land payable to the State Government;]

²[(aa)) cesses or other dues payable to the State Government on account of water supplied for irrigation; and

(b) pattom due on. Kandukrishi lands in the Kanyakumari district.]

2. The land, the buildings upon it, and its products Security for shall be regarded as the security of the public revenue.

Security
for
revenue

³ Every landholder shall pay to the Collector, or other officer empowered by him to receive it, the revenue due upon his land on or before the day on which it falls due, according to the kistbandi or other engagement, and where no particular day is fixed, then within the time when the payment falls due according to local usage: Provided that, except where property is held under a Sanad-i-

Landholder
when and
to
whom to
pay kist

Milkiyat-istimrar or other similar instrument, it shall be lawful for the Board of Revenue, by notification published in the District Gazette, to alter and fix, from time to time, the amount of the several kists or instalments, and the dates at which they shall respectively become payable.

Board
Revenue
may alter
amounts
and dates
of
payment

4. When the whole or portion of a kist shall not be so paid, the amount of the kist or of its unpaid portion shall be deemed to be an arrear of revenue

Arrear of
revenue.

¹ This paragraph was substituted for the paragraph "Public revenue due on land shall, for the purposes of this Act, be taken to include cesses or other dues payable to the State Government on account of water supplied for irrigation" 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).

²The original clause (a) was relettered as clause (aa) **and this clause was** inserted by section 4 of the Madras City Land-Revenue **and Revenue Recovery (Amendment) Act, 1967 (Tamil Nadu Act 16 of 1967).**

Arrear of
Revenue
how
recovered

5. Whenever revenue may be in arrear, it shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to proceed to recover the arrear, together with ^[1]penalty and costs of process, by the sale of the defaulter's movable and 'immovable property, or by execution against the person of the defaulter in manner hereinafter provided.

Terms of
Sanad-i-
Milkiyat –i
istimrar to
be
observed

6. If the defaulter hold under a Sanad-i-Milkiyat –i-istimrar or other similar instrument code of recovering the arrear shall be in accorded with the terms of such Sanad. In the case of other defaulters, the Collector, or other officer empowered by the Collector in that behalf, may at his discretion, proceed to realize the *arrear* by the sale of either the movable or immovable property of the defaulter, or of both.

Interest on
arrears

^[2]7. Penalty on arrears:- Penalty shall be charged on arrears of revenue at the rate of 5 percent per fasli year or part thereof;

Provided that no such penalty shall be charged for the fasli year in which the revenue falls due and for the next succeeding fasli year;

[1] & [2]-Inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Rules for seizure and sale of movable property.

8. In the seizure and sale of movable property for arrears of revenue, the following rules shall be observed:-

Demand in writing.

*First-*The Collector, or other officer empowered by the Collector in that behalf, shall furnish to the person employed to distrain the property of a defaulter, a demand in writing and signed with his name, specifying the name of the defaulter, the amount of the arrear for which the distress may be issued, *and* the date on which the *arrear* fell due. The person employed to distrain shall produce the writing which, if the arrear together with the batta due to him, under section 53, be not at once paid, shall be his authority for making the distress, and on the day on which the property may be distrained, shall deliver a copy of such writing to the defaulter, endorsing thereon a list or inventory of the property distrained and the name of the place where it may be lodged or kept.

Defaulter to be served with a copy

¹ Under section 65 of the Tamil Nadu Court of Wards Act, 1903 (Tamil Nadu Act, I of 1902), no immovable property under the superintendence of the Court of Wards shall be liable to sale on account of arrears of land-revenue, accruing while the estate is under such superintendence.

Second.-The writing shall further set forth that the distrained property will be immediately brought to public sale, unless the amount, with ^[1]penalty, batta, and all the expenses of the distress, be previously discharged.

Writing to state that the distrained property will be sold

Third.- When a defaulter may be absent, a copy of the Writing, with *the endorsement*, shall be fixed or left at his usual place of residence, or on the premises where the property may have been distrained, before the expiration of the third day, calculating from the day of the distress.

Service when defaulter is absent.

9. When the amount due shall not have been paid pursuant to the terms of the demand, and no arrangement for securing the same shall have been entered into to the satisfaction of the Collector or other officer empowered by the Collector in that behalf, the distrainer shall transmit an inventory of the property distrained to the nearest public officer empowered to sell distrained property, under Act VII of 1839*, in order that it may be publicly sold for the discharge of the arrear due, with ^[1]penalty, batta, and cost of distraint.

procedure when defaulter neglects to pay after notice

[1]-Inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

10. Where a defaulter may tender payment of the arrear demanded after his property may have been distrained, and prior to the day fixed for sale, together payment of ^[1]penalty, batta, and all necessary expenses attending distress, the distrainer shall receive the amount immediately upon the same being tendered, and shall forthwith release the property.

On tender of arrear and expenses prior to sale, stress to be withdrawn

11. The distrainer attaching the crops or ungathered products of the land belonging to a defaulter, may cause them to be sold when fit for reaping or gathering, or at his option, may cause them to be reaped or gathered in due season and stored in proper places until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Destrained crops how dealt with

• The Tamil Nadu Rent and Revenue Sales Act, 1839.

[1]-Inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Tenant may
pay arrears and
terminate
attachment.

When crops or products belonging to a tenant shall have been sold, it shall be lawful for such tenant to deduct the value of the crops or products so sold from any rent which may be due by him, then or afterwards, to the defaulter, in respect of the land on which such crops or products have been grown. It shall also be lawful for a tenant whose crops are attached for an arrear of revenue to pay the arrear and deduct the amount in the aforesaid manner from any rent due by him, then or afterwards.

12. The distrainer shall not work the bullocks or cattle, or make use of the goods or effects distrained; he shall provide the necessary food for the cattle or livestock, the expense attending which shall be defrayed by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

13. Where property distrained may be stolen or lost, or damaged by reason of the necessary precautions for its due preservation not having been taken, or from its having been improperly worked or made use of, the amount of such loss or damage shall be recoverable by summary process by the Collector from the officer whose neglect or act occasioned the loss or damage, and the amount

Distrained
cattle or
goods not to
be used.

Recovery of loss
from neglect in
respect of
distrained property.

when recovered shall be paid to the person damnified.

Distress to be proportionate to the arrear.

14. The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the amount of the arrear

Articles exempted from distraint.

¹[14-A. The following articles shall not be distrained for arrears of revenue, namely:-

(a) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter or of his wife and children, and such personal ornaments of a woman as in accordance with religious usage cannot be parted with by her.

¹ This section was inserted by section 4 of the Madras City Land - Revenue and Revenue Recovery (Amendment) Act 1967(Tamil Nadu Act 16 of 1967).

1864: T.N Act II

Revenue Recovery

(b) ploughs, implements of husbandry and one of ploughing cattle of the defaulter, such manure and seed grain stocked by the defaulter or on his behalf by his cultivator as may be necessary for the due cultivation of his lands in the ensuing year; and

(c) any other class of articles which may be notified by the State Government in the Tamil Nadu Government *Gazette*.]

15. Distress shall be made after sunrise and before sunset and not otherwise

Times of distress

16. Where a defaulter may make a fraudulent conveyance of property to prevent the distress for arrears, any Civil Court of competent jurisdiction, upon proof thereof, shall summarily cause the property to be delivered up to the distrainer. The defaulter will further be liable to the penalties prescribed by section 424 of the Indian Penal Code.

Penalty for fraudulent conveyance of property to provide distress

17. Where any person, not being a defaulter or responsible for a defaulter, may claim a right to the property distrained, and the distrainer may, notwithstanding, cause the same to be sold, such claimant, on proof of such right in any Civil Court of competent jurisdiction, and in the event of the distrainer

Claims to property distrained and sold

Central Act XLV of 1969

being unable to prove the responsibility for the arrear of revenue, on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with ^[1]interest at the rate of 6 (six) per cent per annum, costs and damages, according to the circumstances of the case. But claims to crops upon the ground or to gathered products of the ground attached, in the possession of the defaulter_s whether founded upon a previous sale, mortgage, or otherwise, shall not bar the prior claim of revenue due from the ground upon which such crop or product may have been grown.

Revenue to be the first charge

Central Act XLV of 1960

18. Where it may be proved to the satisfaction of any Civil Court of competent jurisdiction that any person has forcibly or clandestinely taken away property once distrained, the Court may summarily cause such property to be restored to the distrainer. The offender Will further be liable to the penalties prescribed by the Indian Penal Code,

Penalty for forcibly on clandestinely taking away distrained property.

[1]-Inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

What
places
distrainer
may force
open

19. It shall be lawfull for the distrainer to force open any stable, cow-house, granary, godown, out-house, or other building, and he may also enter any dwelling house the outer door of which may be open, and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein; provided *always that* it shall not be lawful for such distrainer to break open or enter *any* apartment in such dwelling house appropriated 'for the zenana or residence of women, except as hereinafter provided.

Powers of
disgrainer
to force
open
doors in
the
presence
of a police
officer

20. Where a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling house,, the outer door of which may be shut, or within any apartments appropriated to women Which, by the usage of the country, are considered, private, such distrainer shall represent the same to the officer in charge of the nearest Police station. On such representation, the officer in charge of the said station shall send a police officer to the spot, in the presence of whom the distrainer may force open the outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the zenana. The distrainer may also, in the presence of the police-

officer, after due notice given for the removal of women within a zenana, and after furnishing, means for their removal in a suitable manner (if they be women of rank, who, according to the customs of the country cannot appear in public), enter the -zenana apartments for the purpose of distraining the defaulter's property deposited therein, but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

21. Persons entering the apartments of women, or forcing open the outer door of dwelling houses, contrary to the provisions of this Act, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs.500, or to imprisonment of either description *for any* period not exceeding six months

Punishment
for unlawful
entry

**Proclamation
of time of sale,
and of
property to
be sold.**

22. The public officer, empowered under Act VII of 1839* to sell distrained property, shall cause to be affixed to the outer door of the defaulter's house, or on the premises where the property may *have* been distrained, a list of the property to be sold, with a notice specifying the place where, and the day and hour at which the distrained property will be sold and shall cause proclamation of the intended sale to be made by beat of drum in the village to which the lands on which the arrear has accrued may belong, and in such place or places as the Collector or other officer empowered by the Collector in that behalf, may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of a period of fifteen days from the date on which the notice may be so affixed:

¹[Provided that nothing in this section shall be deemed to prevent the sale of any distrained property which is subject to speedy and natural decay at any time after the date on which the notice may be so affixed.]

23. At the appointed time, the property shall be put up in one or more lots, as the said officer may consider advisable, and shall be disposed of to the highest bidder. Where the property may sell for more than the amount of the arrear, the overplus, after deducting expenses of process and ^[1]penalty, shall be paid to the defaulter.

Sale how
conducted

24. The property shall be paid for in ready money at the time of the sale, or as soon after as the officer holding the sale shall appoint, and the purchaser shall not 'be permitted to carry away any part of the property until he has paid for the same in full. Where the purchaser may fail in the payment of the purchase money, the property shall be re-sold, and the defaulting purchaser shall be liable for any loss arising, as well as the expenses incurred, on the re-sale. Where the property may, on the second sale, sell for a higher price than at

payment on
purchase of
distrianed
property

Re-sale in case
of default.

² This proviso was added by section 4 of, and the Second schedule to, the Tami Nadu (Transferred Territory) Extension Act, 1960 (Tamil Nadu Act 23 of 1960).

*The Tamil Nadu Rent and Revenue Sales Act, 1839;

[1]-Inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

the first sale, the difference or increase shall be the property of him on whose account the said first sale was made.

Demand
to be
served
prior to
attachment
of land

25. Before a Collector, or other officer empowered by the Collector in that behalf, proceeds to attach the attachment land of the defaulter, or buildings thereon, he shall' cause a written demand to be served upon the defaulter, specifying the amount due, the estate or land in respect of which it is claimed, the name of the party in arrear, the batta due to the person who shall serve the demand, and the time allowed for payment, which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid. Such demand shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorized agent, or by affixing a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the land about to be attached.

Mode of
service.

Procedure
when
defaulter
neglects to
pay

26. When the amount due shall not have been paid pursuant to the terms of the demand, and no arrangement for securing the same shall have been entered into to

the satisfaction of the Collector, or other officer empowered by the Collector in that behalf, he shall proceed to recover the arrear by the attachment and sale of the defaulter's land in the following manner

Mode of
attachment

27. The attachment shall be effected by affixing a notice thereof to some conspicuous part of the land. The notice shall set forth that unless the arrear, with ^[1]penalty and expenses, be paid within the date therein mentioned, the land will be brought to sale in due course of law. The attachment shall be notified by public proclamation on the land, and by publication of the notice in the District Gazette.

Management
of
attachment
property

28. It shall be lawful for the Collector, when attaching the land of a defaulter, or at any time during such attachment, to assume the management property attached. In such case he shall appoint an agent with a proper establishment of Officers to

[1]-Inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Manage the property, and shall give the agent certificate of appointment with written instructions under his seal and signature, and the expenses of management shall be defrayed out of the income of the property; provided always, that where the property may be too inconsiderable to admit of its being charged with the salary of an agent, it shall be committed to the care of such Revenue officer as the Collector may select, who shall be subject to all the provisions herein contained in reference to agents.

When
Revenue
Officer to
take
charge

29. Notice of the assumption of management shall forthwith be served on the defaulter in the manner described in section 25, and shall be notified by public) / proclamation on the land, and by publication in the District Gazette.

Notice of
assumptio
n of
managem
ent

30. It shall be the duty of the agent, during the continuance of management under section 28, to collect the rents and profits due, or accruing due upon the estate,

Duties of
Agents

according to the engagements subsisting between the defaulter and the parties holding under him, or according to established usage where no specific engagements exist. The agent shall keep accounts of all his receipts and disbursements, and submit the same, and pay over the balance, to the Collector, or other officer empowered by the Collector in that behalf, monthly, or whenever required, and the defaulter shall be at liberty to inspect the accounts at all reasonable times and to take copies of the same at his own expense without fee.

31. It shall be lawful for the defaulter to proceed by prosecution or suit against the agent, in respect of any criminal or illegal act done by him to the injury of the defaulter or his estate, and all tenants, or other persons holding by subordinate title, shall have the same remedies against him as they would have had against the defaulter if the act were done by the defaulter.

Liability of
agent so
suit of
prosecutio
n

32. All engagements entered into between the land holder and his tenants, except such as are hereinafter mentioned, shall be binding upon the Collector, during attachment, but all such engagements made collusively.

Effect of
existing
agreements
between land-
holder and
tenants

with a view to defeat or delay the effect of the attachment, and all leases of land at a rate lower than the usual rates of assessment, and not made bona fide for the purpose of erecting factories or buildings, or of bringing waste land into cultivation, and all engagements made subsequently to attachment, shall be null and void against the Collector, if he shall so declare; subject, however, to the right of the parties to such agreement to bring a suit against the Collector in the ordinary tribunals to establish the same; and all charges or incumbrances upon such land shall be postponed to the payment of the public revenue.

Payments
by
tenants

33. All payments on account of rent or profits actually due made before public notice of assumption of management to or on behalf of any landholder by any person holding under him, shall be valid against the Collector, and all such payments made after public notice of such assumption or made before they were actually due, shall be null and void against the Collector, who shall be entitled to recover, as arrears of rent, the full amount from the parties by whom it was paid, leaving them to sue the defaulter in the ordinary Courts of law.

Settlement
on
withdrawal
of
attachment

34. All sums received from the property attached, after paying the expenses of attachment and manage went, shall be carried to the credit of the defaulter in discharge of the arrears due, and ^[1]penalty chargeable under section 7 and as soon as ^[1]all arrears, penalty, costs of attachment, and expense of management shall have been liquidated, the attachment shall be withdrawn, and a full account rendered of all receipts and disbursements during its continuance.

Persons
interested
in land
may
release it
from
attachment
·

35. It shall be lawful for any person claiming *an* interest in land which has been, or is about to be, attached, to obtain its release by *paying* the ^[1]arrears, penalty, and costs incurred; and all such sums, if paid by a tenant, may be deducted from any rent then or afterwards due by him to the defaulter; and if paid by a *bona fide* mortgagee or other incumbrancer upon the estate, ¹[or by any person not being in possession thereof but *bona fide* claiming an interest therein adverse

¹ These Words were substituted for the words "shall constitute a debt from the defaulter to him and" by Act 1 of 97

[1]-substituted as per the T.N. Revenue Recovery (Amendment) Act, 1981

to the defaulter]; shall be a charge upon the land, but shall only take priority over other charges according the date at which the payment was made. ¹[Such sums when paid by a *bona fide* mortgagee or incumbrancer shall further constitute a debt from the defaulter.]

² 36.- In the sale of immovable property under this Act the following shall be observed:-

Procedure
in sale of
immovable
property
public
auction

First.—*The* sale shall be by public auction to the Public highest bidder. The time and place of sale shall be fixed by the Collector of the district in which the property is situated, or other officer empowered by the Collector in that behalf. The time may be either previous to or after the expiration of the fasli year.

Second.—*Previous* to the sale the Collector, or other officer empowered by the Collector in that behalf, shall issue a notice thereof in *English* and *in* the language of the district, specifying the name of the defaulter; the position and extent of land and of his buildings thereon; the *amount* of revenue assessed on the land, or upon its different sections; the proportion of the public revenue due during the remainder of the current fasli; *and the* time, place, and conditions of sale. This notice shall be fixed up one month at least before the sale in the Collector's office and in the Taluk cutcherry, in the nearest police station-house, and on some conspicuous part of the land.

Notification
one month
before sale

Third. - A sum of money equal to fifteen percent of the price of the land shall be deposited by the pure chaser in the hands of the Collector, or other officer

Deposit by
purchaser

¹ These words were added by s. 1 of Mad. Act I of 1897.

² Under section 42 of the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961), *where under that* Act or any rule made there under any sum due to a registered society from any person is recoverable as arrears of land revenue and the immovable property of such person is brought to sale under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 and the society is the purchaser at such sale, clauses third and fourth of this section shall be deemed to be substituted by the said clauses as *set* out in section 42 aforesaid. Similarly in case of recovery of any sum due *to* any primary land development bank or the State Land Development bank, clause third of section 86 shall ~~be~~ deemed to be substituted on set out in section 22-A of the Tamil Nadu Co-operative Land Development Banks Act, 1934 (Tamil Nadu Act X of 1934).

empowered by the Collector In that behalf, at the time of the purchase, and where the remainder of the purchase-money may not be paid within thirty days, the money so deposited shall be liable to forfeiture.

Fourth.- Where the purchaser may refuse or omit to deposit the said sum of money, or to complete the of the remaining purchase-money, the property shall be resold at the expense and hazard of such purchaser, and the amount of all loss or expense which may attend such refusal or omission shall be recoverable from such purchaser in the same manner as arrears of public revenue. Where the lands may, on the second sale, sell for a higher price than at the first sale, the difference or increase shall be the property of him an whose account the said first sale was made.

Re-sale in
default of
payment

Fifth:- All persons bidding at a sale may be required to state whether they are bidding on their own behalf or as agents, and, in the latter case, to deposit a written authority signed by their principals. If such requisition be not complied with their bids may be rejected.

Agents to
name
principals

¹[36-A. The provisions of the Third and Fourth clause of section 36 shall not apply to cases where immovable property sold under this Act is purchased by the Government.]

Certain
provisions
of section
36 not to
apply to
cases of
purchase
by
Governme
nt.

37. It shall be competent to the defaulter or to any person acting on his behalf, or claiming an interest in the land, to tender the full amount of the arrears of revenue with the ^[1]penalty thereon, and all charges which have been incurred in demanding the arrears, or in attaching or managing the estate or in taking the steps necessary for sale, and thereupon the sale shall be stayed:

Tender of
arrears up
to sunset
on day
before
sale

¹ This section was inserted by s. 3 of the Tamil Nadu Revenue Recovery and City Land-Revenue (Amendment) Act. 1937 (Tamil Nadu Act XIV of 1937).

The Tamil Nadu Revenue Recovery Act, 1864 should in its application to the State of Tamil Nadu be read and constructed as of section 36-A had formed part of that Act from its commencement vide section 4 (1) *ibid* see also section 4 (3) *ibid*.

[1]-substituted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Provided always that such tender must be made before sunset on the day previous to that appointed for the sale, and all sums ¹[paid under this or the next succeeding section] by any tenant, or *bona fide* mortgagee, or other incumbrancer ²(or any person *bona fide* claiming an interest in the estate adverse to the defaulter] may be recovered in the manner provided in section 35.

³ (37-A. (1) Any person owning or claiming an interest in immovable property sold under this Act may, at any time within thirty days from the date of sale, deposit in the treasury of the taluk in which the immovable property is situated-

Application to set aside sale of immovable property on deposits.

(a) a sum equal to five per centum of the purchase-money,

(b) a sum equal to the arrears of revenue for which the immovable property was sold, together with ^[1]penalty thereon and the expenses of attachment, management and sale and other costs due in respect of such arrears, and may apply to the Collector to set aside the sale.

[1]-substituted as per the T.N. Revenue Recovery (Amendment) Act, 1981

(2) If such deposit and application are made within thirty days from, the date of sale, the Collector shall pass an order setting aside the sale, and shall repay to the purchaser the purchase money so far as it has been deposited, together with the five per centum deposited by the applicant :

Provided that if more persons than one have made deposit and application under this section, the application of the first depositor to the officer authorized to set aside the sale shall be accepted.

(3) If a person applies under section 38 to set aside the sale of immovable property, he shall not, unless he withdraws such application, be entitled to make an application under this section.]

⁴[38 (1) At any time within thirty days from the date of the sale of immovable property, application may be made to the Collector to set aside the sale.

Application to
set aside sale

¹ These words were substituted for the words "so paid" by s. 2 of Mad. Act I of 1909.

² These words were added by s. 2 of Mad. Act I of 1897.

This section was inserted by s. 3 of Mad. Act I of 1909.
This section was substituted by s. 1 of Mad. Act III of 1894.

on the ground of some material irregularity, or mistake or fraud, in publishing or conducting it; but, except as otherwise is hereinafter provided, no sale shall be set aside on the ground of any such irregularity or mistake unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

(2) If the application be allowed, the Collector shall set aside the sale and may direct a fresh one.

(3) On the expiration of thirty days from the date of the sale, ¹[if no application to have the sale set aside is made under section 37-A or under clause (1) of this section] or if such application has been made and rejected, the Collector shall make an order confirming the sale; provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

Orders
confirming or
setting aside
sale.

[1](3-A) No sale shall be set aside by the Collector under sub-section (2) or sub-section (3) unless the purchaser has had a reasonable opportunity of making his representations

Refund of deposits or purchase money when sale set aside.

(4) Whenever the sale of any lands is not so confirmed or is set aside, the deposit or the purchase-money, as the case may be, shall be returned to the purchaser.

On confirmation of sale purchaser's name to be registered.

(5) After the confirmation of any such sale, the Collector shall register the lands sold in the name of the person declared to be the purchaser and shall execute and grant a certificate of sale bearing his seal and signature to such purchaser.

[1]-inserted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Certificate
of sale

Such certificate shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the act of the purchase in all Courts and Tribunals, where it may be necessary to prove the same; and no proof of the Collector's seal or signature shall be necessary, unless the authority before whom it is produced shall have reason to doubt its genuineness.]

¹ These words were substituted for the words "if no such application is made" by s.4, of Mad. Act I of 1909,

39. When lands may be purchased at Public sale the Collector or other officer empowered by the Collector in that behalf, shall publish in the villages, in which the land sold may be situated, in the cutcherry of the taluk, in the head cutcherry of the district, and in the District Gazette, the name of the purchaser and the date of purchase, together with declaration of the lawful succession of such purchaser to all the rights and property of the former landholder in the said lands.

Proclama
tion of
sale

40. Where, notwithstanding such publication, any lawful purchaser of land may be resisted and prevented from obtaining possession of his purchased land, any Court of competent' jurisdiction, on application and production of certificate of sale provided for by section 38, shall Cause the proper process to be issued for the purpose of putting such purchaser in possession in the same manner as if the purchased lands had been decreed to the purchaser by a decision of the Court.

Delivery
of
possessio
n

41. All contracts entered into by the defaulter with his tenants, and all payments to him by them payments shall be binding upon the purchaser to the same extent binding on and under the same conditions as laid down in sections 32 and 33 of this Act.

Contracts
and
payments
binding on
purchaser

42. All lands brought to sale on account of arrears of revenue shall be sold free of all incumbrances, and if any balance shall remain after liquidating the arrears with ^[1]penalty and the expenses of attachment and sale and other costs due in respect to such arrears, it shall be paid over to the defaulter unless such payment be prohibited by the injunction of a Court of competent jurisdiction.

Sale to be
free of all
incumbrances
Disposal
of surplus.

43. Arrears of rent which on the day of sale may be due to the defaulter from his under-tenants shall, in the event of the sale, be recoverable by him after the sale day by any process, except distraint which might have been used by him for that purpose before the said sale.

Recovery of
arrears
due to
defaulter
on
day of
sale

44. It shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to sell for whole or any portion of the land of a defaulter in discharge of arrear of revenue; provided always that, so far as may be practicable, no larger section of the land shall be sold than may be sufficient to discharge the arrears with ^[1]penalty, and expenses of attachment, management, and sale

Sale of
land for
arrears

[1]-substituted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Apportion-
ment of
assessment
on sub
division

45. *Where only a part of a landed estate held under a Sanad-i-Milkiyat-i-istimrar, or otherwise subject to the payment of a lump assessment, may be sold, the assessment upon such part shall be apportioned by the Collector previous to sale in manner following:-*

The amount of revenue to be assessed on each division shall bear the same proportion to the actual value of such division as the total amount of the revenue of *the* whole estate may bear to the total actual value of the entire estate previous to such division.

Production of
accounts

To this end the Collector shall have power to demand, from landholders and from the karnams of villages accounts of the produce and of the charges attending the management of lands to be divided; such landholders and karnams shall furnish the said accounts when required for a period of not less than three years next preceding the then current year; where the landholder may refuse or unreasonably delay to comply with such demand so as to prevent the assessment being fixed on such divided portions of land,

Effect of non-
production

the Collector shall proceed to sell the entire estate.

46. [Confirmation of apportionment by Board. [Rep. the Tamil Nadu Decentralization Act, 1914 (Tamil Nadu Act VIII of 1914).

47. When a defaulter tenders security, it shall. be lawful for the Collector, or other officer empowered by the Collector in that behalf, to accept it and postpone the sale of the defaulter's property upon such conditions and until such time as he may appoint; in the event of default being made in the performance of such conditions, the Collector or such officer *may* sell *the* property and proceed *against* the defaulter or against big security, or both.

Sale may be
Postponed on
tender of
security.

48. When arrears of revenue, with ^[1]penalty and other charges as aforesaid cannot be liquidated by the sale of the property A the defaulter, or of his surety, and the Collector shall have reason to believe that the defaulter or his surety is wilfully withholding payment of the arrears, or has *been* guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to cause the arrest and imprisonment of the defaulter, or his surety, not being a female, as hereinafter mentioned; but no person shall be imprisoned on account of an arrear of revenue for a longer period than two years, or for a longer period than six months, if the arrear does not exceed Rs.500, or for a longer period than three months, if the arrear does not exceed Rs.50; provided that such imprisonment shall not extinguish the debt due to ¹[the State Government] by the defaulter, or his surety.

Powers of arrears in case of wilful or fraudulent nonpayment of arrears!

Period of imprisonment

Debt not extinguished.

49. The Collector shall issue his warrant for the Arrest of the defaulter, or his surety, or both, not being females, which shall specify his or their name, the amount of revenue due and the date on which it became payable, and the warrant shall be signed and sealed by the authority by whom it was issued. The officer charged with the execution of the warrant shall thereupon arrest the defaulter, or his surety, or both and convey him or them to the ²[District Jail or the Central Jail, Madras], and deliver the warrant to the ³[Jailer], which shall be a sufficient authority to him to receive the prisoner or prisoners. A copy of such warrant shall be retained by the ³[Jailer], who shall forthwith despatch the original to the officer in charge of the ⁴[jail]

Procedures is case of arrears

¹ The words " the Provincial Government" were substitute/ for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for " Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words" district gaol" by section 4 of the Madras City Lend-Revenue and Revenue Recovery (Amendment) Act, 1967 (Tamil Nadu Act 10 of 1967).

³ This word was substituted for the word "gaoler" by ibid.

⁴This word was substituted for the word "goal" by ibid.

Mode of
enforcing
payment by
suretie.

50. All the remedies prescribed by this Act in case of revenue defaulters may be employed against their sureties, and it shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to enforce the same, simultaneously with, or either previously or subsequently to, their enforcement against the principal; so, nevertheless, that no *more than* the total sum in arrears, and ^[1]penalty with costs and charges, shall be realized from both.

Removal of
crops may
prevented
where revenue is
payable in kind.

51. When land-revenue is payable in kind, it shall be lawful for the Collector or other officer empowered by the Collector in that behalf, to prevent the removal of the crop from the land until a division has been made, and the portion which belongs to ¹[the State Government] has been set apart, unless the landholder furnishes such security as the Collector may deem satisfactory.

[1]-substituted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Similar process
in case of other
species of
revenue,
advances, fees,
cusses, etc.

All arrears of revenue other than land-revenue due to ¹[the State Government], all advances made by ¹[the State Government] for cultivation or other purposes connected with the revenue, and all fees or other dues payable by any person to or on behalf of the village servants employed in revenue or police duties, and all cesses lawfully imposed upon land

²[and all sums due to the ³(State) Government, including compensation for any loss or damage sustained by them in, consequence of a breach of contract], may be recovered in the same manner as arrears of land-revenue under the provisions of this Act, unless the recovery thereof shall have been or may hereafter be otherwise specially provided for.

¹ 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.

² These words were inserted by section 2 of the Madras Revenue Recovery (Amendment Act 1939 Madras Act XV of 1939.

³This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

¹[52-A. Without prejudice to any other mode of recovery which is being taken or may be taken, all loans granted and all advances made to any person-

(i) by the Tamil Nadu Agro-Industries Corporation Limited, Madras, or

(ii) by such other Corporation (the shares of which have been contributed, underwritten or guaranteed by the State Government) as may be notified in this behalf by the State Government in the *Tamil Nadu Government Gazette*, or

(iii) from out of the Amalgamated Tamil Nadu Shares of the Post War Services Re-construction Fund and the Special Fund for Re-construction and Rehabilitation of Ex-servicemen together with interest on such loans and advances, and all sums due to the Corporations mentioned in clauses (i) and (ii) may be recovered in the same manner as arrears of land revenue under the provisions of this Act.]

Recovery of sums due to the Tamil Nadu Agro-Industries Corporation and other Corporations etc.

53. Persons employed in serving notices, or in other process under this Act, shall be entitled to batta at such rates as may, from time to time, be fixed by the Board of Revenue with the sanction of ²[the State Government], and published in the District Gazette.

process
servers
to be paid
batta

54. The batta mentioned in the foregoing section, as well as ^[1]Penalty and all costs and charges incurred under the authority of this Act, shall be recoverable from the defaulter and his sureties in the same manner as arrears of revenue.

^[1]Penalty
and
charges
recoverable
as
arrears.

¹ This section was inserted by the Tamil Nadu Revenue Recovery. (Amendment) Act, 1972 (Tamil Nadu Act 12 of 1972).

². The words " the Provincial Government were substituted for the word "Government " by the Adaption Order of 1937 and the word "State" was substituted for "Provisional" by the Adaption Order of 1950.

[1]-substituted as per the T.N. Revenue Recovery (Amendment) Act, 1981

Who to be
expense of
countermande
d sale

55. Where property having been attached or distrained may be ordered to be put up for sale, and the sale may be countermanded, the proprietor shall, nevertheless, be responsible for the expenses incurred in consequence of the attachment or distraint, in the same manner as if the sale had taken place; and in the event of such proprietor omitting to discharge the amount, it shall be recoverable by the process under which the *original* demand would have been recoverable.

Recovery
there of

Receipts for
payment of
revenue

56. Every person making a payment of revenue shall be entitled to a receipt for the same, signed by the Collector or other officer empowered by the Collector in that behalf; such receipt shall state the name of the person making the payment and the subject-matter in respect of which it is paid, and, in case of land-revenue, shall describe the land on which the assessment is due and the names of the persons entered in respect thereof in the settlement account.

57. Where a defaulter or his surety may reside

Procedure
where defaulter
or surety
resides out
of
districts.

Effect of
Collector's
applications

Saving of
right to sue
applicant.

or hold property out of the district wherein default shall have been made, the Collector of the district in which such defaulter or surety resides or holds property shall, on the written application of the Collector in whose district such default has been made, proceed in all respects against the defaulter and his surety, and his or their property in the same manner as if the default had been made in his own district. Every such application shall be signed and sealed by the Collector making it and shall be conclusive as to the amount due, and the party in arrear, in all proceedings against the Collector acting upon such application, or any person acting under his authority; and no proof of the seal, or signature or official character of the Collector *making* the application shall be required, unless the Court shall see reason to doubt its genuineness; provided always, that nothing herein contained shall affect the right of any party to sue in his own district the Collector who made the application.

¹[A Collector may delegate all or any of his powers and duties under this section to any subordinate revenue officer not below the rank of Deputy Tahsildar.]

58. No Court of Civil Judicature shall have authority to take into consideration or decide any question as to rate of land-revenue payable to ²[the State Government], or as to the amount of assessment fixed, or to be hereafter fixed on the portions of a divided estate.

Cognisance of question^s relating to rate of revenue

59. Nothing contained in this Act shall be held to prevent parties deeming themselves aggrieved by any proceedings under this Act, except as herein-before provided, from applying to the Civil Courts for redress; provided that Civil Courts shall not take cognizance of any suit instituted by such parties for any such cause of action, unless such suit shall be instituted within six months from the time at which the cause of action arose.

Suits by persons aggrieved by proceedings.

Limitation.

60. No suit brought against any Collector by any person deeming himself aggrieved by anything done or purporting to be done under this Act, shall abate by reason of the departure from his district of the Collector against whom such suit shall have been brought; but the suit shall be continued against the successor of such Collector in all respects as though it had been instituted against himself. A suit may be brought against any Collector in his official capacity on account of anything done or purporting to have been done under this Act by his predecessor, subject to the limitation prescribed in the preceding section; provided that no Collector shall be personally liable for any official act of his predecessor.

Survival
of suits
against
Collector

Liability
for
predece
ssor's
Acts

¹ This paragraph was added by the Tamil Nadu Decentralization Act, 1914 (Tamil Nadu Act VIII of 1914).

² This words "the Provincial Government were substituted for the word "Government" by the Adaptation Order of 1927 and the word " State" was substituted for "Provincial" by the Adaptation Order of 1950.

¹[61. *** ***]

Regulations
2[.....] I and II
of 1803 not to
apply to
arrears.

62. ²[. . . .] Regulations I*and II** of 1803 shall
be inoperative as respects arrears of revenue
recoverable under this Act.

Savings of ²
[Regulation]
X of 1831.

63. Nothing in this Act shall be held to bar the
operation of the provisions of ³[.....] Regulation X of
1831, in respect the sale of lands of minors and other
disqualified landholders.

⁴ [64. *** *** ***]

65. *[Repeal of certain enactments.] Repealed
by Central Act XII of 1873.*

66. *[Commencement of Act.] Repealed by
Central Act XII of 1873.*

¹ This section was repealed by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

² The words and figures "Regulation XXVIII of 1802 and" were omitted from the section and the figures and words "XXVIII of 1802 and" from the marginal note by section 4 of, and the Third Schedule to, *ibid*.

³ The words and figures "Regulation V of 1804 and of " were omitted from the section and the word "Regulation" was substituted for the words and figures "Regulations V of 1804 and in the marginal note by *ibid*.

⁴ This section was omitted by section 4 of the Madras City Land-Revenue and Revenue Recovery (Amendment) Act, 1967 % T a m i l N a d u A c t 1 6 o f 1 9 6 7)

*The Tamil Nadu Board of Revenue Regulation, 1803

** The Tamil Nadu Collectors Regulations, 1803.

1937 : T. N. Act XIV] Revenue Recovery and 563
City Land –Revenue (Amendment)

¹[TAMIL NADU] ACT No. XIV OF 1937.²

[THE ¹[TAMIL NADU] REVENUE RECOVERY AND CITY LAND-
REVENUE (AMENDMENT) Act, 1937.]

(Received the assent of the Governor on the 7th October 1937;
first published in the Fort St. George
Gazette on the 12th October 1937.)

An Act further to amend the ¹[Tamil Nadu] Revenue
Recovery Act, 1864, and the Madras City Land-
Revenue (Amendment) Act, 1867, for certain purposes.

[Tamil Nadu)
Act II of
1864. Madras
Act VI of
1867.

WHEREAS it is expedient further to amend the ¹[Tamil
Nadu Revenue Recovery Act, 1864, and the Madras
City Land-Revenue (Amendment) Act, 1867, for the
purposes hereinafter appearing; it is hereby enacted as
follows :—

1. This Act may be called the ¹[Tamil Nadu] Reve-
nue Recovery and City Land-Revenue (Amendment)
Act, 1937.

Short
title

³[2-3 * * * * *]

4. (1) The ¹[Tamil Nadu] Revenue Recovery Act, Act 1864 in its application to the] ⁴[State of Tamil Nadu], be read and construed as if section 36-A had formed part of that Act from its commencement

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 17th September 1937, Part IV, pages 2-3.

³ Sections 2 and 3 were repealed by section 2 of, and the First Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

⁴ 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.

City Land-Revenue (Amendment)

(2) The Madras City Land-Revenue (Amendment) Act, 1867, shall be read and construed as if section 18-A had formed part of that Act from its commencement.

Madras
Act VI
of 1867

(3) Nothing contained in this Act shall be deemed to invalidate any decree or order passed by a Civil Court before the commencement of this Act which has become final.

¹[TAMIL NADU] ACT No. 16 OF 1967
THE MADRAS CITY LAND REVENUE AND
REVENUE RECOVERY (AMENDMENT) ACT, 1967.

[Received the assent of the Governor on the 10th October 1967, first published in the Fort St. George Gazette on the 18th October 1967 (Asvina 26, 1889).]

An Act further to amend the Madras City Land Revenue Act, 1851 and the ¹[Tamil Nadu] Revenue Recovery Act, 1864.

BE it enacted by tile Legislature of the ³[State of Tamil Nadu] in the Eighteenth Year of the Republic of India as follows:-

1. (1) This Act may be called the Madras City Land Revenue and Revenue Recovery (Amendment) Act, 1967.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. [The amendment made by this section has already been incorporated in the Madras City Land Revenue Act, 1851 (Central Act XII of 1851).]

Short title and
commencement.

Extension of
*[Tamil
Nadu Act] 11
of 1864 to
certain areas.

3 The ¹[Tamil Nadu] Revenue Recovery Act, 1864 (³[Tamil Nadu] Act II of 1864) as amended by this Act, is hereby extended to, and shall be in force in, the areas to which the Madras City Land Revenue (Amendment) Act, 1867 (Madras Act VI of 1867) was applicable immediately before the date of commencement of this Act.

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 15th July 1967, Part IV-Section 3; pages 56-57.

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.

⁴ This expression was substituted for the expression "Madras Act" by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

1967 : T.N Act 16] *Madras City Land Revenue and* 627
Revenue Recovery (Amendment)

4.[The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).]

5.(1) The Madras City Land Revenue (Amendment) Act 1867(Madras Act VI of 1867) (hereinafter in this section referred to as the said Act) is hereby repealed.

Repeal of
Madras
Act, VI of
1867

(2) Any reference in any law to the said Act shall be construed as a reference to the ¹[Tamil Nadu] Revenue Recovery Act, 1864 (¹[Tamil Nadu] Act II of 1864).

(3) The repeal by sub-section (1) of the said Act shall not affect—

(a) the previous operation of the said Act or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said. Act, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such 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 appointment or delegation made, notification, order, instruction or direction issued, under the said Act shall be deemed to have been done or taken under the ¹[Tamil Nadu] Revenue Recovery Act, 1864 (¹[Tamil Nadu; Act II of 1864]) and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the ¹[Tamil Nadu] Revenue Recovery Act, 1864 (¹[Tamil Nadu] Act II of 1864).

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.

*Madras City Land Revenue and Revenue [1967 T.N. Act 16
Recovery (Amendment)*

Extension of 1[Tamil
Nadu Act] II of 1864
to the addedteries,
repeal and saving-

6) (1) The ²[Tamil Nadu] Revenue Recovery Act, 1864 (²[Tamil Nadu] Act II of 1864), as in force immediately before the date of the commencement of this Act in the ³ [State of Tamil Nadu] except in the added territories and as amended by this Act (hereinafter in this section to as the ¹[Tamil Nadu Act]) is hereby extended to, and shall be in force in the added territories.

(2) If, immediately before the date of the commencement of this Act, there is in force in the added territories any law corresponding to the ¹[Tamil Nadu, Act], such corresponding law shall stand repealed on such date.

(3) The repeal by sub-section (2) of any law corresponding to the ¹[Tamil Nadu Act] in force in the added territories immediately before the date of 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 respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

¹This expression was substituted for the expression "Madras Act" by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

² 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.

³This 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.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction for direction issued, rule, regulation or form framed, certificate granted on registration effected under any such corresponding law shall be deemed to have been done or taken under corresponding provision of the ¹[Tamil Nadu Act] and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the ¹[Tamil Nadu Act],

(5) For the purpose of facilitating the application of the ¹[Tamil Nadu Act] in the added territories, any court or other authority may construe the ¹[Tamil Nadu Act] with such alteration not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(6) Any reference in the ¹[Tamil Nadu Act] to a law which is not in force in the added territories shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories.

(7) Any reference in any law which continues, to be in force in the added territories after the date of the commencement of this Act to any law repealed by subsection (2) shall, in relation to those territories, be construed as reference to the ¹[Tamil Nadu Act].

Explanation.—For the purpose of this section, the expression "added territories" shall mean the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

¹ This expression was substituted for the expression "Madras Act " by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

Recovery (Amendment)

TAMIL NADU ACT NO. 19 OF 1981.*

THE TAMIL NADU REVENUE RECOVERY
(AMENDMENT) ACT, 1981.

[Received the assent of the Governor on the 24th March 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 25th March 1981 (Panguni 12, Rowthiti-2012-Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Revenue Recovery Act, 1864.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Revenue Recovery (Amendment) Act, 1981.

**Short title
and
commencement.**

- (2) Sections 2 to 9 and 11 shall be deemed to have come into force on the 1st day of July 1974.

2. In sections 5, 9, 10, 23, 27, 42, 44, 48 and 50 of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864) (hereinafter referred to as the principal Act), for the word "interest", the word "penalty" shall be substituted.

**Amendment
of sections
5,9,10,23,27,4
2,44, 48 and
50 Tamil
Nadu Act II
of 1864.**

3. For section 7 of the principal Act, the following section shall be substituted, namely:-

**Amendment
of section 7,
Tamil Nadu
Act II of
1864.**

"7. *Penalty on arrears.*- *Penalty* shall be charged on arrears of revenue at the rate of 5 per cent per fasli year or part thereof ;

Provided that no such penalty shall be charged for the fasli year in which the revenue falls due and for the next succeeding fasli year."

4. In section 8 of the principal Act, in rule Second, for the word "interest" the word "penalty" shall be substituted.

**Amendment
of section 8,
Tamil Nadu
Act II of
1864.**

5. In section 17 of the principal Act, for the word "interest ", the words and figure " interest at the rate of 6 per cent per annum " shall be substituted.

**Amendment
of section 17,
Tamil Nadu
Act II of
1864.**

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette*, Extraordinary, dated the 28th January 1981, Part IV—Section 1, page 22.

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(Amendment)

Amendment of
section 34,
Tamil Nadu
Act II of
1864.

6. In section 34 of the principal Act,—

(a) for the words " interest thereon at the rate of six per cent per annum", the words and figure " penalty chargeable under section 7 " shall be substituted; and

(b) for the words "all arrears, interest ", the words " all arrears, penalty " shall be substituted.

Amendment
of section 35,
Tamil Nadu
Act II of
1864.

7. In section 35 of the principal Act, for the words " arrears , interest ", the words " arrears, penalty" shall be substituted.

Amendment of
section 37,
T a m i l
N a d u
A c t I I
o f
1 8 6 4 .

8. In section 37 of the principal Act, for the words "interest thereon ", the words "penalty thereon" shall be substituted.

Amendment of
section
37-A, Tamil
Nadu Act
II of 1864.

9. In clause (b) of sub-section (1) of section 37-A of the principal Act, for the words " interest thereon "; the words "penalty thereon " shall be substituted.

Amendment of
section 38,
Tamil Nadu Act II
of 1864.

10. In section 38 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

" (3-A) No sale shall be set aside by the Collector under sub-section (2) or sub-section (3) unless the purchaser has had a reasonable opportunity of making his representations."

Amendment of
section 54,
Tamil Nadu
Act II of 1864

11. In section 54 of the principal Act,—

(a) in the marginal heading, for the word the word "Interest", the word "penalty" shall be substituted; and

(b) for the word "interest", the word "penalty" shall be substituted.

Validation.

12. Notwithstanding anything contained in all judgment, decree or order of any court or other authority, any penalty charged or collected or purporting to have been charged or collected under the principal Act, after the 1st day of July 1974 and before the date of publication of this Act in the *Tamil Nadu Government Gazette* shall, for all purposes be deemed to be, and to have always

(Amendment)

been validly charged or collected in accordance with law as if sections 2 to 4, 6 to 9 and 11 of this Act had been in force at all material times when such penalty was charged or collected and accordingly,—

(a) all acts, proceedings or things done or taken by any authority, officer or person in connection with the charge or collection of such penalty shall, for all purposes, be deemed to be and to have always been done or taken *in* accordance with law ;

(b) no suit or other proceedings shall be maintained or continued in any court for the refund of any penalty so paid ;

(c) no court shall enforce any decree or order directing the refund of any penalty so paid.