

**THE KERALA CULTIVATORS AND TENANTS
(TEMPORARY PROTECTION) ACT, 1970
(Act 20 of 1970)**

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**THE KERALA CULTIVATORS AND TENANTS
(TEMPORARY PROTECTION) ACT, 1970***
(ACT 20 OF 1970)¹.

*An Act to provide for the stay of suits and other proceedings
for determination of rights in respect of lands occupied
by certain classes of persons, for the temporary
Protection of tenants against proceedings for the
recovery of arrears of rent and for matters
incidental thereto*

*Preamble.*_WHEREAS it is expedient to provide for the stay of suits and other proceedings for determination of rights in respect of lands occupied by certain classes of persons, for the temporary protection of tenants against proceedings for the recovery of arrears of rent and for matters incidental thereto ;

³. **2A.** *Stay of suits and other proceedings for redemption of certain mortgages.-*

(1) Notwithstanding anything to the contrary contained in any other law or any judgment, decree or order of any court, where in any suit, or proceedings in respect of any application, or appeal, or

revision, or review, or proceedings in execution of any decree or order (including proceedings incidental or ancillary thereto), or other proceedings, in respect of any land (other than land principally planted with rubber, coffee, tea or cardamom) comprised in a mortgage, pending before any court or Land Tribunal or appellate authority or other authority or officer at the commencement of the Kerala Cultivators and Tenants (Temporary Protection) Amendment Act, 1971 or instituted or filed or initiated after such commencement, the mortgage (in cases where the lease was granted before the 1st day of April, 1964) has filed or files a statement in writing--

(a) that he was in possession of such land for a continuous period of not less than fifty years immediately preceding the 1st day of January, 1970 ; or

(b) that he has constructed a building for his own residence in such land, that he was occupying such building for such purpose for a continuous period of not less than twenty years immediately preceding the 1st day of January, 1970 and that he or where he is a member of a family, such family was not holding any other any other land exceeding two acres in extent on the date of publication of the Kerala Land Reforms (Amendment) Bill, 1968, in the Gazette, the court of Land Tribunal or appellate authority or officer, as the case may be shall not proceed with that suit, appeal, revision, review, or other proceedings, as the case may be.

¹. Published in the Gazette Extraordinary No.388, dated 2nd December 1970

³. Substituted by Act 3 of 1972

Explanation I.-In computing the period of continuous possession or occupation by a lessee, the period during which the mortgage was in possession or occupation as the case may be, may also be taken in to account.

Explanation II.- In computing the period of fifty years referred to in clause (a) the period during which the predecessor-in-interest or predecessors-in-interest of the mortgagee or lessee was or were in possession of the land may also be taken in account.

Explanation III.-In computing the period of twenty years referred to in clause (b), occupation of the building by any member of the mortgage or lessee for residential purpose may be considered to be occupation by the mortgagee or lessee as the case may be, for such purpose.

Explanation IV.- For the purposes of clause (b),--

(i) "mortgagee" or "lessee" shall include a predecessor-in-interest of the mortgagee or "lessee", as the case may be ;

(ii) "building" includes a hut.

(2) Nothing contained in sub-section (1) shall apply in any case where the party who has filed or files the statement referred to in that sub-section is admitted to be tenant of the land to which that statement relates".)

BE it enacted in the Twenty-first Year of the Republic of India as follows:--

1. *Short title, extent, commencement and duration.*-(1) This Act may be called the Kerala Cultivators and Tenants Temporary Protection) Act, 1970.

(2) Save as otherwise expressly provided in this Act, it extends to the whole of the State of Kerala.

(3) It shall come into force at once and shall cease to have effect on the (16th day of April, 1972)¹

(4) Upon the expiry of this Act, the provisions of section 4 of the Interpretation and General Clauses Act, 1125 (vii of 1125), shall apply as if this Act had then been repealed by an Act of the Kerala State Legislature.

2. *Interpretation.*-Words and expressions used in this Act shall have the meanings respectively assigned to them in the Kerala Land Reforms Act, 1963 (1 of 1964).

3. *Stay of suits and other proceedings for determination of rights in respect of lands occupied by certain classes of persons.*-(1) Notwithstanding anything to the contrary contained in any other law, or in any judgment, decree or order of any court, where in any suit or proceedings in respect of any application or appeal or revision or review or proceedings in execution of any decree or order (including proceedings incidental or

¹ Substituted by Act 3 of 1972

ancillary thereto) or other proceedings, in respect of any land, pending before any court or Land Tribunal or appellate authority or other authority or officer at the commencement of this Act, or instituted or filed or initiated after such commencement, any party thereto has filed or files a statement in writing that he was in occupation of such land at the commencement of the Kerala Land Reforms (Amendment) Act, 1969, and--

(a) that such land is situated in Malabar and that he or his predecessor-in-interest was continuously in occupation of such land honestly believing himself to be a tenant for not less than two years within a period of twelve years immediately preceding the 11th day of April, 1967 ; or

(b) that such occupation was on the basis of a registered deed purporting to be a lease deed and that he or his predecessor-in-interest was in occupation of such land on the 11th day of April, 1957, on the basis of that deed,

the court or Land Tribunal or appellate authority or other authority or officer, as the case may be, shall not proceed with that suit, appeal, revision, revenue or other proceedings, as the case may be.

(2) Nothing contained in sub-section (1) shall apply any case where the party who has filed or files the statement referred to in that sub-section is admitted to be a tenant of the land to which that statement relates.

4. Stay of suits, applications, etc., for arrears of rent.-

(1) Notwithstanding anything to the contrary contained in any other law, or in any contract, or in any judgment, decree or order of any court or Land Tribunal, with effect on and from the commencement of this Act,-

(a) no suit or application or other proceedings for the recovery of arrears of rent in respect of a holding or part of a holding accrued due before the 1st day of May 1968; or

(b) no application for, or proceedings in, execution of a decree or order for the recovery of such arrears of rent or other application or proceedings incidental or ancillary thereto,

shall lie in any court or Land Tribunal; and all suits, applications and other proceedings for recovery of such arrears of rent and all proceedings in execution of decrees or orders for recovery of such arrears of rent and other proceedings incidental or ancillary thereto, pending in courts or Land Tribunals at the commencement of this Act, shall stand stayed.

(2) All appeals against decrees or orders relating to arrears of rent in respect of a holding or part of a holding accrued due before the 1st day of May, 1968, and all revisions against decrees or orders relating to such arrears of rent, pending in any court or appellate authority at the commencement of this Act, shall stand stayed, and no court or

appellate authority shall proceed with any such appeal or revision filed after such commencement.

5. *Stay of certain applications.*-(1) Notwithstanding anything contained in section 13C of the Kerala Land Reforms Act, 1963 (1 of 1964), all proceedings pending in any court at the commencement of this Act, in respect of any application filed or purported to have been filed under that section, shall stand stayed.

(2) Notwithstanding anything to the contrary contained in any judgment or order of any court, all proceedings, pending in any court or Land Tribunal at the commencement of this Act, in respect of any application filed or purported to have been filed under sub-section (2) of section 45A of the Kerala Land Reforms Act, 1963 (1 of 1964), shall stand stayed.

6. *Limitation.*-In computing the period of limitation for the institution of suits, applications or other proceedings prohibited under this Act, the time during which such suits, applications or other proceedings were prohibited under this Act and under the Kerala Stay of Recovery of Arrears of Rent Ordinance, 1970 (18 of 1970), shall be excluded.

7. *Exemption.*-Nothing in this Act shall apply in respect of any lease or tenancy exempted from the provisions of the Kerala Land Reforms Act, 1963 (1 of 1964), by section 3 thereof.

8. *Repeal and saving.* (1) The Kerala Stay of Recovery of Arrears of Rent Ordinance, 1970 (18 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 17th day of October, 1970.
