



## The Tamil Nadu Agriculturists Relief Act, 1938

Act 4 of 1938

**Keyword(s):**

Agriculturist, Debt, Rent, Creditor, Mortgagee

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THE [TAMIL NADU] AGRICULTURISTS  
RELIEF ACT, 1938.

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<sup>1</sup>[TAMIL NADU] ACT No. IV OF 1938 <sup>2</sup>.

[THE <sup>1</sup>(TAMIL NADU) AGRICULTURISTS RELIEF  
ACT, 1938.]

(Received the assent of the Governor-General on the 11th  
March 1938; first published in the Fort St. George  
Gazette of the 22nd March 1938.)

An Act to provide for the relief of indebted agricul-  
turists in the <sup>3</sup>[State of Tamil Nadu].

WHEREAS it is expedient to provide for the relief  
of indebted agriculturists in the <sup>3</sup>[State of Tamil  
Nadu]; It is hereby enacted as follows:—

## CHAPTER I.

## Preliminary.

Short title.

1. This Act may be called the <sup>1</sup>[Tamil Nadu] Agri-  
culturists Relief Act, 1938.

Extent.

2. It extends to the whole of the <sup>4</sup>[State of Tamil  
Nadu].

<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George  
Gazette* Extraordinary, dated the 1st December 1937, Part IV,  
page 12.

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 as was in force immediately before the date of the publi-  
cation of the Tamil Nadu Agriculturists Relief (Amendment) Act,  
1972 (Tamil Nadu Act 8 of 1973) in the State of Tamil Nadu except  
in the transferred territory and as amended by the latter Act was  
extended to the transferred territory by section 25 of that Act.

<sup>3</sup> This expression was substituted for the expression "Province  
of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970,  
which was deemed to have come into force on the 14th January  
1969.

<sup>4</sup> 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 Amend-  
ment) Order, 1969.

3. In this Act, unless there is anything repugnant Definitions.  
in the subject or context,

(i) 'person' means an individual and includes an undivided Hindu family, a marumakkattayam or aliyasantana tarwad or tavazhi, but does not include a body corporate, a charitable or religious institution or an unincorporated company or association ;

(ii) 'agriculturist' means a person who—

(a) has a saleable interest in any agricultural or horticultural land in the <sup>1</sup>[State of Tamil Nadu],  
<sup>2</sup>[\* \* \* \*], which is assessed by the <sup>3</sup>(State) Government to land revenue (which shall be deemed to include peshkash and quit-rent), or which is held free of tax under a grant made, confirmed or recognized by Government; or

<sup>4</sup>[Tamil Nadu] Act I of 1908. (b) holds an interest in such land under a landholder under the <sup>4</sup>[Tamil Nadu] Estates Land Act, 1908, as tenant, ryot or under-tenure holder ; or

<sup>4</sup>[Tamil Nadu] Act XIV of 1930. (c) holds an interest in such land, recognized in the Malabar Tenancy Act, 1929; or

<sup>1</sup> 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, which came into force on the 14th January 1969.

<sup>2</sup> The words "not being land situated within a municipality or cantonment" were omitted by section 2(1) (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

<sup>4</sup> 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.

(d) holds a lease of such land from any person specified in sub-clause (a), (b) or (c) or is a sub-lessee of such land:

Provided that a person shall not be deemed to be an 'agriculturist' if he—

(A) <sup>1</sup>[has in both the financial years] ending <sup>2</sup>[31st March 1972] been assessed to income-tax under the <sup>3</sup>[Income-tax Act, 1961 (Central Act 43 of 1961)] ~~or under the~~ Income-tax law in force in any foreign country] '[ ] ;or

(B) <sup>4</sup>[has in all the four half-years immediately preceding] the <sup>5</sup>[1st March 1972] been <sup>7</sup>[assessed to profession tax on a half-yearly income of more than <sup>6</sup>(one thousand and two hundred rupees)] derived

<sup>1</sup> These words were substituted for the words "has in either of the two financial years" by section 2 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> This expression was substituted for the expression "31st March 1938" by section 2 (1) (ii) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> This expression was substituted for the expression "Indian Income-tax Act, 1922 (Act XI of 1922) or under the Income-tax laws of any territory which immediately before the 1st November 1956 was comprised in a Part B State" by section 2 (1) (ii) (b), *ibid*.

<sup>4</sup> The words "or foreign Government" were omitted by section 2 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1956 (Tamil Nadu Act XXVIII of 1956). In so far as the Tamil Nadu Act IV of 1938 applied to the added territories, these words were omitted by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

<sup>5</sup> These words were substituted for the words "has within the two years immediately preceding" by section 2 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>6</sup> This expression was substituted for the expression "1st October 1937" by section 2 (1) (iii) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>7</sup> These words were substituted for the words "assessed to profession-tax on a half-yearly income of more than three hundred rupees" by section 2 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>8</sup> This expression was substituted for the expression "six hundred rupees" by section 2 (1) (iii) (b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

1[Tamil Nadu] from a profession other than agriculture under the  
 Act V or 2[Tamil Nadu] District Municipalities Act, 1920,  
 1920. 2[the Madras City Municipal Corporation Act, 1919  
 Central (Tamil Nadu Act IV of 1919), the Cantonments Act,  
 Act II of 1924, or any law governing' municipal or local  
 1924. bodies in 3['(any other State or Union territory in  
 India) or any foreign State in the continent of India]  
 4[or under the Madurai City Municipal Corporation  
 Act, 1971 (Tamil Nadu Act 15 of 1971) or under  
 the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu  
 Act XXXV of 1958)]; or

(C) 5[has in all the four half-years immediately preceding] the 6[1st March 1972], been assessed

<sup>1</sup> 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.

<sup>2</sup> The words "Tamil Nadu" were substituted for the word "Madras" occurring in this citation by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969; and this expression was substituted for the expression "the Madras City Municipal Act, 1919 (Tamil Nadu Act IV of 1919)" by section 2 (1)(iii) (c) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> These words were substituted for the words "any other Province in British India, any Indian State or any foreign State in India" by the Adaptation (Amendment) Order of 1950.

<sup>4</sup> These words were substituted for the words "any other State in India" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as the Tamil Nadu Act IV of 1938 applies to the added territories, these words were substituted for the words "any other State in India" by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

<sup>5</sup> The words "Tamil Nadu" 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; and this expression was substituted for the expression "or under the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920) in a panchayat which was a union before the 26th August 1930" by section 2(1) (iii) (d) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>6</sup> These words were substituted for the words "has within the two years immediately preceding" by section 2(i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>7</sup> This expression was substituted for the expression "1st October 1937" by section 2 (1) (iv) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).



to property or house tax in respect of buildings or lands other than agricultural lands, under the [Tamil Nadu] District Municipalities Act, 1920 <sup>2</sup>[the Madras [Tamil Nadu] City Municipal Corporation Act, 1919) (Tamil Nadu Act IV of 1919)], the Cantonments Act, 1924, or <sup>Act V of 1920.</sup> any law governing municipal or local bodies in <sup>Central Act II of 1924.</sup> [any other State or Union territory in India] [or under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) ], provided that the aggregate annual rental value of such buildings and lands, whether let out or in the occupation of the owner, is not less than [Rs. 1,200]; or

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 The words "Tamil Nadu" were substituted for the words "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969; and this expression was substituted for the expression "the Madras City Municipal Act, 1919 (Tamil Nadu Act IV of 1919)" by section 2(1)(iv)(b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> The words "any other State in India" were substituted for the words "any other Province in British India or any Indian State" by the Adaptation (Amendment) Order of 1950, and these words were substituted for the words "any other State in India" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). In so far as the Tamil Nadu Act IV of 1938 applies to the added territories, these words were substituted for the words "any other State in India" by section 4 of, and the Second Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

<sup>4</sup> The words "Tamil Nadu" 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; and this expression was substituted for the expression "or under the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920), in a panchayat which was a union before the 26th August 1930" by section 2 (1) (iv) (c) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>5</sup> This expression was substituted for the expression "Rs. 600" by section 2(1)(iv)(d), *ibid.*

<sup>1</sup>[(D) is a landholder of an estate under the <sup>2</sup>[Tamil Nadu] Estates Land Act, 1908, or of a <sup>2</sup>[Tamil Nadu] share or portion thereof, whether separately registered or not, in respect of which estate, share or portion any sum exceeding five hundred rupees is payable as peshkash, or any sum exceeding one hundred rupees is payable under one or more of the following heads, namely, quit-rent, jodi, kattubadi, poruppu or other due of a like nature, or is a janmi under the Malabar Tenancy Act, 1929, who is liable as such janmi to pay to the <sup>3</sup>(State) Government any sum exceeding five hundred rupees as land revenue.] <sup>Act I of 1908.</sup> <sup>2</sup>[Tamil Nadu] <sup>Act XIV of 1930.</sup>

*Explanation.*—The annual rental value of any building or land for the purposes of proviso (C) shall—

(1) where the assessment is based on the annual rental value, be deemed to be such value;

(2) where the assessment is based on the capital value be deemed to be five per cent of the capital value; and

(3) in any other case, be deemed to be the value ascertained in the prescribed manner ;

<sup>4</sup>[(iii) 'debt' means any liability in cash or kind, whether secured or unsecured, due from an agriculturist whether payable under a decree or

<sup>1</sup> This proviso was substituted for the original proviso (D) by section 2 (iii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> 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.

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

<sup>4</sup> The words "Tamil Nadu" were substituted for the word "Madras" occurring in this citation by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969; and this clause was substituted for clause (iii) by section 2(2) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

order of a civil or revenue court or otherwise, but does not include rent as defined in clause (iv) or 'kanartham' as defined in section 3 of the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930);]

<sup>1</sup>[(iii-a) 'interest' means any amount or other thing paid or payable in excess of the principal sum borrowed or pecuniary obligation incurred, or where anything has been borrowed in kind, in excess of what has been so borrowed, by whatsoever name such amount or thing may be called and whether the same is paid or payable entirely in cash or entirely in kind or partly in cash and partly in kind and whether the same is expressly mentioned or not in the document or contract, if any ;]

(iv) 'rent' means <sup>2</sup>[the rent payable by a cultivating tenant under the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), or under the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) or the] rent as defined by the <sup>3</sup>[Tamil Nadu] Estates Land Act, 1908 or rent or michavaram as defined by the Malabar Tenancy Act, 1929 or quit-rent, jodi, kattubadi, poruppu or the like, payable to the landholder of an estate as defined by the <sup>4</sup>[Tamil Nadu] Estates Land Act, 1908, whether a decree or order of a civil or revenue court has been obtained therefor or not and includes interest payable thereon but does not include costs incurred in respect of the recovery thereof through

<sup>3</sup>[Tamil Nadu] Act I of 1908.

<sup>2</sup>[Tamil Nadu] Act XIV of 1930. [Tamil Nadu] Act I of 1908.

<sup>1</sup> This clause was inserted by section 2 (iv) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> This expression was inserted by section 2(3)(a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> 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.

a civil or revenue court or the share of the land cess recoverable by the landholder <sup>1</sup>[under any law for the time being in force in this State] ; <sup>2</sup>[ ]

(v) 'creditor' includes his heirs, legal representatives and assigns ;

<sup>3</sup>[(vi) 'mortgagee' includes his heirs, legal representatives and assigns.]

<sup>4</sup>[4. Nothing in this Act shall affect debts and liabilities of an agriculturist falling under the following heads :—

Certain debts and liabilities not to be affected.

(a) any revenue, tax or cess payable to the State Government or any other sum due to them, by way of loan or otherwise ;

(b) any revenue, tax or cess payable to the Central Government or any other sum due to them, by way of loan or otherwise ;

(c) any tax or cess payable to any local authority or any other sum due to them, by way of loan or otherwise ;

(d) any liability in respect of any sum due to any co-operative society including a land development

<sup>1</sup> This expression was substituted for the expression "under section 88 of the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920)" by section 2 (3) (b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), the words "Tamil Nadu" having been earlier 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.

<sup>2</sup> The word "and" was omitted by section 2(v) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>3</sup> This clause was added by *ibid.*

<sup>4</sup> This section was substituted for the original section 4 by section 3 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

bank, registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961):

Provided that where the liabilities mentioned in this clause arise by reason of an assignment to any such co-operative society, either such assignment has taken place before the 1st March 1972 or is an assignment to such society of a loan granted by another such co-operative society ;

(e) any liability arising out of breach of trust ;

(f) any liability in respect of maintenance whether under a decree of court or otherwise ;

(g) any liability in respect of wages or remuneration due as salary or otherwise for services rendered ;

(h) any liability in respect of any sum due to—

(A) any Public Company as defined in the Companies Act, 1956 (Central Act I of 1956) ;

(B) any banking company to which the Banking Regulation Act, 1949 (Central Act X of 1949) applies ;

(C) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act XXIII of 1955) ;

(D) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959) ;

(E) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) ; and

(F) any company or corporation owned or controlled by the Central Government or any State Government.]

5. Where an undivided Hindu family other than a marumakkattayam or aliyasantana tarwad or tavazhi is assessed to the taxes specified in provisions (A), (B) and (C) to section 3 (ii), or falls within the category of

Special provision for undivided Hindu families, etc.

persons specified in proviso (D) to the same section, no person who was a member of the family on the 1<sup>st</sup> March 1972] shall be deemed to be an agriculturist for the purposes of this Act except section 13.

6. Where in an undivided Hindu family other than a <sup>2[ Heirs ]</sup> marumakkattayam or aliyasantana tarwad or tavazhi <sup>of non-</sup> which is an "agriculturist" within the meaning of <sup>agriculturist</sup> section 3 (ii), any member of the family is not an <sup>members</sup> agriculturist, then, notwithstanding anything contained <sup>of Hindu</sup> in section 3 (ii), <sup>families to be</sup> [none of his heirs] shall be deemed to <sup>non-agricultu-</sup> be an agriculturist for the purposes of sections 7 to 12 and 19 to 27 of this Act.

## CHAPTER II.

### *Scaling down of Debts and future Rate of Interest.*

7. Notwithstanding any law, custom, contract or <sup>Debts</sup> decree of court to the contrary, all debts payable by an <sup>payable by</sup> agriculturist <sup>agricul-</sup> [on the 1<sup>st</sup> March 1972], shall be scaled <sup>turists to be</sup> down in accordance with the provisions of this Chapter. <sup>scaled down.</sup>

No sum in excess of the amount as scaled down shall be recoverable from him or from any land or interest in land belonging to him; nor shall his property be liable to be attached and sold or proceeded against in any manner in the execution of any decree against him in so far as such decree is for an amount in excess of the sum as scaled down under this Chapter.

<sup>1</sup> This expression was substituted for the expression "1st October 1937" by section 4 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This word was substituted for the words "Sons and descendants" by section 5(i), *ibid*.

<sup>3</sup> These words were substituted for the words "none of his sons and descendants in the male line" by section 5 (ii), *ibid*.

<sup>4</sup> This expression was substituted for the expression "at the commencement of this Act" by section 6, *ibid*.

Provision  
for debts  
incurred  
before <sup>1</sup>[1st  
March 1972].

8. Debts incurred before the <sup>1</sup>[1st March 1972], shall be scaled down in the manner mentioned hereunder, namely :—

<sup>2</sup>[(1)

]

(2) Where an agriculturist has paid to any creditor twice the amount of the principal whether by way of principal or interest or both, such debt including the principal, shall be deemed to be wholly discharged.

(3) Where the sums repaid by way of principal or interest or both fall short of twice the amount of the principal, such amount only as would make up this shortage, or the principal amount or such portion of the principal amount as is outstanding, whichever is smaller, shall be repayable.

(4) Subject to the provisions of sections 22 to 25, nothing contained in sub-sections <sup>3</sup>[\*], (2) and (3) shall be deemed to require the creditor to refund any sum which has been paid to him, or to increase the liability of a debtor to pay any sum in excess of the amount which would have been payable by him if this Act had not been passed.

<sup>4</sup>[*Explanation I.*—In determining the amount repayable by a debtor under this section, every payment made by him shall be credited towards the principal. <sup>5</sup>(notwithstanding that he has expressly stated) in writing that such payment shall be in reduction of interest.]

<sup>1</sup> This expression was substituted for the expression "1st October 1932" by section 7 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This clause was omitted by section 7 (ii), *ibid*

<sup>3</sup> The expression "(1)" was omitted by section 7 (iii), *ibid*

<sup>4</sup> The original Explanation was numbered as Explanation III and Explanations I and II were inserted by section 4 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>5</sup> This expression was substituted for the expression "unless he has expressly stated" by section 7 (iv) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

*Explanation II.*—Where the principal was borrowed in cash with an agreement to repay it in kind, the debtor shall, notwithstanding such agreement, be entitled to repay the debt in cash, after deducting the value of all payments made by him in kind, at the rate, if any, stipulated in such agreement, or if there is no such stipulation, at the market rate prevailing at the time of each payment.]

<sup>1</sup>[*Explanation III.*—Where a debt has been renewed or included in a fresh document executed <sup>2</sup>(before, on or after the 1st March 1972), <sup>3</sup>(whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest and whether in favour of the same creditor or of any other person acting on his behalf or in his interest), the principal originally advanced together with such sums, if any, as have been subsequently advanced as principal shall alone be treated as the principal sum repayable under this section.]

<sup>4</sup>[*Explanation IV.*—Where a debt has been split up, whether <sup>5</sup>(before, on or after the 1st March 1972), among the heirs, legal representatives or assigns of a debtor or of a creditor and fresh documents have been executed in respect of the different portions of such debt, the provisions of this section shall continue to apply in respect of each of the different portions.]

<sup>5</sup>[9.

]

<sup>1</sup> For the original Explanation numbered as Explanation III, a new Explanation was substituted by section 4(ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> This expression was substituted for the expression "before or after the commencement of this Act" by section 7 (v) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> These words were substituted for the words "whether by the same or a different debtor and whether in favour of the same or a different creditor" by section 2 (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950).

<sup>4</sup> This Explanation was added by section 2 (b), *ibid.*

<sup>5</sup> This section was omitted by section 8 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).



Special provision in respect of usufructuary mortgages.

‘9-A. (1) This section applies to all mortgages executed at any time before the <sup>2</sup>[1st March 1972], and by virtue of which the mortgagee is in possession of the property mortgaged to him or any portion thereof—

(a) where no rate of interest is stipulated for as due to the mortgagee, or

(b) where a rate of interest is stipulated for as due to the mortgagee in respect of the principal amount secured by the mortgage or any portion thereof, in addition to usufruct from the property, or in respect of any other sum payable to the mortgagee by the mortgagor in his capacity as such.

*Explanation.*—A mortgagee shall be deemed to be in possession of the property mortgaged to him or any portion thereof, notwithstanding that he had leased it to the mortgagor or any other person.

(2) The mortgagor shall be entitled to redeem the whole of the property mortgaged, notwithstanding that the time, if any, fixed in the mortgage deed for redeeming the mortgage has not arrived.

(3) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—

(i) the difference between the principal amount secured by the mortgage and an amount bearing to the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years ;

<sup>1</sup> This section was substituted by section 4 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950) for section 9-A which was inserted by section 6 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> This expression was substituted for the expression “ 30th September 1947 ” by section 9 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

(ii) where any interest on the principal amount secured by the mortgage or any portion thereof has been stipulated for, in addition to the usufruct from the property, the arrears of such interest as scaled down under section 8 <sup>1</sup>[\*] read with section 12, or under section 13, as the case may be ; and

(iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(4) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of less than thirty years, the mortgagor shall not be entitled to redeem the mortgage, unless he pays to the mortgagee—

(i) the difference between the portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee and an amount bearing to that portion of the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years ;

(ii) where any interest has been stipulated for, in addition to the usufruct from the property, the arrears of interest on the portion of the principal amount referred to in clause (i), such arrears being scaled down under section 8 <sup>1</sup>[\*] read with section 12 or under section 13, as the case may be ;

(iii) the balance of the debt as scaled down under section 8 <sup>1</sup>[\*] read with section 12, or under section 13, as the case may be ; and

(iv) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(5) (a) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then,

<sup>1</sup> The expression " or 9 " was omitted by section 9 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

notwithstanding anything contained in sections 8, <sup>1</sup>[\*], 12 and 13, the mortgage debt shall be deemed to have been wholly discharged with effect from the expiry of the ~~the~~ period of thirty years or where such period expired before the <sup>2</sup>[publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 in the *Tamil Nadu Government Gazette* with effect from the publication of that Act]—

(i) if no interest has been stipulated for on the principal amount secured by the mortgage or any portion thereof, in addition to the usufruct from the property ;

(ii) where such interest has been stipulated for, if no arrears of interest are due from the mortgagor; and

(iii) if no other sums or interest thereon are due to the mortgagee by the mortgagor in his capacity as such.

(b) Where the mortgagee has been in possession of the whole of the property mortgaged to him for an aggregate period of thirty years or more, then, in cases not governed by clause (a), the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee—

(i) the arrears of interest stipulated for in addition to the usufruct from the property, as scaled down under section 8 <sup>3</sup>[ ] read with section 12, or under section 13, as the case may be ; and

<sup>1</sup> The figure “9” was omitted by section 9 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This expression was substituted for the expression “commencement of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948), with effect from the commencement of that Act” by section 9 (iii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973), the words “Tamil Nadu” having been earlier 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.

<sup>3</sup> The expression “or 9” was omitted by section 9 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

(ii) all other sums due to the mortgagee by the mortgagor in his capacity as such and referred to in sub-clause (iii) of clause (a) together with any interest due thereon.

(6) Where the mortgagee has been in possession of only a portion of the property mortgaged to him for an aggregate period of thirty years or more, the mortgagor shall not be entitled to redeem the mortgage unless he pays to the mortgagee—

(i) where, in addition to the usufruct from the property, any interest has been stipulated for, the arrears of interest on that portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee, such arrears being scaled down under section 8<sup>1</sup>[ ] read with section 12, or under section 13, as the case may be ;

(ii) the balance of the debt not attributable to such portion of the property as scaled down under section 8<sup>1</sup>[ ] read with section 12, or under section 13, as the case may be ; and

(iii) all other sums payable to the mortgagee by the mortgagor in his capacity as such, together with the interest, if any, due thereon.

(7) For the purposes of this section , the portion of the principal amount secured by the mortgage which is attributable to the portion of the property in the possession of the mortgagee shall be determined in the manner prescribed by rules made under this Act.

(8) The mortgagor shall not be entitled to redeem a mortgage under sub-section (2) or obtain possession of the mortgaged property by virtue of sub-section (5) (a), unless he pays to the mortgagee the cost of the improvements, if any, effected by him to the mortgaged property.

<sup>1</sup> The expression "or 9" was omitted by section 9 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

(9) (a) (i) Except in cases falling under sub-section (5) (a), where the mortgaged property or, as the case may be, the portion thereof, in the possession of the mortgagee has been leased back to the mortgagor by the mortgagee, the rent due to the mortgagee under the lease (after deducting from such rent any revenue, tax or cess paid or payable by the mortgagee in respect of the property) shall be deemed to be the interest on the mortgage debt or the portion thereof attributable to the portion of the property aforesaid and the provisions of section 8<sup>1</sup> [ ] read with section 12, or section 13, as the case may be, shall apply to the entire debt.

(ii) Nothing contained in sub-section (3) or sub-section (4) shall apply to any debt falling under sub-clause (i).

(b) In cases falling under sub-section (5) (a), where the property has been leased back to the mortgagor by the mortgagee, nothing contained in that sub-section shall affect the right of the mortgagee to recover any rents due to him under the lease for any period before the date on which the mortgage debt is deemed to have been wholly discharged by virtue of that sub-section, if such rents have not become barred by limitation under any law for the time being in force.

“(10) Notwithstanding anything contained in this section,—

(a) Where, during the period after the 30th January 1948 and before the 1st March 1972, the mortgagee or any of his successors-in-interest has transferred either wholly or in part the mortgagee's right in the property *bona fide* and for valuable consideration, then, the provisions of sub-sections (1) to (9) shall

<sup>1</sup> The expression “or 9” was omitted by section 9 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This sub-section was substituted for the original sub-section by section 9 (iv), *ibid*

apply to such mortgage and for purposes of sub-sections (3) to (9) the period during which the last transferee was in possession of the property shall alone be taken into account :

Provided that the transferee of a mortgage shall not be entitled to recover in respect of such mortgage, anything more than the value of the consideration for the transfer ; but nothing therein contained shall, in cases where the property or portion thereof has been leased back to the mortgagor, affect the right of the transferee to recover the rents, if any, due under the lease, if such rents have not become barred by limitation under any law for the time being in force.

(b) Notwithstanding anything contained in clause (a), where the mortgagee's interest in the property subject to the mortgage or any part of such interest belonged to, or devolved on, two or more persons and during the period aforesaid, a partition has taken place among such persons, then nothing contained in this section, except sub-sections (1) and (2) shall apply to the whole or such part of the interest, as the case may be.]

(11) Where the equity of redemption in the property subject to the mortgage belonged to, or devolved on, two or more persons and any one of them or any person claiming under any one of them has, during the period referred to in <sup>1</sup>[clause (a) of sub-section (10)], redeemed the entire mortgage, nothing contained in this section shall affect the rights or the reliefs to which the person redeeming the mortgage might be entitled to under any other law for the time being in force as against the other persons aforesaid.

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<sup>1</sup> This expression was substituted for the expression " sub-section (10), clause (ii) (a) " by section 9 (v) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

## Exceptions.

10. (1) The provisions of <sup>1</sup>[section 8] shall not apply to any person who, though an agriculturist as defined in section 3(ii), did not on the <sup>2</sup>[1st March 1972], hold an interest in, or a lease or sub-lease of, any land as specified in that section.

(2) Nothing contained in <sup>1</sup>[section 8] shall affect—

<sup>3</sup>[(i) any mortgage of the description referred to in sub-section (1) of section 9-A, except to the extent provided for in that section ;]

(ii) any liability for which a charge is provided under section 55, clause 4, sub-clause (b) of the Transfer of Property Act ; <sup>4</sup>[ ]

<sup>5</sup>[(iii)

].

Provision  
as to costs,  
etc., in  
certain  
cases.

11. Where a debt payable by an agriculturist includes any sum decreed as costs by any Court, or sums lawfully expended by a mortgagee or other person in order to preserve the property mortgaged, such sum or sums shall be recoverable in addition to the sum recoverable under the provisions of <sup>6</sup>[section 8].

<sup>1</sup> This expression was substituted for the expression "sections 8 and 9" by sections 10 (i) (a) and 10 (ii) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This expression was substituted for the expression "1st October 1937" by section 10 (i) (b), *ibid*.

<sup>3</sup> This clause was substituted by section 5 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950) for clause (i) as amended by section 7 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>4</sup> The word "or" was omitted by section 10 (ii) (b) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>5</sup> This clause was omitted by section 10 (ii) (c), *ibid*.

<sup>6</sup> This expression was substituted for the expression "sections 8 and 9" by section 11, *ibid*.

12. All debts which have been scaled down under the provisions of this Act shall, so far as any sum remains payable thereunder, carry from the date up to which they have been scaled down interest on the principal amount due on that date at the rate previously applicable under law, custom, contract <sup>Rate of interest payable by agriculturists on old loans.</sup> [or otherwise or at the rate of nine per cent per annum simple interest, whichever is less].

[

].

13. In any proceeding for recovery of a debt, the court shall scale down <sup>Rate of interest payable by agriculturists on new loans.</sup> [all interest whether paid or payable] on any debt incurred by an agriculturist [on or after the 1st March 1972], so as not to exceed a sum calculated at [nine per cent per annum], simple interest, [ ]:

Provided that the [State] Government may, by notification in the Official Gazette, alter and fix any other rate of interest from time to time.

<sup>1</sup> This expression was substituted for the expression "or otherwise" by section 12 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> The words "that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest" occurring in the proviso were omitted by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960); the proviso itself was omitted by section 12 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>3</sup> This expression was substituted for the expression "all interest due" by section 13 (i) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>4</sup> This expression was substituted for the expression "after the commencement of this Act" by section 13 (i) (b), *ibid*.

<sup>5</sup> This expression was substituted for the expression "6½ per cent per annum" by section 13 (i) (c), *ibid*.

<sup>6</sup> The words "that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest" were omitted by section 2 of, and the Schedule to, the Tamil Nadu Coinage (Alteration of References) Act, 1960 (Tamil Nadu Act 9 of 1960).

<sup>7</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.



<sup>1</sup>[*Explanation I.*—For the purposes of this section, the definition of ‘agriculturist’ in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section as amended by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, for the expression ‘the financial years ending on the 31st March 1972’ the expression ‘the financial years ending on the 31st March immediately preceding the date on which the debt is incurred’ were substituted; and

(ii) in provisos (B) and (C) to that section as amended by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, for the expression ‘the four half years immediately preceding the 1st March 1972’, the expression ‘the four half years ending on the 31st March or the 30th September (whichever is later) immediately preceding the date on which the debt is incurred’ were substituted.

*Explanation II.*—Where any agriculturist has paid to any creditor any interest at a rate more than the rate specified in this section, the amount of interest so paid shall be calculated by the Court at the rate specified in this section and the excess of the amount so paid shall be credited towards the principal.]

[13-A. Where a debt is incurred by a person who would be an agriculturist as defined in section 3 (ii) but for the operation of proviso (B) or proviso (C) to this section, the rate of interest applicable to the debt shall be the rate applicable to it under the law, custom, contract or decree of Court under which the debt arises or the rate applicable to an agriculturist under section 13, whichever rate is less.]

<sup>1</sup> These Explanations were substituted for the original Explanation by section 13 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This section was inserted by section 9 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXII of 1948).

14. Notwithstanding anything contained in section 3 (ii) and subject to the provisions of sections 5 and 6, where in a Hindu family, whether divided or undivided, some of the members liable in respect of a family debt are not agriculturists while others are agriculturists, the creditor shall, notwithstanding any law to the contrary, be entitled to proceed—

(a) against the non-agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt ; and

(b) against the agriculturist member or members and his or their share of the family property, to the extent only of his or their proportionate share of the debt which shall be scaled down in accordance with the provisions of this Act.

### CHAPTER III.

#### *Arrears of Rent.*

15. (1) All rent payable by an agriculturist to a landholder or an under-tenure holder under the [Tamil Nadu] Estates Land Act, 1908, or to a janmi or intermediary under the Malabar Tenancy Act, 1929, which has accrued for the fasli year 1345 and prior faslis and which is outstanding on the date of the commencement of this Act, shall be deemed to be discharged whether the rent be due as such or whether a decree has been obtained therefor :

Provided that where the person liable to pay rent (hereinafter in this section referred to as 'tenant') does not, on or before the 30th September 1939, pay up all arrears of rent accrued in respect of any holding for faslis 1346 and 1347, the arrears of rent for fasli 1345 and prior faslis which were outstanding in respect

<sup>1</sup> 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.

of the same holding on the date of the commencement of this Act shall be deemed to be discharged only in the same proportion as the rent due for faslis 1346 and 1347 which is paid up by the ryot or tenant bears to the rent due for those two faslis :

Provided further that no tenant shall be entitled to the benefit of this section unless he shall have paid in respect of the holding, the rent due for fasli 1347 on or before the 30th September 1938.

*Explanation.*—In cases governed by the Malabar Tenancy Act, 1929, any reference to a fasli year in this Chapter shall be deemed to be a reference to the agricultural year as defined in the Malabar Tenancy Act, 1929, which contains the greater part of the fasli year.

<sup>1</sup>[Tamil Nadu] Act XIV of 1930.

*Illustrations.*—(a) A ryot or tenant is in arrear at the commencement of this Act in respect of rent for a particular holding for fasli 1345 and prior faslis in the sum of Rs. 500 and is in arrear on that date in respect of rent for the same holding for faslis 1346 and 1347, the rent for each fasli being Rs. 100. Within the 30th September 1938 he pays the rent for fasli 1347 and within 30th September 1939, he pays the rent for fasli 1346. The arrears of rent of Rs. 500 which were outstanding at the commencement of this Act will be deemed to be discharged.

<sup>1</sup>[Tamil Nadu] Act XIV of 1930.

(b) A sum of Rs. 500 representing the arrears of rent in respect of a particular holding for fasli 1345 and prior faslis and the rents for faslis 1346 and 1347 for that holding are in arrear and outstanding at the commencement of this Act, the rent for each fasli being Rs. 100. The ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347 but fails to pay within the 30th September 1939 any portion of the rent for fasli 1346. Only a sum of Rs. 250 or one-half of the rent of faslis prior to and inclusive of fasli 1345 will be deemed to be discharged.

<sup>1</sup> These words were substituted for the words "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(c) In the same case, the ryot on tenant does not pay the landholder within the 30th September 1938 the whole of the rent for fasli 1347. No portion of the arrears for fasli 1345 and prior faslis is discharged, and the ryot loses the benefit of this section.

(d) In the same case, the ryot or tenant pays the landholder within 30th September 1938 the rent for fasli 1347, but pays within 30th September 1939 only Rs. 50 being half the rent for fasli 1346. He has thus paid Rs. 150 out of Rs. 200 being the rent of both the faslis 1346 and 1347, before 30th September 1939. A sum of Rs. 375, or three-fourths of the rent of faslis prior to and inclusive of fasli 1345 will be allowed to be discharged.

(2) Nothing contained in sub-section (1) shall be deemed to effect a discharge of arrears of rent which accrued due for fasli 1345 if proceedings for the recovery of such arrears stood stayed by an Act of the Legislature or by an order of a Court or if such proceedings, if instituted, would have stood so stayed. But the arrears of rent for fasli 1345 shall not be recoverable until the 30th September 1938 or if the rent for fasli 1347 is paid before that date, until the 30th September 1939.

(3) Notwithstanding anything to the contrary in any agreement or in section 64 of the '[Tamil Nadu] Estates Land Act, 1908, any payment of rent made by a tenant after the commencement of this Act shall be credited towards the rent due by him for fasli 1347 in the first instance and for fasli 1346 in the next instance, and not towards the rent due for any previous fasli.

(4) Every tenant shall be at liberty to pay into Court any amount towards the rent due or claimed to be due by him for fasli 1347 or 1346 or both and thereupon the Court shall, after notice to the landholder, under tenure holder, janmi or intermediary, as the case may

<sup>1</sup> 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.

be, apply the provisions of this Act and determine whether the whole or only a portion of the rent for the faslis aforesaid has been paid by the tenant, and also the extent of the remaining liability, if any, of the tenant for rent under the provisions of this Act.

*Explanation.*—For the purposes of this sub-section, <sup>1</sup>[Tamil Nadu] ‘Court’ shall mean the Collector referred to in section 209 (1) of the <sup>1</sup>[Tamil Nadu] Estates Land Act, of 1908, 1908, or the Court referred to in section 3(b) of the <sup>1</sup>[Tamil Nadu] Malabar Tenancy Act, 1929, as the case may be.

<sup>1</sup>[Tamil Nadu] Act I of 1908, <sup>1</sup>[Tamil Nadu] Act XIV of 1930.

Landholder to be entitled to recover land cess and costs.

16. Notwithstanding anything contained in this chapter, a landholder or an under-tenure holder under the <sup>1</sup>[Tamil Nadu] Estates Land Act, 1908, or a janmi or intermediary under the Malabar Tenancy Act, 1929, shall be entitled to recover, in addition to any sum recoverable by him under section 15—

<sup>1</sup>[Tamil Nadu] Act I of 1908, <sup>1</sup>[Tamil Nadu] Act XIV of 1930.

(a) the land cess, if any, paid by him and recoverable under section 88 of the <sup>1</sup>[Tamil Nadu] Local Boards Act, 1920<sup>2</sup> ;

<sup>1</sup>[Tamil Nadu] Act XIV of 1920.

(b) the land revenue and water cess, if any, paid by him to the <sup>3</sup>(State) Government which the tenant was bound to pay by virtue of any law, custom, contract or decree of court governing the tenancy; and

(c) the costs awarded to him in any decree for rent obtained by him.

Extension of limitation for suits, etc., for rent in certain cases.

17. Notwithstanding anything contained in the <sup>1</sup>[Tamil Nadu] Estates Land Act, 1908, or the Malabar Tenancy Act, 1929, or in any law of limitation or procedure in force for the time being no suit or execution proceedings in respect of arrears of rent accrued

<sup>1</sup>[Tamil Nadu] Act I of 1908, <sup>1</sup>[Tamil Nadu] Act XIV of 1930.

<sup>1</sup> 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.

<sup>2</sup> Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

<sup>3</sup> This word was substituted for the word “Provincial” by the Adaptation Order of 1950.

for fasli 1345 or any prior fasli which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1938, shall be so barred and the landholder, under-tenure holder, janmi or intermediary, as the case may be, shall be entitled to file a suit or institute execution proceedings for recovery thereof, on or before the 31st December 1938; and in cases where the rent due for fasli 1347 has been paid before the 30th September 1938, the period of limitation for any suit or execution proceedings for the recovery of any arrears of rent which, under the existing law, would become barred between the 1st October 1937 and the 30th September 1939, shall stand extended until the 31st December 1939:

Provided that where on the 31st December 1938 or the 31st December 1939, as the case may be, an application under sub-section (4) of section 15 is pending in any Court, the period of limitation prescribed by this section shall stand extended until the expiry of a period of two months from the date of the order on such application.

[17-A. In any suit or proceeding before a civil or revenue court involving a claim for arrears of rent payable by an agriculturist, including a claim to set off such arrears, whatever be the period to which the arrears relate, the Court shall scale down all interest, if any, due on such arrears so as not to exceed a sum calculated at  $5\frac{1}{2}$  per cent per annum simple interest, notwithstanding anything to the contrary contained in any contract or custom :

Scaling  
down of  
interest on  
arrears of  
rent.

Provided that the <sup>2</sup>(State) Government may, by notification in the Official Gazette, alter and fix any other rate of interest from time to time.

<sup>1</sup> This section was inserted by section 2 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1949 (Tamil Nadu Act V of 1949).

<sup>2</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

*Explanation.*—For the purposes of this section, the definition of ‘agriculturist’ in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section, for the expression ‘financial years ending 31st March 1938’, the expression ‘financial years ending on the 31st March immediately preceding the date of institution of the suit or proceeding’ were substituted; and

(ii) in provisos (B) and (C) to that section, for the words and figures ‘immediately preceding the 1st October 1937’, the words and figures ‘ending on the 31st March or the 30th September (whichever is later) immediately preceding the date of institution of the suit or proceeding’ were substituted.]

## CHAPTER IV.

### *Procedure and Miscellaneous.*

Provision  
as to  
costs in  
certain  
cases.

18. (1) Where a decree is passed against an agriculturist in a suit filed on or after the <sup>1</sup>[1st March 1972] the Court shall allow only such costs as would have been allowable if the suit had been filed for the amount of the debt asscaled down in accordance with the provisions of this Act, and where in any such case a decree has been passed before the <sup>2</sup>[publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*], the Court shall, on application by the agriculturist, amend the decree accordingly.

<sup>1</sup>This expression was substituted for the expression “1st October 1937” by section 14 (i) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup>This expression was substituted for the expression “commencement of this Act” by section 14 (i) (b), *ibid.*

<sup>1</sup>[(2) Nothing in sub-section (1) shall apply to any suit instituted on or after the 1st March 1972 and before the date of the publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette* in respect of a claim which would be barred by limitation before the date of such publication.]

19. <sup>2</sup>[(1) Where before the <sup>3</sup>[publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*], a court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgment-debtor or on the application of the decree-holder, apply the provisions of this Act to such decree and shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, amend the decree accordingly or enter satisfaction, as the case may be:

Amend-  
ment of  
certain  
decrees.

Central  
Act V  
of 1908.

Provided that all payments made or amounts recovered, whether before or after the <sup>3</sup>[publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*], in respect of any such decree shall first be applied in payment of all costs as originally decreed to the creditor.

<sup>2</sup>[(2) The provisions of sub-section (1) shall also apply to cases where, after the <sup>3</sup>[publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*], a

<sup>1</sup> This sub-section was substituted for the original sub-section by section 14 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> Section 19 was renumbered as sub-section (1) of section 19 and sub-section (2) was added by section 10 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>3</sup> This expression was substituted for the expression " commencement of this Act " by section 15 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).



Court has passed a decree for the repayment of a debt payable at such <sup>1</sup>[publication.]

Application  
for the  
determina-  
tion of the  
amount of  
debt due.

<sup>2</sup>[19-A. (1) <sup>3</sup>[Where any debt incurred before the 1st March 1972, other than a decree debt, is due, by any person who claims that he was an agriculturist on that date], the debtor or the creditor may apply to the Court having jurisdiction for a declaration of the amount if the debt is due by the debtor on the date of the application :

Provided that no such application shall be presented or be maintainable if a suit for the recovery of the debt is pending.

*Explanation.*—The Court having jurisdiction under this section shall be the Court which would have jurisdiction to entertain a suit for the recovery of the debt as unscaled.

(2) The provisions of sub-section (1) shall apply also to any person claiming to be such an agriculturist, who contends that any such debt due by him has been discharged.

(3) All persons who would have been necessary parties to a suit for the recovery of the debt shall be impleaded as parties to the application under sub-section (1) or under that sub-section read with sub-section (2).

(4) (a) When any such application is made, the Court shall first decide whether the debtor was such an agriculturist or not, and if it finds that he was such an

<sup>1</sup> This word was substituted for the word "commencement" by section 15 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This section was inserted by section 2 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1943 (Tamil Nadu Act XV of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

<sup>3</sup> This expression was substituted for the expression "Where any debt incurred before the 22nd March 1938, other than a decree debt is due by any person who claims that he was an agriculturist both on that date and on the 1st October 1937" by section 16 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

agriculturist, pass an order declaring the amount due by him or declaring that the debt has been discharged, as the case may be.

(b) The Court shall dismiss the application if it finds that the debtor was not such an agriculturist.

(5) At any time after passing an order under clause (a) of sub-section (4), the Court shall on payment by the creditor of the court-fee payable on a suit for the amount declared due to him, grant a decree to the creditor for such amount:

Provided that the creditor may on his application be granted a decree for an amount less than that declared due to him on paying the appropriate court-fee.

(6) The Court may order that the court-fee, if any, paid by the creditor under sub-section (5) shall be paid by the debtor in addition to the amount decreed.

(7) If the debtor pays into the Court the amount declared to be due under clause (a) of sub-section (4) or the amount of the decree granted under sub-section (5) together with the costs, if any, ordered to be paid under sub-section (6) the Court shall grant to the debtor a certificate that the debt has been discharged.

(8) The procedure laid down in the Code of Civil Procedure, 1908, for the trial of suits shall as far as may be, apply to applications under this section.

(9) No Court shall entertain a suit by the creditor for the recovery of a debt—

(i) if an application has been made under sub-section (1) in respect of such debt to a Court having jurisdiction and is pending in such Court; or

(ii) if a Court having jurisdiction has passed an order under clause (a) of sub-section (4) in respect of such debt.

(10) In computing the period of limitation prescribed for a suit by the creditor for the recovery of a debt, the time, if any, during which the Court was prevented from entertaining the suit by virtue of the provision contained in clause (i) of sub-section (9) shall be excluded.]

Stay of  
execution  
proceedings.

20. Every Court executing a decree passed against a person entitled to the benefits of this Act, shall on application, stay the proceedings until the Court which passed the decree has passed orders on an application made or to be made under section 19:

Provided that where within 60 days after the application for stay has been granted the judgment-debtor does not apply to the Court which passed the decree for relief under section 19 or where an application has been so made and is rejected, the decree shall be executed as it stands, notwithstanding anything contained in this Act to the contrary.

*Explanation.*—The expression “the court which passed the decree” shall have the same meaning as in the Code of Civil Procedure, 1908.

Central  
Act V of  
1908.

Adjudi-  
cations in  
insolvency.

21. <sup>1</sup>[(1)] Nothing contained in this Act shall apply to the debts payable by any person who has been adjudicated an insolvent, if prior to the <sup>2</sup>[publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*], a dividend has been declared out of his assets.

Central  
Act  
1908  
Central  
Act  
1908

<sup>1</sup>[(2) If a dividend has not been so declared, the Court shall, on application made by the insolvent debtor, the Official Assignee or Official Receiver in whom the property of such debtor has vested, or any other person interested, apply the provisions of this Act to the debts payable by the insolvent debtor if he would have been an agriculturist within the meaning of this Act but for his adjudication in insolvency.

(3) If the application aforesaid is not made by the Official Assignee or Official Receiver, he shall be impleaded as a party thereto.]

<sup>1</sup> The first sentence of original section 21 was re-numbered as sub-section (1) of section 21 and sub-sections (2) and (3) were substituted for the second sentence by section 11 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> This expression was substituted for the expression “coming into force of this Act” by section 17 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

22. Where, in execution of any decree, any movable property of an agriculturist has been sold on or after the <sup>1</sup>[1st March 1972], any judgment-debtor may apply to the Court for an order that the provisions of <sup>2</sup>[sections 8, 11 and 12] be applied to the decree, and the Court, shall, if satisfied that the applicant is an agriculturist entitled to the benefits of those sections, apply the same and order the decree-holder to refund any sum received by him on or after the <sup>1</sup>[1st March 1972] in excess of the amount to which he would have been entitled if the property had not been sold:

Special provision in the case of certain sales of movable property.

Provided that no such order shall be made without notice to the decree-holder and without affording him an opportunity to be heard in the matter.

23. Where in execution of any decree any immovable property, in which an agriculturist had an interest, has been sold or foreclosed on or after the 1st October 1937, then notwithstanding anything contained in the Indian Limitation Act, 1908\*, or in the Code of Civil Procedure, 1908, and notwithstanding that the sale has been confirmed, any judgment-debtor, claiming to be an agriculturist entitled to the benefits of this Act, may apply to the Court within 90 days of the commencement of this Act to set aside the sale or foreclosure of the property, and the Court shall, if satisfied that the applicant is an agriculturist entitled to the benefits of this Act, order the sale or foreclosure to be set aside, and thereupon the sale <sup>3</sup>[or foreclosure] shall be deemed not to have taken place at all:

Sales of immovable property to be set aside in certain cases.

Provided that no such order shall be made without notice to the decree-holder, the auction purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.

<sup>1</sup> This expression was substituted for the expression "1st October 1937" by section 18 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This expression was substituted for the expression "section 8 or 9, as the case may be, and of sections 11 and 12" by section 18 (ii), *ibid*.

<sup>3</sup> These words were inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

\* Now the Limitation Act, 1963 (Central Act 36 of 1963).

Power of Court to set aside sales of immovable property in certain cases.

[23-A. Where in execution of any decree, any immovable property, in which any person entitled to the benefits of the <sup>1</sup>[Tamil Nadu] Agriculturists Relief (Amendment) Act, 1948, had an interest, has been sold or foreclosed on or after the 30th September 1947, and the sale has not been confirmed before the commencement of the said Act, or ninety days have not elapsed from the confirmation of the sale or from the foreclosure, at such commencement, then, notwithstanding anything contained in the Indian Limitation Act, 1908\*, or in the Code of Civil Procedure, 1908, and notwithstanding that the sale has been confirmed, any judgment-debtor claiming to be entitled to the benefits of the said Act, may apply to the Court within ninety days of such commencement or of the confirmation of the sale, whichever is later, to set aside the sale or foreclosure of the property, and the Court shall, if satisfied that the applicant is a person entitled to the benefits of the said Act, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all:

<sup>2</sup>[Tamil Nadu] Act XXIII of 1948.

Central Act IX of 1908.  
Central Act V of 1908.

Provided that no such order shall be made without notice to the decree-holder, the auction-purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.]

Modifications in the application of section 23-A to certain cases.

[23-B. The provisions of section 23-A shall apply to a judgment-debtor claiming to be entitled to the benefits of the <sup>2</sup>[Tamil Nadu] Agriculturists Relief (Amendment) Act, 1950, subject to the modification <sup>3</sup>Act XXIV of 1950.

<sup>1</sup> This section was inserted by section 12 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> 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.

<sup>3</sup> This section was inserted by section 6 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950).

\* Now the Limitation Act, 1963 (Central Act 36 of 1963).

1 Tamil  
Nadu  
Act  
XXIII of  
1948.

that for the reference to the '[Tamil Nadu] Agriculturists Relief (Amendment) Act, 1948, a reference to the '[Tamil Nadu] Agriculturists Relief (Amendment) Act, 1950, and for the reference to the 30th September 1947, a reference to the 25th April 1950 shall be substituted.]

[23-C. Where in execution of any decree, any immovable property in which any person entitled to the benefits of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, had an interest, has been sold or foreclosed on or after the 1st March 1972, and the sale has not been confirmed before the publication of the said Act in the *Tamil Nadu Government Gazette*, or ninety days have not elapsed from the confirmation of the sale or from the foreclosure, at such publication, then, notwithstanding anything contained in the Limitation Act, 1963 (Central Act 36 of 1963), or in the Code of Civil Procedure, 1908 (Central Act V of 1908), and notwithstanding that the sale has been confirmed, any judgment-debtor claiming to be entitled to the benefits of the said Act, may apply to the court within ninety days of such publication or of the confirmation of the sale, whichever is later, to set aside the sale or foreclosure of the property, and the court shall, if satisfied that the applicant is a person entitled to the benefits of the said Act, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all:

Power of court to set aside sales of immovable property in certain cases.

Provided that no such order shall be made without notice to the decree-holder, the auction-purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.]

<sup>1</sup> 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.

<sup>2</sup> This section was inserted by section 19 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

Consequen-  
tial provi-  
sion on  
setting  
aside of sale.

24. <sup>1</sup>[Where a sale is set aside under <sup>2</sup>(section 23, section 23-A<sup>3</sup>[section 23-B or section 23-C]), a purchaser shall be entitled to an order for repayment of any purchase money paid by him against the person to whom it has been paid:

Provided that no poundage shall be payable in respect of any such sale and provided further that where poundage has been collected the court shall direct the same to be refunded.

Power of  
Court to  
reject  
certain  
claims.

<sup>4</sup>[24-A. If in any suit or proceeding for the recovery of a debt, the Court is satisfied that the claim therein is made in evasion of the provisions of this Act and that the document upon which the claim is based, although purporting to be executed by a different debtor or in favour of a different creditor, was in fact in renewal or part renewal of a prior debt to which the provisions of this Act would have applied, the Court shall disallow the costs:

Provided that where in any such suit or proceeding two or more distinct claims are made, the provisions of this section shall apply separately in respect of each such claim.]

<sup>1</sup> These words were substituted for the words "where a sale is set aside under the preceding section" by section 13 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

<sup>2</sup> These words, figures and letters were substituted for the words, figures and letter "section 23 or section 23-A" by section 7 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950).

<sup>3</sup> This expression was substituted for the expression "or section 23-B" by section 20 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>4</sup> This section was inserted by section 14 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

25. All alienations of immovable property made by an agriculturist debtor on or after the <sup>1</sup>[1st March 1972] by debtor. shall be invalid as against every creditor whose sale in execution or foreclosure decree has been set aside under section 23 or who became entitled to rateable distribution of the proceeds of such sale under section 73 of the Code of Civil Procedure, 1908.

Central  
Act V of  
1908.

<sup>2</sup>[25-A. (1) An appeal shall lie from any of the Appeals. following orders passed by a Court under this Act, as if such order related to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908:—

(a) An order under sub-section (1) of section 18 amending or refusing to amend a decree;

(b) An order under section 19 amending or refusing to amend a decree or entering or refusing to enter satisfaction in respect of a decree;

(c) An order under clause (a) of sub-section (4) of section 19-A declaring the amount due to the creditor or declaring the debt to have been discharged;

<sup>3</sup>[(cc) An order under clause (b) of sub-section (4) of section 19-A dismissing the application on the ground that the debtor was not an agriculturist;]

(d) An order under section 22 directing or refusing to direct the refund of any excess realized in execution of a decree;

<sup>1</sup> This expression was substituted for the expression "1st October 1937" by section 21 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> This section was inserted by section 3 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1943 (Tamil Nadu Act XV of 1943), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948). This should be deemed to have come into operation on the 27th October 1939.

<sup>3</sup> This clause was inserted by section 15 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948).

Central  
Act V of  
1908.



(e) An order under <sup>1</sup>[section 23, section 23-A (section 23-B or section 23-C)] setting aside or refusing to set aside any sale or foreclosure of immovable property;

(f) An order under section 24 directing or refusing to direct the repayment of any purchase money realized in execution of a decree.

(2) From any order passed on an appeal presented to it under the provisions of sub-section (1) by a Court subordinate to the High Court, an appeal shall lie to the High Court on any of the grounds mentioned in sub-section (1) of section 100 of the Code of Civil Procedure, 1908.] <sup>Central Act V of 1908.</sup>

District Collector to furnish information as to certain facts.

26. Any creditor may apply to the Collector of the district in which the creditor believes his debtor to have been or to be assessed to income-tax in terms of proviso (A) to section 3 (ii) or to profession, property or house tax under the Cantonments Act, 1924, in terms of provisos (B) and (C) to that section, for information as to the above facts and the Collector shall thereupon ascertain such information and grant to such creditor a memorandum in the prescribed form as to whether the debtor has been so assessed to income-tax or to profession, property or house tax. Such memorandum shall be received in every Court as evidence of the facts stated therein. <sup>Central Act II of 1924.</sup>

<sup>1</sup> These words, figures and letters were substituted by section 8 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1950 (Tamil Nadu Act XXIV of 1950) for the words, figures and letter "section 23 or section 23-A", the words "or section 23-A" having been inserted by Tamil Nadu Act XXIII of 1948, section 15 (ii).

<sup>2</sup> This expression was substituted for the expression "or section 23-B" by section 22 of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

27. Any creditor may apply to the <sup>1</sup>[executive Executive authority of a municipality, panchayat, panchayat of local union or township or the Revenue Officer or Commis- sioner of the Municipal Corporation of Madras or of Madurai] for information as to whether his debtor furnish information was or is assessed to profession, property or house tax in terms of provisos (B) and (C) to section 3 (ii), and the executive authority <sup>2</sup>[or Revenue Officer or Commissioner] shall thereupon grant to such creditor, a certificate in the prescribed form as to whether the debtor named in the application has been so assessed to profession, property, or house tax. Such certificate shall be received in every Court as evidence of the facts stated therein.

28. (1) The <sup>3</sup>(State) Government may make rules for carrying into effect the purposes of this Act. <sup>Power to make rules.</sup>

(2) In particular and without prejudice to the generality of the foregoing power, the <sup>3</sup>(State) Government may make rules—

(a) in regard to any matter, which is required to be prescribed by this Act ;

(b) prescribing the form of, and the fees to be paid in respect of, applications under this Act ;  
<sup>4</sup>[ ]

<sup>5</sup>[(c) \* \* \* \* \*].

<sup>1</sup> These words were substituted for the words "executive authority of a municipality, the president of a local board or the Revenue Officer of the Corporation of Madras" by section 23 (i) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>2</sup> These words were substituted for the words "president or Revenue Officer" by section 23 (ii), *ibid.*

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

<sup>4</sup> The word "and" was omitted by section 24 (i) (a) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>5</sup> This clause was omitted by section 24 (i) (b), *ibid.*

“(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 notification.]

1[Tam  
Nadu  
Act IV  
of 1938  
1[Tam  
Nadu  
Act V  
of 1938  
1[Tam  
Nadu  
Act X  
of 1938  
Centr  
Act  
VIII of  
1914.  
1[Tam  
Nadu  
Act II  
of 1938]

These sub-sections were substituted for the original sub-section (3) by section 24 (ii) of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 (Tamil Nadu Act 8 of 1973).

<sup>1</sup>[TAMIL NADU] ACT No. XV OF 1943<sup>2</sup>.

[THE <sup>1</sup>(TAMIL NADU) AGRICULTURISTS RELIEF  
(AMENDMENT) ACT, 1943.]

(Received the assent of the Governor-General on the  
4th August 1943 ; first published in the Fort St.  
George Gazette on the 17th August 1943.)

An Act further to amend the <sup>1</sup>[Tamil Nadu] Agricul-  
turists Relief Act, 1938.

<sup>1</sup>[Tamil  
Nadu]  
Act IV  
of 1938.

WHEREAS it is expedient further to amend the <sup>1</sup>[Tamil  
Nadu] Agriculturists Relief Act, 1938, for the purposes  
hereinafter appearing ; <sup>3</sup>[It is hereby enacted as  
follows :—]

1. This Act may be called the <sup>1</sup>[Tamil Nadu] Short title  
Agriculturists Relief (Amendment) Act, 1943.

<sup>4</sup>[2-3. \* \* \* \* ]

4. An order passed by a Court before the commen- Saving of  
cement of this Act dismissing an application for a certain  
declaration of the amount of the debt due to a creditor orders.  
or for a declaration that the debt has been discharged  
on the ground that a suit for the recovery of the debt  
was instituted subsequently by the creditor, shall not  
be called in question or reopened in any Court.

<sup>4</sup>[5. \* \* \* \* ]

<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*,  
dated the 28th July 1942—Part IV-A, pages 68-69.

<sup>3</sup> These words were substituted for the paragraph containing the  
enacting formula and the paragraph preceding that paragraph by  
section 5 of the Tamil Nadu Re-enacting and Repealing (No. I) Act,  
1948 (Tamil Nadu Act VII of 1948).

<sup>4</sup> Sections 2, 3 and 5 were repealed by Tamil Nadu Act XI of 1952.

1948 : T.N. Act XXIII], *Agriculturists Relief* 1091  
(Amendment)

<sup>1</sup>[TAMIL NADU] ACT No. XXIII OF 1948<sup>2</sup>.

[THE <sup>1</sup>[TAMIL NADU] AGRICULTURISTS RELIEF (AMEND-  
MENT) ACT, 1948.]

(Received the assent of the Governor-General on the  
12th January 1949 ; first published in the Fort  
St. George Gazette on the 25th January 1949.)

An Act further to amend the Tāmil Nadu  
Agriculturists Relief Act, 1938.

[Tamil  
Nadu]  
Act IV  
of 1938.

WHEREAS it is expedient further to amend the  
<sup>1</sup>[Tamil Nadu] Agriculturists Relief Act, 1938, for the  
purposes hereinafter appearing ; It is hereby enacted  
as follows :—

1. This Act may be called the <sup>1</sup>[Tamil Nadu] Short title.  
Agriculturists Relief (Amendment) Act, 1948.

<sup>3</sup>[2-15. \* \* \* \* ]

16. The amendments made by this Act shall Amendments  
apply to the following suits and proceedings, to have retro-  
spective  
namely :— effect in  
certain cases.

(i) all suits and proceedings instituted after  
the commencement of this Act ;

<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George  
Gazette*, dated the 30th September 1947, Part IV-A, pp. 217-220.

<sup>3</sup> Sections 2 to 15 were repealed by Tamil Nadu Act XI of  
1952.

1092 *Agriculturists Relief* [ 1948: T.N. Act XXIII  
(Amendment)

(ii) all suits and proceedings instituted before the commencement of this Act, in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement ;

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act :

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him, before the commencement of this Act.

# THE TAMIL NADU CODE

## VOLUME IV

### PART III—Contd.

#### UNREPEALED TAMIL NADU ACTS—Contd.

<sup>1</sup>[TAMIL NADU ACT] NO. V OF 1949.<sup>2</sup>

THE <sup>1</sup>[TAMIL NADU] AGRICULTURISTS RELIEF  
(AMENDMENT) ACT, 1949.

*(Received the assent of the Governor-General on the 15th March 1949 ; first published in the Fort St. George Gazette on the 22nd March 1949.)*

<sup>4</sup>[Tamil Nadu] An Act further to amend the <sup>1</sup>[Tamil Nadu] Agriculturists Relief Act, 1938.  
Act IV of 1938.

WHEREAS it is expedient further to amend the <sup>1</sup>[Tamil Nadu] Agriculturists Relief Act, 1938, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the <sup>1</sup> [Tamil Nadu] Agriculturists Relief (Amendment) Act, 1949. Short title.

<sup>2</sup>[2. 1

3. The amendment made by this Act shall apply to—  
(i) all suits and proceedings instituted after the commencement of this Act ; Amendment made by section 2 to have retrospective effect.  
(ii) all suits and proceedings instituted before the commencement of this Act, in which no decree or order

<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 28th December 1948, Part IV-A, Page 442.

<sup>3</sup> Section 2 was repealed by Tamil Nadu Act XXXVI of 1955. In so far as this Act applies to the added territories, this section was repealed by section 12 of, and the Third Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1962 (Tamil Nadu Act 14 of 1962).

has been passed, or in which the decree or order passed has not become final, before such commencement; and

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act :

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him, before the commencement of this Act.



[TAMIL NADU] ACT No. XXIV OF 1950.<sup>2</sup>[THE <sup>1</sup>[TAMIL NADU] AGRICULTURISTS RELIEF (AMENDMENT)  
ACT, 1950.]

(Received the assent of the President on the 18th October 1950; first published in the Fort St. George Gazette on the 31st October 1950.)

An Act further to amend the <sup>1</sup>[Tamil Nadu] Agriculturists Relief Act, 1938.

WHEREAS it is expedient further to amend the <sup>1</sup>[Tamil Nadu] Agriculturists Relief Act, 1938, for the purposes <sup>1</sup>[Tamil Nadu] Act IV of 1938. hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the <sup>1</sup>[Tamil Nadu] Agriculturists Relief (Amendment) Act, 1950. Short title.

<sup>3</sup>[2-8.

]

9. The amendments made by this Act shall apply to— Amendments

(i) all suits and proceedings instituted after the commencement of this Act; to have retrospective effect in certain cases.

(ii) all suits and proceedings instituted before the commencement of this Act in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement;

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act :

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him before the commencement of this Act.

<sup>1</sup>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.

<sup>2</sup>For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 26th April 1950, Part IV-A, page 231.

<sup>3</sup>Sections 2 to 8 have been repealed by Tamil Nadu Act XXXVI of 1955.

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**TAMIL NADU ACT NO. 8 OF 1973.\***

**THE TAMIL NADU AGRICULTURISTS RELIEF  
(AMENDMENT) ACT, 1972.**

*[Received the assent of the President on the 19th January 1973, first published in the Tamil Nadu Government Gazette Extraordinary on the 24th January 1973 (Thai 11, Parithapi, (2004-Thiruvalluvar Andu).]*

*An Act further to amend the Tamil Nadu Agriculturists Relief Act, 1938 and to extend that Act to the transferred territory in the State of Tamil Nadu.*

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. This Act may be called the Tamil Nadu Agricul- Short title.  
tursts Relief (Amendment) Act, 1972.

2-24. *[The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938).]*

25. (1) The principal Act as in force immediately before the date of the publication of this Act in the State of Tamil Nadu except in the transferred territory and as amended by this Act is hereby extended to, and shall be in force in, the transferred territory. Extension of principal Act to the transferred territory, repeal and savings.

(2) If, immediately before the date of the publication of this Act, there is in force in the transferred territory any law corresponding to the principal Act such corresponding law shall stand repealed on such date.

(3) The repeal by sub-section (2) of any law corresponding to the principal Act in force in the transferred territory immediately before the date of the publication 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

\* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 3rd April 1972, Part IV—Section 3, Page 142.

(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, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the principal Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the principal Act.

(5) For the purpose of facilitating the application of the principal Act in the transferred territory, any court or other authority may construe the principal 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 principal Act to a law which is not in force in the transferred territory 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 transferred territory after the date of the publication of this Act to any law repealed by sub-section (2) shall, in relation to those territories be construed as a reference to the principal Act.

*Explanation.*—For the purpose of this section, the expression “transferred territory” shall mean the Kanyakumari District and the Shencottah taluk of the Tirunelveli district.