

**THE MAHE LAND REFORMS ACT, 1968**  
(No. 1 of 1968)

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**THE MAHE LAND REFORMS ACT, 1968**  
(Act No. 1 of 1968)

AN ACT

to enact a comprehensive legislation relating to land reforms in Mahe region of the Union territory of Puducherry.

WHEREAS it is expedient to enact a comprehensive legislation relating to land reforms in the Mahe region of the Union territory of Puducherry;

BE it enacted by the Legislative Assembly of Puducherry in the Nineteenth year of the Republic of India as follows:-

**CHAPTER - I**

**PRELIMINARY**

**Short title, extent and commencement**

1. (1) This Act may be called the Mahe Land Reforms Act, 1968.

(2) It extends to the whole of Mahe region of the Union territory of Puducherry.

<sup>1</sup>(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference to the commencement of this Act in relation to any such provision, shall be construed as a reference to the coming into force of that provision.

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1. The Act came into force from 22<sup>nd</sup> March, 1968 vide Extraordinary Gazette No. 23, dated 22<sup>nd</sup> March, 1968.

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## Definitions

2. In this Act, unless the context otherwise requires, --

\*[(1) "adult unmarried person" means an unmarried person who has attained eighteen years of age;]

\*[(1A)] "Agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages, in connection with the agricultural operations he performs;

(2) "Agricultural year" means the year commencing with the 1<sup>st</sup> April in any year and ending with the 31<sup>st</sup> March of the year next succeeding, provided that the Collector may, with respect to any crop, area or category of land, by notification in the Official Gazette, specify the year between such other dates, as he may deem fit, as an agricultural year;

\*[(2A) "appellate authority" means an appellate authority constituted under section 109A];

(3) "ceiling area" means the extent of land specified in section 92 as the ceiling area;

(4) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Puducherry, and includes in relation to any function to be performed by the Collector under this Act, such other officer not below the rank of a gazetted officer as the Government may, by notification in the Official Gazette, appoint for the purpose;

(5) "commercial site" means any land \*[(not being a kudiyruppu or kudikidappu or karaima)] which is used principally for the purposes of any trade, commerce, industry, manufacture or business;

(6) "court" means where a particular court is not specifically mentioned, the court having jurisdiction, under the law for the time being in force relating to civil procedure, to entertain the suit for the possession of the holding or part thereof to which any legal proceeding under this Act relates;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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(7) "cultivate" with its grammatical variations means cultivate either solely by one's own labour or with the help of the members of his family or hired labourers or both, or personally direct or supervise cultivation by such members or hired labourers or both, provided that such members or hired labourers have not agreed to pay or to take any fixed proportion or the produce of the land they cultivate as compensation for being allowed to cultivate it or as remuneration for cultivating it \*[and in the case of a member of the Armed Forces or a seaman, "cultivation" includes cultivation on his behalf by any other person].

*Explanation.* – For the purposes of this clause, "members of family" shall mean, --

- (i) in the case of lands held by a joint family, members of such family; and
- (ii) in any other case, wife or husband, as the case may be, and the lineal descendants;

(8) "cultivating tenant" means a tenant who is in actual possession of, and is entitled to cultivate, the land comprised in his holding;

(9) "customary dues" means anything, other than rent, michavaram or renewal fees, --

- (i) payable in cash or in kind by a tenant to his landlord; or
- (ii) allowed to be taken by the landlord from the holding.

periodically or on the happening of any event or on the occasion of any festival, and includes onakazhcha, utsavakoppu, perunnalkazhcha, nombacharam and vishoukazhcha;

(10) "double-crop nilam" means nilam on which more than one crop of paddy is ordinarily raised in an agricultural year;

(11) "dry land" means land which is not nilam, garden or palliyal land;

(12) "eviction" means the recovery of possession of land from a tenant or the recovery of a kudikidappu from the occupation of the kudikidappukaran;

(13) "fair rent" means the rent payable by a cultivating tenant under section 33 or section 37 or section 39;

(14) "family" means husband, wife and their unmarried minor children or such of them as exist;

(15) "garden" means land used principally for growing coconut tree, arecanut trees or pepper vines, of any two or more of the same;

(16) "Government" means the Administrator of the Union territory of Puducherry appointed by the President of India under article 239 of the Constitution;

(17) "gross produce", in the case of a nilam means the normal produce of than nilam less the cost of harvesting and, in the case of a garden or dry land, means the normal produce of that garden or dry land:

\*[ omitted ]

\*[(18) "holding" means a parcel or parcels of land held under a single transaction by a tenant from a landlord and shall include any portion of a holding as above defined which the landlord and the tenant have agreed or are bound to treat as a separate holding.

**Explanation I.** – Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, splitting up the holding into two more parts, or where a portion of the holding has been sub-leased, before the commencement of this Act, each such part or, as the case may be, each of the portions retained by the tenant and sub-leased, shall be deemed to be a separate holding.

**Explanation II.** – Any land in respect of which a person is deemed to be a tenant under section 4, section 4A, section 4B, section 5, section 6, section 6A or section 6B shall be a holding for the purposes of this Act;

(19) "improvement" means any work or product of a work which adds to the value of the holding, and includes ---

(a) the erection of dwelling houses, building, appurtenant thereto and farm buildings;

(b) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes;

(c) the preparation of land for irrigation;

(d) the conversion of single-crop into double-crop land;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(e) the drainage, reclamation from rivers or other waters or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or of waste-land which is culturable;

(f) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;

(g) the renewal or reconstruction of any of the foregoing works, or alternations therein or additions thereto; and

(h) the planting or protection and maintenance of fruit trees, timber trees and other useful trees and plants;

(20) "intermediary" means any person who, not being a landowner, has an interest in the land and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to any other person.

**Explanation.** – Where such a person has transferred possession only of a portion of the land which he is so entitled to possess, he shall be deemed to be an intermediary in respect of that portion];

(21) "joint family" means a Hindu undivided family, a marumakkathayam tarwad or tavazhi, an aliasanthana kutumba or kavaru or a nambudiri illam;

\*[(21A) "kaipad system of cultivation" means the system of cultivation, by whatever name called, under which paddy is cultivated on land which is saline either throughout the year or during any part of the year, by raising small mounds of earth and sowing seeds or planting seedlings thereon, whether the mounds are demolished after such sowing or planting or not];

\*[ (22) "kanam" means ---

(a) the transfer for consideration, in money or in kind or in both, by a person of an interest in specific immovable property to another person, and described in the document evidencing the transaction as kanam or kanapattam, the incidents of which transfer include –

(i) a right in the transferee to hold the said property liable for the consideration paid by him or due to him;

(ii) the liability of the transferor to pay to the transferee interest on such consideration unless otherwise agreed to by the parties; and

(iii) payment of michavaram or customary dues, or renewal on the expiry of any specified period; or

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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(b) the transfer for consideration in money or in kind or in both by a person of an interest in specific immovable property to another person for the latter's enjoyment, whether described in the document evidencing the transaction as otti, karipanayam, Panayam, pattapanayam, nerpanayam or by any other name, and which has the incidents specified in items (i) and (ii) of sub-clause (a) and also one or more of the following incidents: --

- (A) renewal on the expiry of any specified period;
- (B) payment of michavaram;
- (C) payment of customary dues;

**Explanation.** – For the purposes of this clause, where there has been no stipulation in the document evidencing the transaction for renewal on the expiry of any specified period, but there has been a renewal or payment of renewal fees, it shall be deemed that there had been a provision for such renewal in the document;]

\*[(23) “Kanam-kuzhikanam” means a transfer by a landlord to another person of garden lands or of other lands or of both --

(i) with all or any of the trees, if any, standing thereon at the time of the transfer; or

(ii) without such trees, for the purpose of planting trees or pepper vines or both thereon and for the enjoyment of the trees transferred, if any, the incidents of which transfer includes --

(a) a right in the transferee to hold the said lands liable for the consideration paid by him or due to him, which consideration is called ‘kanartham’; and

(b) the liability of the transferor to pay to the transferee interest on the kanartham unless otherwise agreed to by the parties;]

\*[(23A) “karaima” means a transfer of lands in consideration of ground rent, principally for the purpose of erecting a homestead, and described as karaima in the document, if any, evidencing the transfer;

(23B) “karinilam” means lands, by whatever name known, --

(i) reclaimed from swampy areas called “kari” with black and loose peaty soil, the sub-soil of which consists of partially decomposed organics matter; and ‘

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(ii) in which paddy is cultivated;]

\*[(24) “kudikidappukaran” means a person who has neither a homestead nor any land exceeding in extent five cents in possession either as owner or as tenant, on which he could erect a homestead, and ---

(a) who has been permitted with or without an obligation to pay rent by a person in lawful possession of any land to have the use and occupation of a portion of such land for the purpose of erecting a homestead; or

(b) who has been permitted by a person in lawful possession of any land to occupy, with or without an obligation to pay rent, a hut belonging to such person and situate in the said land; and “kudikidappu” means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto.

**Explanation I.** – For the purposes of this clause, ---

(a) “hut” means any dwelling house constructed by a person other than the person permitted to occupy it ---

(i) at a cost, at the time of construction, not exceeding seven hundred and fifty rupees; or

(ii) which could have at the time of construction yielded a monthly rent not exceeding seven rupees and fifty paise, and includes any such dwelling house reconstructed by the kudikidappukaran in accordance with the provisions of section 87; and

(b) “homestead” means, unless the context otherwise requires, any dwelling house erected by the person permitted to have the use and occupation of any land for the purpose of such erection, and includes any such dwelling house reconstruction by the kudikidappukaran in accordance with the provisions of section 87.

**Explanation II.** – Notwithstanding any judgment, decree or order of any court, a person, who, on the 22<sup>nd</sup> day of March, 1968, was in occupation of any land and the dwelling house thereon (whether constructed by him or any of his predecessors-in-interest or belonging to any other person) and continued to be in such occupation till the 24<sup>th</sup> January, 1971, be deemed to be a kudikidappukaran:

Provided that no such person shall be deemed to be a kudikidappukaran, if---

(a) in cases where the dwelling house had not been constructed by such person or by any of his predecessors-in-interest, if ---

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) such dwelling house was constructed at a cost at the time of construction, exceeding seven hundred and fifty rupees; or

(ii) such dwelling house could have, at the time of construction, yielded a monthly rent exceeding seven rupees and fifty paise, or

(b) if he has a building or is in possession of any land exceeding in extent five cents either as owner or as tenant, on which he could erect a building.

**Explanation III.** - Where any kudikidappukaran secures any mortgage with possession over the land in which the kudikidappu is situate, his kudikidappu rights shall revive on the redemption of the mortgage, provided that he has at the time of the redemption no other homestead or any land exceeding five cents in possession either as owner or as tenant, on which he could erect a homestead.

**Explanation IV.** - Where a mortgagee with possession erects for his residence a homestead, or resides in a hut already in existence, on the land to which the mortgage relates, he shall, notwithstanding the redemption of the mortgage, be deemed to be a kudikidappukaran in respect of such homestead or hut, provided that at the time of redemption ---

(a) he has no other kudikidappu or residential building belonging to him, or any land exceeding five cents in possession either as owner or as tenant, on which he could erect a homestead; and

(b) his annual income does not exceed two thousand rupees.

**Explanation V.** - Where a kudikidappukaran transfers his rights in the kudikidappu to another person, such person shall be deemed to be a kudikidappukaran if ---

(a) he has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead; and

(b) his annual income does not exceed two thousand rupees;

**Explanation VI.** - For the removal of doubts it is hereby declared that a person occupying a homestead or hut situate on a land held or owned by the Government of the Union territory of Puducherry or the Government of any State in India or the Government of India shall not be deemed to be a kudikidappukaran;]

(25) "kudiyiruppu" means a holding or part of a holding consisting of the site of any residential building, the site or sites of other buildings appurtenant thereto, such other lands as are necessary for the convenient enjoyment of such residential building and easements attached thereto, but does not include a kudikidappu;

\*[(25A) "kuzhichuvaipum kudiyiruppum" means a transfer by a landlord to another person of garden lands or of other lands or of both, reserving the right to enjoy the fruit-bearing trees standing thereon at the time of the transfer, for the purpose of making improvements thereon, and described as such in the contract of tenancy;

(26) "kuzhikanam" means a transfer by a landlord to another person of garden lands or of other lands or of both with all or any of the trees, if any, standing thereon at the time of the transfer, or without such trees, for the purpose of planting trees or pepper vines or both thereon, and for the enjoyment of the trees transferred, if any; ]

(27) "landlord" means a person under whom a tenant holds \*[omitted], and includes a landowner;

(28) "landowner" or "owner" means a person entitled to the absolute proprietorship of land and includes ---

(a) a trustee in respect thereof; and

\*[(b)a kanam tenant];

(29) "Land Board" means the Land Board constituted under section 110;

(30) "Land Tribunal" means a Land Tribunal constituted under section 109;

(31) "licensee" means any person who is in occupation of any nilam belonging to another and who, under any local custom or usage or under an agreement, cultivates that nilam with paddy for a remuneration and with the risk of cultivation, but does not include a person who cultivates the nilam of another merely as an agent or servant;

\*[(31A). "local authority" means a local authority as defined in the Puducherry Municipalities Act, 1973(Act No.9 of 1973)];

\*[(32) "Mahe" means the sub-taluk of Mahe in the Union territory of Puducherry];

(33) "member of the Armed Forces" means a person in the service of the Air Force, Army or Navy of the Union of India;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

\*[(34) "michavaram" means the money or produce or both specified as michavaram in the document evidencing the transfer by a person of an interest in specific immovable property to another person, and includes the balance of money or produce or both payable periodically under the document evidencing such transfer after deducting from the money or produce or both due to the transferor, the interest due on the amount advanced to the transferor, but does not include customary dues;

(34A) "minor" means a person who has not attained the age of eighteen years];

(35) "net income" means income derived from any property after deducting therefrom the cultivation expenses or charges for maintaining fruit trees, timber trees or other useful trees and plants, and taxes and cesses due to the Government or any local authority.

(36) "nilam" means land adapted for the cultivation of paddy;

\*[(36A) "normal produce" in respect of any land means the produce which would be raised on that land if the rainfall and the seasons were of a normal character:

Provided that the normal produce in respect of any nilam irrigated with water for the first time after the commencement of the tenancy in respect of that nilam from an irrigation work constructed, repaired or maintained wholly at the cost of the Government or the local authority or a co-operative society within the meaning of the Pudukcherry Co-operative Societies Act, 1972, or by the tenant shall be determined as if the nilam had not been so irrigated:

Provided further that in determining the normal produce in the case of any double-crop nilam, account shall be taken as though only a single paddy crop which shall be the principal crop has been raised on the land if it had been converted from single-crop into double-crop nilam at the tenant's expense and as though two paddy crops have been raised on the land in other cases.

**Explanation.** – In ascertaining the normal produce, the yield of the second crop shall be deemed to be half of that of the principal crop which shall be deemed to be the first crop:

(36B) "Ottikuzhikanam" means a transfer for consideration by a person to another of any land other than nilam for the enjoyment of that land and for the purpose of making improvements thereon, but shall not include a mortgage within the meaning of the Transfer of Property Act, 1882 (Central Act 4 of 1882)];

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



(37) "palliyal land" means land which is used ordinarily for raising seedlings of paddy and includes land so used and known as pallimanayal, myal, potta nijal, njattadi or banabettu;

(38) "pay" with its grammatical variations includes deliver:

(39) "person" shall include a company, family, joint family, association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

\*[(40) "possession" in relation to land includes occupation of land by a person deemed to be a tenant under section 4, section 4A, section 4B, section 5, section 6 or section 6A;]

(41) "prescribed" means prescribed by rules made under this Act;

(42) "rent" means whatever is lawfully payable in money or in kind or in both by a person permitted to have the use and occupation of any land to the person so permitting, and includes michavaram, but does not include customary dues;

(43) "resumption" means the recovery of possession of land from a tenant;

(44) "Scheduled Castes" means the Scheduled Castes in relation to the Union territory of Puducherry as specified in the Constitution (Puducherry) Schedule Castes Order, 1964;

(45) "seaman" means every person (including a master, pilot or apprentice) employed or engaged as a member of the crew of a ship or a sailing vessel to which the Merchant Shipping Act, 1958 (Central Act 44 of 1958) applies;

(46) "small holder" means a landlord who does not have interest in land exceeding eight standard acres or \*[ten acres] in extent, whichever is less, as owner, intermediary, or cultivating tenant, or in two or more of the above capacities, so, however, that the extent of non-resumable land in his possession as owner, or as cultivating tenant, or partly as owner and partly as cultivating tenant, does not exceed ---

(i) \*[two and a half standard acres]; or

(ii) four acres in extent,

whichever is greater.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*Explanation.* – For the purposes of this clause, a person who was in possession of, or had interest in, land exceeding the limits specified in this clause immediately before the 28<sup>th</sup> April, 1962, but such extent of land was reduced to the said limits or below by partition or transfer effected after the date mentioned above, shall not be deemed to be a small holder; nor shall such partition or transfer entitle the allottee or transferee to exercise the rights of a small holder in respect of the land allotted or transferred to him;

(47) “standard acre” means, in relation to any class of land specified in Schedule I, the extent of land specified against it in that Schedule;

\*(48) “tenant” means any person who has paid or has agreed to pay rent or other consideration for his being allowed to possess and to enjoy any land by a person entitled to lease that land, and includes ---

(a) the heir, assignee or legal representative of, or any person deriving rights through, any such person who has paid or has agreed to pay rent or other consideration,

(b) an intermediary,

(c) a kanamdar,

(d) a kanam-kuzhikanamdar,

(e) a kuzhikanamdar,

(f) an ottikuzhikanamdar,

(g) a varamdar,

(h) a verumpattamdar,

(i) the holder of a kudiyruppu,

(j) a person holding lands under a kuzhichuvaipum kudiyruppu,

(k) the holder of a karaima, and

(l) a person who is deemed to be a tenant under section 4, section 4A, section 4B, section 5, section 6, section 6A or section 6B;]

(49) “timber trees” means trees, the yield or income from which has not to be taken into account for the determination of fair rent;

(50) “to hold land” means to be in possession of land as owner or as tenant or partly as owner and partly as tenant \*[or, in respect of any land owned by the Government, to be in occupation either as lessee or otherwise];

(51) “Union territory” means the Union territory of Puducherry;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(52) "usufructuary mortgage" means a transaction wherein the mortgagor delivers possession or expressly or by implication binds himself to deliver possession of the mortgaged property to the mortgagee, and authorizes him to retain such possession until payment of the mortgage-money, and to receive the rents and profits accruing from the property or any part of such rents and profits and to appropriate the same in lieu of interest, or in payment of the mortgage-money, or partly in lieu of interest or partly in payment of the mortgage-money;

(53) "varam" means an arrangement for the cultivation of nilam with paddy and sharing the produce, made between the owner or other person in lawful possession of the nilam and the person who undertakes cultivation under such arrangement, and includes the arrangements known as pathivaram, pankuvaram and pankupattam; and "varamdar" means the person who undertakes cultivation under a varam arrangement;

(54) "verumpattamdar" means a lessee or sub-lessee of immovable property, whether called verumpattamdar, or venpattamdar, who has expressly or impliedly contracted to hold the same under a lease with or without security for rent, but does not include a kanamdar, kanam-kuzhikanamdar, or kuzhikanamdar.

\*[(55) "village officer or karnam" means the person appointed as a village officer in respect of a village;

(56) "wakf" means the permanent dedication by a person professing Islam of any movable or immovable property for any purpose recognised by the Muslim Law or any other law in force as pious, religious or charitable, and includes a wakf by user, but does not include a wakf such as is described in section 3 of the Musalman Wakf Validating Act, 1913 (Central Act 6 of 1913) under which any benefit is for the time being claimable for himself by the person by whom the wakf was created or by any member of his family or descendants.]

## **CHAPTER - II**

### **PROVISION REGARDING TENANCIES**

#### **Exemptions**

3. Nothing in this Chapter shall apply to --

(i) leases of lands or of buildings or of both, belonging to or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority, or a Corporation owned or controlled by any of the said Governments or authority; \*[omitted]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

\*[**Explanation I.** – Lands, the right, title and interest in respect of which have vested in the Government under sub-section (9) of section 74 or section 80, shall not be deemed to be lands belonging to or vested in the Government of the Union territory of Puducherry for the purposes of this clause.

**Explanation II.** – For the purpose of this clause, lands held under leases whether current or time expired at the time when such lands came to belong to or vested in a local authority shall not be deemed to be lands belonging to or vested in a local authority if the lessee or his successor-in-interest was continuing in possession of such lands at the commencement of this Act; or]

(ii) leases only of buildings, including a house, shop or warehouse, and the site thereof, with the land, if any, appurtenant thereto.

*Explanation.* – Permission given to a kudikidappukaran to occupy a hut shall not be deemed to be a lease of building for the purposes of this clause; or

(iii) leases of land or of buildings or of both specifically granted for industrial or commercial purposes; or

(iv) tenancies of land or of buildings or of both created by the Administrator-General or the Official Trustee or an Official Receiver of officer appointed by a court under the provisions of any law, or by the court of wards, or by any person holding under or deriving title from any of the officers or the court aforesaid:

\*[Provided that the provisions of this clause shall not apply to ---

(a) a tenancy created in favour of a person who was a tenant under a lease whether current or time-expired on the date on which the land or building or both came under the control of any of the said officers or the court of wards; or

(b) a tenancy renewed in favour of any such person; or

(c) a tenancy created not less than thirty years before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 (whether subsequently renewed or not), by an officer appointed by a court under the provisions of any law, if such officer was, before the commencement of the legal proceedings in which he was so appointed, entitled to lease the land to which the tenancy relates:

Provided further that the provisions of this clause shall not apply or shall cease to apply to ---

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) a tenancy created by the court of wards, where the landlord on whose behalf the tenancy was created has not terminated or does not terminate the tenancy by registered notice within a period of six months from the date on which the property was released from the superintendence of the court of wards; or

(b) any tenancy created by an officer appointed by a court under the provisions of any law, where the person declared or found by the court to be entitled to possess the land or any person acting on his behalf has not instituted or does not institute legal proceedings to put him in possession of such land within a period of five years from the date on which such declaration or finding became final; or; ]

(v) tenancies in respect of land or of buildings or of both created by mortgages in possession or by persons deriving title from such mortgages; \*[omitted].

\*[provided that nothing in this clause shall apply to such tenancies —

(i) created before the commencement of this Act; or

(ii) created before the commencement of this Act, where the lessee is entitled to fixity of tenure under section 6; or

(iii) where the mortgagee or his successor-in-interest, has acquired or acquires equity of redemption; or;]

(vi) tenancies in respect of land or of buildings or of both created by persons having only life interest or other limited interest in the land or in the buildings or in both:

\*[Provided that the provisions of this clause shall not apply to a tenancy created by a nissanthathi kavaru in respect of lands or of buildings or of both over which the nissanthathi kavaru has only a life interest.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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Explanation. - For the purposes of this proviso, --

- (i) 'nissanthathi kavaru' means a kavaru which is not a santhathi kavaru;
- (ii) 'santhathi kavaru' means a kavaru of which at least one member is a female who has not completed the age of fifty years;
- (iii) (a) 'kavaru', used in relation to a female, means the group of persons consisting of that female, her children and all her descendants in the female line;

(b) 'kavaru', used in relation to a male, means the kavaru of the mother of that male:

Provided further that the provisions of this Chapter other than sections 61 to 80V shall apply to tenancies falling under clauses (v) and (vi) so long as the mortgage or, as the case may be, the life interest or other limited interest subsists;]

(vii) tenancies in respect of sites, tanks and premises of any temple, mosque or church \*[(including sites belonging to a temple, mosque or church on which religious ceremonies are conducted)] and sites of office buildings and other buildings attached to such temple, mosque or church, created by the owner, trustee or manager of such temple, mosque or church:

Provided that nothing in this clause shall affect the rights to which a tenant was entitled immediately before the commencement of this Act under the contract of tenancy or under any law then in force; or

- (viii) lands transferred for felling trees; or
- (ix) any transaction relating only to the usufruct of trees or to the tapping of coconut or other palm trees or to the tapping of rubber trees.

**Certain persons occupying land honestly believing to be tenants,  
to be deemed tenants**

\*[4. (1) Notwithstanding anything to the contrary contained in section 52 or any other provision of the Transfer of Property Act, 1882, or any other law, or in any contract, custom or usage, or in any judgment, decree or order of court, any person in occupation at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, of the land of another shall be deemed to be a tenant if he or his predecessor-in-interest was continuously in occupation of such land honestly believing himself to be a tenant for not less than two years within a period of twelve years immediately preceding the 22<sup>nd</sup> day of March, 1968.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Explanation.** – Notwithstanding anything contained in the Indian Evidence Act, 1872, where a person has been continuously in occupation of any such land for two years within the said period of twelve years, it shall be presumed until the contrary is proved that he has been in such occupation honestly believing himself to be a tenant.

(2) Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, where on or after the 28<sup>th</sup> April, 1962, a tenant holding land less in extent than the ceiling area, had executed a deed surrendering his leasehold right to the landlord, but had not actually transferred possession of the land to the landlord before the commencement of this Act, such deed shall be deemed to be invalid and such person shall be deemed to be a tenant.

#### **Certain persons occupying land for not less than ten years to be deemed tenants**

4A. Notwithstanding anything to the contrary contained in section 52 or any other provision of the Transfer of Property Act, 1882, or any other law, or in any contract, custom or usage, or in any judgment, decree or order of court, a person shall be deemed to be a tenant in respect of the land of another in his occupation if -  
--

(a) he or his predecessor-in-interest occupied such land believing it to be the property of the Government;

(b) subsequent to such occupation such land has become the property of such other person as a consequence of any judgment, decree or order of any civil court; and

(c) such land has been in the continuous occupation of such person for a period of not less than ten years preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

**Explanation I.** – In computing the period of occupation of a person for the purposes of clause (c), the period during which the predecessor-in-interest or predecessors-in-interest of such person was or were in occupation shall also be taken into account.

**Explanation II.** – For the purposes of this section, a person shall be deemed to be in continuous occupation notwithstanding any order of court for delivery of possession to another person or any court record of dispossession.

**Certain persons occupying lands under leases granted by  
incompetent persons to be deemed tenants**

4B. (1) Notwithstanding anything to the contrary contained in any law, or in any contract custom or usage, or in any judgment, decree or order of court, any person in occupation of the land of another at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, on the basis of a registered deed purporting to be a lease deed, shall be deemed to be a tenant if he or his predecessor-in-interest was in occupation of such land on the 28<sup>th</sup> day of April, 1962, on the basis the lease was granted by a person who had no right over the land or who was not competent to lease the land.

(2) Notwithstanding anything to the contrary contained in any law, or in any contract custom or usage, or in any judgment, decree or order of court, any person who on the 28<sup>th</sup> day of April, 1962, was in occupation of the land of another and continued to be in occupation of such land till the commencement of the Mahe Land Reforms (Amendment) Act, 1980, shall be deemed to be a tenant if the court has delivered a judgment or passed an order before the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette that the occupation by such person was on the basis of an oral permission or any unregistered deed purporting to be a lease deed granted by a person who had no right over the land or who was not competent to lease the land.

**Certain persons who have paid amounts for occupation of land  
shall be deemed to be tenants**

4C. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, any person who is in occupation of the land of another at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, shall be deemed to be a tenant if he or his predecessor-in-interest has paid within a period of ten years immediately preceding such commencement any amount in consideration of such occupation or for the use and occupation of such land and has obtained a receipt for such payment from any person entitled to lease that land or his authorised agent or a receiver appointed by a court describing the payment as modavaram or nashtavaram or modanashtavaram.



**Certain surrendered documents to be inadmissible in evidence**

4D. Where any tenant has executed before the 22<sup>nd</sup> day of March, 1968, a deed surrendering or purporting to surrender to his landlord his leasehold rights in any land, such deed if unregistered shall, notwithstanding anything contained in the Indian Evidence Act, 1872, be inadmissible in evidence if any dispute regarding possession of such land between such tenant or any person claiming under or through him and such landlord or any person claiming under or through him.]

**Certain persons who were cultivating land on varam arrangements to be deemed tenants**

5. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment decree or order of court, any person who, by virtue of the provisions of the Mahe Stay of Eviction Proceedings Order, 1962 (published with the notification No.G.S.R. 615, dated 28-4-1962 of the Government of India in the Ministry of External Affairs was entitled to cultivate any nilam after the 28<sup>th</sup> April, 1962 and was cultivating the nilam at the commencement of this Act shall be deemed to be a tenant, notwithstanding the expiry of the term fixed under the varam arrangement.

**Certain mortgagees and lessees of mortgagees to be deemed tenants**

\*[6. (1) Notwithstanding anything to the contrary contained in any law or in any contract, custom or usage, or in any judgment, decree or order of court, a mortgagee with possession of land, or the lessee of a mortgagee of such land be deemed to be a tenant, if ---

(a) the mortgagee or lessee was holding the land comprised in the mortgage for a continuous period of not less than fifty years immediately preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980; or

(b) the mortgagee or lessee has constructed a building for his own residence in the land comprised in the mortgage and he was occupying such building for such purpose for a continuous period of not less than twenty years immediately preceding such commencement:

Provided that a mortgagee or lessee falling under this clause shall not be deemed to be a tenant if he, or, where he is a member of a family, such family was holding any other land exceeding two acres in extent on the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette; or

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(c) the land comprised in the mortgage was waste land at the time of mortgage, and:-

(i) the mortgagee or lessee was holding such land for a continuous period of not less than thirty years immediately preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980; and

(ii) the mortgagee or lessee has effected substantial improvements on such land before such commencement.

**Explanation I.** – For the purposes of this sub-section, in computing the period of continuous possession or occupation by a lessee, the period during which the mortgagee was in possession or occupation, as the case may be, shall also be taken into account.

**Explanation II.** – In computing the period of fifty years referred to in clause (a) or the period of thirty years referred to in clause (c), the period during which the predecessor-in-interest or predecessors-in-interest of the mortgagee or lessee was or were holding the property shall also be taken into account.

**Explanation III.** – For the purposes of clause (b), --

- (i) “mortgagee” or “lessee” shall include a predecessor-in-interest of the mortgagee or lessee, as the case may be;
- (ii) “building” includes a hut.

**Explanation IV.** – In computing the period of twenty years referred to in clause (b), occupation of the building by any member of the family of the mortgagee or lessee for residential purpose shall be deemed to be occupation by the mortgagee or lessee, as the case may be, for such purpose.

**Explanation V.** – In calculating the extent of and held by a family for the purposes of clause (b), all the lands held individually by the members of the family or jointly by some or all of the members of such family shall be deemed to be held by the family.

**Explanation VI.** – For the purposes of sub-clause (ii) of clause (c), --

- (i) improvements made by the mortgagee shall be deemed to be improvements made by the lessee;
- (ii) “mortgagee” or “lessee” shall include a predecessor-in-interest of the mortgagee or lessee, as the case may be.

**Explanation VII.** – For the purposes of clause (c), --

(i) improvements shall be deemed to be substantial improvements if the value thereof on the date of commencement of the Mahe Land Reforms (Amendment) Act, 1980, is not less than twenty-five per cent of the market value of the land on that date;

(ii) a land shall be deemed to be waste land notwithstanding the existence of scattered trees thereon.

(2) Nothing contained in sub-section (1) shall apply to a lessee if the lease was granted on or after the commencement of this Act.

**Certain persons who were holding land on or after 1<sup>st</sup> July, 1958, to be deemed tenants**

6A. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, a person in possession of immovable property, whether as mortgagee or otherwise, shall be deemed to be a tenant if ---

(a) the property in his possession consists of agricultural land;

(b) he or any of his predecessors-in-interest was holding the property as a tenant on or after the 1<sup>st</sup> day of July, 1958; and

(c) the tenancy was terminated after the 1<sup>st</sup> day of July, 1958 and before the commencement of this Act, but his predecessors-in-interest or himself continued in possession of the property, without interruption, whether as a mortgagee with possession or otherwise, from the date of such termination till the commencement of this Act.

**Explanation I.** – For the purposes of clause (b), “tenant” means a tenant as defined in the Malabar Tenancy Act, 1929, as in force on the 1<sup>st</sup> day of November, 1956.

**Explanation II.** - An interruption for a period not exceeding an agricultural year immediately following the termination of the tenancy shall not be deemed to be an interruption for the purposes of clause (c).

**Certain mortgagees holding property in consideration of payment of customary dues etc. to be deemed tenants**

6B. Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, a mortgagee with possession of immovable property at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, shall be deemed to be a tenant if ---

(a) he was holding such property in consideration of payment of customary dues or any amount specified as michavaram in the document evidencing the transaction; or

(b) there is a provision in such document for renewal on the expiry of a specified period;]

**Right to prove real nature of transaction**

7. \*[(1) Notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) or in any other law for the time being in force, or in any judgment, decree or order of court, any person interested in any land may prove that a transaction purporting to be a mortgage, otti, karipanayam, panayam or nerpanayam or licence of that land is in substance a transaction by way of kanam, kanamkuzhikanam, kuzhikanam, verumpattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 8 and to the other rights of a tenant under this Act.

(2) Where under sub-section (1), the Land Tribunal holds that the transferee is entitled to fixity of tenure in accordance with the provisions of section 8, it shall be lawful for the Land Tribunal to pass an order containing directions regarding the application of the sum, if any, advanced to the landlord and making other suitable alterations in the terms recorded in the instrument executed by the parties].

(3) Notwithstanding anything in the Indian Evidence Act, 1872, (Central Act 1 of 1872) or in any other law for the time being in force a person described as an agent or servant in a document evidencing the contract for the cultivation of any nilam may prove that he is a licensee.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Right to tenants to fixity of tenure**

8. (1) Notwithstanding anything to the contrary contained in any law, custom, usage or contract, or in any decree or order of court, every tenant shall have fixity of tenure in respect of his holding, and no land from the holding shall be resumed except as provided in section 9 to 17.

(2) Nothing in sub-section (1) shall confer fixity of tenure on a tenant holding under a landlord ---

(i) who is a member of the Armed Forces or is a seaman, if the tenancy was created by such landlord within a period of three months before he became a member of the Armed Forces or a seaman or while he was serving as such member or seaman; or

(ii) who is the legal representative of the landlord referred to in clause (i):

Provided that no such landlord shall resume any land from his tenant, if he is already in possession of an extent of land not less than the ceiling area; and where he is in possession of an extent of land less than the ceiling area, the extent of land that may be resumed shall not, together with the land in his possession, exceed the ceiling area:

\*[Provided further that a tenant holding under any such landlord shall have fixity of tenure in respect of his holding if the landlord does not claim resumption of the land comprised in the holding within six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980:

Provided also that where any such landlord is prevented by sufficient cause from not claiming resumption within the said period of six months and he claims resumption at any time before the date notified under section 80, the right of such tenant to fixity of tenure in respect of the holding or part thereof to which the claim for resumption relates shall cease from the date of the application claiming resumption:

Provided also that such tenant shall have fixity of tenure in respect of his holding or part thereof from the date of the final rejection of such application in full or in part, as the case may be;

(3) Notwithstanding anything to the contrary contained in any law, or in any contract, but subject to the provisions of sub-section (2), the landlord referred to in clause (i) or clause (ii) of sub-section (2) shall be entitled to apply for the resumption from his tenant of the whole or part of his holding within six months from the commencement of Mahe Land Reforms (Amendment) Act, 1980, or if such landlord is prevented by sufficient cause from applying for resumption within such period, at any time before the date notified under section 80.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Restoration of possession of persons dispossessed on or  
after 22<sup>nd</sup> March, 1968**

\*[8A. (1) Notwithstanding anything to the contrary contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of court, where any person has been dispossessed of the land in his occupation on or after the 22<sup>nd</sup> day of March, 1968, such person shall, if he would have been a tenant under this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980, at the time of such dispossession, be entitled subject to the provisions of this section to restoration of possession of the land;

Provided that nothing in this sub-section shall ---

(a) apply in any case where the said land has been sold to a **bona fide** purchaser for consideration before the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette; or

(b) entitle any person to restoration of possession of any land which has been resumed under the provisions of this Act.

(2) Any person entitled to restoration of possession under sub-section (1) may, within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, apply to the Land Tribunal for the restoration of possession of the land.

(3) The Land Tribunal may, after such inquiry as it deems fit, pass an order allowing the application for restoration and directing the applicant to deposit the compensation, if any, received by the applicant under any decree or order of court towards value of improvements or otherwise and the value of improvements, if any, effected on the land after the dispossession as may be determined by the Land Tribunal, within such period as may be specified in the order.

(4) On the deposit of the compensation and value of improvements as required in the order under sub-section (3), the Land Tribunal shall restore the applicant to possession of the land, if need be, by removing any person who refuses to vacate the same.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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### **Restoration of possession of certain holdings sold for arrears of rent**

8B. (1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent, and the tenant has been dispossessed of the holding after the 22<sup>nd</sup> day of March, 1968 and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, such sale shall stand set aside and such tenant shall be entitled to restoration of possession of the holding, subject to the provisions of this section:

Provided that nothing in this sub-section shall apply in any case where the holding has been sold to a **bona fide** purchaser for consideration after the date of such dispossession and before the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette.

(2) Any person entitled to restoration of possession of his holding under sub-section (1) may, within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, deposit the purchase money together with interest at the rate of six per cent per annum in the court and apply to the court for setting aside the sale and for restoration of possession of his holding.

(3) The court shall, if satisfied after such summary enquiry as the court deems fit, set aside the sale and restore the applicant to possession of his holding.

(4) The court may also order the applicant to deposit in court such amount as may be specified by the court towards costs of the decree holder or the auction purchaser and the value of improvements, if any, effected on the holding after the sale.

**Explanation.** – For the purposes of this section, the term “holding” includes a part of a holding.

### **Cancellation of certain sales for arrears of rent**

8C. (1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent accrued due before the 22<sup>nd</sup> day of March, 1968, or any portion of such arrears, but the tenant has not been dispossessed, such tenant may, within six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, deposit in court an amount equal to the amount which he is liable to pay under section 81 and apply to the court for setting aside the sale.

**Explanation.** – Where a tenant has been dispossessed by a receiver appointed by a court, such dispossession shall not be deemed to be dispossession for the purposes of this sub-section.

(2) The court shall, if satisfied after such summary enquiry as the court deems fit, set aside the sale and may also order the applicant to deposit the costs, if any, payable to the decree-holder.

(3) Where the amount deposited under sub-section (1) is not found sufficient, the court shall not pass an order under sub-section (2) unless the deficit amount is deposited in court within such period as the court may direct.

### **Cancellation of certain sales for damages**

8D. (1) Notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold after the 22<sup>nd</sup> day of March, 1968 and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, for recovery of damages for committing waste on the holding, but the tenant has not been dispossessed, such tenant may, within six months from such commencement, deposit in court an amount equal to the purchase money together with interest at the rate of six per cent per annum and apply to the court for setting aside the sale.

(2) The court shall, if satisfied after such summary enquiry as the court deems fit, set aside the sale and may also order the applicant to deposit the costs, if any, payable to the decree-holder

(3) Where the amount deposited under sub-section (1) is not found sufficient, the court shall not pass an order under sub-section (2) unless the deficit amount is deposited in court within such period as the court may direct.

(4) Where the holding has been sold to a purchaser other than the decree-holder, such person shall be entitled to an order from the court for repayment of his purchase money, with or without interest as the court may direct, against any person to whom it has been paid].

### **Resumption for extension of places of public religious worship**

9. Trustee or owner of a place of public religious worship may resume from a tenant the whole or any portion of his holding when the same is needed for the purpose of extending the place of public religious worship and the Collector certifies that the same is so needed.



### **Resumption for construction of residential buildings**

10. A landlord (other than a sthani or the trustee or owner of a place of public religious worship) who is not in possession of \*[any land other than nilam or is in possession of less than two acres in extent of such land] and who needs the holding for the purpose of constructing a building bona fide for his own residence or for that of any member of his family may resume from his tenant ---

(i) an extent of land not exceeding twenty cents, where resumption is sought on behalf of one person; and

(ii) an extent of land not exceeding fifty cents, where resumption is sought on behalf of two or more persons:

\*[Provided that, by such resumption, the total extent of land other than nilam in the possession of the landlord shall not be raised above two acres and the total extent of land in the possession of the tenant shall not be reduced below twenty cents:]

\*[omitted]

\*[Explanation - For the purposes of this section and section 11, "member of family" shall mean,

(i) in the case of a landlord who has granted a lease on behalf of a joint family, member of such family; and

(ii) in any other case, wife or husband, as the case may be, or a lineal descendant of the landlord.]

### **Resumption for personal cultivation from tenant holding more than ceiling area**

11. A landlord (other than a sthani or the trustee or owner of a place of public religious worship) who requires the holding bona fide for cultivation by himself, or any member of his family, may resume from his tenant, who is in possession of land exceeding the ceiling area, the whole or a portion of the holding, subject to the condition that, by such resumption, the total extent of land in the possession of the landlord is not raised above the ceiling area and the total extent of land in the possession of the cultivating tenant is not reduced below the ceiling area.

**Explanation I** - In this section, references to the ceiling area in relation to the landlord or the tenant shall, where such landlord or tenant is a member of a family be construed as references to the ceiling area in relation to that family.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

\*[**Explanation II** - The provisions of section 92 shall, so far as may be, apply to the calculation of the ceiling area for the purposes of this section and section 11A, provided that if no date has been notified under section 93, the date of the application for resumption shall be deemed to be the date notified under section 93.]

### **Resumption by small holder from tenants holding more than the ceiling area**

11A. (1) Notwithstanding anything contained in section 12 or section 13, a small holder (other than a sthanee or the trustee or owner of a place of public religious worship) may resume from his tenant, who is in possession of land exceeding the ceiling area, the whole or a portion of the holding, subject to the condition that by such resumption the total extent of land in the possession of the cultivating tenant is not reduced below the ceiling area and the total extent of land in the possession of the small holder is not raised above five acres:

Provided that no small holder shall be entitled to resume under this section any land in the possession of a tenant who is a member of a Scheduled Caste.

**Explanation.** – In this section, reference to the ceiling area in relation to the tenant shall, where such tenant is a member of a family, be construed as reference to the ceiling area in relation to that family.

(2) An application under sub-section (1) shall be made within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

(3) Where more small holders than one apply for resumption of land from the same tenant and the extent of land in the possession of the tenant in excess of the ceiling area is less than the aggregate of the extent of land applied to be resumed by the small holders, the Land Tribunal shall allow resumption by all the small holders equitably having regard to all circumstances.]

### **Resumption by small holder**

12. Without prejudice to the right of resumption under section 11, a small holder (other than a sthani or the trustee or owner of a place of public religious worship) may resume from his tenant a portion of the holding not exceeding one-half:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that, by such resumption, the total extent of land in the possession of the small holder shall not be raised above \*[two and a half standard acres or five acres] in extent, whichever is greater and that in the possession of the tenant shall not be reduced below twenty cents:

Provided further that, \*[omitted] no land shall be resumed under this section from a tenant who was entitled to fixity of tenure in respect of his holding immediately before the 28<sup>th</sup> April, 1962, under any law then in force.

### **Cases where resumption permissible**

13. \*[Resumption of land under section 9, 10, 11 and 12 shall also be subject to the following conditions and restrictions, namely: --

(i) in respect of tenancies subsisting at the commencement of this Act, no application for resumption shall be made after a period of one year from such commencement:

Provided that where the landlord is:-

- (a) a minor; or
- (b) a person of unsound mind; or
- (c) a member of the Armed Forces or a seaman and the tenant is entitled to fixity of tenure; or
- (d) a legal representative of such member or seaman, and such member or seaman was the landlord of the land in respect of which resumption is claimed,

the application for resumption may be made within six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

Provided further that in the case of a landlord referred to in clause (c) or clause (d) of the foregoing proviso, the application for resumption may be made after the expiry of the said period of six months and before the date notified under section 80, if such landlord was prevented by sufficient cause from making the application within the said period of six months;

(ii) the right of resumption in respect of a holding shall be exercised only once, and the order of the Land Tribunal allowing resumption shall be given effect to only at the end of an agricultural year;

(iii) no kudiyruppu shall be resumed;

(iv) no land in the possession of tenant who is a member of a Schedule Caste shall be resumed].

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Priority for resumption**

14. Where in respect of any holding there are more landlords than one, the landlords mentioned below and in their order of priority shall be entitled to resumption: -

- (a) small holder;
- (b) any person, other than small holder, entitled to fixity of tenure in respect of the holding immediately before the 28<sup>th</sup> April, 1962, under any law then in force;
- (c) kanamdar not falling under item (a) or item (b);
- (d) landowner, not being a small holder:

Provided that where there are more landlords than one falling under the same category, the landlord nearer the cultivating tenant shall have preferential right over the landlord more remote.

### **Procedure for resumption**

15. (1) A landlord desiring to resume any land shall apply to the Land Tribunal for an order of resumption. The application shall be in such form and shall contain such particulars as may be prescribed.

\*[**Explanation.** – For the purposes of this sub-section, “landlord” shall include a landlord referred to in clause (i) or clause (ii) of sub-section (2) of section 8;]

(2) The Land Tribunal shall duly enquire into the application and pass appropriate orders, thereon, and where the order allows resumption, it shall specify the extent and location of the land allowed to be resumed, the rent payable in respect of the portion, if any, that would be left after resumption and such, other particulars as may be prescribed and directing the landlord to make, within such time and in such manner as may be prescribed, payments to extinguish the rights of the cultivating tenant and the intermediaries, if any, who would be affected by such resumption.

(3) The Land Tribunal may, for sufficient reasons, extend the time prescribed under sub-section (2) for making payments by the landlord.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

\*[(4) The cultivating tenant shall be entitled to opt for the location of the portion of the holding which may be allowed to be resumed, and where the tenant has not so opted, the location of the portion to be resumed shall be decided by the Land Tribunal having regard to the nature, fertility and other conditions of the portion of the land which may be allowed to be resumed and the portion left with the cultivating tenant.]

(5) Where the application is made under section 11 for resumption from a tenant who is in possession of land exceeding the ceiling area and there are other landlords under whom the tenant holds, the Land Tribunal shall give notice of the application to all other landlords entitled to claim resumption under section 13 on the date of such application, so far as known to it, specifying a date of such application, so far as known to it, specifying a date within which they may apply for resumption of any land from such tenant. The Land Tribunal shall consider all applications from landlords for resumption from such tenant received within the specified time together, and, where the extent of land in the possession of the tenant in excess of the ceiling area is less than the aggregate of the extent of land applied to be resumed by the landlords equitably having regard to all circumstances.

(6) Where any land is resumed after making the payments as directed by the Land Tribunal all the rights of the cultivating tenant and the intermediaries, if any, holding between the landlord resuming the land and the cultivating tenant in respect of the land, shall stand extinguished.

\*[(7) Where a landlord deposits the amounts in accordance with the directions of the Land Tribunal, the Land Tribunal shall put the landlord in possession of the land allowed to be resumed, if need be by removing any person who refuses to vacate the same.]

(8) Where a landlord fails to deposit the amounts in accordance with the directions of the Land Tribunal, the order of resumption shall be treated as cancelled and the landlord shall have no further right for resumption.

#### **Tenants from whom land is resumed to be paid compensation for improvement, and solatium**

16. \*[(1) A tenant from whom land is resumed under the provisions of this Act shall be entitled to ---

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

- (i) compensation for the improvements belonging to him; or
- (ii) a solatium of an amount equal to value of the gross produce from the land resumed for a period of two years.

whichever is greater.]

(2) The compensation payable under clause (i) of sub-section (1) shall be determined in accordance with the provisions of sections 17 to 28 of this Act.

### **Tenant may remove buildings, works or trees not deemed improvements**

17. Whenever a court passes a decree or order for eviction against a tenant and such tenant has erected any building, constructed any work or planted any tree which the court finds it not an improvement for which compensation can be claimed, but which the court finds can be removed without substantial injury to the holdings, such tenant may remove such building, work or tree within a time to be fixed by the court in its decree or order.

### **Improvement producing an increase in the value of the annual net produce**

18. (1) When the improvement is not an improvement to which section 22 applies and has caused an increase in the value of the annual net produce of the holding, the court shall determine, as nearly as may be, the average net money value of such increase and shall award as compensation for the improvement three-fourths of the amount arrived at by capitalising such net money value at twenty times.

*Explanation 1.* – The value of the net produce means the amount remaining after deducting from the value of the gross produce the cost of cultivation and the Government assessment and local taxes.

*Explanation 2.* – In determining the net money value of the increase, regard shall also be had to the condition of the improvement and probable duration if its effect and the labour and capital required for making such improvement.

(2) Nothing in sub-section (1) shall apply to improvements of the nature of embankment, reclamation and other similar works.

### **Trees or plants spontaneously grown**

19. When the improvement is not an improvement to which, sub-section (1) of section 18 applies, but consists of timber trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 16, the compensation to be awarded shall be three-fourths of the sum which the trees or plants might reasonably be expected to realise if sold by public auction to be cut and carried away.

### **Other kinds of improvement**

20. When the improvement is not an improvement to which sub-section (1) of section 18 or section 19 applies the compensation to be awarded shall be cost of the labour including supervision thereof and of the materials together with other expenditure if any, which would at the time of the valuation, be required to make the improvement, less a reasonable deduction on account of the deterioration, if any, which may have taken place from age or other cause.

### **Value of improvement to be ascertained in the way most favourable to the tenant**

21. Notwithstanding anything contained in section 18 or 19 or 20, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

*ILLUSTRATIONS. : --*

(a) The compensation to be awarded for a jack tree as a fruit tree is ascertained under section 18 to be Rs.7, but for the same tree as a timber tree it is ascertained under section 19 to be Rs. 10.

(b) The compensation to be awarded for an immature casuarinas plantation is ascertained under section 19 to be Rs. 20 but under section 20 to be Rs. 100.

In each case, the court shall award the higher amount.

### **Improvement consisting in protection and maintenance of trees and plants**

22. When the improvement consists in the protection and maintenance of timber or fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 16, or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 20.

### **Power to frame tables of maximum and minimum rates of**

### **Compensation**

23. The Government may prepare tables showing the maximum and minimum rates of compensation to be awarded under this Act for all or any class of improvements and when such tables have been published, the amount awarded as compensation under section 18 or 19 or 20 or 21 shall not ordinarily exceed such maximum rates nor shall it in any case be less than such minimum rates.

#### **Power to prepare tables of prices of produce, etc.**

24. (1) For the purpose of determining the amount of compensation to be awarded under this Act, the Government may prepare tables, showing all or any of the following matters, namely: -

(a) the price of coconuts, arecanuts, cashewnuts, mangoes, pepper and paddy;

(b) the cost of ---

(i) cultivating and harvesting a crop of paddy;

(ii) planting, protecting and maintaining a coconut tree, an arecanut tree, a jack tree, a cashewnut tree, a mango tree, such other tree as may be notified by the Government from time to time and a pepper vine, until the tree or vine is in bearing;

(iii) protecting and maintaining a coconut tree, an arecanut tree, a jack tree, a cashewnut tree, a mango tree, such other tree as may be notified by the Government from time to time and a pepper vine for one year when in bearing.

(2) The tables, prepared under this section shall, on publication, be receivable in evidence and the rates and amounts therein specified shall be presumed to be the proper rates, and amounts until the contrary is proved:

Provided that, in so far as such tables prescribe prices of products, the presumption shall not be rebuttable except by proof of the average price as provided in section 25.

#### **Values how ascertained when no table has been prepared or the presumption is rebutted**

25. In respect of any product for which no table showing the price has been published and whenever the presumption under section 24 as to the price is sought to be rebutted, the court shall adopt as the money value for the purpose of awarding compensation under sub-section (1) of section 18, the average price in Mahe, as nearly as may be ascertainable, for a period of 10 years immediately preceding the institution of the suit.



### **Tables to be published**

26. (1) The tables prepared under this Act shall be published in English and Malayalam in the Official Gazette and shall be kept publicly posted in the civil court in Mahe.

(2) The Government may, by like publication, cancel or vary, from time to time, the tables so published.

### **Compensation when area is overplanted**

27. When trees are planted in excess of the following scale, the court, if satisfied that, in the circumstances of the particular case, the land is over- planted, may, notwithstanding anything herein before contained, either refuse to grant any compensation or may grant compensation at a lower rate, for a so many of the trees as are in excess of the scale and are immature: -

Coconut trees	...	100	per acre.
Arecanut trees	...	720	per acre.
Jack trees	...	60	per acre.

*Explanation.* --- In the case of a mixed garden, each tree shall be allowed a proportionate fraction of an acre according to the above scale.

### **Contracts affecting tenant's right to make improvements**

28. Nothing in any contract entered into whether before or after the commencement of this Act shall take away or limit the right of a tenant to make improvements and to claim compensation for them in accordance with the provisions of this Act.

### **Tenant's right to sue for restoration of possession of land**

29. (1) In any case in which any land has been resumed on the ground specified in section 9 or section 10 or section 11 or section 12, if, within three years of such resumption, the person who resumed the land fails without reasonable excuse to use the and for the purpose for which it was resumed, the cultivating tenant shall, subject to the provisions of section 30 be entitled to apply to the Land Tribunal for the restoration to him of the possession of the land or a portion of the land which was resumed and to hold it with all the rights and subject to all the liabilities of a cultivating tenant:

Provided that a cultivating tenant shall not be entitled to restoration under this sub-section if he is in possession of land equal to or exceeding the ceiling area, nor shall a cultivating tenant be entitled to restoration or an extent of land which together with the extent of land in his possession will exceed the ceiling area.

(2) The provisions of section 15 shall, *mutatis mutandis* be applicable to the form and procedure in regard to the application for restoration and the manner of execution of the orders of restoration.

### **Limitation for application for restoration under section 29**

30. An application for restoration under section 29 shall be made within one year from the expiry of three years after the resumption.

### **Effect of an order of restoration**

31. (1) Where restoration of any land resumed is ordered under section 29, the cultivating tenant shall hold the land directly under the landlord from whom restoration has been ordered, and the rights of the intermediaries extinguished under sub-section (6) of section 15 shall not revive.

(2) On such restoration, the cultivating tenant shall pay to the person who resumed the land ---

- (i) the amounts paid by such person to the cultivating tenant and to the intermediary, if any towards the value of the improvements effected by them and existing at the time of restoration;
- (ii) the value of the improvements, if any, effected *bona fide* by such person between the date of resumption and the date of the application; and
- (iii) any amount other than solatium received by the cultivating tenant from such person on account of the resumption.

(3) The rent payable by the cultivating tenant after the restoration of the holding shall be the fair rent.

### **Contract rent in the case of certain tenants**

\*[31A. (1) Where a person who is a tenant for the purposes of this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980, was, before the commencement of the said Amendment Act, not under an obligation to pay rent, the contract rent for the purposes of this Act shall be deemed to be, --

(a) where there has been a stipulation in the document for the periodical payment of any amount by such person, such amount;

(b) in the case of a varamdar, the average of the share of the landlord in the paddy produce for the three years immediately preceding the commencement of this Act or where the varamdar was not cultivating the land continuously for the said period of three years, the share of the landlord for the year in which the varamdar cultivated the land last immediately before such commencement;

(c) in any other case, four rupees per acre.

(2) In the case of a cultivating tenant referred to in sub-section (3) of section 31, the contract rent for the purposes of this Act shall be the contract rent or the proportionate contract rent in respect of the holding or part thereof which is resumed under this Act, at the time of resumption.

### **Determination of proportionate rent**

31B. Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed, splitting up the holding into two or more parts, or where a portion of the holding has been sub-leased, and there is dispute as to the contract rent payable in respect of any such part or, as the case may be, the portion retained by the tenant or the portion sub-leased, the Land Tribunal may, on application by any person interested, determine the contract rent payable in respect of each such part or portion, as the case may be, on the basis of the normal produce from each such part or portion].

### **Recovery of arrears of rent**

\*[32. (1) A landlord or any person claiming under him may apply to the Land Tribunal in such form as may be prescribed for recovery of arrears of rent due to him from his tenant.

(2) The Land Tribunal shall, after such enquiry as may be prescribed, determine the amount payable to the landlord and the person liable to pay the same:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that where the amount claimed in the application does not exceed five hundred rupees the Land Tribunal shall follow the procedure prescribed for the trial of small cause suits.

(3) The Land Tribunal may, on application by the person entitled to the amount determined under sub-section (2) at any time within one year from the date on which the order of the Land Tribunal under that sub-section has become final, recover the amount in such manner as may be prescribed and pay the same to the applicant.

(4) Notwithstanding anything contained in any law for the time being in force, no court or other authority or officer other than the Land Tribunal shall have jurisdiction to entertain any claim for arrears of rent.

### **Fair rent**

33. (1) The fair rent in respect of a holding shall be the rent payable by the cultivating tenant to his landlord.

(2) The fair rent shall be, ---

(a) in the case of nilams, 50 per cent of the contract rent, or 75 per cent of the fair rent determined under any law in force immediately before the 22<sup>nd</sup> day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding, whichever is less;

(b) in the case of other lands, 75 per cent of the contract rent, or the fair rent determined under any law in force immediately before the 22<sup>nd</sup> day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding, whichever is less:

Provided that the tenant may, by notice sent to the landlord by registered post, opt to pay ---

(i) in the case of any nilam, 50 per cent of the contract rent, or 75 per cent of the fair rent determined under any law in force immediately before the 22<sup>nd</sup> day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of lands comprised in the holding;

(ii) in the case of other lands, 75 per cent of the contract rent, or the fair rent determined under any law in force immediately before the 22<sup>nd</sup> day of March, 1968, or the rent calculated at the rates specified in Schedule II applicable to the class of land comprised in the holding, and where the tenant has so opted, such rent shall be deemed to be the fair rent for all purposes of this Act with effect from the beginning of the agricultural year in which such notice was sent to the landlord.

**Explanation I.** – Where in the case of a holding consisting of nilam and lands other than nilam, the rent for the nilam and the other lands is not separately specified in the contract of tenancy, the contract rent for the purposes of this sub-section in respect of the nilam and the other lands shall be determined on the basis of the normal produce from the nilam and the normal produce from the lands other than nilam.

**Explanation II.** – For the purposes of this section, “nilam” includes a nilam converted into garden by the tenant’s labour”.]

### **Exclusion of certain lands from liability to fair rent**

34. Notwithstanding anything contained in section 33, where any land included in a holding is set apart for communal purposes, and is used for such purposes, the extent of the land so set apart shall not be taken into account when determining the fair rent of the holding in accordance with that section.

### **Preparation of record of rights and bar of proceedings under Chapter XII of the Code of Criminal Procedure**

35. (1) Any cultivating tenant may, at any time within four years from the commencement of this Act or such further period as the Government may, from time to time, by notification in the Official Gazette, specify in this behalf, apply to the Land Tribunal for the preparation of a record of rights in respect of his holding; and the Land Tribunal shall admit such application if it is *prima facie* satisfied that the application has been made **bona fide**.

(2) Notwithstanding anything contained in sub-section (1), the Government may, *suo motu*, direct the Land Tribunal for the preparation of a record of rights in respect of any holding.

(3) Where an application for the preparation of a record of rights is admitted or when directed by the Government to prepare such record, the Land Tribunal shall direct such officer as the Collector may, by general order, specify in this behalf, to prepare record of rights in respect of the holding.

(4) The record of rights shall be prepared in such manner as may be prescribed, after giving an opportunity to the landlord and all other interested persons to be heard and such record of rights shall contain –

- (a) the description and extent of the holding;
- (b) the name and address of the owner;
- (c) the nature of the applicant’s interest in the holding;
- (d) the names and addresses of the intermediaries in respect of the holding and the nature of the interest of each of such intermediaries; and
- (e) such other particulars as may prescribed.

(5) The officer specified under sub-section (3) shall for the purposes for proceedings under this section, have all the powers of a civil court while trying a suit under the law for the time being in force relating to civil procedure in respect of the following matters, namely: --

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) issuing commissions for the examination of witnesses or for local investigation.

(6) The record of rights prepared under this section shall be admissible in evidence before any court or tribunal.

(7) Where an application for the preparation of a record of rights in respect of a holding is admitted, no application under section 37 for the determination of fair rent in respect of that holding shall be disposed of till the record of rights is prepared under this section.

(8) \*[omitted]

#### **Bar of proceedings under Chapter X of the Code of Criminal Procedure in certain cases**

\*[35A. (1) Where a person claiming to be a tenant applies for the preparation of a record of rights or for the determination of the fair rent or for the purchase of the right, title and interest of the landowner and the intermediaries, if any, in respect of the land cultivated by him, then, notwithstanding anything contained in any other law, no magistrate shall have jurisdiction under Chapter X of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), in respect of a dispute between that person and any other person claiming to be in possession of that land relating to that land, pending disposal of the application.

(2) Where, in respect of any land, proceedings under Chapter X of the Code of Criminal Procedure, 1973, were initiated while proceedings for the determination of the fair rent in respect of that land were pending and the possession of the land was handed over to the landlord in the proceedings under the said Chapter X, and a suit to declare the right to possession of such land was pending in any civil Court of competent jurisdiction on the date of publication of the Mahe Land Reforms (Amendment) Bill, 1980, in the Official Gazette, then, notwithstanding anything contained in Chapter X of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or order of any court of any record regarding possession, the person who applied for the determination of the fair rent or his successor-in-interest shall,---

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) if he was actually in possession on such date, be entitled to continue in possession of such land subject to the final decision in such suit; and

(b) if he was not in possession on such date, be entitled to restoration of possession and to continue such possession till the final decision in such suit.

(3) Any person who is entitled to be restored to possession of any land under sub-section (2) may make an application in writing within a period of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, to the Deputy Collector (Revenue), Mahe, for the restoration of possession of such land.

(4) The Deputy Collector (Revenue), Mahe, shall, on receipt of an application under sub-section (3), make or cause to be made necessary enquiries in respect of such application and if he is satisfied that the applicant is entitled to restoration of possession under sub-section (2), he shall by order direct the person in possession of the land to deliver possession of the same to the applicant within a period of thirty days from the date of service of the order:

Provided that no order under this sub-section shall be made, unless the person who is in possession of the land has been given an opportunity of being heard in the matter.

(5) Every order made under sub-section (4) shall be served in such manner as may be prescribed.

(6) Any person aggrieved by an order of the Deputy Collector (Revenue), Mahe, under sub-section (4) may, within a period of thirty days from the date of service of the order, prefer an appeal to the Collector, and the order of the Collector on such appeal shall be final.

(7) Where an order made under sub-section (4) has not been complied with, and ---

(a) no appeal has been preferred within the time allowed for such appeal; or

(b) an appeal having been preferred has been dismissed, the Deputy Collector (Revenue), Mahe, shall cause the land to be delivered to the applicant by putting him in possession of the land, and if need be, by removing any person who refuses to vacate the same.

### **Disputes regarding right to cultivate land**

35B. (1) Any person claiming to be the cultivating tenant of any land, if prevented or obstructed from cultivating that land, may apply to the Deputy Tahsildar for an order that he is entitled to cultivate the land.

(2) The Deputy Tahsildar shall, on receipt of an application under sub-section (1) and after such enquiry as he seems necessary and after issue of notice to the opposite party, by order, decide whether the applicant is entitled to cultivate the land, and if the applicant is entitled to cultivate, and is not in possession of, the land, the Deputy Tahsildar shall also restore him cultivation of that land.

(3) In any suit relating to any land in respect of which an application has been presented before the Deputy Tahsildar under sub-section (1) instituted by the opposite party after the date of such application, the court shall not grant an injunction restraining the applicant from cultivating the land, till the final decision in such suit.]

### **Rent payable by an intermediary**

36. Where in respect of a holding there is an intermediary at the commencement of this Act and as a result of the determination of the fair rent, there has been a reduction \*[omitted] in the rent payable by the cultivating tenant, the rent payable by the intermediary to his landlord shall be reduced \*[omitted] in the same proportion as the rent to which he was entitled was reduced. \*[omitted]

### **Jenmikaram payable where rent payable to kanam tenant is reduced**

\*[36A. Notwithstanding anything to the contrary contained in any other law, where in respect of a holding the landowner is a kanam tenant and as a result of the determination of the fair rent in respect of that holding there has been a reduction in the rent payable to such landowner, the jenmikaram payable by such landowner in respect of that holding and accrued due after the 22<sup>nd</sup> day of March, 1968, shall be reduced in the same proportion as the rent to which he was entitled was reduced.]

### **Determination of fair rent by Land Tribunal**

37. (1) The cultivating tenant or any landlord may apply in such form as may be prescribed, to the Land Tribunal for determining the fair rent in respect of a holding.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



(2) On receipt of an application under sub-section (1), the Land Tribunal shall issue notices to all persons interested and after enquiry determine by an order ---

- (i) the fair rent in respect of the holding;
- (ii) if there is an intermediary or intermediaries, the rent payable by such intermediary or intermediaries to his landlord or to their respective landlords.
- (iii) the instalments, if any, in which the rent shall be payable; and
- (iv) the date or dates on which the said rent or instalment shall be payable.

(3) In determining the fair rent under sub-section (2) the Land Tribunal may take into account the statistics published under section 50.

#### **Bar of suits for eviction, etc., pending application for determination of fair rent**

38. During the pendency of an application for determination of fair rent before a Land Tribunal, no court shall entertain any suit for eviction of the applicant from the \*[land] to which the application relates, or pass any order or injunction prohibiting him from entering the \*[land] or pass any order staying the proceedings before the Land Tribunal.

#### **Agreement as to fair rent**

39. Notwithstanding anything contained in the foregoing sections, it shall be competent for the landlord and the tenant to agree as to what shall be the fair rent payable in respect of the holding and, where such an agreement signed by the landlord and the tenant, is filed with the Land Tribunal, the Tribunal shall pass orders determining such agreed rent as the fair rent in respect of the holding:

Provided that the agreed rent shall not exceed the fair rent under section 33, in respect of the holding:

Provided further that where there are intermediaries or other persons having an interest in the holding, the landowner, the cultivating tenant and all the intermediaries and other persons interests shall be parties to such an agreement:

Provided also that this section shall not apply to a case where the landlord is a religious, charitable or educational institution of a public nature.

### **Refund of payment in certain cases where fair rent is fixed**

40. Any order determining the fair rent under section 37 or section 39, and the rent payable by an intermediary consequent on such determination, shall take effect from the beginning of the agricultural year immediately following the commencement of this Act, and any amount paid by the tenant before such determination, which is in excess of the fair rent that may be payable to the landlord in accordance with the provisions of section 37, shall be adjusted towards the payment of future rent or the purchase price payable under section 63, as the case may be, and, where the amount of rent paid to the landlord is less than the rent so determined, the balance payable by the tenant shall be paid at the time of or before the payment of the rent that first accrues after such determination or at such time and in such manner as the Land Tribunal may specify.

### **Rent payable when Land Tribunal has not determined fair rent**

41. (1) Where in a case the rent payable in respect of a holding has not been determined by the Land Tribunal, either under section, 37 or section or section 39, the landlord shall be entitled to receive and \*[the tenant shall be bound to pay at his option, ---

(a) in the case of nilams, 50 per cent of the contract rent, or 75 per cent of the fair rent, if any, determined under any law in force immediately before the 22<sup>nd</sup> day of March, 1968;

(b) in the case of other lands, 75 per cent of the contract rent, or the fair rent, if any, determined under any law in force immediately before the 22<sup>nd</sup> day of March, 1968].

(2) The provisions contained in sub-section (1) shall be without prejudice to the provisions contained in section 40.

Explanation. \*[omitted]

### **Mode of payment of rent**

42. (1) Where the rent is payable in kind, it shall be paid either in kind or in money at the option of the tenant.

\*(2) The money value of the rent payable in kind, unless it is specified in the document evidencing the contract of tenancy, shall be commuted with reference to the rates published in the Official Gazette under section 49 for the date on which the rent is payable and if no such rate is published for that date, at the rate for the nearest previous date for which a rate is so published:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that where in respect of any commodity the price has not been published in the Official Gazette, the money value of such commodity shall be calculated at the market rate prevailing on the date on which the rent is due.]

(3) The tenant shall be entitled to send by money order the rent payable by him to his landlord.

#### **Liability for assessment**

43. (1) As between the tenant and the landlord, the former shall be liable for any cess or special charges leviable by the Government for special or additional crops, raised, where such special or additional crops have not been taken into account in fixing the fair rent.

(2) A tenant making any payment to the Government or any local authority towards land revenue or any tax in respect of the land comprised in the holding and payable by the landlord, shall be entitled to deduct the same from the rent payable by him to the landlord:

Provided that no such deduction shall be made if the rent payable by the tenant to the landlord is equal to or less than the land revenue or other tax so payable.

#### **Remission of rent**

44. (1) Where there has been a damage to, or a failure of crops owing to causes beyond the control of the tenant in any holding the tenant shall be entitled to a remission of the rent payable by him in proportion to the extent of such damage or failure.

\*[(2) The Deputy Tahsildar, may, either **Suo motu** or on application by a tenant, determine after such enquiry as may be prescribed, the extent of damage to, or failure of, crops under sub-section (1) and order such remission of rent as appears to him just and proper.

(3) Any person aggrieved by the order of the Deputy Tahsildar or the other officer under sub-section (2) may, within a period of sixty days from the date of the order, appeal against such order to the Deputy Collector (Revenue), Mahe, who may pass such order on the appeal as he thinks fit.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3A) The order of the Deputy Collector (Revenue), Mahe, under sub-section (3) and the order of the Deputy Tahsildar or the other officer under sub-section (2) in cases where no appeal has been preferred under sub-section (3) within the time specified therefor, or the appeal preferred has been dismissed, shall be final and the tenant shall be entitled to get the benefit of the remission so ordered.

(3B) If in any proceeding under sub-section (2) or sub-section (3), any question arises as to whether a person is or is not a tenant, it shall be competent for the Deputy Tahsildar or the other officer or the Deputy Collector (Revenue), Mahe, as the case may be, to decide such question for the purposes of this section;]

(4) Where, in respect of a holding, there is an intermediary and the rent to which the intermediary is entitled is reduced as a result of the remission granted under \*[sub-section (2) or sub-section (3),] the rent payable by the intermediary to his landlord shall be reduced in the same proportion.

*Explanation.* – For the purposes of this section, the term “crops” shall include cereal as well as cash crops.

### **Abatement or reduction of rent**

45. (1) The fair rent determined under this Act shall not be liable to alteration or revision except on the application made by the cultivating tenant to the Land Tribunal on the grounds specified in sub-sections (2) and (3).

(2) Where a portion of the land comprised in the holding is acquired under any law for the time being in force for the compulsory acquisition of land for public purposes, the tenant shall be entitled to an abatement in the rent in the same proportion as the yield from the portion acquired bears to the yield from the entire holding.

(3) Where any material part of the holding is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let by fire or flood or any other act of God, the rent payable shall be proportionately reduced.

(4) Where in respect of a holding, there is an intermediary and the rent to which the intermediary is entitled is reduced as a result of the abatement in the rent granted under sub-section (2), or reduction of rent granted under sub-section (3), the rent payable by the intermediary to his landlord shall be reduced in the same proportion.

### **Invalidity of claims of dues other than rent payable**

46. Notwithstanding any contract to the contrary, express or implied, no tenant shall be liable to pay to his landlord any customary dues or renewal fees or anything more or anything else than the rent payable under this Act.

### **Arrears of rent to bear interest**

47. Arrears of rent shall bear interest at the rate of six per cent per annum or at the contract rate, whichever is less.

### **Priority of claim for arrears of rent**

48. Arrears of rent due to the landlord, together with interest thereon, shall be a charge on the interest of the tenant, from whom they are due, in the holding and shall, subject to the priority of the rights of the Government and any local authority for arrears of land revenue, tax, cess or other dues, be a first charge on such interest of the tenant.

### **Publication of prices of commodities**

49. The \*[Deputy Collector (Revenue), Mahe], shall cause to be published every quarter, in such manner as may be prescribed, prices prevailing in Mahe of paddy, coconut, arecanut, pepper, groundnut, tapioca, cashewnut and any other crop which may be specified by the Government, by notification in the Official Gazette, for the purpose:

Provided that, before publishing such prices, the \*[Deputy Collector (Revenue), Mahe], shall cause notice to be given to the public, in such manner as he thinks fit, of the prices proposed to be published and consider objections, if any, received within two weeks from the date of the notice.

### **Publication of statistics relating to gross produce of lands**

50. The \*[Deputy Collector (Revenue), Mahe], shall cause to be published statistics of gross produce of different crops for different classes of land for different areas.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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### **Tenant's right of obtain receipt**

51. (1) Every tenant paying any rent shall be entitled to receive and the landlord shall be bound to grant a receipt containing such particulars as may be prescribed.

(2) If any landlord fails to grant a receipt as provided under subsection (1), the tenant shall be entitled to send by money order after deducting the charges for doing so, --

- (i) the money, if the rent is payable in money; and
- (ii) the money value of the rent, if it is payable in kind.

### **Adjustment of rent paid after 1<sup>st</sup> March, 1970**

\*[51A. (1) Where, after the 1<sup>st</sup> day of March, 1970, and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, any tenant has paid or deposited any amount by way of rent, and such amount has been appropriated towards arrears of rent accrued due for the period prior to the 22<sup>nd</sup> day of March, 1968, the, notwithstanding anything contained in any law, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal, such amount shall be adjusted towards the rent accrued due for the period commencing on the 22<sup>nd</sup> day of March, 1968.

(2) Where, in any judgment, decree or order of any court or Land Tribunal passed after the 1<sup>st</sup> day of March, 1970, any amount paid or deposited by way of rent has been allowed or ordered to be appropriated towards arrears of rent accrued due for the period prior to the 22<sup>nd</sup> day of March, 1968, such judgment, decree or order shall, on application within sixty days from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, be re-opened by the court or Land Tribunal, as the case may be, which passed such judgment, decree or order, and disposed of in accordance with the provisions of sub-section (1)].

### **Application to Land Tribunal when landlord refuses to accept a tender**

52. \*(1) The tenant may apply to the Land Tribunal in the prescribed manner for permission to pay the arrears of rent due by him for any period through the Land Tribunal:

Provided that no such application shall be made, if an application or other proceeding for the recovery of such arrears is pending before the Land Tribunal.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) Along with the application under sub-section (1), the tenant shall deposit with the Land Tribunal, the said due together with interest, if any, accrued thereon.

**Procedure on application under section 52**

53. \*[(1) When an application and deposit have been made under section 52, the Land Tribunal shall cause written notice thereof to be given at the cost of the applicant to every person who, in the opinion of the Land Tribunal, is entitled to be heard thereon and after hearing such of them as appear, by order determine --

(a) the amount of arrears due from the tenant for the period specified in the application under sub-section (1) of section 52 together with interest upto the date of deposit and costs, if any; and

(b) the person or persons who is or are entitled or bound to receive such amount.

(2) If the amount deposited by the tenant under sub-section (2) of section 52 is less than the amount referred to in clause (a) of sub-section (1), the tenant shall deposit the balance amount due within such time as may be directed by the Land Tribunal.

(3) If the tenant fails to deposit any amount under sub-section (2) within the time allowed by the Land Tribunal in that behalf, the application shall be dismissed.

(4) The Land Tribunal may also make such directions regarding costs, if any, awarded to the applicant and such other matters as the Land Tribunal may deem fit.

(5) The deposit of arrears of rent and interest and costs, if any, in accordance with the provisions of this section and section 52 shall be a full discharge of the liability of the tenant for the rent due by him for the period specified in the application.

(6) Nothing in sub-section (5) shall affect the right of any person to recover the amount deposited by the tenant towards arrears of rent and interest from the person to whom it is paid by the Land Tribunal.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Apportionment of rent on severance of interest of landlord or tenant**

54. (1) Where, by act of parties or by operation of law, the interest of the landlord or of the tenant in the land demised has been severed or a portion of the land demised has been sub-leased, the landlord or the tenant may apply to the Land Tribunal for the apportionment of the rent and the security for rent, if any.

(2) The application shall be in such form as may be prescribed.

(3) The Land Tribunal shall, after giving an opportunity to all persons interested to be heard, pass an order on such application apportioning the rent and the security for rent if any, and directing the execution of a lease deed on the basis of such apportionment within a specified period and make such order as to the costs of the application as it may deem fit.

(4) If, within the time fixed by the Land Tribunal, such deed is not executed, The Land Tribunal shall, on the application of the person in whose favour such deed is to be executed and on the deposit by such person of such amount as the Land Tribunal may direct, execute the deed on behalf of the person in default; and the Land Tribunal shall by order, direct that the cost of the execution of the deed may be realised by the application from the person in default.

(5) \*[omitted]

### **Notice to landlord and intermediary when the interest in the holding of the tenant is acquired**

55. (1) Any person deriving an interest in the holding or part of the holding of a tenant by virtue of a title acquired by act of parties or by operation of law shall, where such interest is acquired after the commencement of \*[the Mahe Land Reforms (Amendment) Act, 1980], within sixty days from the day of such acquisition, give registered notice of his interest in the holding or part of the holding to the landlord and the intermediaries, if any. The said notice shall contain particulars of the property, its extent, the nature of the interest acquired and the date of acquisition of such interest.

(2) Where default is made by tenant in the payment of rent, his landlord shall give registered notice of the default to the persons who have acquired interest in the holding or part of the holding prior to the date of such default and who have notified the existence of their interest under sub-section (1). The persons having interest in the holding shall be entitled to pay the arrears and the landlord shall, be bound to receive such payment:

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\* Omitted vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



Provided that a person who has acquired interest only in a part of the holding shall be bound to pay only so much of the rent or arrears of the same, as will on apportionment fall on such portion of the holding.

(3) Where there has been no agreement among the person interested as to the apportionment referred to in the proviso to sub-section (2), the person who has acquired interest in the part of the holding may, within sixty days from the date of service of the notice of default, apply to the Land tribunal for the apportionment, and the Land Tribunal shall, by order, make the apportionment.

(4) \*[omitted]

### **Rights of tenant to be heritable and alienable**

56. Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable.

### **Extent of tenant's right to use his holding**

\*[56A. (1) Notwithstanding anything contained in any law or contract, or in any judgment, decree or order of court, a tenant entitled to fixity of tenure shall have the right to use his holding in any manner he thinks fit:

Provided that nothing contained in this section shall be deemed to empower the tenant to use the holding in contravention of any order issued under the Essential Commodities Act, 1955.

(2) Notwithstanding anything contained in any law or contract, or in any judgment, decree or order of court, where the tenant in respect of a nilam is a varamdar and the fishing right in that nilam is exercised by the landlord, such right of the landlord shall cease to exist and the tenant shall be entitled to exercise such right].

### **Surrender by tenant**

57. (1) Notwithstanding anything contained in this Act, a tenant may terminate the tenancy in respect of any land held by him at any time by surrender of his interest therein:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that no such surrender shall be made in favour of any person other than the Government:

Provided further that such surrender shall not be effective unless it is made in writing and is admitted by the tenant before the Land Tribunal and is registered in the office of the Land Tribunal in the prescribed manner.

(2) The Government shall pay to the landlord fair rent of the tenancy surrendered to it under sub-section (1).

(3) The Government may let any land surrendered to it under sub-section (1) to any person, in accordance with such rules as may be made under this Act.

(4) The tenant to whom any land is let under sub-section (3) shall pay their fair rent thereof directly to the landlord and the Government's liability under sub-section (2) with regard to the payment of the rent of that land shall, on and from the date of induction of the tenant on such land, cease.

#### **Abandonment by a tenant**

58. (1) No landlord shall enter on any land which has been abandoned by a tenant.

\*(2) If a tenant abandons his holding and ceases to cultivate the holding either by himself or by some other person, the Government may, after notice to the tenant and the landlord and after hearing objections, if any, take possession of the land comprised in the holding.

(3) The Government shall pay to the landlord fair rent for the land possession of by it under sub-section (2), from the date on which it lets out the land to another tenant under sub-section (4)].

(4) The Government may let to another tenant any land, possession of which has been taken under sub-section (2), in accordance with such rules as may be made under this Act.

(5) The tenant to whom any land is let under sub-section (4) shall pay the fair rent thereof directly to the landlord and the Government's liability under sub-section (3) with regard to the payment of the fair rent for such land shall, on and from the date of induction of the tenant on the land, case.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Landlord not to enter on surrendered or abandoned land**

59. If any landlord enters into the possession of any abandoned land or any land which has not been surrendered in accordance with the provisions of section 57, he shall be deemed to have contravened the provisions of section 89 of this Act and shall be punished accordingly.

### **Rights as to timber trees**

60. (1) Notwithstanding any law, custom or contract to the contrary, all timber trees planted by the cultivating tenant or his predecessor-in-interest or spontaneously sprouting and growing in the holding after the commencement of the tenancy in favour of the cultivating tenant or his predecessor-in-interest, shall belong to the cultivating tenant.

\*(2) Subject to the provisions of sub-section (3) and (5), in the case of timber trees standing in the holding of a cultivating tenant at the commencement of his tenancy, the cultivating tenant shall have the right to cut and remove such trees, and the landlord or the intermediary shall not have the right to cut and remove such trees.]

(3) Where the cultivating tenant exercises his right under sub-section (2) he shall be liable to pay to the landowner or the intermediary, as the case may be one-half of the market value of the timber trees so cut and removed.

(4) \*[omitted]

(5) The right conferred by sub-section (2) shall not be exercisable unless reasonable notice thereof in writing is given to the party to be affected by the exercise of the said right.

(6) If any dispute arises as to the rights of the landowner, intermediary and cultivating tenant over timber trees, the Land Tribunal shall, on the application of the landowner, intermediary or cultivating tenant, by order, decide the question after hearing all the persons interested.

### **Cultivating tenant's right to purchase landlord's rights**

61. (1) \*[A cultivating tenant (including the holder of a kudiyruppu and the holder of a karaima)], entitled to fixity of tenure under section 8, shall be entitled to purchase the right, title and interest of the landowner and the intermediaries, if any, in respect of the land comprised in his holding:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that,---

(i) if the landlord is entitled to resume any portion of the holding under this Act and he applies for such resumption, the cultivating tenant shall be entitled to purchase the right, title and interest of the landowner and the intermediaries only in respect of the remaining portion of the holding.

(ii) no cultivating tenant shall be entitled to purchase the right, title and interest in respect of any land under this section if he, or if he is a member of a family, such family, owns an extent of land not less than the ceiling area;

(iii) where the cultivating tenant or, if he is a member of a family, such family, does not own any land or owns an extent of land which is less than the ceiling area, he shall be entitled to purchase the right, title and interest in respect of only such extent of land as will together with the land, if any, owned by him or his family, as the case may be, be equal to the ceiling area.

*Explanation.* – In calculating the extent of land owned by the cultivating tenant or, where he is a member of a family, by such family, for the purposes of clause (ii) or clause (iii), of the proviso to this sub-section, the portion of the land owned by such cultivating tenant or by the family, which is liable to be purchased by the cultivating tenant holding under such tenant or family, shall not be taken into account.

\*[(2) The provisions of section 92 shall, so far as may be, apply to the calculation of the ceiling area for the purposes of sub-section (1):

Provided that if no date has been notified under section 93, the date of application by the cultivating tenant under section 62 shall be deemed to be the date notified under section 93].

### **Application for purchase of landlord's rights by cultivating tenants**

62. (1) A cultivating tenant entitled to purchase the right, title and interest of the landowner and the intermediaries under section 61 may apply to the Land Tribunal for the purchase of such right, title and interest.

(2) The application for the purchase under sub-section (1), shall be in such form and shall contain such particulars as may be prescribed.

(3) \*[omitted]

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\* Substitute vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(4) Where a cultivating tenant is entitled to purchase the right, title and interest in respect of only a portion of the land held by him, he may indicate in the application, his choice of the portion, the right, title and interest over which he desires to purchase.

#### **Purchase price**

63. The price payable by the cultivating tenant for the purchase of the right, title and interest of the landowner and the intermediaries, if any shall be the aggregate of ---

(i) sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates;

(ii) the value of structures, wells and embankments of a permanent nature belonging to the landowner or the intermediaries, if any; and

(iii) one-half of the value of timber trees belonging to the landowner or the intermediaries, if any.

\*[Provided that where the aggregate of the value of structures, wells, and embankments and one-half of the value of timber trees referred to in clauses (ii) and (iii) exceeds sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates, such aggregate value shall, for the purpose of calculating the purchase price, be limited to sixteen times such fair rent]

*Explanation.* – For the purposes of this section, where the rent is payable in kind, the money value of the rent shall be computed at the average of the prices of the commodity for the six years immediately preceding the year of determination of the purchase price, and, in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

#### **Purchase price to be distributed among landowner and intermediaries**

64. (1) Where the right, title and interest of the landowner and the intermediaries in respect of a holding have been purchased by the cultivating tenant, the purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries, as the case may be, in accordance with the provisions of sub-sections (2) and (3).

(2) Where there is no intermediary, the landowner shall be entitled to the entire purchase price paid by the cultivating tenant.

(3) Where there is an intermediary or there are intermediaries. ---

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) the amount of sixteen times the fair rent paid by the cultivating tenant shall be apportioned among the landowner and the intermediary or intermediaries in proportion to the profits derived by them for the holding; and

(ii) the value of structures, wells and embankments of a permanent nature and half the value of the timber trees paid by the cultivating tenant shall be payable to the landowner or the intermediary to whom such structures, wells, embankments and timber trees belong.

\*[Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of timber trees has been limited to sixteen times the fair rent under the proviso to section 63, the amount payable under this clause to the landowner and the intermediary or intermediaries shall be sixteen times such fair rent apportioned among the landowner and intermediary or intermediaries in proportion to the value of the structures, wells, embankments and timber trees belonging to each of them]

*Explanation.* – “Profits derived from the holding” shall, for the purpose of this sub-section, mean, in the case of the landowner, the rent to which he is entitled and, in the case of an intermediary, the difference between the rent due to him from his tenant and the rent for which the intermediary is liable to his landlord \*[and where there is no evidence as to the rent for which the intermediary is liable to his landlord, it shall be presumed that such rent is one-half of the rent payable to the intermediary by his tenant].

### **Procedure before Land Tribunal**

65. (1) As soon as may be after the receipt of the application under section 62, the Land Tribunal shall give notice to the landowner, the intermediaries and other persons interested in the holding, to prefer claims or objections with regard to the application. \*[omitted]

(2) The Land Tribunal shall, considering the claims and objections received and hearing any person appearing in pursuance of the notice issued under sub-section (1) and after making due enquiries, pass orders ---

(i) on the application, if any, \*[pending before it] from the landowner or intermediary for resumption, in accordance with the provisions of section 15; and

(ii) on the application for purchase under section 62.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3) Where the cultivating tenant is entitled to purchase only a portion of the land left after resumption, the Land Tribunal shall, as far as possible, allow the purchase of the portion indicated in the application under sub-section (4) of section 62.

\*[(3A) Where the right, title and interest of the landowner or the intermediary vested in the cultivating tenant form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of discharging the same, apportion the entire encumbrance or the charge for the maintenance or alimony between the portion of the land, the right, title and interest over which vested in the tenant and the portion remaining after such vesting, in proportion to the values of the two portions of the property, and discharge only the liability pertaining to the portion to which the purchase relates.]

(4) An order under clause (ii) of sub-section (2) allowing the application shall specify –

- (i) the purchase price payable by the cultivating tenant;
- (ii) the amount due to the landowner and each of the intermediaries, if any, on the apportionment of the purchase price paid by the cultivating tenant;
- (iii) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and the intermediaries, if any;
- (iv) the amounts payable to the holder of the encumbrance or the person entitled to the maintenance or alimony \*[and the order of the priority in which such amount is payable] and
- (v) the amount payable to the landowner and each of the intermediaries after deducting the value of the encumbrance or the claims for maintenance or alimony.

(5) If the landowner or intermediary is liable to pay any amount to the cultivating tenant under this Act, the Land Tribunal shall, in passing orders on the application for purchase, set off such amount against the purchase price payable to the landowner or the intermediary.

(6) The Land Tribunal shall, as soon as may be, forward a copy of the orders under sub-section (2) to the Land Board.

#### **Purchase price payable in instalments or in lump**

66. The purchase price determined under section 65 shall be payable in sixteen equal annual instalments:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that where the purchase price is less than Rs. 160 the number of instalments shall be so fixed by the Land Tribunal that the amount payable in each instalment shall not be less than Rs. 10:

Provided further that it shall be open to the cultivating tenant to pay the entire purchase price in a lump, in which case the amount payable shall be only seventy-five per cent of the purchase price.

**Deposit of purchase price and issue of certificate of purchase**

67. (1) Where an application under section 62 has been allowed and the purchase price determined under section 65 by the Land Tribunal, the cultivating tenant shall deposit with the Land Tribunal to the credit of the Land Board, --

\*[(i) where the purchase price is proposed to be paid in a lump, the entire amount due within one year; or

(ii) where the purchase price is proposed to be paid in instalments, the first instalment thereof within six months,

from the date on which the order of the Land Tribunal under section 65 has become final:

Provided that the Land Tribunal may, on application by the cultivating tenant before the expiry of the said period of one year or six months, as the case may be, extend the period for making such deposit, so however that the period so extended shall not exceed three months.]

(2) On the deposit of the purchase price in a lump or of the first instalment of such price, the Land Board shall issue a certificate of purchase to the cultivating tenant and thereupon the right, title and interest of the landowner and the intermediaries, if any, shall vest in the cultivating tenant free from all encumbrances with effect \*[from the date of the application under section 62]. The certificate of purchase shall be conclusive proof of the purchase by the tenant of the right, title and interest of the landowner and intermediary, if any, over the holding or portion thereof.

\*[**Explanation.** - For the removal of doubts, it is hereby declared that on the issue of the certificate of purchase, the landowner or any intermediary shall have no right in the land comprised in the holding and all his rights including rights, if any, in respect of trees reserved for his enjoyment shall stand extinguished].

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\* Inserted vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



(3) Where a cultivating tenant fails to deposit the purchase price in lump or the first instalment thereof on or before the due date, the order of the Land Tribunal under section 65 shall stand cancelled and the cultivating tenant shall continue as cultivating tenant.

(4) Where the purchase price is paid in instalments, the second and subsequent instalments shall be deposited in the Government treasury in the prescribed manner to the credit of the Land Board.

#### **Interest on defaulted instalments**

\*[68. If the second or any subsequent instalment of the purchase price is not deposited on the due date the amount of such instalment shall bear interest at the rate of 4 ½ per cent per annum from that date till the date of deposit of that instalment.

#### **Cultivating tenant to pay rent pending determination of purchase price**

69. (1) Notwithstanding the filing of an application under section 62, a cultivating tenant shall, pending the determination of the purchase price under section 63 or, where there has been an appeal against the determination of the purchase price, pending orders on such appeal, deposit with the Land Tribunal an amount equal to the rent which would have been payable by him on the dates on which such rent would have become due if the land were not purchased:

Provided that the Land Tribunal may ---

(a) on application by the cultivating tenant for sufficient reason allow the applicant to make the deposit after the due date;

(b) allow any cultivating tenant to deposit the balance amount, if any, where the amount deposited is found to be less than the amount of rent.

(2) The Land Tribunal shall, after intimating the landlord, pay the amount deposited under sub-section (1) to the landowner and intermediaries, if any, as part payment of the purchase price on taking proper security in case it is found that they are entitled to such amount.

(3) The amount deposited under sub-section (1) shall be deducted from the purchase price payable by the cultivating tenant and he shall be liable to pay only the balance].

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Recovery of instalments of purchase price on default**

70. For the purchase price payable by the cultivating tenant, there shall be a first charge on the land to which the purchase relates, subject to the charges for any dues payable to the Government. Where the second or any subsequent instalment is not deposited on the due date the Land Board may, on application from any person entitled to the instalment of the purchase price in default or any part thereof, pass an order directing the payment of the amount \*[together with interest thereon] and the order of the Land Board may be executed through the court as if it were a decree passed by it:

Provided that where the right, title and interest of the landowner or intermediary which is a religious, charitable or educational institution of a public nature have vested in the Government under section 74, the instalment of the purchase price in default or any part thereof due to the Government \*[together with interest thereon] shall be recoverable as an arrear of land revenue under the provisions of the law for the time being in force relating to the recover of land revenue.

### **Payment of purchase price, amount of encumbrance, maintenance or alimony**

71. (1) The purchase price payable to the landowner and the intermediaries shall be distributed by the Land Board according to the provisions of sub-sections (2) to (9).

(2) Where the right, title and interest of the landowner or the intermediaries are not subject to any encumbrances or charge for maintenance or alimony, the purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries in the manner specified in sub-section (2) or sub-section (3), as the case may be, of section 64.

\*[(3) Where the right, title and interest of the landowner or any intermediary in respect of a holding are subject to any encumbrance or charge for maintenance or alimony, the purchase price paid by the cultivating tenant shall ---

(i) if there is no intermediary, be paid to the landowner after deducting the value of encumbrance or charge for maintenance or alimony:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(ii) if there is an intermediary or there are intermediaries, be apportioned among the landowner and the intermediary or intermediaries in the manner specified in sub-section (2) or sub-section (3), as the case may be, of section 64, and the value of the encumbrances, maintenance or alimony shall be deducted from the purchase price payable to the landowner or the intermediary or intermediaries, as the case may be, and the balance amount shall be paid to the landowner or intermediary or intermediaries.]

If the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the purchase price payable to the landowner or the intermediary, the whole amount shall be reserved for payment to the holder of the encumbrance, or the person entitled to the maintenance or alimony and no amount shall be paid to the landowner or the intermediary, as the case maybe.

(4) \*[omitted]

(5) Where any amount has been deducted or reserved for payment to the holders of the encumbrances or the persons entitled to the maintenance or alimony, the same shall be paid in their order of priority to person entitled thereto.

(6) Where the cultivating tenant pays the purchase price in instalments, the amount of each instalment shall be distributed in the manner specified above. The interest on the purchase price paid by the cultivating tenant shall also be paid to the landowner, intermediary, holder of the encumbrance or the person entitled to the maintenance or alimony, as the case may be.

(7) Where a person entitled to the purchase price or the value of the encumbrances, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(8) Where the person entitled to receive the purchase price or the value of encumbrance is a private trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the purchase price or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of the person with such authority or bank as may be prescribed.

(9) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the purchase price or the amount of encumbrance or maintenance or alimony payable under this Act, the court or authority may require the Land Board to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Payment of purchase price to the landowner, or  
Intermediary to be full discharge**

72. The payment of purchase price or the value of encumbrance, maintenance or alimony to the landowner or intermediary or other person entitled thereto in the manner specified in section 71 shall be a full discharge of the liability for payment of purchase price to the landowner and the intermediaries, and no further claims for payment of purchase price shall lie.

**Special provisions relating to religious, charitable or  
educational institutions of a public nature**

\*[73. (1) Notwithstanding anything contained in sections 61 to 72, where, in respect of a holding the landowner or the intermediary is a religious, charitable or educational institution of a public nature, such institution may, by application to the Land Board, choose whether the right, title and interest of the institution in respect of the holding should be vested in the Government in consideration of the payment of an annuity in perpetuity by the Government or whether it should be paid such annuity by the Government instead of purchase price in case the holding is purchased by the cultivating tenant under the provisions of this Act:

Provided that no such application shall be entertained by the Land Board on or after the date notified by the Government under section 80.

**Explanation.** – In this sub-section, the expression “institution of a public nature” includes a public trust and a wakf.

(2) If any question arises as to whether an institution is a religious, charitable or educational institution of a public nature, the question shall be decided by the Land Board after such enquiry as it deems fit, and its decision thereon shall be final.

(3) The annuity payable to an institution in respect of a holding shall be, --

(a) where such institution is the landowner, an amount equal to the rent to which it would be entitled if fair rent were determined in respect of the holding, after deducting 2 ½ per cent thereof by way of collection charges;

(b) where such institution is the intermediary, an amount equal to the difference between the rent due to such institution from its tenant and the rent for which such institution is liable to its landlord if fair rent were determined in respect of the holding, after deducting 2 ½ per cent of such difference by way of collection charges.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Explanation I.** – For the purchase of this sub-section, “fair rent” means the fair rent that would be determined under the provisions of this Act, as amended by the Mahe Land Reforms (Amendment) Act, 1980.

**Explanation II.** - Where the rent payable to an institution is in kind, the annuity payable shall be commuted into money at the average of the prices of the commodity for six years immediately preceding the year in which the annuity is determined.

**Procedure for vesting of rights of religious, charitable or educational institutions  
in Government and for determination of annuity**

74. (1) An application under sub-section (1) of section 73 shall specify all the holdings in respect of which the institution desires to be paid annuity.

(2) The application shall be in such form as may be prescribed.

(3) On receipt of such application, the Land Board shall direct the Land Tribunal, to determine the annuity payable to the institution.

(4) Notwithstanding anything contained in sub-section (3), the Land Board shall have power to reject an application referred to in sub-section (1) at any time before the date of the notification under sub-section (9), if it is found that the institution is not a religious, charitable or educational institution of a public nature or on any other ground to be recorded in writing:

Provided that, before rejecting the application, the institution shall be given an opportunity of being heard.

(5) On receipt of a direction under sub-section (3), the Land Tribunal shall, subject to such rules as may be made by the Government in this behalf, by order in the prescribed form, determine ---

(a) the fair rent in respect of the holding under the provisions of this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980;

(b) the annuity payable to the institution in respect of the holding;

(c) where the right, title and interest of the institution in respect of the holding form security for any encumbrance, the amount of the encumbrance and where there are more encumbrances than one, the order of priority of each of such encumbrances; and

(d) such other matters as may be prescribed.

(6) The annuity determined under sub-section (5) shall be paid, ---

(a) in the case of a holding included in notification under sub-section (9), from the date specified in that notification;

(b) in the case of a holding, the right, title and interest of the landowner and intermediaries in respect of which have been purchased by the cultivating tenant, from the date on which the right, title and interest of the institution in respect of its other holdings have vested in the Government under sub-section (9) or section 80, which ever is earlier.

(c) in the case of any other holding, from the date notified under section 80.

(7) The fair rent in respect of a holding determined under sub-section (5) shall, subject to the provisions of sections 112 and 113, be the fair rent for the purposes of sections 80A and 80E.

(8) As soon as may be after the determination of the annuity under sub-section (5), the Land Tribunal shall forward a statement in the prescribed form together with a copy of the order under that sub-section to the Land Board, and the Land Board shall have the power to return such statement to the Land Tribunal for the purpose of correcting patent mistakes or error apparent on the face of the record.

(9) As soon as may be after the determination of the annuity in respect of all holdings specified in the application under sub-section (1) of section 73 (other than holdings in respect of which certificates of purchase have been issued), the Government shall issue a notification in the Official Gazette declaring that the right, title and interest of the institution in respect of such holdings shall vest in the Government with effect from a date to be specified in the notification and all such right, title and interest shall accordingly vest in the Government free from all encumbrances.

### **Payment of annuity**

75. The Government shall pay the annuity payable to the institution every year in perpetuity on such date or dates and in such manner as may be prescribed:

Provided that no annuity in respect of a holding shall be paid if the purchase price in respect of that holding has been paid, or deposited in pursuance of sub-section (8) of section 71.

Provided further that where the right, title and interest of the institution are subject to any encumbrance on the date on which such right, title and interest have vested in the Government, ---

(i) the value of the encumbrance shall be paid to the holder of the encumbrance; and

(ii) five per cent of the value of the encumbrance shall be deducted from the annuity and the balance, if any, alone shall be paid to the institution:

Provided also that where the value of the encumbrance is more than sixteen times the annuity, ---

(i) if there is only one encumbrance, sixteen times the annuity shall be paid to the holder of the encumbrance; and

(ii) if there are two or more encumbrances, sixteen times the annuity shall be paid to the holders of the encumbrances in their order of priority, and in either case, no amount by way of annuity shall be payable to the institution.

**Vesting of the rights of religious, charitable or educational institutions  
in the Government not to operate as bar to the purchase of  
landlord's rights by cultivating tenants**

76. The filing of an application by a religious, charitable or educational institution of a public nature under sub-section (1) of section 73 or the vesting of the right, title and interest of the institution in the Government under sub-section (9) of section 74 shall not affect the right of the cultivating tenant purchase such right, title and interest in accordance with the provisions of sections 61 to 72.

**Government entitled to purchase price in certain cases**

77. Where the right, title and interest of a religious, charitable or educational institution of a public nature in respect of a holding are purchased by the cultivating tenant and the institution has, under sub-section (1) of section 73, expressed its choice for annuity instead of purchase price in respect of that holding, the Government shall, notwithstanding any order of any court of Land Tribunal, be entitled, subject to the provisions of section 78, to the purchase price payable to the institution.

### **Institution entitled to rent for certain period**

78. Where the right, title and interest of a religious, charitable or educational institution of a public nature in respect of a holding are purchased by the cultivating tenant and the institution is entitled to annuity in respect of that holding, the institution shall also be entitled from and out of the purchase price to an amount equal to the rent to which it would have been entitled for the period commencing on the date of application for purchase by the cultivating tenant and ending with the date on which the institution is entitled to annuity, if fair rent had been determined for the holding under this Act as amended by the Mahe Land Reforms (Amendment), Act 1980, after deducting any amount received by the institution under sub-section (2) of section 69.

### **Tenant holding under institution to continue as tenant under the Government**

79. (1) Where a cultivating tenant does not apply for the purchase of the right, title and interest in respect of his holding vested in the Government under sub-section (9) of section 74, the tenant holding directly under the religious, charitable or educational institution of a public nature shall continue as tenant under the Government.

(2) The rent payable by such tenant to the Government shall, on default, be recoverable as an arrear of land revenue under the Revenue Recovery Act for the time being in force.

### **Vesting of landlord's rights in Government**

80. (1) On a +date to be notified by the Government in this behalf in the Official Gazette, all rights, title and interest of the landowners and intermediaries in respect of holdings held by cultivating tenants (including holders of kudiyruppus and holders of karaimas) entitled to fixity of tenure under section 8 and in respect of which certificates of purchase under sub-section (2) of section 67 have not been issued, shall, subject to the provisions of this section, vest in the Government free from all encumbrances created by the landowners and intermediaries and subsisting thereon on the said date:

Provided that nothing contained in this sub-section shall apply to a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is pending on such date before any court or tribunal or in appeal or revision.

(2) Where in the case of a holding or part of a holding mentioned in the proviso to sub-section (1), the order rejecting the application for resumption, either in part or in full, has become final, the right, title and interest of the landowner and the intermediaries, if any, of the holding or part of the holding, as

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+1<sup>st</sup> day of April 1981 is notified date for the purposes of this said sub-section.

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the case may be, in respect of which resumption has not been allowed shall, with effect from the date on which the application for resumption has been finally rejected, vest in the Government free from all encumbrances created by the landowner and the intermediaries, if any, and subsisting thereon on the said date.

(3) Where any land or portion of a land is restored to the possession of any person under the provisions of this Act after the date notified under sub-section (1), the right, title and interest of the landowner and intermediaries, if any in respect of such land or portion of land shall, from the date of such restoration, vest in the Government free from all encumbrances created by the landowner and intermediaries and subsisting thereon on the said date.

(4) Where in the case of a holding or part of a holding, the landowner or an intermediary is a minor or a person of unsound mind or a member of the Armed Forces or a seaman or a legal representative of any member or seaman, or a small holder, the right, title and interest of the landowner and intermediaries, if any, in respect of such holding or part of a holding shall vest in the Government –

(a) on the expiry of six months from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, or on the date notified under sub-section (1), whichever is later, in cases where no application for resumption of the holding or part of the holding has been preferred;

(b) in any case where application for resumption has been preferred, on the date on which the order rejecting such application, either in part or in full, has become final or on the date notified under sub-section (1), whichever is later.

(5) Where an intermediary has resumed any land under the provisions of this Act, the right, title and interest of the landowner and the other intermediaries, if any, in respect of the said land shall vest in the Government free from all encumbrances created by the landowner and the other intermediaries with effect from the date of resumption or the date notified under sub-section (1), whichever is later.

### **Compensation to landlords for vesting of their rights in Government**

80A. (1) Every landowner and intermediary whose right, title and interest in respect of any holding have vested in the Government under section 80 shall be entitled to compensation as provided in sub-sections (2), (3) and (4).

(2) the compensation payable to the landowner and intermediaries under sub-section (1) shall be the aggregate of:-

(a) sixteen times the fair rent of the holding or part thereof, the right, title and interest in respect of which have vested in the Government;

(b) the value of structures, wells and embankments of a permanent nature belonging to the landowner and the intermediaries, if any; and

(c) one-half of the value of timber trees belonging to the landowner and the intermediaries, if any:

Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of the timber trees referred to in clauses (b) and (c) exceeds sixteen times the fair rent in respect of the holding or part thereof, as the case may be, such aggregate value shall, for the purpose of calculating the compensation under this sub-section, be limited to sixteen times such fair rent.

**Explanation I.** – For the purposes of this section and section 80E “fair rent” means the fair rent that would be determined under the provisions of this Act as amended by the Mahe Land Reforms (Amendment) Act, 1980.

**Explanation II.** – For the purposes of this section, where the rent is payable in kind, the money value of the rent shall be commuted at the average of the prices of the commodity for the six years immediately preceding the year in which the right, title and interest of the landowner and the intermediaries have vested in the Government, and in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

(3) Notwithstanding anything contained in sub-section (2), where the total compensation due to a landlord in respect of holdings held by cultivating tenants, after deducting the value of encumbrances and claims for maintenance or alimony, is more than twenty thousand rupees, the compensation payable to such landlord shall be limited to the amount specified in the Table below.

**TABLE**  
**SCALES OF COMPENSATION**

Total amount of compensation		Rate
On the first Rs. 20,000	...	100 per cent
On the next Rs. 10,000	...	95 per cent
On the next Rs. 10,000	...	90 per cent
On the next Rs. 10,000	...	85 per cent
On the next Rs. 10,000	...	80 per cent
On the next Rs. 10,000	...	75 per cent
On the next Rs. 10,000	...	70 per cent
On the next Rs. 10,000	...	65 per cent
On the next Rs. 10,000	...	60 per cent
On the next Rs. 10,000	...	55 per cent
On the next Rs. 10,000 and above	...	50 per cent

(4) Where the landowner or intermediary of a holding or part of a holding is entitled to receive fifty per cent of the compensation in respect of that holding or part in a lump under section 80J, the compensation payable to such landowner or intermediary, as the case may be, in respect of that holding or part shall, subject to the provisions of sub-section (3), be 75 per cent of the amount calculated under sub-section (2).

### **Cultivating tenants' right to assignment**

80B. The cultivating tenant of any holding or part of a holding, the right, title and interest in respect of which have vested in the Government under section 80, shall be entitled to assignment of such right, title and interest:

Provided that ---

(a) no cultivating tenant shall be entitled to assignment of the right, title and interest in respect of any holding or part of a holding under this section if he, or if he is a member of a family, such family owns an extent of land not less than the ceiling area;

(b) where the cultivating tenant or, if he is a member of a family, such family, does not own any land or owns an extent of land which is less than the ceiling area, he shall be entitled to the assignment of the right title and interest in respect of only such extent of land as will, together with the land, if any, owned by him or his family, as the case may be, be equal to the ceiling area.

**Explanation.** -- In calculating the extent land owned by the cultivating tenant or, where he is a member of a family, by such family, for the purpose of clauses (a) and (b) of the foregoing proviso, the portion of the land owned by such cultivating tenant or by the family, which is liable to be assigned to the cultivating tenants holding under him or such family, shall not be taken into account.

(2) The provisions of section 92 shall, so far as may be, apply to the calculation of the ceiling area for the purposes of the proviso to sub-section (1):

Provided that if no date has been notified under section 93, the date notified under section 80 shall be deemed to be the date notified under section 93.

(3) Any cultivating tenant entitled to assignment of the right, title and interest in respect of a holding or part of a holding under sub-section (1) may apply to the Land Tribunal within two years from the date of vesting of such right, title and interest in the Government under section 80, or such further time as may be allowed by the Government in this behalf, for such assignment to him.

(4) An application under sub-section (3) shall contain the following particulars, namely: -

(a) the village, survey number and extent of the holding or part to which the assignment relates;

(b) the name and address of the landowner and intermediaries and also of every other person interested in the land and the nature of their interest so far as they are known to him;

(c) the particulars regarding the other lands owned or held by him or if he is a member of a family, by such family; and

(d) such other particulars as may be prescribed.

(5) Where a cultivating tenant is entitled to the assignment of the right, title and interest in respect of only a portion of the holding held by him, he may indicate in the application under sub-section (3) his choice of the portion to which the assignment shall relate.

### **Right of landlord to apply for assignment and compensation**

80C. (1) Any landowner or intermediary whose right, title and interest in respect of any holding have vested in the Government may apply to the Land Tribunal for the assignment of such right, title and interest to the cultivating tenant and for the payment of the compensation due to him under section 80A.

(2) An application under sub-section (1), shall contain the following particulars, namely: --

(a) the village, survey number and extent of the holding to which the assignment relates

(b) the names and addresses of the cultivating tenant, landowner and intermediaries and also of every other person interested in the land and the nature of their interest, so far as they are known to the applicant;

(c) the particulars regarding the other lands held by the cultivating tenant, so far as may be known to the applicant;

(d) the fair rent, if any, fixed, and the contract rent, if any, of the holding;

(e) such other particulars as may be prescribed.

### **Assignment where the application is not made by cultivating tenant**

80D. Notwithstanding anything contained in sub-section (3) of section 80B or section 80C the Land Tribunal may, subject to such rules as may be made by the Government in this behalf, at any time after the vesting of the right, title and interest of the landowners and intermediaries in the Government under section 80, assign such right, title and interest to the cultivating tenants entitled thereto, and the cultivating tenants shall be bound to accept such assignment.

### **Purchase price**

80E. (1) The cultivating tenant shall be liable to pay purchase price to the Government on the assignment to him of the right, title and interest of the landowner and the intermediaries, if any.

(2) The purchase price referred to in sub-section (1) shall be the aggregate of –

(a) sixteen times the fair rent of the holding or part thereof, the right, title and interest in respect of which have been assigned to the cultivating tenant;

(b) the value of structures, wells and embankments of a permanent nature which belonged to the landowner and the intermediaries, if any, at the time of vesting in the Government;

(c) one-half of the value of timber trees which belonged to the landowner and the intermediaries, if any, at the time of vesting in the Government:

Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of timber trees referred to in clauses (b) and (c) exceeds sixteen times the fair rent in respect of the holding or part thereof, as the case may be, such aggregate value shall, for the purpose of calculating the purchase price under this sub-section, be limited to sixteen times such fair rent.

**Explanation.** - For the purposes of this section where the rent is payable in kind, the money value of the rent shall be commuted at the average of the prices of the commodity for the six years immediately preceding the year in which the right, title and interest of the landowner and intermediaries have vested in the Government, and in calculating the average of the prices, the prices, if any, published under section 49 may also be taken into account.

### **Rent of holdings vested in Government but not assigned to cultivating tenants**

80F. Where in respect of any holding or part thereof, the right, title and interest of the landowner and intermediaries have vested in the Government under section 80 and the cultivating tenant is not entitled to the assignment of such right, title and interest by virtue of sub-section (1) of section 80B, the cultivating tenant shall be liable to pay to the Government the rent payable under this Act from the date of vesting under section 80.

### **Constitution of village committees**

80G. (1) The Government shall, by notification in the Official Gazette, constitute a village committee for each village for the purpose of performing the functions of the village committee under this Act.

(2) The village committees shall consist the village officer and six other member nominated by the Government.

(3) The village officer shall be the convenor of the village committee.

(4) The village committee shall elect one of its members to be its chairman.

(5) Three members of the village committee shall constitute the quorum at any meeting of the committee. '

### **Land Tribunal to issue notices and determine the compensation and purchase price**

80H. (1) As soon as may be after the right, title and interest of the landowner and the intermediaries, if any, in respect of a holding or part of a holding have vested in the Government under section 80, or, where an application under section 80B or section 80C has been received by the Land Tribunal, as soon as may be after the receipt of such application, the Land Tribunal shall publish or cause to be published a public notice in the prescribed form in such manner as may be prescribed, calling upon ---

(a) the landowner, the intermediaries, if any, and the cultivating tenant; and

(b) all other persons interested in the land, the right, title and interest in respect of which have vested in the Government,

to prefer claims and objections, if any, within such time as may be specified in the notice and to appear before it on the date specified in the notice with all relevant records to prove their respective claims or in support of their objections.

(2) The Land Tribunal shall also issue a notice individually to the landowner, each of the intermediaries and the cultivating tenant and also, as far as practicable, to the other persons referred to in clause (b) of sub-section (1) calling upon them to prefer claims and objections if any within such time as may be specified in the notice and to appear before it on the date specified in the notice with all relevant records to prove their respective claims or in support of their objections.

(3) Notwithstanding anything contained in sub-section (2), the publication of a notice in the manner referred to in sub-section (1) shall be deemed to be sufficient notice to the landowner, the intermediaries, if any, the cultivating tenant and all other persons interested in the land.

(4) The Land Tribunal shall furnish a copy of the public notice under sub-section (1) along with a statement containing the names, and addresses of the persons to whom individual notice have been issued under sub-section (2) and such other particulars as may be prescribed, to the village committee of the village in which the holding is situate or where the holding is situate in more than one village, the village committee of each such village and require the village committee or village committees, as the case may be, to advise the Land Tribunal on the matters mentioned in sub-section (5) before such date as may be specified in the requisition.

(5) On receipt of the copy of the public notice and the statement from the Land Tribunal under sub-section (4), the village committee, or each of the village committees shall, after such inquiry as may be prescribed advise the Land Tribunal in respect of the following matters, namely: --

(a) the names and addresses of the landowner, the intermediaries, if any, and the cultivating tenant;

(b) the names and addresses of all other persons interested in the land;

(c) such particulars as are necessary for identification of the land comprised in the holding as may be prescribed;

(d) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and intermediaries, if any;

(e) the amount due to the holders of encumbrances or the persons entitled to maintenance or alimony and the order of priority in which the amount is payable; and

(f) such other matters as may be prescribed.

(6) Any person interested in the land, to whom no notice under sub-section (2) has been issued, may apply to the Land Tribunal stating the nature of his claim or objection and the relief he requires.

(7) The Land Tribunal shall, after considering the claims and objections received in pursuance of the notice issued under sub-section (1) or sub-section (2) and the advice received from the village committee or village committees before the date specified therefor and hearing any person appearing in pursuance of the notice issued under sub-section (1) or sub-section (2) and after making due enquiries, pass an order specifying –



(a) the extent, survey number and such other particulars as may be prescribed, of the land, the right, title and interest in respect of which have vested in the Government under section 80;

(b) the compensation due to the landowner and intermediaries, if any;

(c) the amount due to the landowner and each of the intermediaries, if any, on the apportionment of the compensation ;

(d) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the landowner and the intermediaries, if any;

(e) the amount due to the holders of encumbrances or the persons entitled to maintenance or alimony, and the order of priority in which the amount is payable;

(f) the amount payable to the landowner and each of the intermediaries after deducting the value of encumbrances or claims for maintenance or alimony;

(g) the purchase price payable by the cultivating tenant;

(h) the rent payable by the cultivating tenant to the Government in the cases falling under section 80F;

(i) where the landowner or intermediary is a religious, charitable or educational institution of a public nature and is entitled to annuity instead of compensation the amount of such annuity; and

(j) such other particulars as may be prescribed.

(8) Where the right, title and interest of the landowner or the intermediaries in respect of a holding or part of a holding vested in the Government form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of determining the value of the encumbrance or the claim for the maintenance or alimony relating to that holding or part, as the case may be, apportion the entire encumbrance or the charge for the maintenance or alimony between such holding or part and the remaining lands which form the security for the encumbrance or the charge for the maintenance or alimony, in proportion to the values of the two portions.

(9) If the landowner or any intermediary is liable to pay any amount to the cultivating tenant under this Act, the Land Tribunal shall, in passing orders under this section, set off such amount against the compensation payable to the landowner or that intermediary.

(10) Where the cultivating tenant is entitled to the assignment of the right, title and interest in respect only of a portion of the land held by him (whether included in one holding or not), the Land Tribunal shall, as far as possible, assign to the cultivating tenant the right, title and interest in respect of the portion of his choice.

### **Apportionment of compensation by the Land Tribunal**

80I. (1) The compensation payable to the landowner and the intermediaries, if any, for the vesting of their right, title and interest in respect of a holding in the Government under section 80 shall be apportioned among the landowner and the intermediaries, as the case may be, in accordance with the provisions of sub-sections (2) and (3).

(2) The amount of sixteen times the fair rent of the holding or part, the right, title and interest in respect of which have vested in the Government, shall be apportioned among the landowner and the intermediary or intermediaries in proportion to the profits derived by them from the holding or part.

**Explanation.** – “Profits derived from the holding” shall, for the purposes of this sub-section, mean, in the case of the landowner, the rent to which he is entitled and, in the case of an intermediary, the difference between the rent due to him from his tenant and the rent for which the intermediary is liable to his landlord; and where there is no evidence as to the rent for which the intermediary is liable to his landlord, it shall be presumed that such rent is one-half of the rent payable to the intermediary by his tenant.

(3) The value of structures, wells and embankments of a permanent nature and one-half of the value of timber trees shall be payable to the landowner or the intermediary to whom such structures, wells, embankments and timber trees belong:

Provided that where the aggregate of the value of structures, wells and embankments and one-half of the value of timber trees has been limited to sixteen times the fair rent under the proviso to sub-section (2) of section 80A, the amount payable under this sub-section to the landowner and the intermediary or intermediaries shall be sixteen times such fair rent apportioned among the landowner and the intermediary or intermediaries in proportion to the value of the structures, wells, embankments and timber trees belonging to each of them.

(4) Where the right, title and interest of the landowner or an intermediary in respect of the holding were subject to any encumbrance, or charge for maintenance or alimony, the value of such encumbrance, maintenance or alimony shall be deducted from the compensation payable to the landowner or the intermediary, as the case may be, and the landowner, or the intermediary shall be entitled only to the balance amount; and if the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the compensation payable to the landowner or the intermediary, the whole amount shall be reserved for payment to the holder of the encumbrance, or the person entitled to the maintenance or alimony, and the landowner or the intermediary, as the case may be, shall not be entitled to any amount by way of compensation.

**Part payment of compensation, discharge of encumbrances etc.,  
by Land Tribunal**

80J. (1) The Land Tribunal shall pay to the landowner and each of the intermediaries of a holding fifty per cent of the compensation payable to them in respect of that holding in accordance with the provisions of this section.

(2) The amount of compensation payable under sub-section (1) in respect of a holding shall be paid in cash in lump within a period of one year of the date on which the order of the Land Tribunal under sub-section (7) of section 80H has become final.

(3) Where the amount of compensation is not paid on or before the expiry of the period of one year specified in sub-section (2), such amount shall bear interest at the rate of four per cent per annum from the date of expiry of the said period of one year.

(4) Where any amount has been deducted or reserved for payment to the holders of the encumbrances or the persons entitled to the maintenance or alimony, the same shall be paid by the Land Tribunal in their order of priority to the persons entitled thereto.

(5) Where a person entitled to compensation or the value of the encumbrance, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(6) Where the person entitled to receive the compensation or the value of encumbrance is a private trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the compensation or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of such person with such authority or bank as may be prescribed.

(7) Where before any court or authority, any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation or the amount of encumbrance or maintenance or alimony payable under this Act, the court or authority may require the Land Tribunal to place at its disposal the amount so payable, and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

### **Determination and payment of balance compensation**

80K. (1) Every landowner or intermediary shall, as soon as may be, after the determination of the compensation in respect of all holdings held by cultivating tenants under him and in respect of which the right, title and interest of the landowner and intermediaries have vested in the Government, apply to the Land Board for the determination and payment of the compensation due to him after deducting the amount referred to in sub-section (1) of section 80J.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (1), the Land Board shall make such enquiries as may be prescribed and, after giving the applicant an opportunity of being heard, determine the amount of compensation due to the applicant after deducting the amount referred to in sub-section (1) of section 80J.

(4) Subject to such rules as may be made by the Government in this behalf, the amount of compensation determined under sub-section (3) shall be paid either in cash or in negotiable bonds redeemable after the expiry of sixteen years from the date of issue of such bonds and carrying interest at the rate of four and a half per cent per annum with effect from the date of such determination, or partly in cash and partly in such bonds.

(5) Where the compensation is proposed to be paid in cash, it shall be payable in eight equal annual instalments with interest at the rate of four per cent per annum on the instalment in default, the first instalment being payable on the date of expiry of one year from the date of determination of the amount of compensation under sub-section (3).

(6) Notwithstanding anything contained in sub-section (4) or sub-section (5), -

(a) where the cultivating tenant has opted to pay the purchase price payable by him under section 80N in a lump; or

(b) where the landowner or the intermediary is a small holder and the amount of compensation in respect of all holdings held by cultivating tenants under him does not exceed five thousand rupees,

the amount of compensation determined under sub-section (3) shall be paid in cash in lump within one year from the date of such determination and if not so paid shall bear interest at the rate of four per cent per annum from the date of expiry of that period.

(7) the provisions of sub-sections (5), (6) and (7) of section 80J shall, so far as may be, apply to the payment of the amount of compensation determined under sub-section (3).

**Payment of compensation to landowner and intermediary  
to be full discharge**

80L. The payment of compensation under sections 80J and 80K shall be a full discharge of the liability of the Government for payment of such compensation, and no further claims for payment of compensation shall lie against the Government:

Provided that nothing contained in this section shall affect the liability of any person who may receive the whole or any part of the compensation or the value of encumbrances, maintenance or alimony to pay the same to the persons lawfully entitled thereto.

**Issue of certificate of purchase**

80M. As soon as may be after the determination of the purchase price under section 80H, or the passing of an order under sub-section (3) of section 80P the Land Tribunal shall issue a certificate of purchase to the cultivating tenant, and thereupon the right, title and interest of the landowner and the intermediaries, if any, in respect of the holding or part thereof to which the certificate relates, shall vest in the cultivating tenant free from all encumbrances created by the landowner or the intermediaries, if any.

**Explanation.** – For the removal of doubts, it is hereby declared that on the issue of the certificate of purchase, the landowner or any intermediary shall have no right in the land comprised in the holding, and all his rights including rights, if any, in respect of trees reserved for his enjoyment shall stand extinguished.

(2) The certificate of purchase issued under sub-section (1) shall be conclusive proof of the assignment to the tenant of the right, title and interest of the landowner and the intermediaries, if any, over the holding of portion thereof to which the assignment relates.

(3) The purchase price payable by the cultivating tenant shall be a first charge on the land comprised in the holding or part thereof to which the assignment relates and shall be recoverable together with interest as provided in sub-section (3) of section 80O, under the provisions of the Revenue Recovery Act for the time being in force.

#### **Purchase price payable in instalments or in lump**

80N. The purchase price determined under section 80H shall be payable in sixteen equal annual instalments:

Provided that it shall be open to the cultivating tenant to pay the purchase price in a lump, in which case the amount payable, shall be only seventy-five per cent of the purchase price:

Provided further that the cultivating tenant shall exercise his option to pay the purchase price in a lump before the date of the order under sub-section (7) of section 80H, and such option shall be final.

#### **Deposit of purchase price**

80O. (1) Where the purchase price payable by the cultivating tenant is determined under section 80H, the cultivating tenant shall deposit with the Land Tribunal, --

(a) where the purchase price is opted to be paid in a lump, the entire amount due within nine months; or

(b) where the purchase price is to be paid in instalments, the first instalment thereof within three months,

from the date on which the order of the Land Tribunal under sub-section (7) of section 80H has become final.

(2) Where the purchase price is paid in instalments, the second and subsequent instalments shall be deposited with the Land Tribunal within such time and in such manner as may be prescribed.

(3) Where the purchase price or any instalment thereof is not deposited on the due date the amount in default shall bear interest at the rate of four and a half per cent annum from that date till the date of deposit.

### **Assignment by mutual agreement**

80P. (1) Notwithstanding anything to the contrary contained in sections 80A to 80E and sections 80H to 80O, where the right, title and interest of the landowner and the intermediary or intermediaries, if any, in respect of a holding have vested in the Government under section 80, the cultivating tenant, the landowner, the intermediary or intermediaries, if any, the holders of encumbrances, if any, charged on such right, title and interest and the persons entitled to maintenance or alimony, if any, charged on such right, title and interest, may jointly apply to the Land Tribunal for an order assigning the right, title and interest of the landowner and intermediary or intermediaries, if any, to the cultivating tenant:

Provided that nothing in this sub-section shall apply in respect of a holding, if the landowner or any intermediary of that holding is a religious, charitable or educational institution of a public nature which has opted for annuity.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (1), the Land Tribunal may, after such inquiry as may be prescribed, pass an order assigning the right, title and interest of the landowner and the intermediary or intermediaries, if any, to the cultivating tenant.

(4) Before passing an order under sub-section (3), the Land Tribunal shall, so far as may be, follow the procedure laid down in sub-sections (1), (2) (4), (6) and (7) of section 80H.

(5) An order of the Land Tribunal under sub-section (3) shall be in such form and shall contain such particulars as may be prescribed.

(6) Where an order has been passed by the Land Tribunal under sub-section (3), the Government shall have no right to receive any purchase price from the cultivating tenant or liability for the payment of compensation or any other amount in respect of the holding to which the order relates.

(7) Any person affected by the order of a Land Tribunal under sub-section (3) may, within ninety days from the date of the order, apply to that Land Tribunal to set aside the order on the ground that he had no notice of the application under sub-section (1), and the Land Tribunal may either set aside the order and proceed under section 80H or reject the application:

Provided that no order shall be passed under this sub-section without giving the parties interested an opportunity of being heard.

(8) An appeal shall lie from any order passed by the Land Tribunal under sub-section (7) as if such order were an order under section 80H.

**Special provisions relating to institutions which have  
opted for annuity purchase price**

80Q. (1) Notwithstanding anything contained in sections 80J and 80K, where in respect of a holding the landowner or intermediary is a religious, charitable or educational institution of a public nature and ---

(a) an application from such institution for annuity is pending on the date notified by the Government under sub-section (1) of section 80; or

(b) the annuity payable to such institution has been determined, but no notification has been issued under sub-section (9) of section 74,

the Government shall pay to such institution the annuity that would have been payable to the institution under section 75, from the date notified under sub-section (1) of section 80, and the Government shall be entitled, subject to the provisions of section 78, to the purchase price payable by the cultivating tenant and, in the case of any holding, the right, title and interest in respect of which have not vested in the Government on the said date, also the rent to which such institutions entitled from the said date till its right, title and interest are vested in the Government:

Provided that nothing contained in this sub-section shall affect the power of the Land Board to decide whether an institution is a religious, charitable or educational institution of a public nature:

Provided further that nothing contained in this sub-section shall apply in the case of an institution, which is found by the Land Board not to be a religious, charitable or educational institution of as public nature.



(2) An application from a religious, charitable or education institution of a public nature for annuity pending or deemed to be pending on the date notified by the Government under sub-section (1) of section 80 shall, on the date of publication of the Mahe Land Reforms (Amendment) Act, 1980, in the Official Gazette, abate, and where any such application has been made after the date of such publication, that application shall abate on the date on which it is received by the Land Board.

(3) For the removal of doubts it is hereby clarified that the annuity payable to a religious, charitable or education institution of a public nature whose application abates under sub-section (2) shall be determined by the Land Tribunal under section 80H and that section 74 will not apply for such determination.

(4) Notwithstanding anything contained in sections 73 to 77, a religious, charitable or educational institution of public nature which has not expressed its choice for annuity instead of purchase price before the date notified under sub-section (1) of section 80 shall not be entitled to express such choice, and such institution shall be entitled only to the compensation under section 80A.

**Rent paid by cultivating tenant to be adjusted towards  
purchase price and compensation in certain cases**

80R. (1) Any amount paid by way of rent by the cultivating tenant in respect of his holding to the landowner or any intermediary or the Government for the period after the date of vesting of the right, title and interest of the landowner and the intermediaries in respect of the holding in the Government under section 80 shall be adjusted towards the purchase price payable by the cultivating tenant and such amount received by the landowner or any intermediary shall be adjusted towards the compensation payable to him under section 80J.

(2) Where consequent on the determination of the fair rent in respect of a holding, the rent payable by the cultivating tenant to the landowner or any intermediary has been reduced, the amount paid by the cultivating tenant in excess of the rent so determined to the landowner or the intermediary for the period commencing on the beginning of the agricultural year in which the cultivating tenant filed the application for such determination and ending with the date of such determination shall be adjusted towards the purchase price payable by the cultivating tenant and such amount received by the landowner or any intermediary shall be adjusted towards the compensation payable to him under section 80A.

**Applications under section 62 and proceedings relating thereto to  
abate on the date notified under section 80**

80S. (1) All applications under section 62 (other than those which have been rejected and such rejection has become final) and all proceedings in connection therewith, whether pending before the appellate authority or the High Court or the Land Board, shall, if the certificates of purchase have not been issued under sub-section (2) of section 67, abate with effect from the date notified under sub-section (1) of section 80, and no party shall be liable to pay the cost of any other party in any such proceedings.

(2) Where a certificate of purchase is issued under section 80M in respect of any holding or part thereof to which an application referred to in sub-section (1) relates, ---

(a) the right, title and interest of the landowner and intermediaries in respect of such holding or part shall be deemed to have vested in the cultivating tenant from the date of such application;

(b) any amount paid or deposited by the cultivating tenant by way of rent after the date of such application shall be adjusted towards the purchase price payable by him under section 80E;

(c) any such amount received or withdrawn by the landowner or any intermediary shall be adjusted towards the compensation payable to him under section 80J and if the amount of compensation payable under that section is not sufficient, the balance shall be adjusted towards the compensation payable to him under section 80K; and

(d) any purchase price deposited by the cultivating tenant shall be adjusted towards the purchase price payable by him under section 80E.

**Vesting of landlords' right not to affect right to recover arrears of rent**

80T. The vesting of the right, title and interest of a landowner or an intermediary in respect of any holding or part of a holding in the cultivating tenant under sub-section (2) of section 67 or in the Government under sub-section (9) of section 74 or section 80 shall not affect the right of the landowner or the intermediary to recover the arrears of rent due to him before the date of such vesting, and any such arrears may be recovered as if such vesting had not taken place, subject to the provisions of section 81.

### **Special provisions regarding jenmikaram**

80U. Where the right, title and interest of a kanam tenant in respect of any holding or part of a holding have vested in a cultivating tenant, then, such cultivating tenant shall be liable to pay the jenmikaram in respect of such holding or part ---

(a) where such vesting is under sub-section (2) of section 67 or sub-section (2) of section 80S, from the date on which such right, title and interest are deemed to have vested in the cultivating tenant; and

(b) in other cases, from the date on which such right, title and interest have vested in the Government,

and the kanam tenant shall have no liability to pay such jenmikaram.

(2) Where the Government have paid any jenmikaram for or during the period commencing on the date on which the right, title and interest of the kanam tenant have vested in the Government under section 80 and ending with the date on which the certificate of purchase has been issued to the cultivating tenant, which the cultivating tenant is laible to pay under sub-section (1), such amount of jenmikaram may be recovered from the cultivating tenant as arrears of public revenue due on land.

### **Liability for assessment after the date of vesting under section 80**

80V. Notwithstanding anything contained in any law for the time being in force, or in any contract, where the right, title and interest of the landowner and the intermediaries, if any, in respect of a holding have vested in the Government under section 80, the cultivating tenant of that holding shall be liable to pay the basic tax payable in respect of that holding under the said Act and other taxes and cesses due in respect of that holding.

### **Discharge of arrears of rent**

81. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any contract, or in any judgment, decree or order any court or tribunal, the landlord of a tenant specified in column (1) of the Table below shall be entitled to recover towards arrears of rent accrued due before the 1<sup>st</sup> day of March, 1971 and outstanding at the commencement of the Mahe Land Reforms (Amendment) Act, 1980, only the amount specified in the corresponding entry in column (2) of the Table:

Provided that where an intermediary has collected rent from his tenant for any period prior to the 1<sup>st</sup> day of March, 1971 and has not paid the rent payable by him to his landlord for the period for which he has so collected, he shall also be liable to pay the rent payable by him for such period to his landlord:

Provided further that, subject to the foregoing proviso, no intermediary shall be liable to pay to his landlord anything in excess of what he is entitled to receive under this sub-section.

**TABLE**

Class of tenant (1)	Amount of rent to be paid for discharge (2)
Tenant possessing not more than 5 acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise	One year's rent or the actual amount in arrears, whichever is less
Tenant possessing more than 5 acres but not more than 10 acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise	Two years' rent or the actual amount in arrears, whichever is less
Tenant possessing more than 10 acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise	Three years' rent or the actual amount in arrears, whichever is less:

Provided that where the tenant is in possession of more than fifteen acres of land in the aggregate, whether as owner, mortgagee, lessee or otherwise, and the landlord is a small holder, the tenant shall be liable to pay the actual amount in arrears.

**Explanation.** – For the purposes of this section, the rent for a year shall be deemed to be an amount equal to the rent payable for the year immediately preceding the commencement of the Mahe Land Reforms (Amendment) Act, 1980 and which was accrued due before such commencement.

(2) Where any suit, appeal, revision or application which involves a claim by a landlord for arrears of rent accrued due prior to the 1<sup>st</sup> day of March, 1971, is pending before any court or Land Tribunal, such court or Land Tribunal may, after such enquiry as it deems fit, pass an order specifying ---

(a) the amount to which the landlord is entitled under sub-section (1);

(b) the costs, if any, awarded to the landlord in connection with the conduct of the proceedings after the commencement of the Mahe Land Reforms (Amendment) Act, 1980;

(c) the costs, if any, awarded to the tenant in connection with the conduct of the proceedings after such commencement; and

(d) where such costs are awarded to the tenant, the amount due to the landlord after deducting such costs.

(3) Where any decree or order has been passed in favour of a landlord before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, by any court or Land Tribunal for the recovery of arrears of rent accrued due prior to the 1<sup>st</sup> day of March, 1971, such decree or order shall be enforceable only to the extent of the amount due to such landlord under sub-section (1); and to determine such amount, any of the parties to the decree or order may apply to the court or the Land Tribunal, as the case may be, which passed the decree or order, to amend such decree or order in accordance with the provisions of sub-section (1).

(4) On receipt of an application under sub-section (3), the court or the Land Tribunal, as the case may be, may, after such enquiry as it deems fit, reopen the decree or order and pass an order containing the particulars specified in sub-section (2).

(5) Any landlord who has not instituted a suit or applied under section 32 for recovery of arrears of rent accrued due prior to the 1<sup>st</sup> day of March, 1971, before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, may apply to the Land Tribunal under that section for recovery of the amount due to him under sub-section (1) of this section.

(6) Notwithstanding anything contained in section 32, on receipt of an application referred to in sub-section (5), the Land Tribunal may, after such enquiry as it deems fit, pass an order containing the particulars specified in sub-section (2).

(7) The tenant shall deposit the amount specified in an order under sub-section (2) or sub-section (4) or sub-section (6) as due from him in the court or Land Tribunal which passed the order within a period of six months from the date of the order.

(8) If the tenant fails to deposit any amount as required by sub-section (7), such amount shall, on a written requisition from the court or the Land Tribunal, as the case may be, to the Collector, be recovered under the provisions of the Puducherry Revenue Recovery Act, 1970, together with interest at the rate of six per cent per annum from the date of the order under sub-section (2) or sub-section (4) or sub-section (6), as the case may be.

(9) The assignment by a landlord of his right to receive arrears of rent to any other person shall not affect the benefits conferred on a tenant under this section.]

#### **Prohibition of future tenancies**

82. (1) After the commencement of this Act, no tenancy shall be created in respect of any land.

\*[omitted]

(2) Any tenancy created in contravention of the provisions of sub-section (1) shall be invalid.

#### **Kudikidappukaran to have fixity**

83. \*(1) No Kudikidappukaran shall be liable to be evicted from his kudikidappu except on the following grounds, namely : ---

(i) that he has alienated his right of kudikidappu to a person other than ---

(a) a member of his family; or

(b) a person who has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead and whose annual income does not exceed two thousand rupees;

(ii) that he has rented or leased out his entire kudikidappu to another person for a period of not less than two years;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(iii) that he has ceased to reside in the kudikidappu continuously for a period of two years; or

(iv) that he has another kudikidappu or has obtained ownership and possession of land which is fit for erecting a homestead.

Provided that the kudikidappu shall not be liable to be evicted on the ground mentioned in clause (iv) if the extent of the land over which he has obtained ownership and possession is not more than five cents:

Provided further that a kudikidappukaran shall be liable to be evicted, if he has obtained ownership and possession of land where the extent of such land exceeds twenty-five cents.

**Explanation I.** – For the purposes of this sub-section, ‘member of family’ shall mean, in the case of a joint family, any member of such family, and in other cases, wife or husband, as the case may be, and any of their lineal descendants.

**Explanation II.** – For the purpose of this sub-section, a kudikidappukaran shall not be deemed to have ceased to reside in a kudikidappu, notwithstanding the fact that he was not actually residing therein, if any of his near relatives who was residing with him in the kudikidappu continues to reside in the kudikidappu; and in such a case, the near relative who continues to reside in the kudikidappu shall be liable for the rent payable by the kudikidappukaran; and “near relative” shall mean husband or wife, children, grandchildren, father, mother, brother, sister or children of brother or sister.]

(2) Notwithstanding anything contained in sub-section (1), the person in possession of the land on which there is a homestead or hut (hereinafter in this sub-section referred to as the landholder) in the occupation of a kudikidappukaran may, if he *bonafide* requires the land—

\*[(a) for constructing a building for his own residence or for the residence of any member of his family including major sons and daughters; or ]

(b) for purposes in connection with a town planning scheme approved by the competent authority; or

(c) for any industrial purpose, require the kudikidappukaran to shift to a new site belonging to him, subject to the following conditions, namely: -

(i) the landlord shall pay to the kudikidappukaran the price of the homestead, if any erected by the kudikidappukaran;

(ii) the new site shall be fit for erecting a homestead and shall be within a distance of one mile from the existing kudikidappu;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

\*[(iii) the extent of new site shall be the extent of the existing kudikidappu, subject to a minimum of five cents;]

(iv) the landlord shall transfer ownership and possession of the new site to the kudikidappukaran and shall pay to him the reasonable cost of shifting the kudikidappu to the new site.

\*[(3) Notwithstanding anything contained in sub-sections (1) and (2), where the total extent of land held by a person, either as owner or as tenant, is less than one acre and there is a kudikidappu for constructing a building for his own residence, apply to the Government for the acquisition of land to which the kudikidappu may be shifted:

Provided that, after the expiry of a period of two years from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, an application shall not be made under this sub-section except with the consent of the kudikidappukaran.

**Explanation.** – For the purposes of this sub-section, ---

(a) the total extent of land held by a person shall be computed as on the 24<sup>th</sup> day of January, 1971;

(b) in calculating the total extent of land held by a person who is a member of a family, the extent of the land held by any member of his family or jointly by some or all of the members of such family shall also be taken into consideration.

(3A) In an application under sub-section (3), the applicant shall offer to deposit, whenever called for, eighty-seven and a half per cent of the amount of compensation payable for acquisition of land equal to the extent of the existing kudikidappu subject to a minimum of five cents.

(3B) An officer authorised by the Government in this behalf may, after collecting the amount referred to in sub-section (3A) from the applicant acquire the necessary land under the Land Acquisition Act, 1894, give possession of the land to the kudikidappukaran and require him to shift to the said land, and thereupon the kudikidappukaran shall be bound to shift to the new site.

(3C) Where the kudikidappukaran does not shift to the land acquired in pursuance of sub-section (3B) within a period of one month from the date of service on him of the requisition under that sub-section, the officer referred to in that sub-section shall cause him to be evicted from the existing kudikidappu.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



(3D) The kudikidappukaran shall be entitled before he shifts as required under sub-section (3B) to receive from the person in possession of the land on which his kudikidappu is situate the expenses as determined by the officer referred to in that sub-section to be reasonably required to shift to the new site.

(3E) Where the kudikidappukaran shifts as required under sub-section (3B), or is evicted under sub-section (3C), he shall be entitled to the ownership and possession of the land to which he shifts or is bound to shift, as the case may be, and also to the registry of such land in his name.

(3F) Twelve and a half per cent of the amount of compensation payable for the acquisition under sub-section (3B) shall be met from the Kudikidappukars Benefit Fund constituted under section 118A.

(4) Where the person in possession of the land in which there is a kudikidappu considers that the kudikidappu is so located as to cause inconvenience to him, he may require the kudikidappukaran to shift to another part of land which is fit for the location of the kudikidappu:

Provided that the kudikidappukaran shall have the right to opt for the portion to which the kudikidappu may be shifted:

Provided further that the kudikidappukaran shall not be entitled to opt for any portion which is not adjoining the boundaries of the land, except with the consent of the person in possession of the land:

Provided also that if the kudikidappukaran refuses to opt, he shall be bound to shift to the portion to which he is required to shift by the person in possession of the land:

Provided also that the person in possession of the land shall transfer to the kudikidappukaran his rights over the land to which the kudikidappu is to be shifted, which shall be equal to the extent of the existing kudikidappu subject to a minimum of five cents and pay the price of the homestead, if any, erected by the kudikidappukaran and the cost of shifting the kudikidappu.]

(5) Where the owner of the land in which there is a kudikidappu considers that the kudikidappu is so located as to cause inconvenience to him, he may require the kudikidappukaran to shift to another part of the land:

Provided that the site to which the kudikidappu is required to be shifted is fit for the location of the kudikidappu.

Provided further that the owner of the land shall transfer to the kudikidappukaran ownership and possession of the land equal to the extent of the existing kudikidappu, subject to a minimum of three cents and a maximum of ten cents and pay the price of the homestead if any erected by the kudikidappukaran and the cost of shifting the kudikidappu.

### **Rent payable by kudikidappukaran**

84. (1) All arrears of rent, if any, payable, by a kudikidappukaran on the date of the commencement of \*[the Mahe Land Reforms (Amendment) Act, 1980] whether the same be payable under any law, custom or contract or under a decree or order of court, shall be deemed to be fully discharged if he pays one year's rent or the actual amount in arrears, whichever is less.

(2) On and after the commencement of this Act, notwithstanding any contract, decree or order of court, a kudikidappukaran shall not be required to pay more than six rupees yearly as rent in respect of his kudikidappu.

Provided that a kudikidappukaran who was not liable to pay any rent in respect of his kudikidappu immediately before the commencement of this Act shall not be liable to pay any rent; nor shall a kudikidappukaran be liable to pay any rent in excess of that which he was paying before the commencement of this Act.

### **Procedure to enforce shifting of kudikidappu in certain cases**

\*[85. (1) If the kudikidappukaran does not comply with the requisition made under sub-section (2) or sub-section (4) of section 83 by the person in possession of the land to shift to a new site, such person may apply to the Land Tribunal having jurisdiction to entertain an application under section 88B in respect of the kudikidappu to be shifted, to enforce compliance with such requisition:

Provided that no application under this sub-section shall be made without giving the kudikidappukaran one month's notice by registered post:

Provided further that the Land Tribunal shall not entertain any application under this sub-section in respect of a kudikidappu, if an order under sub-section (3) of section 88B allowing an application for the purchase of that kudikidappu has been passed and such order is in force.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) The Land Tribunal, after such inquiry as it deems fit, and on being satisfied that the applicant has complied with all the conditions mentioned in sub-section (2) or sub-section (4), as the case may be, of section 83, may pass an order requiring the kudikidappukaran to shift the kudikidappu before such date as may be specified in the order.

(3) If the kudikidappukaran does not shift the kudikidappu before the date specified in the order under sub-section (2), the Land Tribunal shall cause the kudikidappukaran to be evicted from the kudikidappu].

**Right of kudikidappukaran to be heritable but not alienable  
except in certain cases**

\*[86. The rights of a kudikidappukaran in his kudikidappu shall be heritable but not alienable except to any person mentioned in sub-clause (a) or sub-clause (b) of clause (i) of sub-section (1) of section 83.]

**Right of kudikidappukaran to maintain, repair, etc., homestead or hut**

87. The kudikidappukaran shall have the right to maintain, repair and reconstruct with the same or different materials, but \*[without increasing by more than fifty per cent of the plinth area, as existing at the commencement of the Mahe Land Reforms (Amendment) Act, 1980,] the hut belonging to the person who permitted occupation by the kudikidappukaran, or the homestead at his own cost.

\*[**Explanation.** – In this section and in section 87A “homestead” includes a dwelling house occupied by a person who is deemed to be a kudikidappukaran under **Explanation II** to clause (24) of section 2.]

**Customary and other rights of kudikidappukaran**

\*[87A.(1) Notwithstanding anything contained in any law, or in any contract or in any judgment, decree or order of court, the kudikidappukaran shall be entitled to all rights accrued to him by custom, usage or agreement and which he was enjoying immediately before the commencement of this Act.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(2) Notwithstanding anything contained in any law, or in any judgment, decree or order of court but without prejudice to any rights to which a kudikidappukaran may be entitled under any other law for the time being in force or under any custom, usage or contract, a kudikidappukaran shall in respect of his kudikidappu have all the rights and privileges conferred on the owner of a land under the Indian Easements Act, 1882, (Central Act 5 of 1882) as if the kudikidappukaran were the owner of his kudikidappu from the date on which the hut or homestead, as the case may be, was occupied or erected.

(3) Notwithstanding anything contained in any law, or in any judgment, decree or order of court, or in any contract, it shall not be necessary to obtain the consent of the owner or occupier or both of the land in which a kudikidappu is situate, to lay down or place any electric supply line or other work on, over or under such land for the purpose of supply of electrical energy to the kudikidappu for domestic consumption and use.

(4) Notwithstanding anything contained in any law, or in any judgment, decree or order of court, or in any contract, it shall not be necessary to obtain the consent of the owner or occupier of both of the land in which a kudikidappu is situate to lay down any pipe or to carry out any other work on, over or under such land for the purpose of supply of water to the kudikidappu for domestic consumption and use.

**Explanation.** – For the purposes of this section, enjoyment of any benefit or concession for a continuous period of three years immediately preceding the commencement of this Act shall be deemed to be enjoyment of a right accrued to the kudikidappukaran by custom, usage or agreement.]

### **Register of kudikidappukars**

88. (1) The Government shall cause a register to kudikidappukars to be prepared and maintained in each village.

(2) The register shall show:-

- (a) the description of the land in which the kudikidappu is situate;
- (b) the location of the kudikidappu and its extent;
- (c) the name of the landowner and of the person in possession of the land in which the kudikidappu is situate;
- (d) the name and address of the kudikidappukaran;
- \*[(dd) the rights referred to in section 87A;]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(e) such other particulars as may be prescribed.

\*[(3) Subject to such rules as may be made by the Government in this behalf, the Deputy Tahsildar shall prepare a register of kudikidappukars.

(4) The register shall be maintained by the Deputy Tahsildar in such manner as may be prescribed.

(5) Any person aggrieved by the registration of a kudikidappukaran under sub-section (3) or the refusal to register a person claiming to be a kudikidappukaran may, within ninety days from the date of registration or refusal, as the case may be, appeal to the Deputy Collector (Revenue), Mahe.

(6) On receipt of an appeal under subsection (5), the Deputy Collector (Revenue), Mahe, may call for the record of any proceeding in which the Deputy Tahsildar has passed any order under this section and may make such enquiry or cause such enquiry to be made and may pass such orders thereon as he thinks fit:

Provided that no order prejudicial to any person shall be passed without giving him an opportunity of being heard.]

#### **Right of kudiyruppukaran to purchase his kudikidappu**

\*[88A. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, a kudikidappukaran shall, subject to the provisions of this section, have the right to purchase the kudikidappu occupied by him and lands adjoining thereto.

(2) Notwithstanding anything contained in sub-section (1), where the total extent of land held by the person in possession of the land in which the kudikidappu is situate, either as owner or as tenant is less than one acre, the kudikidappukaran shall be entitled to purchase his kudikidappu and lands adjoining thereto only in cases where the person in possession of the land in which the kudikidappu is situate does not apply to the Government under sub-section (3) of section 83 for the acquisition of the land to which the kudikidappu may be shifted, within a period of two years from the commencement of the Mahe Land Reforms (Amendment) Act, 1980:

Provided that in a case where the person in possession of the land has applied under sub-section (3) of section 83, the kudikidappukaran shall be entitled to purchase his kudikidappu and lands adjoining thereto if such application by the person in possession of the land is rejected or if such person fails to pay the expenses for shifting the kudikidappu as required by sub-section (3D) of section 83.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(3) The extent of land which the kudikidappukaran is entitled to purchase under this section shall be five cents:

Provided that where the land available for purchase is the land in which the kudikidappu is situate, or the land in which the kudikidappu is situate is less than the extent specified in this sub-section, the kudikidappukaran shall be entitled to purchase only the land available for purchase or, as the case may be, the land in which the kudikidappu is situate.

(4) Notwithstanding anything contained in sub-section (3), where in the lands held by a person, either as owner or as tenant, there are more kudikidappukars than one, the maximum extent of land which is liable to be purchased under this section shall be, ---

(a) where such person holds less than one acre of land, five cents;

(b) where such person holds one acre or more, but less than two acres, of land, ten cents;

(c) where such person holds two acres or more, but less than three acres, of land, fifteen cents;

(d) where such persons holds three acres or more, but less than four acres, of land, twenty cents;

(e) where such person holds four acres or more, but less than five acres, of land, twenty-five cents:

Provided that the extent of land which a kudikidappukaran shall be entitled to purchase shall, in no case, exceed the extent specified in sub-section (3):

Provided further that if in any case falling under clause (b) or clause (c) or clause (d) or clause (e), the extent specified in that clause is not sufficient for the purchase of an extent of five cents of land by each kudikidappukaran, the extent of land which is liable to be purchased under this section shall be the extent required for purchase of five cents by each kudikidappukaran:

Provided also that where any person in possession of any land in which there is a kudikidappu or more than one kudikidappu, has voluntarily transferred such land on or after the 24<sup>th</sup> day of January, 1971 and before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 or voluntarily transfers such land on or after such commencement, the kudikidappukaran or each of the kudikidappukars shall be entitled to purchase such extent of land as he would have been entitled to purchase such extent of land as he would have been entitled to purchase if such transfer had not taken place.

(5) Where any person holds five acres or more of land, either as owner or as tenant, and there are more kudikidappukars than one in the lands held by him, each of the kudikidappukars shall be entitled to purchase the extent of land specified in sub-section (3).

(6) No kudikidappukaran shall be entitled to purchase any land which is not in the lawful possession of the person who holds the land in which the kudikidappuis situate or which is not within the boundaries of such land.

(7) The purchase price payable by a kudikidappukaran in consideration of the purchase allowed under this section shall be twenty-five per cent of the market value of the land purchased and the improvements thereon, other than the improvements, if any, belonging to the kudikidappukaran:

Provided that where the person in possession of the land in which the kudikidappu is situate or, where he is a member of a family, such family, holds lands in excess of the ceiling area, the purchase price payable by the kudikidappukaran shall be one-half of the purchase price payable under this sub-section.

**Explanation.** – The provisions of section 92 shall, so far, as may be, apply to the calculation of the ceiling area for the purposes of the foregoing proviso, and if no date has been notified under section 93, the date of the application under sub-section (1) of section 88B shall be deemed to be the date notified under section 93.

(8) One-half of the purchase price payable by the kudikidappukaran shall be met from the Kudikidappukars Benefit Fund constituted under section 118A and one-half of such price shall be paid by the kudikidappukaran in twelve equal annual instalments:

Provided that it shall be open to the kudikidappukaran to deposit with the Land Tribunal his share of the purchase price in a lump within the period specified in sub-section (1) of section 88C.

(9) Notwithstanding anything contained in sub-sections (7) and (8) the kudikidappukaran shall not be liable to pay his share of the purchase price in cases where the person in possession of the land in which the kudikidappuis situate or, where the person in possession of the land is holding such land under a landlord or more than one landlord and the right, title and interest of such landlord or landlords have not vested in the Government under section 80, the person in possession of such land and such landlord or landlords agrees or agree in writing that the kudikidappukaran need not pay his share of the purchase price.

(10) Where the kudikidappukarn applies under sub-section (1) of section 88B for purchase of his kudikidappu, and the Land Tribunal, on application, within such time as may be prescribed, by the person in possession of the land in which the kudikidappu is situate is satisfied that the portion to be purchased is so located as to cause inconvenience to him, the Land Tribunal may require the kudikidappukaran to purchase another portion of that land:

Provided that the kudikidappukaran shall have the right to opt for the portion to be purchased by him:

Provided further that the kudikidappukaran shall not be entitled to opt for any portion which is not adjoining the boundaries of the land, except with the consent of the person in possession of the land:

Provided also that if the kudikidappukaran purchases another portion of the land, the person in possession of the land shall be liable to pay the price of the homestead, if any, erected by the kudikidappukaran and the cost of shifting the kudikidappu to such portion.

(11) If any kudikidappukaran refuses to opt under sub-section (9), his application under sub-section (1) of section 88B shall be dismissed.

(12) Notwithstanding anything contained in sub-sections (4) and (5), where there are more kudikidappukars than one and the extent of the land which the kudikidappukars are entitled to purchase, or the extent of the land in which the kudikidappus are situate, is less than the multiple of the number of kudikidappukars and the extent which each kudikidappukaran is entitled to purchase under this section, the land available for purchase, or the land in which the kudikidappus are situate, as the case may be, shall, in the absence of any agreement among the kudikidappukars, be apportioned in equal shares, as far as practicable, for purchase by the kudikidappukars.

(13) For the purposes of this section, ----

(a) the extent of land held by a person shall be the total extent of land held by such person, either as owner or as tenant, on the 24<sup>th</sup> day of January, 1971;

(b) in calculating the extent of land held by a person who is a member of a family and the number of kudikidappukars in the lands held by such person, the extent of the land held individually by any member of his family or jointly by some or all of the members of such family, and the number of kudikidappukars thereon shall also be taken into consideration;



(c) in deciding the extent of land available for purchase by the kudikidappukaran or kudikidappukars, ----

(i) any voluntary transfer effected, or any boundaries put up or any building or other structures erected, after the 24<sup>th</sup> day of January, 1971, shall not be taken into account;

(ii) the sites of the buildings and other structures situate on the land shall be excluded.

#### **Procedure for purchase by kudikidappukaran**

88B. (1) A kudikidappukaran entitled under section 88A to purchase the kudikidappu occupied by him and lands adjoining thereto may apply to the Land Tribunal for such purchase.

(2) An application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) The Land Tribunal shall, after giving notice to the kudikidappukars in the land in which the kudikidappu is situate and other persons interested in the land and after such enquiry as may be prescribed, pass such orders on the application as it thinks fit:

Provided that where an application under sub-section (1) of section 85 in respect of the kudikidappu is pending, the Land Tribunal shall not pass any order under this sub-section before the disposal of that application.

(4) An order under sub-section (3) allowing an application shall specify --

(i) the extent of land which the kudikidappukaran is entitled to purchase;

(ii) the purchase price payable in respect of the land allowed to be purchased by the kudikidappukaran;

(iii) the amounts due to the person in possession of the land in which the kudikidappu is situate and other persons interested in the land;

(iv) the value of encumbrances subsisting or claims for maintenance or alimony charge on the land allowed to be purchased by the kudikidappukaran;

(v) the amount payable to the holder of the encumbrance or the person entitled to the maintenance or alimony and the order of priority in which such amount is payable;

(vi) such other particulars as may be prescribed.

(5) If the person in possession of the land in which the kudikidappu is situate or the landowner or the intermediary, if any, of the land is liable to pay any amount to the kudikidappukaran towards the price of the homestead or the cost of shifting the kudikidappu, the Land Tribunal shall, in passing orders on the applications for purchase, set off such amount against the purchase price payable to such person.

(6) Where the right, title and interest of the person in possession of the land in which the kudikidappu is situate or any other person interested in the land form part of the security for any encumbrance or charge for maintenance or alimony, the Land Tribunal shall, for the purpose of determining the value of the encumbrance or the charge for the maintenance or alimony relating to the portion in respect of which purchase is allowed, apportion the entire encumbrance or charge for the maintenance or alimony between the land in which the kudikidappu is situate and the portion allowed to be purchased in proportion to the values of the two portions.

(7) Where the person in possession of the land in which the kudikidappu is situate is a tenant, the purchase price payable in respect of the land to be purchased shall be apportioned among the landowner, the intermediaries, if any, and the tenant in possession of the land in proportion to the profits derivable by them from the holding.

**Explanation.** -- "Profits derivable from the land" shall be deemed to be equal to,---

(i) in the case of a landowner, the rent which he was entitled to get from the tenant holding immediately under him;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord; and

(iii) in the case of the tenant in possession, the difference between the net income and the rent payable by him, and the rent payable by such tenant and the intermediary for the purposes of this **Explanation** shall be as calculated under the provisions of this Act.

### **Deposit of purchase price and issue of certificate of purchase**

88C. (1) Where the kudikidappukaran is liable to pay his share of the purchase price, he shall deposit the first instalment thereof with the Land Tribunal within a period of six months from the date on which the order of the Land Tribunal under sub-section (3) of section 88B has become final or within such further period not exceeding six months as may be allowed by the Land Tribunal for reasons to be recorded.

(2) As soon as may be after the order of the Land Tribunal under sub-section (3) of section 88B has become final, the Land Tribunal shall issue a certificate of purchase in such form and containing such particulars as may be prescribed, and thereupon the right, title and interest of the landowner, the intermediaries, if any, and the person in possession where he is not the landowner, in respect of the land allowed to be purchased, shall vest in the kudikidappukaran free from all encumbrances with effect from the date on which the order of the Land Tribunal under the said sub-section (3) has become final.

(3) After the issue of the certificate of purchase in respect of any land under sub-section (2), the Land Tribunal may, on application by the kudikidappukaran, put him in possession of that land, if need be, by removing any person who refuses to vacate the same.

(4) Where the certificate of purchase issued to the kudikidappukaran is in respect of another portion of the land and the kudikidappukaran does not vacate the existing kudikidappu within a reasonable time after the issue of such certificate, the Land Tribunal shall cause him to be evicted from the existing kudikidappu.

(5) The instalments of the purchase price shall be deposited in the Government treasury in the prescribed manner to the credit of the Land Tribunal.

(6) The instalments of the purchase price payable by the kudikidappukaran, if not deposited on the due date, shall be a first charge on the land to which the purchase relates and shall be recoverable together with interest as provided in section 88D under the provisions of the Puducherry Revenue Recovery Act, 1970 (Act No.14 of 1970).

#### **Interest on defaulted instalments of purchase price**

88D. If any instalment of the purchase price payable by the kudikidappukaran is not deposited on the due date, the amount of such instalment shall bear interest at the rate of four and a half per cent per annum from that date till the date of the deposit of that instalment.

**Payment of purchase price, amount of encumbrance,  
maintenance or alimony**

88E. (1) The purchase price payable by the kudikidappukaran shall be distributed by the Land Tribunal according to the provisions of sub-sections (2) to (8).

(2) Where the right, title and interest of the landowner and the intermediaries, if any, and the person in possession, of the land in which the kudikidappu is situate were subject to any encumbrance or charge for maintenance or alimony, the purchase price shall be paid to the person in possession of the land or apportioned among the landowner, the intermediaries, if any, and the person in possession of the land in accordance with the order of the Land Tribunal under sub-section (3) of section 88B.

(3) Where the right, title and interest of the landowner and the intermediaries, if any, or the person in possession, of the land in which the kudikidappu is situate were subject to any encumbrance or charge for maintenance or alimony, the value of such encumbrance, maintenance or alimony shall be deducted from the purchase price payable to the landowner, the intermediaries or the person in possession, as the case may be, and the balance amount shall be paid to the landowner or the intermediaries or the person in possession, as the case may be.

(4) If the total amount of such encumbrance, maintenance or alimony is equal to or more than the amount of the compensation payable to the landowner or the intermediary or the person in possession, as the case may be, the whole amount shall be reserved for payment to the holder of the encumbrance or the person entitled to the maintenance or alimony, and no amount shall be paid to the landowner or the intermediary or the person in possession, as the case may be.

(5) Where any amount has been deducted or reserved for payment to the holders of encumbrances or the persons entitled to the maintenance or alimony, the same shall be paid in their order of priority to the persons entitled thereto.

(6) Where a person entitled to the purchase price or the value of the encumbrance, maintenance or alimony dies before it is paid to him, it shall be paid to his legal representatives.

(7) Where the person entitled to receive the purchase price or the value of encumbrance is a private trust or endowment or a minor or a person suffering from legal disability or a limited owner, the purchase price or the value of encumbrance may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of such person with such authority or bank as may be prescribed.

(8) Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the purchase price or the amount of encumbrance or maintenance or alimony payable under this section, the court or authority may require the Land Tribunal to place at its disposal the amount so payable, and thereupon the same shall be disposed of in accordance with the orders of the court or authority.

#### **Payment of purchase price to landowner etc., to be full discharge**

88F. The payment of purchase price or the value of encumbrance, maintenance or alimony to the landowner, the intermediaries, if any, and the person in possession, of the land in which the kudikidappu is situate and other persons entitled thereto in the manner specified in section 88E shall be a full discharge of the liability for the payment of purchase price to the landowner, the intermediaries, if any, and the person in possession, of the land in which the kudikidappu is situate, and no further claims for payment of purchase price shall lie.

#### **Contribution towards purchase price**

88G. (1) The amount to be met from the kudikidappukars Benefit Fund under sub-section (8) of section 88A shall be made available to the Land Tribunal in twelve equal annual instalments for payment to the persons entitled thereto:

Provided that except in cases where the kudikidappukaran is not liable to pay his share of the purchase price or where no purchase price is due from the kudikidappukaran after set off as provided in sub-section (5) of section 88B, the first instalment shall not be made available to the Land Tribunal before the deposit of the first instalment of the purchase price due from the kudikidappukaran or, where the purchase price due from the kudikidappukaran is deposited in a lump sum, before the deposit of such lump sum.

(2) The Land Tribunal shall pay the amount of each instalment made available to it under sub-section (1) to the persons entitled thereto on such date and in such manner as may be prescribed.]

### **Prevention of eviction of scheduled cases**

89. Notwithstanding anything to the contrary contained in this Act or in any other law or in any contract, custom or usage, or in any judgment, decree or order of court, no person shall evict or attempt to evict a cultivating tenant or holder of a kudiyruppu or kudikidappukaran, from his holding, kudiyruppu or kudikidappu if such tenant or holder is a member of any Scheduled Caste:

Provided that nothing in this section shall apply to ---

(i) lands or buildings or both belonging to or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority, or a Corporation owned or controlled by any of the said Government or authority; or

(ii) Any lease of land or building or both granted by the Administrator-General, Official Trustee or Official Receiver.

### **Stay of suits or other proceedings for eviction**

90. Where, in any suit or other proceeding for the eviction of a cultivating tenant, a holder of a kudiyruppu or a kudikidappukaran, from his holding kudiyruppu or kudikidappu, as the case may be, whether pending at the commencement of this Act or instituted after such commencement, the cultivating tenant, or the holder of a kudiyruppu or the kudikidappukaran, makes a representation to the court in which such suit or other proceeding is pending or instituted that no record of rights in respect of the holding or register of kudikidappukars in respect of the village in which the kudikidappu is situate, as the case may be, has been prepared, the court shall not proceed with the suit or proceeding until the record of rights in respect of the holding or the register of kudikidappukars, as the case may be, is prepared and made available to it and the court shall also by order direct the officer specified under sub-section (3) of section 35, to prepare a record of rights in respect of the holding, or, as the case may be, a register of kudikidappukars and to file the same in court, and such officer shall cause the same to be prepared in the manner prescribed.

## CHAPTER - III

### RESTRICTION ON OWNERSHIP AND POSSESSION OF LAND IN EXCESS OF CEILING AREA AND DISPOSAL OF EXCESS LANDS

#### Exemptions

91. (1) The provisions of this Chapter shall not apply to ---

(a) lands owned or vested in the Government of the Union territory of Puducherry, the Government of India, the Government of any State in India, a local authority, or any other authority which the Government may, in public interest, exempt, by notification in the Official Gazette, from the provisions of this Chapter.

\*[Provided that the exemption under this clause shall not apply to lands owned by the Government and held by any person under lease whether current or time expired or otherwise.

**Explanation I.** – For the purposes of this clause, lands escheated to the Government and held by tenant entitled to fixity of tenure under section 8 shall not be deemed to be lands owned by the Government of the Union territory of Puducherry.

**Explanation II.** – Lands, the right, title and interest in respect of which have vested in the Government under sub-section (9) of section 74 or under section 80 shall not be deemed to be lands owned by the Government of the Union territory of Puducherry.

**Explanation III.** - For the purposes of this clause 'other authority' shall include a corporation owned or controlled by the Government of the Union territory of Puducherry or the Government of any State or the Central Government.]

(b) lands taken under the management of the court of wards:

Provided that the exemption under this clause shall cease to apply at the end of three years from the commencement of this act;

(c) lands comprised in mills, factories or workshops and which are necessary for the use of such mills, factories or workshops;

(d) \*[omitted]

(e) \*[omitted]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(f) lands mortgaged to the Government, or to a co-operative society (including a co-operative land mortgage bank) registered or deemed to be registered under the Co-operative Societies Act for the time being in force, as security for any loan advanced by the Government or by such society; so long as the mortgage subsists:

Provided that the exemption under this clause shall cease to apply at the end of three years from the commencement of this Act;

\*[(g) lands purchased by a Co-operative Land Mortgage Bank or by the Puducherry State Co-operative Bank or by a Primary Agricultural Credit Co-operative Society under the law for the time being in force relating to such Bank or Society, or by a scheduled bank as defined in the Reserve Bank of India Act, 1934 so long as such lands continued in the possession of the Bank or the Society, as the case may be]

(h) lands belonging to or held by an industrial or commercial undertaking at the commencement of this Act, and set apart for use for the industrial or commercial purpose of the undertaking:

Provided that the exemption under this clause shall cease to apply if such land is not actually used for the purpose for which it has been set apart, within such time as the Collector may, by notice to the undertaking, specify in that behalf;

\*[(i) house sites, that is to say, sites occupied by dwelling houses and lands, wells, tanks and other structures necessary for the convenient enjoyment of the dwelling houses.

**Explanation.** – For the avoidance of doubt, it is hereby declared that a compound wall shall not be deemed to be a structure necessary for the convenient enjoyment of a dwelling house, if the land on which the dwelling house is situated and enclosed by the compound wall is more than the land necessary for the convenient enjoyment of the dwelling house].

(j) \*[omitted]

(k) sites of temples, churches, mosques and cemeteries and burial and burning grounds;

(l) sites of buildings including warehouses;

(m) commercial sites;

(n) lands occupied by educational institutions including land necessary for the convenient use of the institutions and playgrounds attached to such institutions:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



(o) land owned or held by ---

- (i) a University established by law; or
- (ii) a religious, charitable or educational institution of a public nature; or
- (iii) a public trust (which expression shall include a wakf);

Provided that ---

(i) the entire income of such lands is appropriated for the University, institution or trust concerned; and

(ii) where the University, institution or trust comes to hold the said lands after the commencement of this Act, the Government have certified previously that such lands are *bona fide* required for the purposes of the University, institution or trust, as the case may be; and

(p) \*[omitted]

(2) \*[omitted]

(3) \*[The Government may, if they are satisfied that it is necessary to do so in the public interest ---

(a) on account of any special use to which any land is put; or

(b) on account of any land being **bona fide** required for the purpose of conversion into plantation or for the extension or preservation of an existing plantation or for any commercial, industrial, educational or charitable purpose, by notification in the Official Gazette, exempt such land from the provisions of this Chapter subject to such restrictions and conditions as they may deem fit to impose:

Provided that the land referred to in clause (b) shall be used for the purpose for which it is intended within such time as the Government may specify in that behalf and where the land is not so used within the time specified, the exemption shall cease to be in force].

### **Ceiling area**

92. \*[(1) The ceiling area of land shall be, ---

(a) in the case of an adult unmarried person or a family consisting of a sole surviving member, five standard acres, so however that the ceiling area shall not be less than six and more than seven and a half acres in extent;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(b) in the case of a family consisting of two or more, but not more than five members, ten standard acres, so however that the ceiling area shall not be less than twelve and more than fifteen acres in extent;

(c) in the case of a family consisting of more than five members, ten standard acres increased by one standard acre for each member in excess of five, so however that the ceiling area shall not be less than twelve and more than twenty acres in extent; and

(d) in the case of any other person, other than a joint family, ten standard acres, so however that the ceiling area shall not be less than twelve and more than fifteen acres in extent.]

(2) For the purposes of this Chapter, all the lands owned or held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be owned or held by the family.

\*(3) In calculating the extent of land owned or held by a family or an adult unmarried person, the shares of the members of the family or the adult unmarried person, as the case may be, in the lands owned or held –

(a) by one or more of such members jointly with any person or persons other than a member or members of such family or by such adult unmarried person jointly with any other person or persons; or

(b) by a co-operative society or a joint family,

shall be taken into account.

**Explanation.** --- For the purposes of this sub-section, the share of a member of a family or an adult unmarried person in the lands owned or held jointly or by a co-operative society or a joint family shall be deemed to be the extent of land which would be allotted to such member or person had such lands been divided or partitioned, as the case may be, on the date notified under section 93.

(4) Where, after the commencement of this Act, any class of land specified in Schedule I has been converted into any other class of land specified in that Schedule, the extent of land liable to be surrendered by a person owning or holding such land shall be determined without taking into consideration such conversion.]

(5) The lands owned or held by a private trust or a private institution shall be deemed to be lands owned or held by the person creating the trust or establishing the institution, or, if he is not alive, by his successors in interest.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(6) In computing the ceiling area, lands exempted under section 91 shall be excluded.

*Explanation I.* --- For the purposes of this section, where a person has two or more legally wedded wives living, the husband, one of the wives named by him for the purpose and their unmarried minor children shall be deemed to be one family; and the other wife or each of the other wives and her unmarried minor children shall be deemed to be a separate family.

*Explanation II.* – For the purposes of this section, an adult unmarried person shall include a divorced husband or divorced wife who has not remarried:

Provided that if such divorced husband or divorced wife is the guardian of any unmarried minor child, he or she together with such unmarried child shall be deemed to be a family.

#### **No person to hold land in excess of the ceiling area**

+ [93. With effect from such date as may be notified by the Government in the Official Gazette, no person shall be entitled to own or hold or to possess under a mortgage lands in the aggregate in excess of the ceiling area.]

#### **Certain voluntary transfers to be null and void**

94.\* [(1)] Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected after the date of publication of the Mahe Land Reforms Bill, 1968, in the Official Gazette, otherwise than ---

(i) by way of partition; or

(ii) \*[omitted]

(iii) in favour of a person who was a tenant of the holding before the date aforesaid and continued to be so till the date of transfer;

(iv) \*[omitted]

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+ 01.04.1981 is the notified date for the purposes of the said section as per notification published in the EG No. 32 dt, 30.03.1981.

\* Deemed to have been omitted vide Act No.1 of 1981 w.e.f 22.03.1968.

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by a family or any member thereof or by an adult unmarried person owning or holding land in excess of the ceiling area, +[or otherwise than by way of gift in favour of his son or daughter or the son or the daughter of his pre-deceased son or daughter by any person owning or holding land in excess of the ceiling area] shall be deemed to be transfers calculated to defeat the provisions of this Act and shall be invalid:

Provided that without prejudice to any other right of the parties to any such transfer, when any purchase price is payable under section 64 or any compensation is payable \*[under section 80J or section 98] for any land covered by the said transfer, it shall be competent for the Land Tribunal to award the transferee, out of the purchase price or compensation amount in respect of such land, such sum as the Land Tribunal may consider just and proper.

\*[(2) Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected by any person (other than a family or any member thereof or by an adult unmarried person) owning or holding land in excess of the ceiling area after the 22<sup>nd</sup> March, 1968, otherwise than ---

(i) by way of partition; or

(ii) in favour of a person who was a tenant of the holding before the 22<sup>nd</sup> March, 1968, and continued to be so till the date of transfer,

shall be deemed to be transfers calculated to defeat the provisions of this Act and shall be invalid:

Provided that without prejudice to any other right of the parties to any such transfer, when any purchase price is payable under section 64 or any compensation is payable under section 80J or section 98 for any land covered by the said transfer, it shall be competent for the Land Tribunal to award to the transferee, out of the purchase price or compensation amount in respect of such land, such sum as the Land Tribunal may consider just and proper.

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+ Inserted vide Act No. 1 of 1981 and it shall be deemed to have come into force w.e.f 22.03.1968.

\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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(3) For the removal of doubts, it is hereby clarified that the expression "ceiling area" in sub-sections (1) and (2) means the ceiling area as specified in section 92].

#### **Surrender of excess lands**

95. \*[(1) Where a person owns or holds land in excess of the ceiling area on the date notified under section 93, such excess land shall be surrendered as hereinafter provided:]

Provided that where any person *bona fide* believes that the ownership or possession of any land owned or \*[held by such person or, where such person is a member of a family by the members of such family is liable to be purchased by the cultivating tenant or kudikidappukaran] or to be resumed by the landowner or the intermediary under the provisions of this Act, the extent of the land so liable to be purchased or to be resumed shall not be taken into account in calculating the extent of the land to be surrendered under this sub-section .

*Explanation.* – Where any land owned or held by a family or adult unmarried person owning or holding land in excess of the ceiling area was transferred by such family or any member thereof or by such adult unmarried person, as the case may be, after the 28<sup>th</sup> April, 1962, and on or before the date of publication of Mahe Land Reforms Bill, 1968, in the Official Gazette, otherwise than ---

- (i) by way of partition; or
- (ii) on account of natural love and affection; or
- (iii) in favour of a person who was a tenant of the holding before the 28<sup>th</sup> April, 1962, and continued to be so till the date of transfer; or
- (iv) in favour of a religious, charitable or educational institution of a public nature solely for the purpose of the institution,

the extent of land owned or held by such family or adult unmarried person shall be calculated for purposes of fixing the extent of land to be surrendered under this section as if such transfer had not taken place, and such family or adult unmarried person shall be bound to surrender an extent of land which would be in excess of the ceiling area on such calculation, or, where such family or person does not own or hold such extent of land, the entire land owned or held by the family or person; \*[but nothing in this Explanation:-

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

- (a) shall affect the rights of the transferee under the transfer; or
- (b) shall apply in the case of any transfer of land by a family or any member thereof or an adult unmarried person if the extent of land owned or held by such family or adult unmarried person, as the case may be, immediately before the transfer was not in excess of the ceiling area as specified in section 92 and applicable to such family or adult unmarried person].

\*[(2) Where a person owns or holds land in excess of the ceiling area such person shall, within a period of three months from the date notified under section 93, file a statement before the Land Board intimating the location, extent and such other particulars as may be prescribed, of all the lands (including lands exempted under section 91) owned or held by such person and indicating the lands proposed to be surrendered]

*Explanation I.* --- Where lands owned or held by a family stand in the name of more than one member of the family the identity of the land, the ownership or possession or both of which is or are to be surrendered, shall be indicated as far as practicable with the concurrence of all the members in whose names they stand.

*Explanation II.* – Where land to be surrendered is owned or held by two or more persons jointly, whether or not as members of an institution or of a joint family, the identity of the same shall be indicated as far as practicable with the concurrence of all the persons who own or hold such land.

*Explanation III.* --- Where \*[a person] owns or holds lands, including shares in the lands owned or held by a co-operative society, in excess of the ceiling area, the excess lands to be surrendered shall be lands other than shares in the lands owned or held by the co-operative society.

\*[*Explanation IV.* --- Where any person owns or holds lands in excess of the ceiling area including lands mortgaged to the Government or to a co-operative society or to a co-operative land mortgage bank registered or deemed to be registered under the Co-operative Societies Act for the time being in force or to the State Small Industries Corporation, or to a scheduled bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) or to a corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970), or to the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955), or to a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959), as security for any loan advanced by the Government or by such co-operative society or bank or corporation, the excess lands to be surrendered shall, as far as possible, be lands other than those so mortgaged.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

*Explanation V.*--- Where a person owns or holds land in excess of the ceiling area including lands owned by the Government, the excess lands to be surrendered shall, as far as possible, be the lands owned by the Government.]

\*[(2A) The statement under sub-section (2) shall be filed, ---

- (a) in the case of an adult unmarried person, by such person;
- (b) in the case of a minor, lunatic, idiot or a person subject to like disability, the guardian, manager or other person in-charge of such person or of the property of such person;
- (c) in the case of a family the husband or in his absence, the wife, or in the absence of both the guardian of the minor children;
- (d) in the case of any other person, any person competent to act for such person in this behalf.]

\*[(3) Where, after the final settlement of claims for resumption of lands held by a person as tenant, such person holds land in excess of the ceiling area, or where after the purchase of the right, title and interest of the landowner and the intermediary by the cultivating tenant in respect of lands owned by a person such person owns land in excess of the ceiling area, such excess land shall be surrendered as hereinafter provided.

(3A) The person bound to file a statement under sub-section (2) shall, within a period of three months from the date of final settlement or purchase, file a statement before the Land Board, and the provisions of the said sub-section shall as far as may be, apply in regard to the particulars to be contained in such statement, the calculation of the excess land and for the procedure for the surrender of the same.]

(4) Where a member of a joint family surrenders under this section, any land belonging to the joint family and the surrender is accepted by the Land Board with or without modification in extent or identity of the lands surrendered, he shall be deemed to have become divided in status from the other members of the family, with effect from the date of the surrender and the lands, the surrender of which has been accepted, shall be deemed to have been lands allotted to the share of such member on partition.

(5) On receipt of the statement under sub-section (2) or \*[sub-section (3A),] the Land Board shall –

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

- (a) cause the particulars mentioned in the statement to be verified;
  - (b) ascertain whether the \*[person to whom] the statement relates, owns or holds any other lands; and
  - (c) by order determine the extent and identity of the land to be surrendered.
- (6) In determining the identity of the land, the Land Board shall, \*[omitted], accept of the choice indicated under sub-section (2) or \*[sub-section (3A)]:

\*[Provided that the Land Board shall not be bound to accept such choice if ---

- (A) it has reason to believe that the person whose land is indicated to be surrendered has no good title to that land; or
- (B) the land indicated to be surrendered is not accessible; or
- (C) it considers for any other reason to be recorded in writing that it is not practicable to accept the choice or to take possession of the land;]

\*[Provided further that] where in such determination the interest of other persons are also likely to be affected the Land Board shall except in cases where all the persons interested have agreed to the choice indicated, afford an opportunity to such other persons to be heard and pass suitable orders regarding the land to be surrendered.

(7) Where any person fails to file the statement specified under sub-section (2) or \*[sub-section (3a)], the Land Board shall, after necessary enquiries, by order, determine the extent and other particulars of the land, the ownership or possession or both of which is or are to be surrendered:

Provided that before such determination the Land Board shall give an opportunity to the persons interested in the land, to be heard.

(8) Where the Land Board determines the extent of the land to be surrendered by any person without hearing any person interested, such person may, within sixty days from the date of such determination, apply to the Land Board to set aside the order and, if he satisfied the Land Board that he was prevented by any sufficient cause from appearing before the Land Board, it shall set aside the order and shall proceed under sub-section (5) or sub-section (7), as the case may be.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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\*[(9) The Land Board may, if it is satisfied that the extent of lands surrendered by, or assumed from, a person under section 96 is less than the extent of lands which he was liable to surrender under the provisions of this Act or that the lands surrendered by, or assumed from, a person were not lawfully owned or held by him, set aside its order under sub-section (5) or sub-section (7), as the case may be, in respect of such lands and shall proceed afresh under that sub-section:

Provided that the Land Board shall not set aside any order under this sub-section without giving the persons affected thereby an opportunity of being heard:

Provided further that the Land Board shall not initiate any proceedings under this sub-section after the expiry of three years from the date on which the order sought to be set aside has become final].

*Explanation.* – For the purposes of this section and section 96, “hold” with reference to land shall include “possess land under mortgage with possession”.

#### **Certain persons to file statements**

\*[95A. (1) Notwithstanding anything contained in this Chapter, every family consisting of more than one member, owning or holding more than twelve acres in extent of land, every adult unmarried person and every family consisting of a sole surviving member, owning or holding more than six acres in extent of land and every other person (other than a bank) owning or holding more than twelve acres in extent of land shall, within a period of seventy-five days from the commencement of the Mahe Land Reforms (Amendment) Act, 1980, file a statement before the Land Board intimating the location, extent and such other particulars as may be prescribed, of all lands (including lands exempted under section 91) owned or held by such family or person.

**Explanation.** – In this sub-section “Bank” means a scheduled bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934), or a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970), or the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955), or a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959).

(2) The statement under sub-section (1) shall be filed, ----

(a) in the case of an adult unmarried person or the sole surviving member of a family, by such person;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(b) in the case of a minor, lunatic, idiot or a person subject to like disability, but the guardian, manager or other person in charge of such person or of the property of such person;

(c) in the case of a family, by the husband or in his absence, by the wife, or, in the absence of both, by the guardian of the minor children;

(d) in the case of any other person, by any person competent to act for such person in this behalf.]

### **Vesting of excess lands in Government**

96. \*[(1) On the determination of the extent and other particulars of the lands, the ownership or possession or both of which is or are to be surrendered under section 95, the ownership or possession or both, as the case may be of the land shall, subject to the provisions of this Act, vest in the Government free from all encumbrances and the Land Board shall issue an order accordingly].

(2) On receipt of \*[the order of the Land Board under sub-section (1)], such person shall make the surrender demanded, in such manner as may be prescribed.

(3) Where any person fails to make the surrender demanded, the Land Board may authorise any officer to take possession or assume ownership of the land in such manner as may be prescribed.

\*(4) Where the ownership of any land vests in the Government under sub-section (1), the rights of the intermediary, if any, in respect of the land shall stand extinguished, and where possession of any land which was in the possession of a cultivating tenant vests in the Government under that sub-section, the ownership of such land shall vest in the Government and the rights of the intermediary, if any, in respect of such land shall stand extinguished.

\*\*[(5) Notwithstanding anything contained in the foregoing provisions of this Act, where any land is indicated in the statement under sub-section (2) of section 95 as land proposed to be surrendered, the Land Board may, pending determination under sub-section (5) of section 95 of the extent and identity of the land to be surrendered by the person who has filed the statement or on whose behalf the statement has been filed, take possession of such land if it is satisfied that such person is in possession of the land and has legal title to such possession and that the land is fit for surrender, and thereupon the provisions of sub-section (4) shall, so far as may be, apply in respect of such land.]

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\*\* Inserted vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

\* Substituted vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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### **Excess land obtained by gift etc., to be surrendered**

97. \*[(1) Where any person acquires any land after the date notified under section 93 by gift, purchase, mortgage with possession, lease, surrender or any other kind of transfer *intervivos* or by bequest or inheritance or otherwise and in consequence thereof, the total extent of land owned or held by such person exceeds the ceiling area, such excess shall be surrendered to such authority as may be prescribed.

**Explanation.** – Where any land is exempted by or under section 91 and such exemption is in force on the date notified under section 93, such land shall, with effect from the date on which it ceases to be exempted, be deemed to be land acquired after the date notified under section 93.

(2) Any person referred to in sub-section (1) shall file a statement containing the particulars specified in sub-section (2) of section 95A within a period of three months of the date of the acquisition.

(3) The provisions of sections 95 and 96 shall, so far as may be, apply to vesting in the Government of the ownership or possession or both of the lands required to be surrendered under sub-section (1).]

### **Persons surrendering land entitled to compensation**

98. (1) Where ownership or possession or both of any land \*[is or are vested] in the Government under section 96 or section 97, such person shall be entitled to compensation. Where the rights of an intermediary are extinguished, such intermediary shall also be entitled to compensation.

\*[(1A) Notwithstanding anything contained in sub-section (1), no person shall be entitled to any compensation in respect of any land owned by the Government and held by him under lease or otherwise.

(2) The compensation payable to an owner for vesting in the Government of ownership and possession of land shall be an amount calculated at the rates specified in schedule III.

(3) The compensation payable to the landowner, intermediary or cultivating tenant for the vesting in the Government or extinguishment of his rights shall be the portion of an amount calculated at the rates specified in Schedule III that will fall to his share if such amount were apportioned among the landowner, cultivating tenant and intermediary, if any, in respect of the land according to the following provisions:-

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(i) ninety per cent of the portion of the compensation for the site of any homestead or hut in the occupation of a kudikidappukaran shall be deducted from the total amount of compensation;

(ii) the balance remaining after deducting the amount referred to in clause (i) shall be apportioned among the landowner, the intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land immediately before the surrender, assumption or vesting in the Government, as the case may be.

**Explanation.** --- "Profits derivable from the land" shall be deemed to be equal to, ---

(i) in the case of a landowner, the rent which he was entitled to get immediately before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 from the tenant holding immediately under him;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get immediately before the commencement of the Mahe Land Reforms (Amendment) Act, 1980 from his tenant and the rent for which he was liable to his landlord immediately before that day; and

(iii) in the case of a cultivating tenant, the difference between the net income and the rent which he was liable to pay immediately before the said day.

(3A) Notwithstanding anything contained in sub-sections (2) and (3), where the compensation due under those sub-sections to an adult unmarried person, family or any other person (other than a joint family), as owner, landowner, intermediary or cultivating tenant or in any two or more of such capacities exceeds one lakh rupees, the compensation payable shall be limited to the amount specified in the Table below : --

**TABLE**  
**Scales of Compensation**

Total amount of compensation	Rate
On the first Rs. 1 lakh	100 per cent
On the next Rs. 50,000	50 per cent
On the balance amount	25 per cent

Provided that the compensation payable shall in no case exceed Rs.2 lakhs.]

(4) \*[Where the rights of a mortgagee in possession are vested in the Government, -- ]

(i) where the ownership of the land mortgaged \*[has vested in the Government], the mortgagee shall be treated as a holder of an encumbrance in respect of the land, and the encumbrance shall be discharged as provided in sections 101 and 102;

(ii) in other cases, the Government shall pay to the mortgagee the amount to which he would have been entitled under clause (i) if the ownership of the land mortgaged \*[had vested in] the Government, and hold the land as mortgagee with possession with all the rights and liabilities of the mortgagee.

\*(5) For the removal of doubts, it is hereby declared that the compensation payable under this section in respect of a land shall be deemed to include the compensation for growing crops and improvements, if any, thereon and that no person shall be entitled to any amount other than the compensation payable under this section for the vesting in the Government or extinguishments of his rights (including his rights in respect of growing crops and improvements, if any) in respect of the land].

#### **Payment of advance towards compensation**

99. Pending determination of the amount of compensation payable to any person under section 98, it shall be competent for the Land Board to pay such amount as it considers proper to such person as part payment of the compensation on taking proper security, in case it is found that he is entitled to such amount. The amount so paid shall be deducted from the compensation payable to such person and the Land board shall pay to him only the balance.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Preparation of compensation roll**

100. (1) As soon as may be after the Land Board has determined the extent and particulars of any land, the ownership or possession or both of which is or are to be surrendered, the Land Board, shall, forwarding the necessary documents, direct the Land Tribunal to prepare and submit to the Land Board a compensation roll showing ---

- (a) the description of the land or the interests in the land surrendered or assumed;
- (b) the name and address of the person surrendering the same or from whom the same was assumed;
- (c) the names and addresses of the landowner, intermediary and the cultivating tenant and the amount of compensation payable to each;
- (d) the names of the holders of the encumbrances (including mortgages who have surrendered possession of excess lands), maintenance or alimony and the value of the encumbrances or of the claims for maintenance or alimony; and
- (e) such other particulars as may be prescribed.

\*[ (2) On receipt of the direction under sub-section (1), the Land Tribunal shall, after giving an opportunity to all persons interested to be heard and after making such enquiry as it considers necessary prepare a draft compensation roll and furnish copies thereof to the persons interested, together with a notice inviting objections to the draft compensation roll within such period, not being less than thirty days from the date of the notice, as may be specified in the notice.

(2A) The Land Tribunal shall also cause the draft compensation roll to be published in such manner as may be prescribed.]

(3) Where any land, the ownership or possession or both of which is or are surrendered to, or assumed by, the Government, forms part of the security for an encumbrance, maintenance or alimony, the Land Tribunal shall for the purpose of discharging the same apportion the entire encumbrance, maintenance or alimony between the land surrendered to, or assumed by, the Government and the portion of the security remaining, in proportion to the values of the two portions of the security.

\*[ (4) After considering the objections, if any, received within the period specified in the notice under sub-section (2), the Land Tribunal shall prepare a final compensation roll showing the particulars mentioned in sub-section (1) and shall also pass an order recording his reasons for each entry in the final compensation roll and for accepting or rejecting the objections, if any, received in pursuance of the notice under sub-section (2).

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(5) A copy of the final compensation roll prepared under sub-section (4) shall, after the order of the Land Tribunal under that sub-section has become final, be forwarded to the Land Board by the Land Tribunal.]

### **Payment of compensation**

101. (1) On receipt of the compensation roll under section 100, the Land Board shall pay the compensation to the persons entitled thereto, subject to the provisions of sub-section (2).

(2) Where the land or the ownership or possession of land which has vested in the Government, is subject to any encumbrance, maintenance or alimony, the value of the encumbrance, maintenance or alimony shall be deducted from the compensation amount payable to the person liable for such encumbrance, maintenance or alimony. If the total amount of such encumbrance, maintenance or alimony is more than the amount of compensation, the compensation amount shall be distributed to the holders of the encumbrance and the persons entitled to the maintenance or alimony in the order of priority.

(3) The Land Board shall also pay the mortgage amount payable to a mortgagee under clause (ii) of sub-section (4) of section 98.

### **Payment of compensation and amount of encumbrance**

102. (1) The compensation or the amount of encumbrance, as the case may be, shall be paid either in cash or in negotiable bonds redeemable \*[after the expiry of sixteen years from the date of issue of such bonds] and carrying interest at the rate of 4 ½ per cent per annum with effect from the date on which the ownership or possession or both of the land has or have vested in the Government under section 96 or section 7, or partly in cash and partly in such bonds, in such manner as may be prescribed.

(2) The provisions of sub-sections (7), (8) and (9) of section 71 shall, as far as may be, apply in regard to the payment of compensation and other amounts under this section.

### **Payment of compensation to be full discharge**

103. The payment of compensation in the manner specified in section 102 shall be a full discharge of the liability for payment of compensation, and no further claim therefor shall lie.

104. \*[omitted]

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\* Omitted vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Application for assignment of land**

105. Any person who does not possess any land or possess only less than \*[one acre] of land in extent may apply to the Land Board for assignment on registry of lands to him.

### **Assignment of lands by Land Board**

106. \*[(1) the Land Board shall assign on registry, subject to such conditions and restrictions as may be prescribed, the lands vested in the Government under section 93 or section 97 as specified below: --

(i) the lands in which there are kudikidappukars shall be assigned to such kudikidappukars;

(ii) out of the remaining area available for assignment ---

(a) fifty per cent shall be assigned to the landless agricultural labourers of which one half shall be assigned to the landless agricultural labourers belonging to the Scheduled Castes in the same village or adjacent villages;

(b) fifty per cent to small-holders and other landlords who are not entitled to resume any land and who do not possess more than ten cents of land in extent:

Provided that eighty-seven and a half per cent of the area of the lands referred to in clause (ii) available for assignment shall be assigned to landless agricultural labourers of which one half shall be assigned to landless agricultural labourers belonging to the Schedule Castes, Scheduled Tribes and such other socially and economically backward classes of citizens as may be specified in this behalf by the Government by notification in the Official Gazette.

**Explanation.** – For the purposes of this sub-section, ---

(a) a kudikidappukaran or the tenant of a kudikidappu shall be deemed to be a landless agricultural labourer if he does not possess any other land;

(b) "kudikidappukaran" shall include a person who was a kudikidappukaran to whom a certificate of purchase has been issued under sub-section (2) or section 88C.

(1A) Notwithstanding anything contained in sub-section (1), the Land Board may, if it considers that any land vested in the Government under section 96 or section 97 is required for any public purpose, reserve such land for such purpose].

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



(2) The Land Board shall not assign to any person more than \*[ten cents] in extent of land.

(3) Where a person possess any land, only so much land as will make the extent of land in his possession \*[ten cents] shall be assigned to him.

### **Payment of purchase price**

107. (1) The purchase price of the land assigned on registry under section 106 shall be an amount \*[calculated at the rate specified in Schedule III], and shall be payable either in lump or in sixteen equal annul instalments. The assignment shall be made on payment of the purchase price either in lump or the first instalments thereof.

(2) Where the purchase price is payable in instalments, the amount outstanding after payment of each instalment shall bear interest at the rate of 4 ½ per cent per annum.

(3) All amounts due from an assignee shall be a first charge on the land assigned and shall be recoverable as arrears of land revenue under the law for the time being in force relating to the recovery of land revenue.

### **Management of surrendered lands till assignment**

108. The Land Board shall, subject to such rules as may be made by the Government in this behalf, manage the lands vested in them, until they are assigned under \*[section 106,] by making arrangements for their cultivation and protection.

### **Interpretation**

\*[108A. For the purposes of this Chapter, the term “person” shall not include a co-operative society within the meaning of the Puducherry Co-operative Societies Act, 1972 (Act No. 7 of 1973), or an institution of a public nature for religious and charitable purposes established and maintained by a religious denomination or any section thereof.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**CHAPTER - IV**  
**MISCELLANEOUS**  
**Constitution of Land Tribunal**

\*[109. (1) The Government may, by notification in the Official Gazette, constitute one or more Land Tribunal or Land Tribunals for any class of cases specified in the notification, for the purpose of performing the functions of a Land Tribunal under this Act.

(2) The Land Tribunal shall consist of a sole member who shall be a judicial officer of the rank of a Munsif or an officer not below the rank of a Deputy Tahsildar, appointed by the Government.

**Constitution of appellate authority**

109A. (1) The Government may, by notification in the Official Gazette, constitute as many appellate authorities as may be necessary for the purposes of this Act.

(2) Each appellate authority shall consist of a sole member who shall be a judicial officer not below the rank of a Subordinate Judge or an officer not below the rank of a Deputy Collector.

(3) Each appellate authority shall have jurisdiction in such class of cases as the Government may, by notification in the Official Gazette, from time to time, determine.]

**Constitution of Land Board**

110. The Government shall constitute a Land Board for performing the functions of the Land Board under this Act. The Board shall consist of a single member, who shall be the Secretary to Government, Revenue and Development Department, Puducherry or such other officer of an appropriate rank, as the Government may specify for the purpose.

**Constitution of Land Reforms Review Board**

\*[110A. (1) For the purpose of reviewing the progress of implementation of this Act, the Government may, by notification in the Official Gazette, constitute a Board to be called the Land Reforms Review Board which shall consist of --

(a) the Minister in charge of land reforms, or in a case where an order made by the President under section 51 of the Government of Union Territories Act, 1963 (Central Act 20 of 1963), is in operation, the Chief Secretary, who shall be the Chairman;

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

- (b) the member of the Land Board; and
- (c) six non-official members nominated by the Government.

(2) The member of the Land Board shall be the convenor of the Land Reforms Review Board.

(3) The term of office of the non-official members of the Land Reforms Review Board shall be such as may be prescribed.

(4) Any vacancy in the office of a non-official member of the Land Reforms Review Board shall be filled by the Government.

(5) The procedure to be followed by the Land Reforms Review Board in the performance of its functions under this Act shall be such as may be prescribed.

#### **Powers of the Land Reforms Review Board**

110B. For the purpose of performing its functions under this Act, the Land Reforms Review Board may, ---

(a) call for returns from any authority or officer exercising any power or performing any function under this Act or the rules made thereunder;

(b) lay down such guidelines as may be necessary for the speedy and effective implementation of this Act.]

#### **Power of the Land Board and Land Tribunal**

111. (1) The Land Board and the Land Tribunal constituted under this Act shall have all the powers of a civil court while trying a suit under the law for the time being in force relating to civil procedure, in respect of the following matters, namely: -

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses or for local investigation; and

(e) any other matter which may be prescribed.

\*[ (2) The Land Board shall have superintendence over the Land Tribunals and the appellate authority, and the Land Board may ----

- (a) call for returns from the Land Tribunals and the appellate authority;
- (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of the Land Tribunals and the appellate authority;
- (c) prescribe forms in which books, entries and accounts shall be kept by the Land Tribunals and the appellate authority;]

(3) Where in any proceeding before the Land Tribunal a question arises whether a person is a small-holder or not or whether a person is or is not a tenant, \*[or whether the right, title and interest of the landowner and the intermediaries, if any, in respect of any holding, have or have not vested in the Government under section 80] it shall be competent for the Land Tribunal to decide the question.

\*[(4) If any question arises as to whether any land is exempted under section 91, the question shall be decided by the Land Board in such manner and having regard to such matters as may be prescribed, and the decision of the Land Board shall be final.]

#### **Appeal to appellate authority**

\*[112. (1) The Government or any person aggrieved by any order of the Land Tribunal under sub-section (2) of section 7, sub-section (3) of section 8A, section 15, section 29, sub-section (2) of section 32 (where the amount of arrears of rent claimed exceeds five hundred rupees), section 37, section 53, sub-section (3) or sub-section (4) of section 54, sub-section (3) of section 55, sub-section (5) of section 74, section 80H, section 81, sub-section (2) of section 85, section 88B, sub-section (4) of section 100, section 116 or section 116A may appeal against such order within such time as may be prescribed to the appellate authority having jurisdiction as determined under sub-section (3) of section 109A.

(2) The appellate authority may admit an appeal presented after the expiration of the period prescribed under sub-section (1) if it is satisfied that the appellant had sufficient cause for not presenting it within that period.

(3) In deciding appeals under sub-section (1), the appellate authority shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding an appeal against the decree of an original court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(4) Where there has been any modification in an appeal from any decision or order of the Land Tribunal, such decision or order shall be modified accordingly.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Revision by High Court**

113. (1) Any person aggrieved by –

(i) Any final order passed in an appeal against the order of the Land Tribunal;  
or

(ii) any final order passed by the Land Board under this Act, may within such time as may be prescribed, prefer a petition to the High Court against the order on the ground that the appellate authority or the Land Board, as the case may be, has either decided erroneously, or failed to decide, any question of law.

\*[(1A) In any petition for revision preferred under sub-section (1), the Government shall be made a party;]

(2) The High Court may, after giving an opportunity to the parties to be heard, pass such orders as it deems fit and the orders of the appellate authority or the Land Board, as the case may be, shall, wherever necessary, be modified accordingly.

(3) The High Court may, for the purpose of satisfying itself that an order made by the Land Tribunal under section 32 \*[in cases where the amount of arrears of rent claimed does not exceed five hundred rupees] was according to law, call for the records and pass such order with respect thereto as it thinks fit.

### **Proceedings by or against joint families, etc.**

114. (1) Where, in any proceeding under this Act, a joint family is a party, it shall be sufficient to implead the manager, karanavan or yajaman and the senior most male member of such family and, in the case of a maramakkathayam or aliyasanthana family, also the karanavan or yajaman of each tavazhi or kavaru, but any other member of the family shall have the right to get himself impleaded as a party.

(2) Where any such proceeding relates to any property or party thereof under the management of a receiver appointed by a court, it shall be sufficient to implead the receiver as party to the proceeding \*[and notwithstanding anything contained in any other law, it shall not be necessary to obtain the permission of the court, which appointed the receiver for so impleading him.]

\*[(3) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other provision of this Act.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Authorised officer empowered to obtain information from persons**

115. (1) For the purpose of carrying into effect the provision of this Act, any officer, not below the rank of a Deputy Tahsildar authorised by the Government in this behalf (hereinafter in this section referred to as the authorised officer) may, by notice, require any person to furnish any information relating to the extent of land held by such person the number of members of the family, if any, of such person, and such other particulars as may be prescribed. The person aforesaid shall furnish the information to such officer within such time as may be specified in the notice or within such further time not exceeding thirty days as the authorised officer may, in his discretion, allow.

(2) (a) Where any person on whom notice under sub-section (1) has been served fails to furnish the information within the time specified in that notice or within the further time allowed by the authorised officer under sub-section (1), the authorised officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(b) the authorised officer shall, as soon as may be after obtaining the information under clause (a), give to the person concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as he deems fit.

**Appointment of officers for certain purposes**

\*[115A. (1) The Government may appoint an officer not below the rank of a Revenue Inspector for bringing to the notice of the Land Tribunal or the Land Board any fact or information required by the Land Tribunal or the Land Board, as the case may be, or for moving the Land Tribunal or the Land Board for taking any action under the provisions of this Act.

(2) The Land Tribunal or the Land Board may depute the officer appointed under sub-section (1) to make local enquiry, investigation or inspection and to collect any data, and the report and the records submitted by such officer may be used, without examining him, as evidence in the proceedings before the Land Tribunal or the Land Board.

(3) The Land Tribunal or the Land Board may, if it thinks fit, summon and examine any officer referred to in sub-section (2).]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Special provisions relating to leases for commercial  
or industrial purposes**

\*[ 116. (1) Notwithstanding anything contained in this Act, or in any other law, or in any contract, or in any decree or order of court, where on any land leased for commercial or industrial purpose, the lessee has constructed buildings for such commercial or industrial purpose before the 1<sup>st</sup> March, 1971, he shall not be liable to be evicted from such land, but shall be liable to pay rent under the contract of tenancy, and such rent shall be liable to be varied every twelve years.

**Explanation.** – For the purposes of this section, ---

(a) “lessee” includes a legal representative or an assignee of the lessee;  
and

(b) “building” means a permanent or a temporary building and includes a shed.

(2) The lessor or the lessee may apply to such authority as may be prescribed for varying the rent referred to in sub-section (1), and thereupon such authority may, after taking into consideration such matters as may be prescribed and after giving the lessor and the lessee an opportunity of being heard, pass such orders on the application as it deems fit.

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply to lands owned or held by the Government of the Union territory of Puducherry or the local authority.

**Special provisions relating to buildings used by kudikidappukars  
for commercial or industrial purposes**

116A. (1) Notwithstanding anything contained in this Act, or in any other law, or in any contract, or in any decree or order of court, whereon any land in which a kudikidappu is situate, the kudikidappukaran has constructed a building for any commercial or industrial purpose before the 16<sup>th</sup> March, 1968, and such kudikidappukaran was carrying on any trade, business or industry in such building without interruption from the date of construction of the building till the 27<sup>th</sup> March 1972, he shall have the right, subject to the provisions of sub-section (2), to carry on such trade, business or industry in such building without interference by the person in lawful possession of the land in which the building is situate.

(2) The kudikidappukaran shall be liable to pay rent as specified below for the use and occupation of the building to the person in lawful possession of the land in which the building is situate: --

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(a) if the kudikidappukaran was liable to pay any rent for the use and occupation of the building before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, such rent;

(b) in other cases, such rent as may be determined by the Land Tribunal having regard to such matters as may be prescribed.

(3) Nothing contained in sub-sections (1) and (2) shall apply to buildings constructed on lands owned or held by the Government of the Union territory of Puducherry or the local authority.

**Explanation.** --- For the purposes of this section "building" means a permanent or a temporary building and includes a shed.]

### **Costs**

117. (1) Subject to the provisions of this Act, the costs of an incident to all proceedings before the Land Tribunal \*[or the appellate authority] shall be in its discretion and it shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purposes aforesaid. The fact that any proceeding before the Land Tribunal \*[or the appellate authority] is without jurisdiction shall be no bar to the exercise of such powers.

\*[(2) An order passed by the Land Tribunal or the appellate authority in exercise of the powers vested in it under sub-section (1) may be executed by it in such manner as may be prescribed.]

### **Special provisions for application of the Act**

118. (1) If any difficulty arises in the application of the provisions of this Act to any area on account of local variations or difference in nomenclature between the tenures prevailing in that area (by whatever name such tenures may be known) and the corresponding tenures prevailing in the parts adjoining that area, the Government may, subject to the provisions of sub-section (2), by notification in the Official Gazette, direct that the said provisions shall apply to the aforesaid area subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notifications.

(2) A draft of the notification proposed to be issued under sub-section (1) shall be laid before the Legislative Assembly for a period of fourteen days, and the Legislative Assembly may approve the draft with or without modification or disapprove the draft during the period in which it is so laid. On approval of the draft by the Legislative Assembly, the Government shall publish the notification as approved, in the Official Gazette. If the Legislative Assembly does not ---

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



- (i) approve with or without modification; or
- (ii) disapprove,

the said draft during the period aforesaid, it shall be lawful for the Government to publish the notification in the Official Gazette in terms of the draft.

### **Constitution of Agriculturist Rehabilitation Fund and Kudikidappukars Benefit Fund**

\*[118A. (1) There shall be constituted a fund to be called Agriculturist Rehabilitation Fund and another fund called Kudikidappukars Benefit Fund and there shall be credited to each of these funds ---

(a) any sum of money paid or any loan granted by the Government for the purposes of this Act;

(b) any grants or loans that may be made by any person for the purposes of this Act.

(2) Each of the funds referred to in sub-section (1) shall be administered by the Revenue department in such manner as may be prescribed.

(3) The Agriculturist Rehabilitation Fund shall be utilised for payment of solatium to small holders under section 118B and for rendering help by way of loan, grant or otherwise to persons affected by this Act who are eligible for the same in accordance with the rules made by the Government.

(4) The Kudikidappukars Benefit Fund shall be utilised ---

(a) for meeting twelve and a half per cent of the amount of compensation payable for acquisitions, as provided in sub-section (3F) of section 83;

(b) for meeting one half of the purchase price payable by the kudikidappukars, as provided in sub-section (8) of section 88A; and

(c) for providing better facilities to ----

(i) the kudikidappukars; and

(ii) persons who were kudikidappukars to whom certificates of purchase have been issued under sub-section (2) of section 88C in accordance with such rules as may be made by the Government in this behalf:

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

Provided that a person to whom a certificate of purchase has been issued under the said sub-section or his successor-in-interest shall not be entitled to any benefit under this clause after the expiry of a period of twenty years from the date on which the right, title and interest in respect of land allowed to be purchased by such person have vested in him under the said sub-section.

### **Solatum to small holders**

118B. (1) The Land Board shall pay to every small holder whose right, title and interest, either as landowner or as intermediary or as both, in respect of lands held by cultivating tenants have vested in the Government under section 80, a solatium equal to the amount of the compensation payable to him in consideration of such vesting, after deducting the value of encumbrances and claims for maintenance or alimony, if any:

Provided that the solatium payable to a small holder shall, in no case, exceed five hundred rupees:

Provided further that no small holder shall be entitled to such solatium if --

- (a) such compensation exceeds two thousand rupees; or
- (b) he is assessed to sales tax on a turnover which in the aggregate is not less than thirty thousand rupees in any two years within the three years immediately preceding the financial year in which the notification under section 80 is issued, under the Puducherry General Sales Tax Act, 1967 (6 of 1967) or the Central Sales Tax Act, 1956 (Central Act 74 of 1956), or the law of any other State relating to sales tax; or
- (c) he is assessed to income-tax under the Income-tax Act, 1961, in any two years within the three years referred to in clause (b).

**Explanation.** --- For the purposes of this section, a person shall not be deemed to be a small holder if any of his predecessors-in-interest was in possession of, or had interest in, land exceeding the limits specified in clause (46) of section 2 immediately before the 22<sup>nd</sup> March, 1968, provided that nothing in this **Explanation** shall apply in the case of a person who would have been a small holder immediately before the 22<sup>nd</sup> March, 1968, if this Act had been in force immediately before that date.

(2) Any person entitled to the solatium under sub-section (1) shall apply to the Land Board within such time as may be prescribed.

(3) An application under sub-section (2) shall be in such form and shall contain such particulars as may be prescribed.

(4) On receipt of an application under sub-section (2), the Land Board shall, after making such enquiry as may be prescribed, pay the solatium in cash.

(5) Where a person entitled to the solatium dies before it is paid to him, it shall be paid to his legal representatives.]

### **Restoration of possession of land to certain evicted tenants**

119. Where a tenant has, on or after the 28<sup>th</sup> April, 1962, been evicted from his holding in contravention of the law for the time being in force regulating the relationship of landlord and tenant, the Administrator or any other authority empowered by him in this behalf may, *suo motu* or on application made by the tenant before the expiration of one year from the date of commencement of this Act and after such enquiry as he may deem fit, restore to the tenant the possession of the land from which he was evicted unless some other tenant, not being a member of the landowner's family, had been admitted to possession of such land before the date of publication of this Act.

### **Mortgage money not to be returned in certain cases**

\*[119A. Notwithstanding anything contained in any law for the time being in force, or in any contract, or in any judgment, decree or order of court, where a mortgagee or any person claiming under him is entitled to fixity of tenure under any provision of this Act, the mortgagor shall not be liable to return the mortgage money or any portion thereof to such mortgagee or person.]

### **Apportionment of land value in cases of acquisition**

\*[120. (1) Where any land is acquired under the law for the time being in force providing for the compulsory acquisition of land for public purposes, the compensation awarded under such law in respect of the land acquired shall be apportioned among the landowner, intermediaries, cultivating tenant and the kudikidappukaran in the manner specified in this section.

(2) The compensation for any building or other improvements shall be awarded to the person entitled to such building or other improvements.

(3) The kudikidappukaran shall be entitled to the value of the land occupied by his homestead or hut subject to a minimum of five cents.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(4) The difference between the value of five cents and the value of the extent of the land occupied by the homestead or hut shall, notwithstanding anything contained in the Land Acquisition Act, 1894, be borne by the Government or the local authority or the company or other person on whose behalf the land is acquired.

(5) The balance remaining after deducting the compensation referred to in sub-section (2) and the value of the land occupied by the homestead or hut shall be apportioned among the landowner, intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land acquired immediately before such acquisition.

**Explanation. ---** "Profits derivable from the land" shall be deemed to be equal to –

(i) in the case of a landowner, the rent which he was entitled to get from the tenant holding immediately under him;

(ii) in the case of an intermediary, the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord; and

(iii) in the case of a cultivating tenant the difference between the net income and the rent payable by him; and the rent payable by the cultivating tenant and the intermediary for the purposes of this **Explanation** shall be as calculated under the provisions of this Act.

(6) Notwithstanding anything contained in sub-sections (2) and (5) where the right, title and interest of the landowner and the intermediaries in respect of the land acquired have vested in the Government under section 80,-

(a) the compensation for any building or other improvements belonging to such landowner and intermediaries shall be awarded to the Government; and

(b) the balance remaining after deducting the compensation referred to in clause (a) and the value of the land occupied by the homestead or hut, if any, shall be apportioned between the cultivating tenant and the Government in proportion to the profits derivable by them from the land.

**Explanation. –** "Profits derivable from the land" shall be deemed to be equal to–

(i) in the case of the cultivating tenant, the difference between the net income immediately before the acquisition and the rent which he was liable to pay immediately before the date on which the right title and interest of the landowner and the intermediaries have vested in the Government; and

(ii) in the case of the Government, such rent.

(7) In this section "homestead" includes a dwelling house occupied by a person who is deemed to be a kudikidappukaran under **Explanation II** to clause (24) of section 2.]

**Prices published under section 49 to be deemed to be market rates**

121. If for the purposes of this Act, the price of any commodity referred to in section 49 has to be commuted into money at the market rate for any date, such commutation shall be made at the price of that commodity published by the Collector under the said section for the relevant quarter.

**Appearance before Land Tribunal or Land Board**

122. (1) Any appearance, application or act in or to any Land Tribunal \*[or the appellate authority] or the Land Board required or authorised by law to be made or done by a party in such Land Tribunal \*[or the appellate authority] or the Land board, may be made or done by the party in person or by his recognised agent or by a pleaded appearing, applying or acting, as the case may be, on his behalf:

Provided that any such appearance, shall, if the Land Tribunal \*[or the appellate authority] or Land Board so directs, be made by the party in person.

(2) The recognised agents of parties by whom such appearance, application and act may be made or done are person holding powers of attorney authorising them to make and do such appearance, application and act on behalf of such parties.

**Court fees**

123. Notwithstanding anything contained in any law for the time being in force relating to court fee, every application or appeal made under this Act \*[omitted] shall bear court fee stamp of such value as may be prescribed.

**Members of \*[Land Board, appellate authority] and Land Tribunal to be deemed public servants**

124. The members of the \*[Land Board, appellate authority] and the Land Tribunal and any officer appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

**Penalty for disturbance of customary, easement and other rights of kudikidappukars**

\*[125. Any person who in any manner wilfully disturbs or interferes with the customary, easement or other rights to which a kudikidappukaran is entitled under sub-section (1) or sub-section (2) of section 87A shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.]

**Penalty for failure to furnish return**

126. (1) If any person who is under an obligation to furnish a return or information under this Act refuses or wilfully fails to furnish the return or information within the time specified for the purpose, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any person who, after having been convicted under sub-section (1), continues to refuse or to wilfully fail to furnish the return or information, he shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which he continued so to offend.

**Penalty for failure to furnish statement under section 95A**

\*[126A. (1) If any person bound to file a statement under section 95A does not file the statement within the time specified in that section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) If any person, who after having been convicted under sub-section (1), continues to fail to file the statement referred to in that sub-section, he shall be punishable with fine which may extend to two hundred rupees for each day after the previous date of conviction during which he continued so to offend.]

**Penalty for furnishing false returns or information**

127. If any person who is under an obligation to furnish any return or information furnishes any return or information which he knows or has reason to believe to be false, he shall be punishable with fine which may extend to one thousand rupees.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Penalty for making false declaration**

128. \*[(1) After the commencement of the Mahe Land Reforms (Amendment) Act, 1980, no document relating to any transfer of land shall be received for registration under the Registration Act, 1908, unless the transferor and the transferee make separate declarations in writing (in duplicate) in such form as may be prescribed as to the total extent of land held by him.

(1A) The registering officer shall forward a copy of each of the declarations made under sub-section (1) to the officer authorised by the Government in this behalf for such action as may be necessary.]

(2) If any person makes any declaration before the registering officer under sub-section (1), which he knows or has reason to believe to be false, he shall be punishable with fine not exceeding one thousand rupees.

### **Registering officer not to register in certain cases**

\*[128A. Notwithstanding anything contained in the Registration Act, 1908 where the Collector or any other officer authorised by the Government in this behalf informs the registering officer in writing that there are reasonable grounds to believe that any document relating to transfer of land which may be presented before him for registration is intended to defeat the provisions of this Act such registering officer shall not register such document until the Collector or the officer so authorised, as the case may be, informs the registering officer that the transfer is not intended to defeat the provisions of this Act.]

### **Penalty for contravention of any lawful order**

129. If any person wilfully contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under any of the provisions of this Act, he shall be punishable with fine which may extend to five hundred rupees.

### **Penalty for eviction**

130. Any person who, --

(i) contravenes the provisions of section 89, or

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

(ii) evicts or attempts to evict a cultivating tenant, or a holder of a kudiyruppu or a kudikidappukaran from his holding, kudiyruppu or kudikidappu, as the case may be, in contravention of any other provision of this Act,

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

**Penalty for cutting trees or for removing machinery, etc.,**

\*[ 131. If any person cuts or causes to be cut trees on any land indicated under sub-section (2) of section 95, as land to be surrendered or removes or causes to be removed any building, machinery, plant or apparatus constructed, erected or fixed on any such land and used for agricultural purposes, or does or causes to be done any act likely to diminish the utility of any such land, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

**Offences by companies**

131A. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.** --- For the purposes of this section, ---

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.



### **Cognizance of offences**

132. (1) No court shall take cognizance of any offence punishable under this Act, except on complaint in writing made by an officer authorised by the Government in this behalf.

\*[Provided that an offence under section 125 shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), be cognizable].

(2) No court inferior to that of \*[a judicial magistrate of the first class] shall try any offence punishable under this Act.

### **Protection of action taken under Act**

133. No suit, prosecution or other legal proceeding shall lie against any officer for anything in good faith done or intended to be done under this Act or the rules made thereunder.

### **Bar of jurisdiction of civil courts**

\*[134. (1) No civil court shall have jurisdiction to settle, decide or deal with any question or to determined any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Land Tribunal or the appellate authority or the Land Board or the Government or an officer of the Government:

Provided that nothing contained in this sub-section shall apply to proceedings pending in any court at the commencement of the Mahe Land Reforms (Amendment) Act, 1980.

(2) No order of the Land Tribunal or the appellate authority or the Land Board or the Government or an officer of the Government made under this Act shall be questioned in any civil court, except as provided in this Act.

(3) If in any suit or other proceeding any question regarding rights of a tenant or of a kudikidappukaran (including a question as to whether a person is a tenant or a kudikidappukaran) arises, the civil court shall stay the suit or other proceeding and refer such question to the Land Tribunal together with the relevant records for the decision of that question only.

(4) The Land Tribunal shall decide the question referred to it under sub-section (3) and return the records together with its decision to the civil court.

(5) The civil court shall then proceed to decide the suit or other proceedings accepting the decision of the Land Tribunal on the question referred to it.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

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(6) The decision of the Land Tribunal on the question referred to it shall, for the purposes of appeal, be deemed to be part of the findings of the civil court.

(7) No civil court shall have power to grant injunction in any suit or other proceeding referred to in sub-section (3) restraining any person from entering into or occupying or cultivating any land or kudikidappu or to appoint a receiver for any property in respect of which a question referred to in that sub-section has arisen, till such question is decided by the Land Tribunal, and any such injunction granted or appointment made before the commencement of the Mahe Land Reforms (Amendment) Act, 1980, or before such question has arisen, shall abate.

(8) In this section, "civil court" shall include a Rent Control Court as defined in the Puducherry Buildings (Lease and Rent Control) Act, 1969 (Act No.5 of 1969).]

#### **Construction of references to acres and cents**

135. All references in this Act to areas of land expressed in terms of acres (but not standard acres) and cents shall be construed as references to areas expressed in terms of hectares and acres, converted thereto.

#### **Act to over-ride other laws, etc.**

136. The provisions of this Act shall have effect notwithstanding anything in any other law or any custom or usage or in any contract, express or implied, inconsistent with the provision of this Act.

#### **Power to remove difficulties**

137. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order to be notified in the Official Gazette, do anything not inconsistent with the provisions of this Act which appears to the Government to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made under this section with reference to any matter relating to any provision of this Act after the expiration of two years from the date of the commencement of that provision.

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

### **Wrong or excess payments recoverable under Revenue Recovery Act**

\*[137A. If, for any reason, any amount has been paid by the Land Board or the Land Tribunal to any person not entitled to such amount under this Act or to any person in excess of the amounts due to him under this Act, such amount or, as the case may be, the amount in excess shall be recoverable from the person to whom it has been paid as arrears of public revenue due on land under the provisions of the Puducherry Revenue Recovery Act, 1970.]

### **Power to make rules**

138. (1) The Government may makes rules to carry out all or any of the purposes of the Act.

(2) In particulars, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely: -

- (a) the procedure relating to resumption:
- \*[(b) the fees payable on applications, appeals and claims made under this Act and the persons by whom and the period within which such fees shall be paid];
- (c) the registers to be kept and maintained by the \*[Land Tribunal, the appellate authority] and the Land Board and the particulars to be entered therein;
- (d) the manner of preparation of record of rights;
- (e) form of application for fair rent and procedure in relation thereto;
- (f) the manner of publication of prices of commodities;
- (g) the apportionment of rent on severance of interest of landlord or tenant and form for the purpose;
- (h) the procedure to be followed in the preparation of compensation rolls;
- (i) the filing of statements before the Land Tribunal and the Land Board;
- (j) the procedure to be followed by the Land Tribunal and the Land Board;
- (k) for the joint consideration by the Land Tribunal of two or more applications involving the same question;
- \*[(kk) for the joint consideration by the appellate authority of two or more appeals involving the same question;]

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\* Amended vide Act No.1 of 1981 w.e.f 1-4-1981 vide Notification published in the Extraordinary Gazette No.32 dated 30.03.1981.

- (l) the assignment of lands by the Land Board under \*[section 106] and;
- (m) the management of land before assignment under section 108; and
- (n) any other matter which under this Act is to be, or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly, Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect as the case maybe, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **Limitation**

139. In computing the period of limitation for the institution of suits or proceedings under this Act, the time during which such suits or proceedings were prohibited or stayed under any of the enactments repealed by this Act, shall be excluded.

### **Repeal and savings**

140. (1) (a) The Mahe (Stay of Eviction Proceedings) Regulation, 1963 (5 of 1963) is hereby repealed and all suits, appeals, revisions, reviews and proceedings in execution of decrees stayed by the said enactment may be disposed of by the courts in which they were pending at the commencement of this Act, in accordance with the provisions of this Act:

Provided that where a tenant has, on or after the 31<sup>st</sup> December, 1963, been evicted from his holding and the eviction could not have taken place if the aforesaid law relating to the stay of eviction had been in force, the Administrator or any other authority empowered by him in this behalf may, *suo motu* or on application made by the tenant before the expiry of one year after the commencement of this Act and after making such enquiry as he may deem fit, restore to the tenant the possession of the land from which he was evicted, unless some other tenant, not being a member of the landowner's family, had been admitted to possession of such land before the 18<sup>th</sup> November, 1964, and section 3-C of the said regulation shall, for that purpose, be deemed to continue in force.

(b) The costs in respect of the suits, appeals, revisions, reviews and execution proceedings stayed by the enactment specified in clause (a) shall be in the direction of the court.

(2) The Malabar Tenancy Act, 1929 (Madras Act 14 of 1930) (hereinafter referred to as the said Act) as applicable to Mahe area is hereby repealed.

Notwithstanding the repeal of the Malabar Tenancy Act, 1929 (Madras Act 14 of 1930), under sub-section (2), ---

(a) any decree passed before the commencement of this Act for the eviction of a tenant from his holding pursuant to which eviction has not been effected, may, on the application of the tenant or the landlord, be reopened and the matter may be disposed of in accordance with the provisions of this Act:

(b) any suit for restoration filed under section 24 of section 26 of the said Act and pending disposal at the commencement of this Act shall be disposed of in accordance with the provisions of the said Act as if it has not been repealed;

(c) (i) where the decree-holder, plaintiff, appellant or petitioner, as the case may be, is a person entitled to resumption of land under this Act, he shall have the right to apply to the court to allow resumption of the holding or any part thereof to which he is entitled;

(ii) the application under sub-clause (i) shall be made within one year from the commencement of this Act and shall contain a statement of facts in support of the claims of the applicant and also the names and addresses of all person who have interest in the holding, either as owner, lessee or kudikidappukaran;

(iii) the court shall dispose of the application as if it were an application for resumption before the Land Tribunal under this Act;

(d) notwithstanding anything contained in the law for the time being in force relating to civil procedure in the matter of *res judicata*, the right conferred on the decree-holder, plaintiff, appellant or petitioner, as the case may be, under sub-clause (i) of clause (c) shall not be deemed to take away or in any manner affect his right to apply for resumption under this Act;

(e) all applications for determination of fair rent filed or purported to have been filed under the said Act in which no order determining the fair rent had been passed by the rent court shall be deemed to have been filed under this Act and shall be disposed of according to the provisions of this Act;

(f) where the rent court constituted under the said Act had passed an order determining the fair rent in respect of a holding, but an appeal or application for revision in respect of such order was pending before the appellate or revising

authority, at the time of the commencement of this Act, such appellate or revising authority shall reopen the matter and dispose of it in accordance with the provisions of this Act and for that purpose, shall have all the powers of the appellate or revising authority, as the case may be, under this Act;

(g) where the rent court constituted under the said Act had passed an order determining the fair rent in respect of a holding, but the time for preferring an appeal or revision in respect of such order had not expired at the commencement of this Act, any party aggrieved by the order of the rent court may, within three months from the commencement of this Act, prefer an appeal or an application for revision against such order before the appellate or revising authority under this Act and thereupon such authority shall reopen the matter and dispose of it in accordance with the provision of this Act.

### **\*[SCHEDULE – I**

[See section 2 (47) and 92 (4)]

#### **PART – I**

##### **Lands other than nilam**

<b>Class of land</b>	<b>Standard acre</b>
1. Garden land:	
(i) Land used principally for growing coconut trees	1-25
(ii) Land used principally for growing arecanut trees	0-50
(iii) Land used principally for growing peppervines	3-00
2. Dry land principally cultivated with cashew	2-00
3. Other dry land	2-50
4. Palliyal land	3-00

#### **PART – II**

##### **Standard acres of nilam**

1. Double crop nilam	1-25
2. Single crop nilam	2-25

**SCHEDULE – II**

(See section 33)

**Rates of fair rent**

Sl.No. (1)	Class of land. (2)	Rate of fair rent. (3)
1.	<p>Nilams ---</p> <p>(i) Land converted into nilam by tenant's labour.</p> <p>(ii) Other nilam.</p> <p>(iii) Nilam where fishing is carried on for part of the year by a varamdar.</p> <p>(iv) Nilam not used for paddy cultivation (but not cultivated with sugarcane).</p>	<p>1/8<sup>th</sup> of the gross paddy produce.</p> <p>1/4<sup>th</sup> of the gross paddy produce.</p> <p>Aggregate of rent fixed as for nilam and 1/8<sup>th</sup> of to gross annual income derived from fishing *[(determined in such manner as may be prescribed)].</p> <p>Rent that would have been payable had the land been used for cultivation of paddy.</p>
2.	<p>Garden ---</p> <p>(i) Coconut trees in respect of which the landlord is bound to pay compensation.</p> <p>(ii) Coconut trees in respect of which the landlord is not bound to pay compensation.</p> <p>(iii) Arecanut trees in respect of which the landlord is not bound to pay compensation.</p> <p>(iv) Arecanut trees in respect of which the landlord is not bound to pay compensation.</p> <p>(v) Pepper-vines in respect of which the landlord is bound to pay compensation.</p> <p>(vi) Pepper-vines in respect of which the landlord is not bound to pay compensation.</p>	<p>*[1/16<sup>th</sup>] of the gross coconut produce.</p> <p>*[1/4<sup>th</sup>] of the gross coconut produce.</p> <p>*[1/6<sup>th</sup>] of the gross arecanut produce.</p> <p>1/4<sup>th</sup> of the gross arecanut produce.</p> <p>*[1/20<sup>th</sup>] of the gross pepper produce.</p> <p>*[1/6<sup>th</sup>] of the gross pepper produce.</p>
3.	<p>Dry land –</p> <p>(a) cultivated with groundnut or other crops notified by the Government.</p> <p>(b) in other cases</p>	<p>*[1/10<sup>th</sup>] of the gross produce.</p> <p>Rs. 4 per acre.</p>
4.	Land not falling under any of items.	Contract rent.

**\*[SCHEDULE - III]**

[See sections 98 (2) and 107 (1)]

**RATES OF COMPENSATION****PART - I**

Lands other than nilam

<b>Class of land</b>		<b>Rate per acre</b>
		<b>Rs.</b>
1.	Garden Land:	
(i)	Land used principally for growing coconut trees	... 1,600
(ii)	Land used principally for growing arecanut trees	... 3,000
(iii)	Land used principally for growing peppervines	... 700
2.	Dry land principally cultivated with cashew	... 500
3.	Palliyal land	... 400
4.	Waste land (with or without scattered trees)	... 200
5.	Land not falling under any of the above classes	... 300

**PART - II****NILAMS**

<b>Class of land</b>		<b>Rate per acre</b>
		<b>Rs.</b>
1.	Double crop nilam	... 1,600
2.	Single crop nilam	... 900

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