



The Land Acquisition (Tamil Nadu Amendment) Act, 1948

Act 21 of 1948

Keyword(s):

Central Act Amendment, The Land Acquisition Act, 1894

Amendments appended: 12 of 1953, 23 of 1961, 41 of 1980, 16 of 1997, 43 of 1999

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1948 : T.N. Act XXI] *Land Acquisition*
(*Tamil Nadu Amendment*)

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¹[TAMIL NADU] ACT No. XXI OF 1948².

[THE LAND ACQUISITION (¹[TAMIL NADU] AMENDMENT) ACT, 1948].

(Received the assent of the Governor on the 31st December 1948; first published in the Fort St. George Gazette on the 4th January 1949.)

An Act further to amend the Land Acquisition Act, 1894, in its application to the ³[State of Tamil Nadu].

Central
Act I of
1894.

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894, in its application to the ³[State of Tamil Nadu], for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Land Acquisition- ^{Short title and extent.}
tion (²[Tamil Nadu] Amendment) Act, 1948.

(2) It extends to the whole of the ⁴[State of Tamil Nadu].

Central
Act I of
1894.

2. In section 17 of the Land Acquisition ^{Amendment of section 17, Central Act I of 1894.}
Act, 1894—

(a) to sub-section (1), the following Explanation shall be added, namely :—

“*Explanation.*—This sub-section shall apply to any waste or arable land, notwithstanding the existence thereon of scattered trees or temporary structures such as huts, pandals or sheds ;”

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 17th August 1948, Part IV-A, page 376.

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

⁴ This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(b) in the first paragraph of sub-section (2)—

(i) before the word “Whenever” at the commencement, the following shall be inserted, namely :—

“In the following cases, that is to say—”;

(ii) the portion beginning with the word “Whenever” and ending with the words “access to any such station ” shall be lettered as clause (a) and after the clause as so lettered, the following clause shall be inserted, namely :—

“(b) whenever in the opinion of the Collector it becomes necessary to acquire the immediate possession of any land—

(i) for the purpose of any library or educational institution, or

(ii) for the construction, extension or improvement of—

(A) any building or other structure in any village for the common use of the inhabitants of such village, or

(B) any godown for any society registered or deemed to be registered under the Madras ^{Madras Act VI of 1932.} Co-operative Societies Act, 1932*, or

(C) any dwelling house for the poor, or

(D) any irrigation tank, irrigation or drainage channel, or any well, or

(E) any road.”

*See now the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961).

¹[TAMIL NADU] ACT No. XII OF 1953.²

THE LAND ACQUISITION (¹[TAMIL NADU] AMENDMENT) ACT
1953.]

*(Received the assent of the President on the 29th June 1953;
first published in the Fort St. George Gazette, on the
8th July 1953.)*

An Act further to amend the Land Acquisition Act, 1894 in
its application to the ³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Land
Acquisition Act, 1894 (Central Act I of 1894), in its appli-
cation to the ³[State of Tamil Nadu] for the purposes
hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Land Acquisition Short title
and extent.
(¹[Tamil Nadu] Amendment) Act, 1953.

(2) It extends to the whole of the ³[State of Tamil
Nadu].

2. In sections 28 and 34 of the Land Acquisition Act, Amendment of
sections 28 and
34 of Central
Act 1 of 1894.
1894 (Central Act I of 1894),—

(i) for the words “six per centum”, the words
“four per centum” shall be substituted ;

(ii) the following proviso shall be added at the end
namely :—

“ Provided that where such possession is taken before
the commencement of the Land Acquisition (¹[Tamil Nadu]
Amendment) Act, 1953, the foregoing provision shall have
effect as if for the rate of four per centum per annum speci-
fied therein the rate of six per centum per annum had been
substituted. ”

1. These words were substituted for the word “Madras” by
the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2. For Statement of Objects and Reasons, see *Fort St. George
Gazette, Part IV-A*, dated the 4th March 1953 page 23.

3. This expression was substituted for the expression “State of
Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as
amended by the Tamil Nadu Adaptation of Laws (Second Amend-
ment) Order, 1969.

¹[TAMIL NADU] ACT No. 23 OF 1961.²

THE LAND ACQUISITION (¹[TAMIL NADU]
AMENDMENT) ACT, 1961.

[Received the assent of the President on the 22nd June 1961, first published in the Fort St. George Gazette on the 5th July 1961 (Asadha 14, 1883).]

An Act further to amend the Land Acquisition Act, 1894, in its application to the ³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Land Acquisition Act, 1894 (General Act I of 1894), in its application to the ³[State of Tamil Nadu] ;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment,

1. (1) This Act may be called the Land Acquisition (¹[Tamil Nadu] Amendment) Act, 1961.

(2) It extends to the whole of the ³[State of Tamil Nadu].

(3) It shall come into force on such date as the State Government may, by notification, appoint; and different dates may be appointed for different areas.

Definition.

2. In this Act, unless the context otherwise requires, "housing scheme" means any State Government scheme the purpose of which is increasing house accommodation and includes any scheme by a local authority, company or body corporate for such purpose undertaken with the previous sanction of the State Government.

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

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 23rd February 1961, Part IV-section 3, pages 40-41.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

3. Where any land is acquired for the execution of any housing scheme, the Land Acquisition Act, 1894 (Central Act I of 1894), as in force in the [State of Tamil Nadu], shall apply subject to the following modifications, namely :—

Sections 23 and 24 of Central Act I of 1894 to apply with certain modifications in respect of acquisition of lands for housing schemes.

(1) In section 23 of the said Act, —

(a) in sub-section (1),

(i) for clause *first*, the following clause shall be substituted, namely :—

“*first*, the market value of the land at the date of the publication of the notification under section 4, sub-section (1), or an amount equal to the average market value of the land during the five years immediately preceding such date, whichever is less;”

(ii) in clause *fifthly*, the word “and ” occurring at the end shall be omitted ;

(iii) in clause *sixthly*, the word “ and ” shall be added at the end; and

(iv) after clause *sixthly*, the following clause shall be added, namely :—

“*seventhly*, the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1).” ;

(b) in sub-section (2), for the words “ fifteen per centum ”, the words “ five per centum ” shall be substituted.

(2) In section 24 of the said Act,—

(i) in clause *sixthly*, the word “or” occurring at the end shall be omitted;

(ii) in clause *seventhly*, the word “ or ” shall be added at the end; and

¹This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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Amendment)

(iii) after clause *seventhly*, the following clause shall be added, namely :—

“*eighthly*, any increase to the value of the land acquired by reason of its suitability or adaptability for any use other than the use to which the land was put at the date of the publication of the notification under section 4, sub-section (1).”

Application of the Act to pending cases of acquisition. 4. The provisions of section 3 shall apply also to every case in which proceedings have been started before the commencement of this Act for the acquisition of any land for the execution of any housing schemes, provided that no award has been made by the Collector under section 11 of the Land Acquisition Act, 1894 (Central Act I of 1894), before such commencement.

Saving of other laws. 5. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act,

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TAMIL NADU ACT NO. 41 OF 1980.*

THE LAND ACQUISITION (TAMIL NADU AMENDMENT) ACT, 1980.

[Received the assent of the President on the 21st November 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 26th November 1980 (Karthigai 11, Rowthiri-2011-Tiruvalluvar Aandu).]

An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Tamil Nadu.

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

Short title, extent and commencement.

1. (1) This Act may be called the Land Acquisition (Tamil Nadu Amendment) Act, 1980.

(2) It extends to the whole of the State of Tamil Nadu.

(3) Section 2 shall be deemed to have come into force on the 20th day of January 1967.

Amendment of section 6, Central Act I of 1894.

2. In sub-section (1) of section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894) (hereinafter referred to as the principal Act), to the first proviso, the following *Explanation* shall be added, namely:—

“Explanation.—In computing the period of three years specified in this proviso any period during which any action or proceeding to be taken in pursuance of the notification issued under sub-section (1) of section 4 is held up on account of stay or injunction by order of a court, shall be excluded :”

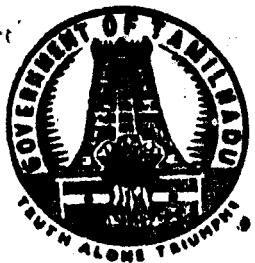
Validation of certain declarations.

3. Notwithstanding any judgment, decree or order of any court to the contrary, no declaration made under section 6 of the principal Act in respect of any land covered by a notification under sub-section (1) of section 4, published after the 20th day of January 1967, shall be deemed to be invalid or ever to have become invalid on the ground that such declaration has been made after the expiry of three years from the date of publication of such notification, if the three years period aforesaid would not have expired, had the period covered by any stay or injunction granted by any court, in respect of any action or proceed-

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 5th July 1980, Part IV—Section 1, pages 118-119.

**1980 : T.N. Act 41] Land Acquisition (Tamil Nadu 111
Amendment)**

ing relating to such notification, been excluded in computing the said period of three years; and all such declarations made and acts done or proceedings taken in pursuance of such declarations, shall be deemed to be and to have always been validly made, done or taken in accordance with law, as if section 2 of this Act had been in force, at all material times, when such declarations were made.



TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No 150]

CHENNAI, THURSDAY, MARCH 20, 1997

Punguni 7, Thadhu, Thiruvalluvar Aandu 2028

Part IV — Section 2.
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th March 1997. and is hereby published for general information:—

ACT No. 16 OF 1997.

An Act further to amend the Land Acquisition Act, 1894
in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Land Acquisition (Tamil Nadu Amendment) Act, 1996.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

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

Central Act I
of 1894.

2. In the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in section 4,—

Amendment
of section 4.

(1) in sub-section (1),—

(a) for the expression "Whenever it appears to the appropriate Government", the expression "Subject to the provisions of sub-section (1-A), whenever it appears to the Collector or the Commissioner of Land Administration or the Government, as the case may be," shall be substituted;

(b) the following Explanation shall be added at the end, namely:—

Explanation.—For the purpose of this sub-section, the publication of notification in the Official Gazette, the publication of such notification in two daily newspapers and the giving of public notice,—

(a) may precede each other;

(b) shall be completed within a period of sixty days. The period of sixty days shall be reckoned from the date of publication of notification in the Official Gazette or the date of publication of such notification in two daily newspapers or the date of giving public notice, whichever is earlier.”;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1-A) The notification under sub-section (1) shall be published by—

(a) the Collector in respect of land not exceeding ten acres in extent the value of which does not exceed rupees five lakhs;

(b) the Commissioner of Land Administration in respect of land not exceeding twenty acres in extent the value of which exceeds rupees five lakhs, but does not exceed rupees twenty lakhs; and

(c) the Government in other cases.”;

(3) in sub-section (2), for the words “by such Government”, the words “by such Collector or Commissioner of Land Administration or Government, as the case may be,” shall be substituted.]

Amendment
of section
5-A.

3. In section 5-A of the principal Act, in sub-section (2), for the portion beginning with the words “in respect of different parcels of such land” and ending with the words “objections shall be final”, the following shall be substituted, namely:—

“in respect of different parcels of such land,—

(i) to the Government, where the notification under sub-section (1) of section 4 was published by the Government;

(ii) to the Commissioner of Land Administration, where the notification under sub-section (1) of section 4 was published by the Commissioner of Land Administration or by the Collector;

containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of the Government or the Commissioner of Land Administration, as the case may be. The decision of the Government or the Commissioner of the Land Administration, as the case may be, shall be final.”.

Amendment
of section 6.

4. In section 6 of the principal Act,—

(1) in sub-section (1),—

(a) after the words “appropriate Government”, the words “or the Commissioner of Land Administration, as the case may be,” shall be inserted;

(b) after the words “to certify its orders”, the words “or under the signature of the Commissioner of Land Administration, as the case may be,” shall be inserted;

(2) in sub-section (2), the following *Explanation* shall be added at the end, namely:—

Explanation.—For the purpose of this sub-section, the publication of declaration in the Official Gazette, the publication of such declaration in two daily newspapers and the giving of public notice,—

(a) may precede each other;

(b) shall be completed within a period of sixty days. The period of sixty days shall be reckoned from the date of publication of declaration in the Official Gazette or the date of publication of such declaration in two daily newspapers or the date of giving public notice whichever is earlier.”;

(3) in sub-section (3), after the words “appropriate Government”, the words “or the Commissioner of Land Administration, as the case may be.” shall be inserted.

5. In section 7 of the principal Act, for the words "by the appropriate Government in this behalf", the words "by the appropriate Government in this behalf or the Commissioner of Land Administration, as the case may be," shall be substituted.

Amendment
of section 7

6. After section 16 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
16-A and
16-B.

"16-A. *Restriction on transfer, etc.*—(1) No person or authority (other than the Government), for whom any land is acquired under this Act for any public purpose as referred to in sub-section (1) of section 4, shall transfer the said land or any part thereof by way of sale, mortgage, gift, lease or otherwise except with the previous sanction of the Government.

(2) Where it is noticed or any information has been received that any land has been transferred in contravention of sub-section (1), the Government may, by an order, declare the transfer to be null and void, and on such declaration, the land shall, as penalty, be forfeited to, and vest in, the Government in Revenue Department free from all encumbrances:

Provided that no order under this sub-section, shall be made unless such person or authority has had a reasonable opportunity of being heard.

16-B. *Land to be forfeited in certain cases.*—Where the Government are satisfied that the land acquired under this Act for any public purpose as referred to in sub-section (1) of section 4 is not used for the purpose for which it was acquired, they may, by an order, forfeit the land as penalty and the land shall vest in the Government in Revenue Department free from all encumbrances:

Provided that no order under this section, shall be made unless the person or authority aggrieved has had a reasonable opportunity of being heard."

7. In section 18 of the principal Act,—

Amendment
of section 18.

(1) in sub-section (2), for the words "The application shall state the grounds on which objection to the award is taken", the following shall be substituted, namely:—

"The application shall state—

(a) the grounds on which the objection to the award is taken; and

(b) if it relates to the enhancement of compensation, the exact amount required to be enhanced;" ;

(2) after sub-section (2), the following sub-section shall be substituted, namely:—

(3) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908 (Central Act V of 1908), or in any other law for the time being in force or in any contract, the applicant shall, if such application relates to the amount of compensation and if the acquisition is not made for the Government, implead the person or authority, as the case may be, for whom the acquisition is made, as a party in such application."

8. In section 19 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

Amendment
of section 19.

"(bb) the name of the person or authority to be impleaded as a party in the proceedings of the court where the acquisition is not made for the Government;"

9. After section 23 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section 23-A.

"23-A. *Restriction on withdrawal of amount.*—The amount of compensation awarded by any Court under this Act shall be deposited in that Court and the Court shall not allow the person interested to withdraw such amount till the final disposal of the matter in this regard in the highest form:

Provided that if the Court considers that it is absolutely necessary to allow the person interested to withdraw the amount of compensation, the Court may allow him to withdraw only the amount awarded by the Collector.

Explanation.—For the purpose of this section, "Court" includes the "High Court".

stitution of
section 25.

10. For section 25 of the principal Act, the following sections shall be substituted, namely:—

“25. *Amount of compensation awarded by Court.*—The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11 and shall not be more than the amount claimed by the person interested.

25-A. *Payment of enhanced compensation in certain cases.*—Notwithstanding anything contained in this Act or in any other law for the time being in force or any contract, in cases where the acquisition is not made for the Government and the compensation awarded under section 25 or section 28-A or section 54, is in excess of the amount awarded by the Collector under section 11, the excess amount so awarded including the interest, if any, payable under section 28, shall be paid by the person or authority for whom the acquisition is made.”

amendment
of section
28-A.

11. In section 28-A of the principal Act, in sub-section (1), after the words “the persons interested in all the other land”, the words “which is similar in all respects and merits and is” shall be inserted.

amendment
of section
44-A.

12. Section 44-A of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Where it is noticed or any information has been received that any land has been transferred in contravention of sub-section (1), the Government may, by order, declare the transfer to be null and void and on such declaration, the land shall, as penalty, be forfeited to, and vest in, the Government in Revenue Department free from all encumbrances:

Provided that no order under this sub-section shall be made unless the company has had a reasonable opportunity of being heard.”

Insertion of
new section
48-B.

13. After section 48-A of the principal Act, the following section shall be inserted, namely:—

“48-B. *Transfer of land to original owner in certain cases.*—Where the Government are satisfied that the land vest in the Government under this Act is not required for the purpose for which it was acquired, or for any other public purpose, the Government may transfer such land to the original owner who is willing to repay the amount paid to him under this Act for the acquisition of such land inclusive of the amount referred to in sub-sections (1-A) and (2) of section 23, if any, paid under this Act.”

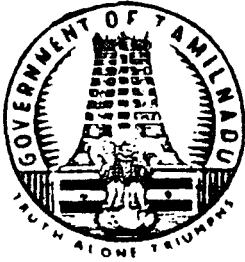
Insertion of
new section 54-A.

14. After section 54 of the principal Act, the following section shall be inserted, namely:—

“54-A. *Service of notice by High Court.*—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908), the High Court before which an appeal has been filed under section 54, shall issue a notice specifying the date on which such Court will proceed to hear the case and directing the appearance before such Court on that day, to be served on the person or authority also, other than the Government, for whom the acquisition is made.”

(By order of the Governor)

A. K. RAJAN,
Secretary to Government, Law Department



TAMIL NADU GOVERNMENT GAZETTE

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Karthigai 22, Pramathi, Thiruvalluvar Aandu-2030

Part IV — Section 2 Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 3rd December 1999 and is hereby published for general information:—

ACT No. 43 OF 1999.

An Act further to amend the Land Acquisition Act, 1894, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Land Acquisition (Tamil Nadu Amendment) Act, 1999.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

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

Central Act
1 of 1894.

2. In the Land Acquisition Act, 1894, in section 4, in sub-section (1-A), for clauses (a) and (b), the following clauses shall be substituted, namely:—

Amendment
of section 4.

“(a) the Collector in respect of land not exceeding forty acres in extent the value of which does not exceed rupees twenty-five lakhs ;

(b) the Commissioner of Land Administration in respect of land not exceeding seventy-five acres in extent the value of which exceeds rupees twenty-five lakhs, but does not exceed rupees fifty lakhs; and”.

(By order of the Governor)

K. PARIHASARATHY,
Secretary to Government,
Law Department.

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