



## The Madras City Land-Revenue Act, 1851

Act 12 of 1851

**Keyword(s):**

Securing the Land Revenue of Madras, Un assessed Land, Lakhiraj Tenures, Priority of Government claim over Land Revenue

Amendment appended: 16 of 1967

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4. The correspondence and other documents belonging to any such commission shall be deposited on the determination thereof, in the office of the Board of Revenue, and shall be deemed records of the said Board.

Deposit of records.

ACT No. XII OF 1851<sup>1</sup>.

[THE MADRAS CITY LAND-REVENUE ACT, 1851.]

[14th November 1851.]

An Act for securing the Land-revenue of Madras.

WHEREAS it is expedient that the land-revenue accruing due to <sup>2</sup>[the Government] <sup>3</sup>[within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Madras], should be ascertained and collected in as summary a manner as in other parts of the territories under the Government <sup>4</sup>[ ] ; It is enacted as follows :—

Preamble.

1. All assessable lands not the property of <sup>5</sup>[the Government] <sup>3</sup>[within the local limits of the ordinary

Assessment of un-assessed lands in Madras Town.

<sup>1</sup> The short title was given by the Repealing and Amending Act 1901 (Central Act XI of 1901).

<sup>2</sup> According to the direction in the Adaptation Order of 1937, the words "East India Company" should be changed into "the Crown" and consequently the expression "the East India Company" in the Act should read as "the Crown". The superfluous "the" in the expression "the the Crown" was omitted with effect from the 1st April 1937 by section 3 (2) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951). The words "the Government" were substituted for the words "the Crown at Madras" by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).

<sup>3</sup> These words were substituted for the words "within the limits of the Town of Madras as defined in s. 12, Regulation II of 1802 of the Madras Code" by the Amending Act, 1891 (Central Act XII of 1891).

<sup>4</sup> The words "of the Crown" were omitted by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).

<sup>5</sup> The words "the Crown" were substituted for the words "East India Company" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950—see also footnote 2 above.

original civil jurisdiction of the High Court of Judicature at Madras], of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rates customarily charged upon lands of a similar description in the neighbourhood according as they may be situated respectively within or without the <sup>1</sup>[Presidency town of Madras].

Lakhiraj  
tenures.

2. *Lakhiraj* tenures of land in Madras, of which uninterrupted possession has been held under alleged grants, exempt or partially exempt from assessment for sixty years, shall be valid; no other *lakhiraj* tenures of land in Madras shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

Rate of  
assessment.

3. The Collector of Madras shall determine the rate of assessment to be <sup>2</sup>[levied] on assessable land under section 1 of this Act, with reference to the rate assessed upon other land of a similar description in the neighbourhood, subject to an appeal to the Board of Revenue, to be made within six months from the notification by the Collector of the assessment fixed by him. The decision of the Board of Revenue upon such appeal shall be final.

Appeal.

Power to  
order  
measurement.

4. The Collector may order any assessable land or land already assessed or charged with a rent payable to <sup>3</sup>[the Government], to be measured, for the purpose of determining the amount of assessment

<sup>1</sup> The words "Presidency town of Madras" were substituted for the words "walls of George Town" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957). The words "George Town" were themselves substituted for the words "Black Town" by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).

<sup>2</sup> This word was substituted for the word "laid" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

<sup>3</sup> The words "the Crown" were substituted for the words "East India Company" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950—see also footnote 2 on page 99 *supra*

to be imposed, or in the case of land already assessed or charged with a rent, for the purpose of ascertaining whether the actual dimensions, and the dimensions upon which the amount of assessment or rent was calculated, correspond.

5. Whenever, upon the measurement of any land under the preceding section, it shall be found that the dimensions upon which the amount of assessment or rent was calculated exceed the actual dimensions, a proportionate abatement shall be made for the excess, on the demand of the party entitled to claim it.

Abatement for land assessed beyond actual dimensions.

6. On the other hand, when the actual dimensions exceed the dimensions upon which the amount of assessment of rent was calculated, the excess shall be charged at the same rate as the rest of the land, the possession being left undisturbed: Provided that, when it shall appear that the excess has been caused by the surreptitious usurpation of ground belonging to another tenure, the act of the Collector in assessing it shall not prejudice the holder of such other tenure in any effort he may make to recover the ground usurped from it.

Charge for land in excess of quantity assessed. Saving of right of holder from whom excess is usurped.

An appeal shall lie to the Board of Revenue against any extra assessment or additional rent charged by the Collector for excess by measurement under this section, if preferred within six months from the date of the Collector's order. Upon such appeal the decision of the Board of Revenue shall be final.

Appeal against extra assessment.

7. [Recovery by distress and sale.] *Rep., by the Madras City Land-revenue (Amendment) Act, 1867 (Mad. Act VI of 1867), s. 2.*

8. In the case of payment by any tenant or occupier not holding immediately under <sup>1</sup>[the Government], or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

Deduction from landlord's rent of payment by under-tenant.

<sup>1</sup>The words "the Crown" were substituted for the words "East India Company" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the adaptation Order 1950—see also footnote 2 ca p. 99 supra.

Priority of Government claim for and revenue.

9. The claim of <sup>1</sup>[the Government] for land-revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

Deposit of amount of disputed claim.

10. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

<sup>2</sup>[11 \* \* \* \* \* ]

Inquiry into claim to hold land rent-free, and report to Board.

12. When a claim to hold land lakhiraj, or free of assessment, shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer or the public records supply, and shall report his proceedings in the case for the consideration of the Board of Revenue.

Procedure thereupon.

If the Board of Revenue are satisfied of the validity of the claim they shall make an order accordingly, and such order shall be final. If they are not satisfied of the validity of the claim, they shall direct the Collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts, as herein provided.

Penalty for obstructing Collector or his subordinates.

13. Any person obstructing or molesting the Collector or any of his subordinate officers in the execution of their duty shall, on conviction before a Magistrate of the town of Madras, be liable to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the common gaol, for a term not exceeding six months, or until the fine is sooner paid.

<sup>1</sup>The words "the Crown" were substituted for the words "East India Company" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950—see also footnote 2 on p. 99 *supra*.

<sup>2</sup>This section was omitted by section 2 of the Madras City Land Revenue and Revenue Recovery (Amendment) Act, 1967 (Tamil Nadu Act 16 of 1967).

14. The Collector may punish any contempt committed in his presence in open kachari or office, by fine not exceeding two hundred rupees, and in default of payment, by imprisonment in the common gaol for a term not exceeding one month.

Collector's power to punish contempts.

From every such order of fine or imprisonment an appeal shall lie to the Board of Revenue, whose decision shall be final.

Appeal from his orders.

15. The Collector shall act in the execution of this Act under the usual control of the superior revenue authorities.

Control of Collector.

16. The ground-rents payable to <sup>1</sup>[the Government] from lands in Madras are revenue within the meaning of the Act of Parliament, 21 Geo. III, cap. 70<sup>2</sup>; and the Supreme Court of Judicature established by Royal Charter at Madras has not any civil jurisdiction concerning the said ground-rents or concerning anything ordered or done in the assessment or collection thereof.

Exemption of questions relating to ground-rents from civil jurisdiction of Supreme Court.

17. All actions concerning any trespass or injury committed by any Revenue-officer, acting under colour of this Act, or concerning any claim in respect of any goods taken by, or any moneys paid to, any Revenue-officer under this Act, or concerning any claim of rent or revenue on the part of <sup>1</sup>[the Government] under this Act, shall be tried and determined in the Civil Courts established by <sup>1</sup>[the Government] in the Zila of Chingleput, notwithstanding that the cause of action in respect of which such action is brought arose, or the defendant therein reside, within the limit of the town of Madras, and every such action shall be brought within six months after the cause of action arose, and not afterwards.

Jurisdiction of Civil Courts in Chingleput in suits against Revenue officers.

18. The words "Collector" and "Board of Revenue" used in this Act shall be taken to mean any person or persons lawfully appointed to exercise the powers vested in the Collector and Board of Revenue, respectively, under this Act.

"Collector" and "Board of Revenue" defined.

<sup>1</sup> The words "the Crown" were substituted for the words "East India Company" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950—see also footnote 2 on page 99 *supra*.

<sup>2</sup> The East India Company Act, 1870 (21 Geo. 3, C. 70), printed, Collection of Statutes relating to India.

THE MADRAS CITY LAND REVENUE AND  
REVENUE RECOVERY (AMENDMENT)  
ACT, 1967.

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

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

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

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

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

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

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

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

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

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George  
Gazette Extraordinary*, dated the 15th July 1967, Part IV-Section 3,  
pages 56-57.

<sup>3</sup> This expression was substituted for the expression "State of  
Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as  
amended by the Tamil Nadu Adaptation of Laws (Second Amend-  
ment) Order, 1969.

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

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

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

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

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

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

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

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

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;  
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, under the said Act shall be deemed to have been done or taken under the <sup>1</sup>[Tamil Nadu] Revenue Recovery Act, 1864 (<sup>1</sup>[Tamil Nadu] Act II of 1864) and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the <sup>1</sup>[Tamil Nadu] Revenue Recovery Act, 1864 (<sup>1</sup>[Tamil Nadu] Act II of 1864).

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



Extension of  
1[Tamil Nadu  
Act] II of 1864  
to the added  
teries, repeal  
and saving.

6. (1) The <sup>2</sup>[Tamil Nadu] Revenue Recovery Act, 1864 (<sup>2</sup>[Tamil Nadu] Act II of 1864), as in force immediately before the date of the commencement of this Act in the <sup>3</sup>[State of Tamil Nadu] except in the added territories and as amended by this Act (hereinafter in this section referred to as the <sup>4</sup>[Tamil Nadu Act]), is hereby extended to, and shall be in force in the added territories.

(2) If, immediately before the date of the commencement of this Act, there is in force in the added territories any law corresponding to the <sup>4</sup>[Tamil Nadu Act], such corresponding law shall stand repealed on such date.

(3) The repeal by sub-section (2) of any law corresponding to the <sup>4</sup>[Tamil Nadu Act] in force in the added territories immediately before the date of the commencement of this Act shall not affect—

(a) the previous operation of any such law or anything duly done or suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

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

<sup>2</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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

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

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

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

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

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

<sup>1</sup> This expression was substituted for the expression “Madras Act” by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.