

Act 20 of 1969

THE SREEPADAM LANDS ENFRANCHISEMENT ACT, 1969

An Act to provide for the enfranchisement of Sreepadam lands on payment of compensation and for matters connected therewith.

Preamble . — WHEREAS it is expedient to provide for the *enfranchisement* Sreepadam lands on payment of compensation and for matters connected therewith;

Be it enacted in the Nineteenth Year of the Republic of India as follows:—

1 Short title and commencement. — (1) This Act may be called the Sreepadam Lands Enfranchisement Act, 1969.

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

2. Definitions. —In this Act, unless the context otherwise requires, —

(a) "appointed day" means the day on which this Act comes into force;

(b) "basic-tax" means the tax imposed under the provisions of the Kerala Land Tax Act, 1961 (13 of 1961) ;

(c) "financial year" means the year commencing on the 1st day of April;

(d) "holding" means any parcel or parcels of Sreepadam lands held by a landholder;

(e) "kuthakapattom" means a lease of Sreepadam lands or of trees on such lands or of trees on such lands or of both, granted for consideration payable in money or in kind or in both, whether annually or otherwise;

(f) "landholder" means a person holding at the commencement of this Act Sreepadam lands on Sreepadam pattam or other favourable tenures, but does not include a person holding Sreepadam lands on Kuthakapattom;

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

(h) "rent" means whatever is lawfully payable in money or in kind or in both, to the Sreepadam Palace by a landholder for the use and occupation of any Sreepadam land;

(i) "Sreepadam lands" means—

- (i) lands comprised in the free-hold villages of Idakkode, Illamba, Mudakkal, Alamkodu, Avanavancherry, Attingal and Kilattingal in the Chirayinkil Taluk, the revenue from which is wholly assigned in favour of the Sreepadam Palace;
- (ii) other lands not being pandaravaka lands situate in the State of Kerala and owned by the Sreepadam Palace;

(j) "tharissu" means any land entered as tharissu in the revenue records (other than lands held under kuthakapattom) and owned by the Sreepadam Palace, but does not include any such land held by a landholder.

3. *Extinguishment of the rights of Sreepadam Palace* . —Notwith standing anything contained in any law or contract or in any judgment, decree or order of court, with effect on and from the appointed day,—

- (a) all rights, title and interest of the Sreepadam Palace in all Sreepadam lands held by landholders shall stand extinguished;
- (b) all Sreepadam lands held on Kuthakapattom shall vest in the Government; and
- (c) all tharissu shall vest in the Government.

4. *Landholders to be registered holders under Government* . — Notwithstanding anything contained in any law or contract or in any judgment, decree or order of court, with effect on and from the appointed day,—

(a) every landholder shall, subject to the provisions of section 9, have full proprietorship in the land comprised in his holding, and such right shall be heritable and alienable;

(b) except as provided in section 10, no landholder shall be liable to pay rent to the Sreepadam Palace.

5. *Compensation to Sreepadam Palace* .— (1) The Government shall, by way of compensation for the extinguishment, of the rights, title and interest of the Sreepadam Palace under clause (a) of section 3 and for the vesting in the Government of the Sreepadam lands held on Kuthakapattom, under clause (b) of that section, pay in perpetuity to the Sreepadam Palace every financial year beginning with the financial year in which the appointed day falls, an amount of 31,075 rupees as annuity.

(2) The Government shall, by way of compensation for the vesting of tharissu in the Government under clause (c) of section 3 pay to the Sreepadam Palace an amount calculated at the rate of four hundred and ninety-four rupees per hectare of tharissu.

(3) The annuity payable under sub-section (1) shall be paid in one lump every financial year on such date and in such manner as may be prescribed.

(4) The compensation payable under sub-section (2) shall be paid in one lump and shall bear interest at the rate of 5 percent per annum from the appointed day.

6. *Treatment of lands held on Kuthakapattom* .—(1) Where, in respect of any Sreepadam land, there is a lease on Kuthakapattom, such lease shall be deemed to continue under the Government on the same terms and conditions as under the Sreepadam Palace.

(2) Subject to the provisions of sub-section (1), the Government may, at any time after the appointed day, after reserving the lands necessary for Government or public purposes, assign on registry in such manner and on payment of such consideration as may be prescribed the remaining lands vested in the Government under clause (b) of section 3.

7. *Treatment of tharissu* .—(1) All tharissu vested in the Government under clause (c) of section 3 shall be surveyed and demarcated in such manner as may be prescribed.

(2) After the survey and demarcation of all tharissu as provided in sub-section (1), the Government shall, after reserving the tharissu necessary for Government or public purposes, assign on

registry the remaining tharissu to such persons, in such manner and on payment of such consideration as may be prescribed:

Provided that preference shall be given to the persons in actual occupation of the tharissu immediately before the appointed day.

8. *Recovery of amounts due to Government* . —All amounts due to the Government as arrears of Kuthakapattom or towards consideration for assignment of lands on registry shall be a first charge on the land held under such Kuthakapattom or assigned on such registry and shall be recoverable as arrears of land revenue under the Revenue Recovery Act for the time being in force.

9. *Liability to pay basic tax* .—(1) With effect on and from the appointed day, all Sreepadam lands held by landholders immediately before that day shall be deemed to be pandaravaka lands for all purposes and shall be liable to be charged with basic tax.

(2) The landholders shall be liable to pay the basic tax and the provisions of the Kerala Land Tax Act, 1961 (13 of 1961), shall apply to the levy and collection of such tax.

(3) “Rajabhogam” payable to the Government by any landholder in respect of any Sreepadam land shall cease to accrue with and from the appointed day.

10. *Collection of arrears of rent* .—(1) With effect on and from the appointed day, the Sreepadam Palace shall not be entitled to collect any rent which accrued due to it from any landholder in respect of his holding before, and is outstanding on, that day, but the Tahsildar of the taluk in which the holding is situate shall be entitled to collect all such arrears of rent and any interest payable thereon as if they were arrears of public revenue due on land;

Provided that if a landholder pays within two years from the appointed day in such manner as may be prescribed an amount equal to the arrears of rent for three financial years or the actual arrears outstanding on the appointed day, whichever is less, together with interest thereon, all arrears of rent shall be deemed to be fully discharged and no suit or other proceedings shall lie or continue for the recovery thereof.

(2) All amounts paid or collected under sub-section (1) shall be paid to the Sreepadam Palace after deducting—

(a) five percent thereof on account of collection charges;

(b) the amount, if any, due from the Sreepadam Palace to the Government.

(c) the rent, if any, collected before the appointed day by the Sreepadam Palace from any landholder in respect of the financial year in which the appointed day falls or any subsequent financial year.

(3) All amounts which the Tahsildar is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable, subject only to the charge for basic tax.

11. *Issue of pattas, etc., to landholders* .—(1) As soon as may be after the appointed day, the Government shall issue pattas or other documents evidencing the right of the landholder in the lands comprised in their holdings.

(2) The pattas or other documents issued under sub-section (1) shall contain such particulars as may be prescribed.

12. *Appointment of officers to settle tax, etc.* —(1) The Government may appoint or authorise such officer or officers as they deem necessary for the purpose of settling the tax or other dues payable by landholders to the Government or to any other authority and for the issue of the pattas or other documents referred to in sub-section (1) of section 11.

(2) An officer appointed or authorised under sub-section (1) shall perform such other functions as may be prescribed.

13. *Appeal* . — Any person aggrieved by an order of any officer appointed or authorised under sub-section (1) of section 12 may appeal to the Revenue Divisional Officer having jurisdiction over the area in which the holding is situate, within sixty days from the date of the order.

Explanation . — For the purpose of computing the said period of sixty days, the date of communication of a copy of the order to the appellant shall be deemed to be the date of the order.

(2) A copy of every order against which an appeal lies under sub-section (1) shall be communicated in such manner as may be prescribed.

14. *Revision* . — The District Collector may, either *suo motu* or on an application by a landholder, call for the record of any proceeding in which an order has been passed by the Revenue Divisional Officer under section 13, and may make such inquiry or cause such inquiry to be made and pass such order thereon as he thinks fit.

Provided that the District Collector shall not revise any order under this section in any case—

(a) where the application is made by the landholder for such revision, unless the application is made within one year from the date of the order sought to be revised; and

(b) where the order is sought to be revised by the District Collector of his own motion, if such order is made more than one year previously.

15. *Finality of orders* . —(1) Any order passed by any officer or authority under this Act in respect of matters to be determined for the purposes of this Act shall, subject only to any appeal or revision provided under this Act, be final.

(2) No such order shall be liable to be questioned in any court of law.

16. *Indemnity* . —(1) No suit or other legal proceeding shall lie against the Government for any act which is in good faith done or intended to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall be instituted against any officer or other person for anything in good faith done or intended to be done under this Act or any rule made thereunder.

17. *Provisions in regard to liabilities of Sreepadam Palace* . —(1) All claims and liabilities enforceable immediately before the appointed day against the *Sreepadam Palace in respect of any Sreepadam lands* shall, on or after that day, be enforceable only against the annuity or compensation as the case may be,

payable to the Sreepadam Palace under this Act, and to the same extent to which such claim and liabilities were enforceable against the interests of the Sreepadam Palace in the said lands immediately before the appointed day.

(2) No court shall, on or after the appointed day, order or continue execution in respect of any decree or order passed against the Sreepadam Palace or against the interest it had in any Sree padam lands, and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the annuity or compensation payable to the Sreepadam Palace.

(3) All rights and privileges which may have accrued in any Sreepadam lands to any person before the appointed day against the Sreepadam Palace shall cease and determine and shall not be enforceable against the Sreepadam Palace or against the Government, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him by or under this Act.

18. *Power to make rules* . —(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the procedure for the issue of pattas or other documents and the particulars they should contain;
- (b) prescribing forms where forms are necessary;
- (c) the fees for appeals and applications for revision under this Act;
- (d) regulating the powers of the Revenue Divisional Officer in appeals under this Act and the procedure to be followed in such appeals.
- (e) any other matter which has to be , or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly 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, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. *Amendment of Act 13 of 1961* .—In section 2 of the Kerala Land Tax Act, 1961 (13 of 1961), in sub-section (1), clause (iii) shall be omitted.