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PART II—Section 1

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 Separate paging is given to this Part in order that it may be filed
 as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
 (Legislative Department)

New Delhi, the 4th March, 1977/Phalguna 13, 1898 (Saka)

The following President's Act is published for general information.—

**THE TAMIL NADU REQUISITIONING AND ACQUISITION
 OF IMMOVABLE PROPERTY (AMENDMENT) BILL, 1977**
No. 6 of 1977

Enacted by the Vice-President acting as President in the Twenty-
 eighth Year of the Republic of India.

An Act further to amend the Tamil Nadu Requisitioning and Acquisition
 of Immovable Property Act, 1956.

41 of 1976.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the Vice-President acting as President is pleased to enact as follows:—

1 This Act may be called the Tamil Nadu Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977

Short
title

Tamil
Nadu
Act XLII
of 1956

2. In section 1 of the Tamil Nadu Requisitioning and Acquisition of Immovable Property Act, 1956 (hereinafter referred to as the principal Act).—

Amend-
ment of
section 1.

(a) in the marginal heading, for the words "Short title and duration.", the words "Short title" shall be substituted;

(b) in sub-section (1), the brackets and figure "(1)" shall be omitted;

(c) sub-section (2) shall be omitted.

Amend-
ment of
section 6.

3. In section 6 of the principal Act,—

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

“(1-A) Notwithstanding anything contained in sub-section (1), the Government shall release from requisition,—

(i) any property requisitioned under this Act before the commencement of the Tamil Nadu Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977, on or before the expiry of a period of ten years from such commencement;

(ii) any property requisitioned under this Act after such commencement, on or before the expiry of a period of ten years from the date on which possession of such property was surrendered or delivered to, or taken by, the competent authority, under section 4,

unless such property is acquired under section 7 within the period of ten years aforesaid.”;

(b) in sub-section (2), after the words “released from requisition”, the words, brackets, figures and letter “under sub-section (1) or under sub-section (1-A)” shall be inserted.

Amend-
ment of
section 8.

4. In section 8 of the principal Act,—

(a) in sub-section (2),—

(i) in the opening portion, for the words “The amount of compensation payable for the requisitioning of any property shall consist of—”, the words, brackets, figures and letters “The amount of compensation payable for the requisitioning of any property shall, subject to the provisions of sub-sections (2A) and (2B), consist of—” shall be substituted;

(ii) In the proviso to clause (a), for the words, brackets and figures “Tamil Nadu Buildings (Lease and Rent Control) Act, 1949 (Tamil Nadu Act XXV of 1949)”, the words, brackets and figures “Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960)” shall be substituted,

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

“(2A) The recurring payment, referred to in clause (a) of sub-section (2), in respect of any property shall, unless the property is sooner released from requisition under section 6 or acquired under section 7, be revised in accordance with the provisions of sub-section (2B),—

(a) in a case where such property has been subject to requisition under this Act for a period of five years or a longer period immediately preceding the commencement of

the Tamil Nadu Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977—

(i) first with effect from the date of such commencement, and

(u) again with effect from the expiry of five years from such commencement;

(b) in a case where such property has been subject to requisition under this Act immediately before such commencement for a period shorter than five years and the maximum period within which such property shall, in accordance with the provisions of sub-section (1A) of section 6, be released from requisition or acquired, extends beyond five years from such commencement,—

(i) first with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered to, or taken by, the competent authority under section 4, and

(ii) again with effect from the date of expiry of a period of five years from the date on which the revision made under sub-clause (i) takes effect;

(c) in any other case, with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered to, or taken by, the competent authority under section 4

(2B) The recurring payment in respect of any property shall be revised by re-determining such payment in the manner and in accordance with the principles set out in sub-section (1), read with clause (a) of sub-section (2), as if such property had been requisitioned under this Act on the date with effect from which the revision has to be made under sub-section (2A).";

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The compensation payable for the acquisition of any property under section 7 shall be the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition".

3. In the principal Act, for the words and letters "Fort St. George Gazette", wherever they occur, the words "Tamil Nadu Government Gazette" shall be substituted

Change of
name of
Fort St.
George
Gazette
into
Tamil
Nadu
Govern-
ment
Gazette.

B. D. JATTI,

Vice President acting as President.

K. K. SUNDARAM,

Secy. to the Govt. of India

Reasons for the enactment

The Tamil Nadu Requisitioning and Acquisition of Immovable Property Act, 1956 (Tamil Nadu Act XLII of 1956) is due to expire on the 6th March, 1977. The Government of Tamil Nadu consider it necessary to make this Act permanent as has been done in the case of the Requisitioning and Acquisition of Immovable Property Act, 1952 (Central Act 30 of 1952).

2. In *Union of India v. Kamalabai* (AIR 1968 SC 377), the Supreme Court has held that clause (b) of sub-section (3) of section 8 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (Central Act 30 of 1952) as it then stood, did not satisfy the requirements of clause (2) of article 31 of the Constitution. Clause (b) of sub-section (3) of section 8 of Central Act 30 of 1952 was therefore omitted. The aforesaid decision of the Supreme Court would equally apply to clause (b) of sub-section (3) of section 8 of Tamil Nadu Act XLII of 1956 which corresponds to the provisions of clause (b) of sub-section (3) of section 8 of the said Central Act, as it originally stood. It is, therefore, proposed to amend sub-section (3) of section 8 of the said Tamil Nadu Act on the lines of the amendment made in the Central Act.

3. It is also proposed to incorporate in the said Tamil Nadu Act necessary provisions taking into account the amendments made by Central Act 1 of 1970 to Central Act 30 of 1952, providing for the release of the property which was requisitioned under the Tamil Nadu Act before the commencement of the proposed amendment Act, on or before the expiry of a period of ten years from such commencement and for the release of the property requisitioned under that Act after such commencement, on or before the expiry of the period of ten years from the date on which possession of such property was surrendered or delivered to, or taken by, the competent authority under section 4 of that Act unless such property is acquired under section 7 within the period of ten years aforesaid.

4. Provisions for the quinquennial revision of the amount payable during the period of requisitioning are also proposed to be incorporated in the Tamil Nadu Act, following the provisions contained in Central Act 30 of 1952 as inserted by section 3(b) of Central Act 2 of 1975.

5. This opportunity has also been availed of to substitute the references to *Fort St George Gazette* by references to *Tamil Nadu Government Gazette* and to make some other formal changes.

6. This measure seeks to achieve the above objects.

7. The President issued a Proclamation on the 31st January, 1976 under article 356 of the Constitution in relation to the State of Tamil Nadu declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Parliament has under article 357(1) (a) of the Constitution, conferred on the President the powers of the Legislature of the State of Tamil Nadu to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

8. It is not practicable to consult the Consultative Committee of Parliament on Tamil Nadu Legislation since two-thirds of the members of the Committee nominated from the House of the People have demitted office consequent on the dissolution of the House.

N. J. KAMATH,
Secy. to the Govt. of India,
Ministry of Works and Housing.