

PART V.

MADRAS LAND UTILIZATION ORDER, 1961.

In exercise of the powers conferred by sub-section (1) and clause (b) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the notification of the Government of India, Ministry of Food and Agriculture, S.O. No. 1831, published in Part II—Section 3, sub-section (ii) of the *Gazette of India*, dated the 5th August 1961, and with the previous concurrence of the Government of India and in supersession of the Madras Land Utilization Order, 1957 published with Food and Agriculture Department Notification S.R.O. No. D-353, dated the 31st July 1957, at pages 146-147 of Rules Supplement to Part II of the *Fort St. George Gazette*, dated the 14th August 1957, the Governor of Madras hereby makes the following order :—

1. (1) This order may be called the Madras Land Utilization Order, 1961.

Short title and extent.

(2) It extends to the whole of the State of Madras.

2. In this order, unless the context otherwise requires—

Definitions.

(a) "Collector" means the Collector of the district or the Revenue Divisional Officer acting under his control ;

(b) "food-crops" includes cereals (that is paddy and millets of all varieties), grains, pulses, vegetables and tapioca and sweet-potatoes.

3. (1) The Collector may, by notice in writing call upon the holder of any occupied waste or arable land situated within the Collector's jurisdiction which has not been cultivated during the cultivation season immediately preceding the date of the notice to cultivate it with food-crops either personally or through a lessee within a period of three months from the date of service of such notice or within such further period as the Collector may grant in this behalf :

Power to direct cultivation of waste or arable land.

Provided that where such land is in the possession of a tenant or lessee, the Collector shall issue the notice to both the holder of the land and the tenant or the lessee :

Provided further, that no notice shall be issued under this sub-clause, in respect of any land which has been recorded in the year immediately preceding the date of the notice, as land required for purposes of any section of the public.

(2) The notice shall be served on the holder of the land or as the case may be, on such holder the tenant or lessee, by delivering or tendering to the person concerned a copy of such notice. But if such person is not readily traceable or refuses to accept the notice, service shall be effected by affixing a copy of the notice on the outer door of his house or by affixing the copy conspicuously on the land to which it relates and thereupon the service shall be deemed sufficient.

landholder, or as the case may be such holder or the tenant or the lessee, right from the date of the service of the notice or within such further period. Collector may grant in this behalf, shows to the satisfaction of the Collector that the land is capable of being cultivated or is being cultivated, the Collector shall cancel the notice :

Provided that if the landholder shows in the manner aforesaid that the land has not been let out for cultivation, the notice shall be cancelled in so far as it relates to the land-
order.

¹[(3-A) Any Tahsildar, may, within his jurisdiction, exercise the powers conferred on the Collector by sub-clauses (1) and (3).]

(4) The landholder or the tenant or the lessee, as the case may be, on whom the notice under sub-clause (1) has been served, shall comply with the notice within the time allowed and on his failure to do so, the Collector may, without prejudice to any other action that may be taken against the person (hereinafter referred to as the defaulter), in respect of the contravention, by order direct and arrange for the sale by public auction of the right to cultivate the land in question for a period which shall end on the 30th June or the date as may be fixed by the Collector with reference to the agricultural practices of the district and shall ordinarily cover five years. Out of the amount received by the sale the revenue due on the land and other dues to the Government, if any, shall first be adjusted and the balance made over to the defaulter by way of compensation.

(5) (a) The sale of the right to cultivate shall be subject to the condition that the purchaser cultivate the land or lands concerned with food crops only, failing which the right to cultivate shall be liable to be terminated before the expiry of the period for which the right to cultivate was sold.

(b) The purchaser, in such a case, shall be liable for any loss arising out of the termination of the rights to cultivate and the loss may be recovered from him as an arrear of land revenue.

(6) The auction-purchaser shall have no right whatever after the expiry of the period specified under sub-clause (4) and the Collector or any person authorized by him shall be entitled to take actual possession of the land and summarily reject the auction-purchaser, if he continues in possession after the period.

Power to
revise and make
regulations

4. The State Government may control and revise the acts or proceedings of the Collector under this order and make regulations for the purpose of carrying out the provisions of this order :

Provided that the State Government shall not pass an order in revision under this clause prejudicial to any person without giving him a reasonable opportunity of being heard.]

Savings.

5. All proceedings commenced or deemed to have commenced and all action taken or deemed to have taken under the Madras Land Utilization Order, 1957 shall be deemed to have been commenced or taken under the corresponding provision of this order and shall, so far as may be, be continued accordingly.

¹ Amended in G.O. Ms. 2423, Food and Agriculture, dated the 8th August 1963.