

THE KERALA LAND REFORMS (AMENDMENT) ACT, 2005

An Act further to amend the Kerala Land Reforms Act, 1963.

Preamble.- WHEREAS, it is expedient further to amend the Kerala Land Reforms Act, 1963 (1 of 1964), for the purposes hereinafter appearing;

BE it enacted in the Fifty-sixth Year of the Republic of India as follows:-

1. *Short title and commencement.*- (1) This Act may be called the Kerala Land Reforms (Amendment) Act, 2005

(2) It shall come into force at once.

2. *Amendment of section 2.*- In section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), in clause (57), in items (j), after the word, figure and letter “section 7D”, the word, figure and letter “section 7E” shall be inserted.

3. *Insertion of new section 7E.*--After section 7D of the principal Act, the following section shall be inserted, namely:-

“7E. *Certain persons who acquired lands to be deemed tenants.*- Notwithstanding anything to the contrary contained in section 74 or section 84 or in any other provisions of this Act, or in any other law for the time being in force or in any contract, custom or usage, or in any judgment decree or order of any court, tribunal or other authority, a person who at the commencement of the Kerala Land Reforms (Amendment) Act, 2005, is in possession of any land, not exceeding four hectares in extent acquired by him or his predecessor in interest by way of purchase or otherwise on payment of consideration from any persons holding land in excess of the ceiling area, during the period between the date of the commencement of the Kerala Land Reforms Act, 1963 (1 of 1964), and the date of commencement of the Kerala Land Reforms (Amendment) Act, 2005, shall be deemed to be a tenant.”.

4. *Amendment of section 84.*- In section 84 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:-

“(4) Notwithstanding anything contained in sub-sections (1), (1A) or (2), or in any judgment, decree, or order of any court, tribunal or other authority, no acquisition of land referred to in section 7E shall be deemed to be invalid or ever to have been invalid by reasons only of the fact that the land so acquired was found included as, or forming part of, the land liable to be surrendered by the transferor as excess land under the provisions of this Act and no suit or other proceedings including proceedings for eviction relating to the said land shall be instituted, maintained or continued in any court or tribunal against any person who is a deemed tenant under section 7E and every such suit or proceedings pending shall stand abated:

Provided that no ceiling cases wherein excess land has been physically taken over and distributed to landless labourers or reserved for public purposes as provided in this Act shall be reopened:

Provided further that if the Taluk Land Board is satisfied that the transfer of land made by a person, in possession of excess land is calculated to defeat the ceiling provisions, it may take into account the land so transferred in determining his ceiling area, and may direct him to surrender such extent of land held or possessed by him.

Provided also that no ceiling cases or proceedings in which any land has already been surrendered by or assumed from a person as excess land before the commencement of the Kerala Land Reforms (Amendment) Act, 2005, shall be reopened.”.

5. *Insertion of new section 106B.*- After section 106A of the principal Act, the following section shall be inserted, namely:-

“106B. *Special provision for issue of certificate of title.*- (1) Notwithstanding anything to the contrary contained in any other provisions of this Act or in any other law for the time being in force, a person claiming to be a deemed tenant under section 7E may apply, within such time and in such manner as may be prescribed, to the Land Tribunal having jurisdiction over the area, for a certificate of title in respect of the land held by him.

(2) On receipt of an application under sub-section (1) the Land Tribunal shall, within a period of six months from the date of application, pass orders thereon after verifying the records as it may deem fit and where the application is allowed, issue a certificate of title in such manner as may be prescribed.”.