

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 10th December, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 46 of 2024

A Bill further to amend the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Amendment and Validation Act, 2024.

Short title and commencement.

(2) It shall be deemed to have come into force on the 7th January 2011.

Tamil Nadu Act
1 of 1976.

2. In section 2 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (hereinafter referred to as the principal Act), in clause (e), for sub-clause (3), the following sub-clause shall be substituted, namely:—

Amendment of section 2.

“(3) any premises belonging to a waqf, registered with the Tamil Nadu Waqf Board;”.

3. Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any Court or Tribunal or other authority, all acts done or proceedings taken under the principal Act, on or after the 7th January 2011 and before the publication of this Act in the *Tamil Nadu Government Gazette* relating to the premises belonging to a waqf registered with the Tamil Nadu Waqf Board shall, for all purposes, be deemed to be, and to have always been, validly done or taken in accordance with law as if sub-clause (3) of clause (e) of section 2 of the principal Act as substituted by this Act, had been in force at all material times when such acts or proceedings were done or taken.

Validation.

STATEMENT OF OBJECTS AND REASONS.

In Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2010 (Tamil Nadu Act 33 of 2010), an amendment was made to clause (e) of section 2 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (Tamil Nadu Act 1 of 1976) including the waqf premises registered with the Tamil Nadu Waqf Board within the definition of the term “public premises”. The said amendment came into force on the 7th January 2011. Consequent on the said amendment, several unauthorized occupants from the premises belonging to a waqf registered with the Tamil Nadu Waqf Board were evicted from such premises and the amended provision was effective in protecting and preserving waqf properties in Tamil Nadu. However, the High Court of Madras in its order dated 23.04.2024 in W.P.No.20553 of 2023, etc., has declared the said Tamil Nadu Act 33 of 2010 to be *void qua* the Waqf Act, 1995 (Central Act 43 of 1995) and hence *ultra vires* the Constitution.

2. The procedure prescribed under section 54 of the aforesaid Waqf Act, 1995 (Central Act 43 of 1995) for removal of encroachments from waqf properties is a cumbersome process and resorting to such process will cause undesirable delay in removing encroachments from the waqf properties. Therefore, the Government have now decided to amend the said Tamil Nadu Act 1 of 1976 on the lines of the Tamil Nadu Act 33 of 2010 retrospectively from 7th January 2011 along with necessary validation provision and to reserve the Bill for the consideration of the Hon'ble President of India as required under Article 254(2) of the Constitution.

3. The Bill seeks to give effect to the above decision.

K.K.S.S.R. RAMACHANDRAN,
Minister for Revenue and Disaster Management.

Secretariat,
Chennai-600 009,
10th December 2024.

K. SRINIVASAN,
Principal Secretary.