



non obstante - court must try to find out the extent to which the legislature had intended to give one provision overriding effect over another provision.

“It is well settled that while dealing with a [non-obstante](#) clause under which the legislature wants to give overriding effect to a section, the court must try to find out the extent to which the legislature had intended to give one provision overriding effect over another provision. Such intention of the legislature in this behalf is to be gathered from the enacting part of the section. In *Aswini Kumar Ghose v. Arabinda Bose* [AIR 1952 SC 369], Patanjali Sastri, J. observed: “The enacting part of a statute must, where it is clear, be taken to control the non obstante clause where both cannot be read harmoniously;”

*A.G. Varadarajulu v. State of Tamil Nadu* [(1998) 4 SCC 231], this Court relied on *Aswini Kumar Ghose's* case. The Court while interpreting non obstante clause contained in Section 21-A of Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961

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