

M.P. Panchayat (Method of Service of Notice and Document) Rules, 1995

MADHYA PRADESH

India

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Rule

M-P-PANCHAYAT-METHOD-OF-SERVICE-OF-NOTICE-AND-DOCUMENT of 1995

- Published on 14 November 1995
- Commenced on 14 November 1995
- [This is the version of this document from 14 November 1995.]
- [Note: The original publication document is not available and this content could not be verified.]

M.P. Panchayat (Method of Service of Notice and Document) Rules, 1995Published vide Notification No. B-1-38-95-22-P-2, dated 14-11-1995, M.P. Rajparta (Asadharan), dated 15-11-1995 at pp. 1100 (1-2)In exercise of the powers conferred by sub-section (1) of Section 95 read with Section 119 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of Section 95 of the said Act, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Panchayat (Method of Service of Notice and Document) Rules, 1995.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Section" means the Section of the Act.

3.

Save as otherwise provided in the Act, the service of any notice or other document under the Act or under any rule, bye-law or order made thereunder on any person to whom it is by name addressed shall be effected-(a)by giving or tendering the said notice or document to such person; or(b)if such

person is not found, by giving or tendering the same to some adult member or servant of his family; or(c)by sending the same by post under certificate of posting; or(d)if such person does not reside in the jurisdiction of Panchayat and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post of acknowledgment :Provided that if officer directing the issue of such notice or document is satisfied that the addressee is evading the notice or document and the notice or document cannot be served by the methods mentioned as above, the said officer shall cause such notice or document to be served by affixing a copy thereof upon some conspicuous part of the last known place of residence or business of the person concerned and service shall be as effectual as if it had been made on the address personally.

4.

When any notice or other document has to be served upon any owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specifically provided for in the Act it shall be effected either-(a)by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one to any one of them; or(b)if no such owner or occupier be found, then by giving or tendering the notice or document to some adult member or servant of the family; or(c)if none of the means aforesaid be available then by causing the notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

5.

When a notice or document is given or tendered to the addressee by a Panchayat employee, he shall obtain the acknowledgment of the same on duplicate copy and submit to the issuing officer.

6.

When the notice or document is served by affixing a copy thereof in accordance with the proviso of Rule 3 or clause (c) of Rule 4, the employee serving it shall return the duplicate copy to officer issuing the notice or document with report endorsed thereon or annexed thereto. The said employee shall also obtain the signature of two witnesses identifying the addressees, residence or place of business and certifying the affixing of notice or document to his report.

7.

When service is made by post, the service shall be deemed to be effected by properly addressing, prepaying and posting the notice or document and unless the contrary is proved, the service shall be deemed to have been effected at the time at which the notice or document would be delivered in the course by post.

8.

Every notice which the Act requires or empowers a Panchayat to give or to serve either as a public notice or generally or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in notice board of Panchayat office during such period or is published in such local newspapers or in such other manners as Panchayat may in this behalf direct.

9.

No notice or other document shall be invalid for defect of form.

10.

Whenever in any notice or other document served under the Act or the rules, bye laws or orders made thereunder, a period is fixed within which any tax or other sum is to be paid or any other work executed or anything provided such period shall in the absence of any provision to the contrary in the Act or the said rules, bye-laws, or orders thereunder, be calculated from the date of such service or in case of public notice under Rule (3) from the date of its publication.

11.

When any notice under the Act, or any rule or bye-laws or order requires any act to be done for which no time is fixed, the notice shall fix a reasonable time for doing the same.

12. Repeal.

- All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed.