

The Pepsu Abolition of Ala Malikiyat Rights Rules, 1953

PUNJAB

India

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Rule

THE-PEPSU-ABOLITION-OF-ALA-MALIKIYAT-RIGHTS-RULES-1953 of 1953

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The Pepsu Abolition of Ala Malikiyat Rights Rules, 1953 Published vide Pepsu Government Notification No. 98, dated 18th September, 1953

1. Short title and commencement.

- These rules may be called the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Rules, 1953.(2)They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953 (II of 1953).(b)"Form" means a form appended to these rules.

3. Form of application by Ala Malik.

- An application under sub-section (1) of section 4 of the Act shall be made in Form I and may be presented by the ala malik or, where there are more than one ala maliks in any land, by any one or more of them either personally or through a legal practitioner or a recognized agent.(2)Compensation shall be determined by the Collector Khewat-wise and all proceedings, whether started on the application of the ala malik or suo motu in respect of land in one Khewat shall be deemed by the Collector to be one case.

4. Register of compensation proceedings.

(1)A register in Form II shall be maintained in the office of the Collector Tehsil-wise in which all applications and particulars relating thereto shall be entered.(2)Where the Collector suo motu starts proceedings for the determination of compensation under the provisions of the Act, he shall cause necessary entries to be made in the register referred to in sub-rule (1) in the running serial order.

5. Form of Notice.

- The notice under sub-section (2) of section 4 of the Act shall be in form III.(2)Notices under the Act shall be served in the manner provided in section 90 of the Punjab Tenancy Act, 1887.

6. Procedure for recording evidence.

- In proceedings under section 4 of Act, no detailed record of statements of parties and witnesses may be made but the order of the Collector shall state briefly the persons examined by him, the facts on which they deposed and the grounds of the order.

7. Manner of payment of compensation.

- The amount of compensation awarded under the Act shall be paid by the adna malik to the ala malik in a lump sum.

8. Form of notice to pay and receive compensation.

- As soon as may be after compensation has been awarded under the Act, the Collector shall require the adna malik to pay the compensation awarded and for that purpose shall issue a notice to him in Form IV and shall also send a copy of the same to the ala malik for his information.

9. Applications for review or revision.

- All applications for review or revision under the Act shall be made in the same manner as is provided in the Punjab Tenancy Act, 1887.

10. Applications to be stamp free.

- All applications under the Act shall be made on a petition paper, but no stamp duty shall be chargeable. Form I [See Rule 3] Application to be presented under sub-section (1) of section 4 of the Act To The Collector, _____ District. Sir, As required by section 4 of the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Acts, 1953, I/we furnish below the particulars of the land held by adna malik/maliks under me/us for determination and award of the amount of compensation payable to me/us by the adna maliks. Village _____, Tehsil _____ District _____ in which land is situated.

Serial No. to be given by Collector's office	Khewat No.	Names and particulars of ala maliks with shares, if any	Names and particulars of adna maliks with shares, if any	Total area	Annual rent payable by the adna maliks to ala maliks	Land revenue including rates and cesses	Amount of compensation claimed	Remarks
1	2	3	4	5	6	7	8	9

Dated _____ 19____ Signatures _____ Form II [See rule 4] Register of cases to be maintained by the
Collector, Tahsil-wise Tahsil _____ District _____

Serial No.	Date of Institution	Village with Hadbast No.	Name of applicants with addresses	Whether proceedings started suo motu	Names with particulars and shares of ala maliks concerned	Names with particulars and shares of adna maliks concerned	Khewat Number
1	2	3	4	5	6	7	8

Total area of Khewat involved	Haq malkana	Land revenue including rates and cesses	Summary of award	Date of credit of award	Date of deposit of compensation money	Date or dates of disbursement to ala maliks	Remarks
9	10	11	12	13	14	15	16

Form III [See rule 5] Notice under sub-section (2) of section 4 of the Act

Office of the Collector _____

Case No. _____

Date of institution _____

NOTICE

Description of holdings in respect of
which Ala Malikiyat rights have been abolished

Village _____

Khewat No. _____

Area _____

Ala Maliks _____

Adna Maliks. _____

To In exercise of the powers vested in me under section 4(2) of the Abolition of the Ala Malikiyat Rights Act, 1953, I _____, Collector _____ (Name of Collector) _____ (Name of place) _____ order that _____ proceedings for the determination of compensation payable to the ala malik by the adna maliks,

consequent upon the abolition of the Ala Malikiyat Rights in respect of the holding noted above, be taken up; as applied for by the ala malik/maliks. Notice is, therefore, hereby given under sub-section (2) of section 4 of the Act to the ala maliks/the adna maliks to appear before me on

_____ at _____ (date) _____ (time) _____
at _____ to state or to be rebut the claim for payment of _____
(place) _____ compensation and to adduce, on that date or any date to which the proceedings may be adjourned, evidence in support of their claims for the determination of the amount of compensation. Please take notice that in default of appearance on the said date or on the dates to which the proceedings may be adjourned, it shall be presumed that the absenting party has nothing to say and that there is no objection to the case being heard and award given ex parte. Given under my hand and seal this _____ day of _____ 19____. Seal

Collector _____ Notes - (1) In case of suo motu proceedings, the words "as applied for by the ala malik" in para 1 will be struck off. 2. In case of application of ala malik or all the ala maliks jointly, notice should only be issued to adna maliks. Form IV [See rule 8] Notice under section 6
Office of the Collector

Case No. _____ Instituted on

Adna Malik

Whereas a sum of Rs. _____ has been determined under an award, dated _____, as compensation under section 4 of the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953, payable to _____ Ala Malik for abolition of his rights of Ala Malikiyat in respect of Khewat No.

_____ of _____ village of which you were the adna malik; you are hereby directed to pay that amount in lump sum to the ala malik or to deposit the same in the Tehsil Treasury at _____ within a period of one year from the date of the award. Take notice that in default of this payment, the arrears will be recoverable under sub-section (2) of the section 6 as if these were arrears of land revenue. Given under my hand and seal this _____ day of _____ 19 _____. Seal Collector
Copy to : Ala Malik, for information., Collector.