

Tamil Nadu Occupants of Kudiyruppu (Protection From Eviction) Rules, 1961

TAMILNADU

India

Tamil Nadu Occupants of Kudiyruppu (Protection From Eviction) Rules, 1961

Act 1196 of 1961

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Tamil Nadu Occupants of Kudiyruppu (Protection From Eviction) Rules, 1961Published vide Notification No. G.O. No. 3238, Revenue, dated 4th December 1961 - S.R.O. No. A-1196 of 1961G.O. No. 3238. - In exercise of the powers conferred by section 14 of the Tamil Nadu Occupants of Kudiyruppu (Protection from Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961), the Governor of Tamil Nadu hereby makes the following rules : -

1. Short title.

- These rules may be called the Tamil Nadu Occupants of Kudiyruppu (Protection from Eviction) Rules, 1961.

2. Definitions.

- In these rules, -(i)"Act" means the Tamil Nadu Occupants of Kudiyruppu (Protection from Eviction) Rules, 1961 (Madras Act 33 of 1961);(ii)"Form" means a Form appended to these rules; and(iii)"section" means a section of the Act.

3. Form of application for eviction.

- Every application for the eviction of a person occupying a kudiyruppu, falling under sub-section (3) of section 3, shall be in Form I. The application shall be presented in person or by agent or sent by registered post, within a period of two months from the date on which the cause of action arose, to the authorized officer having jurisdiction over the area:Provided that the application may be received after the period of two months aforesaid, if the authorized officer, for reasons to be recorded in writing, is satisfied that the applicant had sufficient cause for not applying within that

period.

4. Application for restoration of possession.

- Every application for restoration of possession of kudiyiruppu under section 4 shall be in Form II. The application shall be presented in person or by agent or sent by registered post to the authorized officer having jurisdiction over the area.

5. Notice to the respondents.

- On receipt of the application referred to in rules 3 and 4, with as many copies thereof as there are respondents, a notice shall be caused to be served, on all persons who are named as respondents to the application, to show cause, in writing, on or before a specified date, as to why the application should not be allowed. The notice shall contain a summary of the allegations, on the basis of which the relief is claimed by the applicant, as also the nature of the relief claimed; provided that any respondent shall be entitled to be furnished, free of charge, with a copy of the application. The respondents shall be given time, for at least fifteen days from the date of service of the notice, for filing their objections in writing, and the notice issued to them shall also specify the date to which the enquiry is posted provided that the authorized officer may, for sufficient cause, extend the time allowed for filing objections. The respondents shall, when submitting their objections to the authorized officer, also serve a copy thereof on the applicant or his authorized agent or the legal practitioner appearing for him.

6. Recording reasons.

- In passing an order under section 6, the authorized officer shall record, in brief, the grounds for his decision.

7. Appeal to the District Collector.

- Every appeal under sub-section (1) of section 7 shall be in Form III and shall bear Court-fee stamps of the value of Rs. 2 and shall be accompanied by the original, or a certified copy, of the order appealed against. The appeal shall be presented in person or by agent or sent by registered post.

8.

The proceedings of the authorized officer shall be summary and shall be governed, as far as possible, by the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), with regard to -(a)the issue and service of summons;(b)the examination of parties and witnesses;(c)the production of documents;(d)the amendment of pleadings;(e)the addition of parties;(f)the passing of ex parte orders and setting them aside for good cause;(g)ordering dismissal for default of appearance and setting aside such orders for good cause;(h)the reviewing of orders passed on grounds of apparent error;(i)local inspection; and(j)the passing of orders.

9. Representation.

(1) In any proceeding before the authorized officer or the District Collector, a person shall be entitled to be represented by a legal practitioner to act and plead on his behalf. (2) The authorised officer or the District Collector, as the case may be, may permit any agent duly authorized in writing by a party, to act and plead on his behalf: Provided that the authorized officer or the District Collector may, at any stage of the proceedings, cancel such permission: Provided further that, in the case of such cancellation, the party concerned shall be informed of it and shall be afforded sufficient opportunity for his being thereafter represented before the authorized officer or the District Collector, as the case may be, by another agent duly authorized in this behalf, or by a legal practitioner.

10. Manner of serving the order.

- Every order of the authorized officer or the District Collector shall be served upon the parties thereto or their authorized agent or the legal practitioners appearing for them.; Appendix Form I (See rule 3) Tamil Nadu Occupants of Kudiyiruppu (Protection From Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961) Application for the Eviction of A Person Occupying a Kudiyiruppu

1. Name of the taluk.

2. Name of the village.

3. Name of the applicant and his address.

4. Whether the applicant is the owner of the kudiyiruppu or not.

5. If the applicant is not the owner of the kudiyiruppu, the nature of the applicants interest in it.

6. Name of the person occupying the kudiyiruppu, who is to be evicted.

7. Particulars of the kudiyiruppu: -

SI. No.	Local name, if any	Classification (wet, dry or manavari)	Total extent	Extent of the kudiyiruppu
1	2	3	4	5

The terms on which the applicant was in possession of the kudiyiruppu.

9. Reasons for his eviction.

10. Remarks (the complaint in brief).

PlaceDate Signature of the applicant.

Form II(See rule 4)Tamil Nadu Occupants of Kudiyiruppu (Protection From Eviction) Act, 1961
(Tamil Nadu Act 38 of 1961)Application For Restoration of Possession of Kudiyiruppu

1. Name of the taluk.

2. Name of the village.

3. Name of the applicant and his address.

4. Name of the owner of the kudiyiruppu and his address.

5. Particulars of the kudiyiruppu:-

SI. No.	Local name, if any	Classification (wet, dry or manavari)	Total extent	Extent of the kudiyiruppu
1	2	3	4	5

6. The terms on which the applicant was in possession of the kudiyiruppu on the 31st March 1959.

7. The date of dispossession.

8. Name of the person, if any, admitted to possession of the kudiyiruppu, subsequent to the 31st March 1959 and his address.

9. Remarks (the complaint in brief).

PlaceDate Signature of the applicant.

Form III(See rule 7)Tamil Nadu Occupants of Kudiyiruppu (Protection From Eviction) Act, 1961
(Tamil Nadu Act 38 of 1961)Memorandum of AppealBefore the District Collector under section 7(1)
of the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961)

A. B. Appellant

versus

C. D. and others Respondents

The above named appeals to the District Collector from the decision of the Authorised Officer No..... Dated..... and set forth the-following grounds of objection to the said decision appealed from, viz.,(Here set out the grounds).Signature of the applicant.