

Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1972

TAMILNADU

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Act 87 of 1973

- Published on 27 January 1973
- Commenced on 27 January 1973
- [This is the version of this document from 27 January 1973.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1972Published vide Notification SRO No. A-87 of 1973 - G.O. Ms. No. 180, Revenue, Dated the 27th January 1973In exercise of the powers conferred by sub-section (1) of section 10 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These rules may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1972.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972);(b)"authorised agent" means-(i)a person holding a power-of-attorney authorizing him to act on behalf of his principal; or(ii)an agent empowered by written authority under the hand of his principal to act on his behalf;(c)"Form" means a form appended to these rules;(d)"section" means a section of the Act.

3. Procedure for the deposit of current rent.

(1)Every cultivating tenant, desirous of depositing the current rent or if the rent be payable in kind, its market value on the date of deposit under section 3(1)(b)(ii), shall make an application in Form I and deposit the same in the Court or before competent authority.(2)Where the deposit is made in the Court, the application in Form I on his behalf in the Court.(3)Where the competent authority is absent, the application in Form I and the deposit shall be made before the chief ministerial officer in

the office of the competent authority authorised in this behalf by the competent authority.

4. Notice to landlord under section 3(1)(c).

- As soon as the deposit is made towards the current rent, a notice in Form II shall be issued by the Court or the competent authority, as the case may be to the landlord intimating the deposit of the current rent and fixing a date, time and place for an enquiry to decide whether the amount deposited represents the correct amount payable by the cultivating tenant towards the current rent due to the landlord. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or the competent authority may, after taking such evidence or making such enquiry as it thinks fit pass orders in accordance with the provisions of the Act.

5. Dismissal of suit or proceeding pending on the date of the publication of the Act.

- Every application under sub-section (2) of section 3 for dismissing a pending suit or proceeding for the recovery of any arrears of rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent shall be in Form III. On receipt of the application, a notice in Form II shall be issued by the Court or the competent authority, as the case may be, to the landlord intimating the deposit of the current rent and fixing a date, time and place for an enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or the competent authority may, after taking such evidence or making such enquiry as it thinks fit, pass orders in accordance with the provisions of the Act.

6. Vacation of decree or order passed.

- Every application for vacating the decree or order passed by the Court or the competent authority, as the case may be, under sub-section (3) of section 3 shall be in Form IV. On receipt of the application, a notice in Form II shall be issued by the Court or the competent authority, as the case may be, to the landlord intimating the deposit of the current rent and fixing a date, time and place for an enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or the competent authority may, after taking such evidence or making such enquiry as it thinks fit, pass orders in accordance with the provisions of the Act.

7. Payment or deposit of rent on or after the 1st July 1971.

- Every application for reopening the proceeding under sub-section (1) or sub-section (2) of section 4 shall be in Form V. On receipt of the application, a notice in Form II shall be issued by the Court or the competent authority, as the case may be, to the landlord intimating the deposit of the current rent and fixing a date, time and place for an enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or the competent authority may, after taking such evidence or making such enquiry as it thinks fit, pass orders in accordance with the provisions of the Act.

8. Restoration of possession.

(1) Every application for restoration of possession under section 7 shall be in Form VI and shall be presented to the competent authority within thirty days from the date of the publication of these rules in the Tamil Nadu Government Gazette: Provided that the competent authority may admit an application presented after the expiry of the period referred to above if it is satisfied that the applicant has sufficient cause for not presenting the application within that period. (2) On receipt of the application, the competent authority shall conduct an enquiry after issuing notice in Form II to the landlord and other persons likely to be affected, fixing the date, time and place for such enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the competent authority may, after taking such evidence or making such enquiry as it thinks fit, pass orders in accordance with the provisions of the Act.

9. Court-fees.

- Every application under these rules shall bear a Court-fee stamp of one rupee and shall be accompanied by sufficient number of copies of the application for service on the landlords, cultivating tenants or other persons likely to be affected, as the case may be.

10. Powers of competent authority and conduct of proceedings.

(1) The competent authority shall have the powers exercisable by a Civil Court in the trial of suits. (2) The proceedings of the competent authority shall be summary and shall, as far as possible, be governed 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 pleading; (e) the addition of parties; (f) the passing of ex parte orders and setting them aside for good cause; (g) the ordering of dismissal for default of appearance and setting aside such orders for good cause; (h) local inspection; (i) the passing of orders; and (j) the enforcement of any orders or decision.

11. Groups for the decision of the Court or the competent authority to be recorded.

- In passing an order under section 3 or section 4 or section 7, the Court or the competent authority, as the case may be, shall record in brief the grounds for its decision.

12. Authorised agent to plead on behalf of the parties in proceedings before the competent authority.

- In any proceedings before the competent authority, any authorized agent may be permitted to plead on behalf of the party: Provided that the competent authority may, at any stage of the proceedings, cancel such permission.

13. Process fees, etc.

- The competent authority may collect process fees at the following rates namely:- (1) For each summons or notice- (a) when sent by registered post, for each defendant respondent or witness- Rs. 1.50 (b) when served by an officer- (i) on a defendant, respondent, or witness- Rs. 1.50. (ii) on every additional defendant, respondent or witness residing in the same village, if the process be applied for at the same time- Rs. 0.75. (2) Mileage for the travelling expenses of the process-server at four paise per kilometre may be calculated from the headquarters of the competent authority to the place where the process-server is to go for serving summons and may be recovered from the parties by way of Court-fee stamps in addition to the process fees. (3) Authorisation on letters produced before the competent authority shall be engrossed on non-judicial stamp paper of the value of Rs. 1-50 (rupee one and paise fifty only). Form I (See rule 3) Application for Deposit of Current Rent Under Section 3(1)(B)(II) of the Act In the Court of..... Before the..... I,..... hereby deposit to the account of the landlord named below, the current rent or if the rent be payable in kind, its market value in accordance with the provisions of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972).

2. The following particulars are furnished for information of the Court/competent authority:-

1. Name and address of the cultivating tenant.

2. Particulars of the lands cultivated.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A. C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

3. Amount deposited towards current rent.

4. The market value of the rent (if payable in kind) as on the date of deposit.

5. Date of deposit.

6. Name and address of the landlord or landlords to whom the rent is payable.

7. Remarks.

I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief, true and correct. Place: _____ Date: _____ Signature of the applicant. Form II (See rules 4, 5, 6, 7 and 8) Notice Before the (Name of authority) To (Name, designation and place of residence). Take notice that an application has been filed before the under signed by (name and address) who is a cultivating tenant of the lands specified in the table below and who has paid or deposited or is deemed to have paid or deposited a sum of Rs. (Rupees only), towards the current rent. It is proposed to conduct an enquiry before the under signed at (hour) on at (place). *to decide whether the cultivating tenant is deemed to have paid the current rent for the purposes of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972). *to dismiss the suit or proceeding for recovery of any arrears or rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent. *to vacate any decree or order passed for the recovery of any arrears of rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent. *to restore the cultivating tenant of the possession of land. In case you desire to make any representation in this behalf, you may appear in person or by an authorised agent. You must be prepared to produce on that day all the witnesses upon whose evidence, and all the documents upon which, you intend to rely in support of your defence. Take notice that, in default of your appearance on the aforesaid day, the application will be heard and disposed of in your absence.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name if any	Classification (wet, dry, garden or manavari)	Extent (A. C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

3. Amount deposited towards current rent.**4. The market value of the rent (if payable in kind) as on the date of deposit.****5. Date of deposit.****6. Name and address of the landlord or landlords to whom the rent is payable.****7. Name and addresses of other persons likely to be affected.****8. Remarks.**

Station: _____ Signature and designation of the authority. Date: _____ Officer *Strike out which is not applicable. Form III (See rule 5) Application for Dismissing the Suit or Proceeding for Recovery of any

Arrears of Rent or for the Eviction of a Cultivating Tenant for Non-Payment of any Arrears of Rent In the Court of.....Before the.....

....(.....No.....of)Between.....Plaintiff/Petitionerand.....Defendant/Respondent.The above named plaintiff/petitioner states as follows:-I,.....(name) the plaintiff/petitioner is a cultivating tenant and resides at:.....(address)The address of the plaintiff/petitioner for service of all notices and process is:.....(address)

2. The defendant/respondent is a landlord residing at:(address)

3. Whereas a suitor proceeding is pending against the plaintiff/petitioner for the recovery of any arrears of rent or for the eviction of the plaintiff/petitioner for non-payment of any arrears of rent;

And Whereas the plaintiff/petitioner herein has paid or deposited, or is deemed to have paid or deposited the current rent under the provisions of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972);Now, Therefore, I,.....the plaintiff/petitioner in the said suit or proceeding pray that the suit or proceeding (No of.....)pending before the Court/competent authority may be dismissed without costs.

4. The following particulars are furnished for information of the Court/competent authority.

1. Name and address of the cultivating tenant.

2. Particulars of the lands cultivated.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A.C)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

3. Amount deposited towards current rent.

4. The market value of the rent (if payable in kind) as on the date of deposit.

5. Date of deposit.

6. Name and address of the landlord or landlords to whom the rent is payable.

7. Remarks.

8. I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief, true and correct.

Place:Date:Signature of the applicant.Form IV(See rule 6)Application for Vacating the Decree or Order Passed for Recovery of any Arrears of Rent or for the Eviction of a Cultivating Tenant for Non-Payment of any Arrears of RentIn the Court of.....Before the.....(.....No.....of)

Between
..... Plaintiff/Petitioner
and
..... Defendant/Respondent.

The above named plaintiff/petitioner states as follows:-

1. I,.....(name) the plaintiff/petitioner is a cultivating tenant and resides at (address);

The address of the plaintiff/petitioner for service of all notices and process is:.....(address);

2.

..... the defendant/respondent is a landlord residing at.....(address);

3. Whereas a decree or order has been passed in the suit or proceeding (No..... of.....) by the/..... against the plaintiff/petitioner for the recovery of any arrears of rent or for the eviction for non-payment of any arrears of rent before the date of the publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972);

And Whereas; I,....., the plaintiff/petitioner have paid or deposited, or am deemed to have paid or deposited, under the said Act, the whole of the current rent.And Whereas, I am a person affected by the said decree or order:Now, Therefore, I,.....the plaintiff/petitioner in the said suit or proceeding pray that the said decree or order may be vacated in so far as such decree or order relates to such recovery or eviction;

4. The following particulars are furnished for information of the Court/competent authority.

1. Name and address of the cultivating tenant.

2. Particulars of the lands cultivated.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

3. Amount deposited towards current rent.

4. The market value of the rent (if payable in kind) as on the date of deposit.

5. Date of deposit.

6. Name and address of the landlord or landlords to whom the rent is payable.

7. Remarks.

I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief, true and correct. Place: Date: Signature of the applicant. Form V (See rule 7) Application for Re-Opening the Proceedings In the Court of..... Before the..... (..... No..... of)

Between
..... Plaintiff/Petitioner
and
..... Defendant/Respondent.

The above named plaintiff/petitioner states as follows:-

1. I,.....(name) the plaintiff/petitioner is a cultivating tenant and resides at:.....(address)

The address of the plaintiff/petitioner for service of all notices and process is:.....(address);

2. the defendant/respondent is a landlord residing at:.....(address);

3. Whereas a decree or order has been passed in the suit or proceeding (No..... of,.....) by the/..... against the plaintiff/petitioner for the recovery of any arrears of rent;

And Whereas, I,....., the plaintiff/petitioner in the said suit or proceeding have paid or deposited, on or after the 1st July 1971, a sum of Rs.....(rupees.....only) to the account of the landlord towards the current rent or towards full or part satisfaction of a decree or order for the recovery of any arrears of rent; And Whereas, I am a person affected by the said decree or order: Now, Therefore, I,.....the plaintiff/petitioner in the said suit or proceeding pray that the proceeding may be reopened and that an order may be passed that the amount so paid, or deposited shall be deemed to have been paid or deposited towards the current rent.

4. The following particulars are furnished for information of the Court/competent authority.

1. Name and address of the cultivating tenant.

2. Particulars of the lands cultivated.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A.C)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

3. Amount deposited towards current rent.

4. The market value of the rent (if payable in kind) as on the date of deposit.

5. Date of deposit.

6. Name and address of the landlord or land lords to whom the rent is payable.

7. Remarks.

I hereby declare that the particulars furnished in the application are, to the best of my knowledge

and belief, true and correct. Place: Date: Signature of the applicant. Form VI (See rule 8) Application for Restoration of Possession of Land To..... Whereas, I, a cultivating tenant of the lands specified below. And Whereas, the whole of the current rent due from me has been paid or deposited or deemed to have been paid or deposited under the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972); And Whereas I have been evicted from the aforesaid land on or after the 1st March 1972 and before the date of the publication of the said Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972 (Tamil Nadu Act 21 of 1972), namely, the 1st August 1972, on the ground of non-payment of an\ arrears of rent; Now, Therefore, I pray I may be restored to the possession of the said land under the same terms as those applicable to me on the date of such eviction. The following particulars are furnished for information of the Court/competent authority.

1. Name and address of the cultivating tenant.

2. Particulars of the lands cultivated.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A.C)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

3. Amount deposited towards current rent.

4. The market value of the rent (if payable in kind) as on the date of deposit.

5. Date of deposit.

6. Name and address of the landlord or landlords to whom the rent is payable.

7. Remarks.

I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief, true and correct. Place: Date: Signature of the applicant.