

The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Rules, 1953

HARYANA

India

The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Rules, 1953

Rule

THE-PEPSU-OCCUPANCY-TENANTS-VESTING-OF-PROPRIETARY-RIGHTS RULES, 1953

- Published on 18 September 1953
- Commenced on 18 September 1953
- [This is the version of this document from 18 September 1953.]
- [Note: The original publication document is not available and this content could not be verified.]

The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Rules, 1953Published vide Pepsu Government notification No. 97, dated 18th September, 1953

1. Short title and commencement

(1)These rules may be called the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Rules, 1953.(2)They shall come into force on the date of their publication in the official Gazettee.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953 (III of 1953);(b)"form" means a form appended to these rules.

3. Form of application by landlord.

- An application by a landlord under section 4(1) of the Act shall be made in form 1 and shall be presented by him personally or through his recognized agent or legal practitioner.

4. Form of notices.

(1) Notices to the occupancy tenant and the landlord under section 4(2) of the Act shall be in forms II and III respectively. (2) The occupancy tenant or the landlord on whom a notice under sub-rule (1) has been served, may appear either personally or through a legal practitioner or a recognised agent.

5. Copies of award to be sent to Collector and parties.

- Copies of every award shall be sent by the Special Officer to the Collector of the district and the Patwari of the estate in which the land is situated. A copy of the award [shall] [Substituted, vide Punjab Government notification No. 4111-ARI(IV)- 61/2209, dated 27th June, 1961.] also be given to the parties concerned free of cost.

6. Register of award.

- The Collector shall on receipt of the award cause the particulars given in the award to be noted in a register to be maintained in his office in Form IV.

7. Manner of Service of Notices.

- Notices under the Act shall be served in the manner provided in section 90 of the Punjab Tenancy Act, 1887.

8. Procedure for recording evidence.

- In proceedings under the Act, where it is not disputed that a person is an occupancy tenant within the meaning of the Act, it shall not be necessary to take down the evidence of the witnesses in writing at length, but the Special Officer, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes and the memorandum shall be written and signed by the Special Officer and shall form part of the record. In other cases, the evidence of witnesses shall be recorded in full in the form of a narrative and shall be read over to the witness and after being corrected, if necessary, shall be signed by the Special Officer.

9. Form and manner of appeals.

(1) An appeal under section 9 of the Act shall be preferred either personally or through a recognized agent or legal practitioner and the grounds of appeal shall be accompanied by a certified copy of the award or the order appealed against. (2) An appeal shall be made on -(a) one rupee court fee stamp paper, when made to the Collector, and (b) two rupees court fee stamp paper, when made to the Commissioner.

10. Stamp duty on applications for revision.

- An application for revision to the Financial Commissioner shall be made on a court fee stamp of four rupees and shall be accompanied by a certified copy of the order sought to be revised.

11. Applications to be free of stamp duty.

- All applications under the Act shall be on petition paper and no stamp duty except as expressly provided in these rules, shall be chargeable. Form I (See Rule 3) Form of Application under Section 4(1) of the Act

1. Name of village where land is situated.

2. Name of Tahsil.

3. Name of district.

4. Name/s of applicant/s.

5. Name/s of landlord/s with full description and their respective shares.

6. Name/s of occupancy tenant/s with full description and their respective shares.

7. Area of the holding and Khatauni No.

8. Rent payable by the occupancy tenant/s in respect of the holding mentioned in column No. 7.

9. Land revenue and cesses payable by the landlord/s in respect of the holding.

10. Date of application.

11. Compensation claimed.

Signature. Note. - A separate application will be required for each occupancy holding. Form II [See Rule 4(i)] Form of notice to be issued to the occupancy tenant under Section 4(2) of the Act To

----- (Name with full address of the occupancy tenant).

An application having been made by(name of applicant) under section 4(1) of the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953, or action having been ordered to be taken suo motu under section 4(2) of the Act, for the determination of compensation payable by you to the landlord in respect of occupancy holding entered in Khatauni No.....of Jamabandi for the year.....of Village..... Tehsil..... District..... on account of the proprietary rights in the said land having been vested in you under section 3 of the Act you are hereby informed to appear before me on (date) at (place) for making a statement of your claims or objections and for adducing such evidence as you may deem necessary. In the event of your non-appearance, proceedings will be taken against you ex parte. Date of issue Signature of the Special Officer. Form III[See Rule 4(1)] Notice to be issued to the landlord under Sections 4(2) of the Act

----- (Name and address of the landlord).

Consequent upon the extinction of your rights in the land hereinafter mentioned and action having been ordered to be taken suo motu under section 4(2) of the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953, for the determination of the amount of compensation payable to you by occupancy tenant in whom proprietary rights have been vested under section 3 of the Act in respect of Khatauni No. of the Jamabandi for the year of Village Tahsil District you are informed to attend this office personally or through a recognised agent or legal practitioner on (date) at (place) and on the subsequent dates to which the case may have to be adjourned to make a statement of your claims and objections and to produce the necessary evidence in support of your case. In the event of your non-attendance, ex parte decision will be taken in the case. Date of Issue. Signature of the Special Officer. Seal Form IV(See Rule 6) Form of Register to be maintained by the District Wasil Baqi Nawis under the Patiala and East Punjab States Union Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953

| Sr. No. | Village | Khatauni No. | Name of the landowner with particulars | Name of the occupancy tenant with particulars | Particular of holding | | Land revenue and rates and cesses | Area transferred out of shamlat | | Deh Patti |
|---------|---------|--------------|--|---|-----------------------|------|-----------------------------------|---------------------------------|----|-----------|
| | | | | | Area | Rent | | Amount of compensation | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

| Compensation for shamilat Patti & Deh | Total amount of compensation payable | Amount | Date on | Amount | Signature | Attestation | Remarks |
|---|---|--|-------------------------------|--|---------------------|-------------------|---------|
| | | and dates on which the same is to be deposited | which already deposited | and date on which the same is disbursed | of the recipient | or the officer | |

12

13

14

15

16

17

18

19