

West Bengal Land Reforms and Tenancy Tribunal Rules, 1997

WEST BENGAL

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Rule

WEST-BENGAL-LAND-REFORMS-AND-TENANCY-TRIBUNAL-RULES-of 1997

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012.

In exercise of the power conferred by section 20 of the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Bengal Act No. 25 of 1997), the Governor is pleased hereby to make the following rules:-

1. Short title and commencement.

(1) These rules may be called the West Bengal Land Reforms and Tenancy Tribunal Rules, 1997.(2)They shall come into force on the date on which the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Bengal Act No. 25 of 1997) comes into force.

2. Definitions.

(1) In these rules, unless there is anything repugnant in the subject or context (a)"the Act" means the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Bengal Act No. 25 of 1997);(b)"petitioner" means a person making an application under section 6 or section 10;(c)"Registrar" means the principal officer of the Tribunal by whatever name called and includes the person discharging the duties of the Registrar for the time being;(d)"regulation" means a regulation made under section 5;(e)"respondent" means a person against whom a petitioner seeks

any relief, and includes the State Government;(f)"section" means a section of the Act;(g)"Tribunal" means the West Bengal Land Reforms and Tenancy Tribunal as defined in clause (ii) of section 2.(2)All other words and expression used but not defined in these rules shall have the same meaning as in the Act.

3. Filing of application under section 6 or section 10.

(1) An application for the redressal of grievances on account of any order passed or action taken pertaining to any matter within the jurisdiction of the Tribunal, made before the Tribunal, shall (a)contain a cause title showing, among other things, the name of the specified Act, or specified Acts and the section or sections of the said Act or Acts under which the order was passed or action was taken, the name, description, place of residence and other particulars of the petitioner or petitioners and the name, description and place of residence and other particulars of the respondent or respondents;(b)contain, where the petitioner is a minor or a person of unsound mind, a statement to that effect and the name and address of his legal guardian;(c)consist of paragraphs numbered consecutively, each paragraph containing as nearly as possible a separate issue or fact, including a statement that the Tribunal has jurisdiction;(d)be fairly and legibly type-written or hand-written on standard petition paper of foolscap size with a margin of five centimetres using only one side of the paper, and paginated;(e)contain a paragraph specifying the ground upon which the application is made, each separate ground being serially numbered;(f)distinctly state, as prayer or prayers, what particular orders or directions the petitioner wants the Tribunal to pass;(g)be signed and dated by the petitioner and/or his duly authorised agent; and(h)be verified by solemn affirmation of the petitioner or by an affidavit to be annexed to the application:Provided that the affidavit may be made by any person having cognizance of the facts stated and shall clearly indicate by reference to paragraphs of the application whether the statements are based on knowledge, information and belief or on records, and where statements are based on information, the source of such information shall be disclosed, and where the statements are based on record, sufficient particulars shall be given to identify the records.(2)True copies of the order or orders duly certified by an officer competent to do so or the authority who has passed the order against which relief has been sought and of other material documents referred to in the application shall be, as far as may be, made annexures to the application. They shall be type-written or printed or cyclostyled or xeroxed in a legible manner, and when they are in vernacular, they may be hand-written in a legible manner on the same kind of paper as is used for the application.(3)The annexures as aforesaid shall also be paginated and marked (for example 'A', 'B', 'C', etc.) and shall bear the certificate of the authority before whom the solemn affirmation or affidavit is made in verification of the application.(4)A verified statement of the petitioner that a copy of the application along with annexures has been served on the respondent or respondents with a statement regarding the manner of service, shall be annexed to the application.(5)(a)An application shall contain verified statement of the petitioner indicating fulfilment of the conditions set out in clause (b) of sub-section (3) and clause (a) of sub-section (7), as the case may be, of section 10, for satisfaction of the Tribunal.(b)If the petitioner seeks admission of an application on ground or grounds set out in clause (b) of sub-section (3) of section 10, detailed reasons shall be stated in the application for consideration of the Tribunal.(6)A petitioner shall not seek relief or reliefs based on more than a single cause of action in one single application unless the other reliefs prayed for are consequential

to the main relief.(7)An application under section 6 and an application under section 10 shall be accompanied by a fee of rupees ten payable in court-fee stamps. Any other application in connection with, or arising from, an application under section 6 or section 10 shall be accompanied by a court-fee stamp of rupee one only.(8)The Tribunal or a Bench thereof may, where it is satisfied that it is necessary in the interest of justice so to do, for reasons to be recorded in writing, admit an application after relaxing any of the provisions contained in sub-rules (1) to (7).(9)The application referred to in sub-rule (1) shall be submitted to the Registrar or the Chief Ministerial Officer of the Tribunal.

4. Procedure for transfer or proceedings.

(1) Records of proceeding referred to in clause (b) of sub-section (3) of section 9 shall be transferred to the Tribunal by a challan in the Form appended to these rules.(2)The transfer of records or proceedings as aforesaid shall be made as soon as possible, and not later than sixty days from the date appointed by the State Government under section 6.

5. Procedure for transfer of records from High Court to Tribunal under section 9.

(1) After the publication of a notification under section 6, a copy of the notification shall be sent by the Registrar to the Registrars of the High Court, Appellate Side, and Original Side with a request to despatch the records of matters, proceedings, cases and appeals relating to land reforms and matters connected therewith or incidental thereto and other matters arising out of a specified Act pending before the High Court on the date appointed by the State Government under section 6 to the Tribunal.(2)The Registrar shall render all reasonable assistance required by the Registrars of the High Court, Appellate Side and Original Side, towards the despatch of the records as aforesaid to the Tribunal.

6. Reconstruction of records.

If, for any reason, records from any court or other authority is not received in time, the Tribunal may reconstruct the records with the help of the parties and/or their legal representatives or any other person or authority who shall make available to the Tribunal the original or the copies of all such documents and records.

7. Procedure of work.

(1) The Tribunal may, on an application by any party, allow oral evidence of a deponent to an affidavit to be examined, if it is satisfied that it is necessary in the interest of justice so to do for fair and proper disposal of the application, case, dispute or proceeding before it.(2)The witness or witnesses so examined under sub-rule (1) by any party may be cross-examined by its adversary.(3)The Tribunal may record only a memorandum of the substance of the oral evidence.(4)The Tribunal may compel the attendance of witnesses or production of documents in

the same manner as provided in the Code of Civil Procedure, 1908 (5 of 1908).

8. Execution of orders.

(1) When a party has been ordered by the Tribunal to pay costs of any money, the Tribunal may, if such party defaults to make payment of such costs, take action for the recovery of the same by issuing a warrant to the Collector of the district, authorising him to realise the amount as arrears of land revenue from movable or immovable property or both of the defaulter. (2) When a party has been ordered by the Tribunal to deliver possession of any land, the Tribunal may, on application of the party getting relief, take action for compliance of the order by executing the order with police help as provided in paragraph 208 of the Civil Rules and Orders or under rule 97 of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908) or by authorising the Magistrate of the district to take possession by using such force as may be necessary for the purpose. Form for Transfer of Records of Proceedings [vide rule 4(1)]

1. Name of despatching court or authority:

2. Year and No. of case:

3. Names of the parties:

4. Nature of documents;

(a)(b)(c)5. Total number of order sheets with No. of pages:

6. Date of last order by the despatching court or authority:

7. Date of despatch:

8. Name and section of the specified Act under which relief has been sought:

9. Signature with date of the despatching officer: