

Tamil Nadu Levy of Ryotwari Assessment on Freehold Lands Rules, 1980

TAMILNADU

India

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Rule

TAMIL-NADU-LEVY-OF-RYOTWARI-ASSESSMENT-ON-FREEHOLD-LANDS RULES, 1980

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Tamil Nadu Levy of Ryotwari Assessment on Freehold Lands Rules, 1980Published vide Notification No. G. O. Ms. No. 341, Commercial Taxes and Religious Endowments, dated 1st April 1980 - No. SRO A-151/80In exercise of the powers conferred by section 20 of the Tamil Nadu Levy of Ryotwari Assessment on Free-hold Lands Act, 1972 (Tamil Nadu Act 31 of 1973), the Governor of Tamil Nadu hereby makes the following rules namely:-

1. Short title.

- These rules may be called the Tamil Nadu Levy of Ryotwari Assessment on Free-hold Lands Rules, 1980.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Levy of Ryotwari Assessment on Freehold lands Act, 1972 (Tamil Nadu Act 31 of 1973);(b)"Form" means a form appended to these rules;(c)"section" means a section of the Act;(d)"Settlement Officer" shall include an Assistant Settlement Officer or such other officer to whom any power or function exercisable by the Settlement Officer has been delegated.

3. Revision by the Director of Settlement and the Settlement Officer.

- Every petition for revision of any of the orders, acts or proceedings of the Settlement Officer under sub-section (2) of section 4 or for revision of any of the orders, acts or proceedings of the Assistant Settlement Officer under sub-section (2) of section 5 of the Act shall be preferred in Form 1 to the Director of Settlements or to the Settlement Officer, as the case may be, within thirty days from the date of communication of the order, acts or proceedings or of the date of the act complained of: Provided that the Director of Settlement or the Settlement Officer, as the case may be, may admit a petition preferred after the expiry of the period aforesaid if he is satisfied that the petitioner had sufficient cause for not preferring the petition within the said period.

4. Decision of disputes.

(a) Every application for a decision under sub-section (1) of section 10 shall be in Form 2 and shall be either presented in person or sent by registered post to the Settlement Office within ninety days from the commencement of the fasli year in which the levy of ryotwari assessment is effected. (b) Every such application shall be signed by the applicant and restricted to lands in a single village. (c) On receipt of the application, the Settlement Officer shall fix a date for hearing and cause notice to be served in Form 3 to the parties concerned. A copy of the notice shall also be sent to the Tahsildar of the taluk concerned. (d) The Settlement Officer shall, on the date appointed for hearing, make a summary enquiry into the application and give his decision in writing.

5. Appeal to the Director of Settlements.

- Every appeal under sub-section (2) of section 10 against the decision of the Settlement Officer shall be made in Form 4 to the Director of Settlements, within thirty days from the date of the communication of the decision: Provided that the appeal may be received after the period of thirty days aforesaid if the applicant satisfied the Director that he has sufficient cause for not preferring the appeal within that period.

6. Revision petition to the [Board of Revenue.] [The Board of Revenue was abolished by the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1986). Now, the Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.]

- Every application for revision under clause (ii) of sub-section (1) of section 11 shall be made in Form I to the [Board of Revenue,] [The Board of Revenue was abolished by the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1986). Now, the Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] within sixty days from the date of communication of the order.

7. Mode of entertaining application, appeal or revision petition, enquiry thereon and grant of interim stay.

(a) Every application, appeal or revision petition under the Act or these rules shall be accompanied by an authenticated copy of the order appealed against or sought to be revised. Copies of such application, appeal or revision petition shall also be sent for communication to each of the respondents and to the Tashildar of the taluk concerned. (b) In respect of any order passed under the Act, which is subject to appeal or revision, the appellate or revisional authority, as the case maybe, may suspend the execution of the order, pending its decision on the appeal or in the revision. (c) Notice of hearing of any application, appeal or revision, as the case may be, shall be given to the applicant, appellant or revision petitioner and the respondent, or respondents and to the other persons interested, if any. (d) Before passing order on every application, appeal or revision petition, the parties concerned shall be given a reasonable opportunity of being heard. (e) A copy of the final order in any application, appeal or revision petition, shall be communicated to the applicant, appellant or revision petitioner, the respondent or respondents and other persons interested, if any, and also to the Tahsildar of the concerned taluk, the Assistant Settlement Officer, the Settlement Officer and the Director of Settlements. Explanation. - For the purpose of this rule, persons interested means the persons interested in the land in relation to which the application, appeal or revision petition is made and who has appeared before the authority or officer against whose act, order or proceeding the application, appeal or revision petition, as the case may be, is made.

8. Time-barred applications, appeal or revision petition to be dismissed.

- Section 5 of the Limitation Act, 1963 (Central Act 36 of 1963) shall not apply to applications, appeals or revision petitions coming under the purview of these rules. Subject to the provisions of the Act and these rules, every application made and every appeal and revision petition filed to the authorities or officers having jurisdiction under the Act and these rules after the period of limitation prescribed therefor in the Act and these rules, shall be dismissed, although limitation has not been set up as defence.

9. Manner of service and publication of notices and orders under the Act or the rules.

(a) Any notice, copy of decision or order issued or made under the Act or under these rules shall be served on the person concerned in the following manner, namely:-(i) by delivering or tendering the notice, copy of decision or order to the person concerned or his counsel or authorised agent; or (ii) by delivery or tendering the notice copy of decision or order to some adult male member of the family; (iii) by sending the notice, copy of decision or order to the person concerned, by registered post with acknowledgement due; or (iv) if none of the above said modes of service is practicable, by affixing of the notice, copy of decision, order in some conspicuous part of the premises in which that person known to have last resided or carried on business or personally worked for gain. (b) Any notice or order which is intended for publication for general information shall, in addition to the

special mode of publication prescribed in these rules, also be published by affixture in the village chavadi, and if there is no village chavadi, in any conspicuous public place in the village and by announcing the fact of such publication by beat of tom-tom in the village. The Village Officer shall certify to the place and date of publication and the said date shall be deemed to be the date of communication of the notice or order, as the case may be, to the parties concerned.

10. Extent or boundaries of land covered by orders of any authority under the Act.

- The extent or boundaries of the land covered by any order passed by any authority or officer in any proceedings under the provisions of this Act shall be, subject to any changes consequent on the determination of the fair area and map plotting by the Survey Officers as defined in the Tamil Nadu Survey and Boundaries Act, 1923 (Tamil Nadu Act VIII of 1923).AppendixForm 1[See rules 3 and 6]Form of Petition for Revision under the Tamil Nadu Levy of Ryotwari Assessment of Free-Hold Lands Act, 1972 (Tamil Nadu Act 31 of 1973)Before the.....

..... Revision petitioner.

..... v. Respondents.

The above named prefers this petition for revision to the Settlement Officer/ Director of Settlements/[Board of Revenue] [The Board of Revenue was abolished by the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1986). Now, the Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] against the order/act/proceedings of the Assistant Settlement Officer/Settlement Officer/Director of Settlements, dated in Application/Petition No of 20 and sets forth the following grounds for revision of the said order/act/proceedings.(Here set out the grounds)Place:

Date: Signature of revision petitioner.

Form 2[See rule 4(a)]Form of Application for Decision under Section 10 of the Tamil Nadu Levy of Ryotwari Assessment in Free-Hold Lands Act, 1972 (Tamil Nadu Act 31 of 1973)

1. Name of the district.

2. Name of the taluk.

3. Name of the village.

4. Name of the applicant and his full postal address.

5. Survey number and sub-division or local name, if any of the land.

6. Extent (in hectares and acres or in local measures).

7. Classifications.

8. Ryotwari Assessment levied-

(a)Rate per hectare;(b)Assessment.

9. Purport of the dispute upon which decision is sought.

10. Grounds of application

11. Remarks

Place:

Date: Signature of revision petitioner.

Form 3[See rule 4(c)]Form of NoticeName and address of the petitioner:Name and address of the respondent:

Petition, dated:.....

Take notice that the petitioner mentioned above has applied to me for decision under section 10(1) of the Tamil Nadu Levy of Ryotwari Assessment of Freehold Lands Act, 1972 (Tamil Nadu Act 31 of 1973) in respect of the dispute mentioned in the application, a copy of which is enclosed. The application is posted for hearing on.....(date) at..... (time) at.....(place).You are hereby required to appear in person, or by a person duly authorised on the date and at the time and place aforesaid and make your representation respecting the dispute with all records and evidence in support of your contention, failing which orders are liable to be passed on the materials available.

Place: Settlement Officer,

Date: Assistant Settlement Officer.

Form 4[See rule 3]Form of Appeal under Section 10(2) of the Tamil Nadu Levy of Ryotwari Assessment on Free Hold Lands Act, 1972 (Tamil Nadu Act 31 of 1973)Appeal No.:.....

..... Appellant

..... v. Respondents.

The above appellant prefers the appeal to the Director of Settlements from the decision of the Settlement Officer No.....dated.....under section 10(2) of the Tamil Nadu Levy of Ryotwari Assessment on Freehold Lands Act, 1972 (Tamil Nadu Act 31 of 1973) and sets forth the following ground of appeal.(Here set out the grounds of appeal.)Place:

Date: Signature of revision petitioner.