

# Jammu and Kashmir Tenancy Rules, 1970

JAMMU & KASHMIR

India

## Jammu and Kashmir Tenancy Rules, 1970

### Act 138 of 1970

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Jammu and Kashmir Tenancy Rules, 1970Published vide Revenue Department Notification SRO-138 of 1970 published in Government Gazette dated 27th March, 1970In exercise of the powers conferred by section 96 read with section 51 of the Jammu and Kashmir Tenancy Act, Samvat 1980, the Government hereby make the following rules, the same having previously been published as required by section 96 of the said Act, namely:

#### 1. Short title, extent and commencement

-(i) These rules maybe called the Jammu and Kashmir Tenancy Rules, 1970.(ii)These shall come into force from the date of their publication in the Government Gazette.

#### 2. Definitions

-In these rules unless there is anything repugnant in the context:(a)"Act" means the Jammu and Kashmir Tenancy Act, 1980; and(b)"Section" means the section of the Act.

#### 3. Language in Revenue Courts and offices and of orders

-(i) The language of revenue offices and Courts (and particularly that of notices under the Act) shall be Urdu.(ii)In every case the order and the reasons for it shall be written in Urdu or in English.

#### 4. Statements and pleadings to be brief

- The statements and pleadings made by or on behalf of parties to a revenue proceeding before a Revenue Officer, whether oral or written, shall be as brief as the nature of the case admits and shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case and which he either admits or believes that he will be able to prove.

## 5. Application for declaration as protected tenant.

- (i) Every application under section 15-B shall be accompanied by a copy of the entries in the relevant holding of the quadrennial Jamabandi and a certificate from the Revenue Officer showing the date of the attestation of such Jamabandi. (ii) No order under clause (iii) of section 15-B shall be made unless the landlord is heard and his statement agreeing to the conferment of a protected tenancy right is recorded.

## 6. Contents of application for issue of notices of relinquishment, etc.

(a) Every application for the issue of a notice of relinquishment, or of intended transfer of a tenancy, or for the issue of notice of ejectment from a tenancy shall be accompanied by a true copy of the entries in the last detailed Jamabandi relating to the Khata (Khatauni) in which the fields to which the application relates are included. (b) Where, however, such copy would be irrelevant owing to changes in tenancy subsequent to the date of preparation of the Jamabandi, true copies of the entries in the last Khasra Girdawari relating to the particular fields to which the application relates shall be substituted therefor. (c) Copies filed under clauses (a) or (b) shall be certified as correct under his own signature by the Patwari acting under section 134(2) of the Jammu and Kashmir Land Revenue Act, S. 1996.

## 7. Rent deposit

- The notice under sub-section (2) of section 38 shall be in the following form: "Notice issued by.....District.....Whereas, A. B. the tenant, holding.....kanals of land in holding No. .... of village ..... in tehsil ..... district ..... under C. D., the landlord, has been permitted to deposit and has deposited an amount of Rs. .... on account of rent which is alleged by him to have been refused to be received by you for which you are alleged to have refused to grant a receipt about which he is in doubt as to the person entitled to receive it. This notice is issued to the following person/persons who, I have reason to believe, claims/claim or is/are entitled to the deposit and he/they is/are hereby informed that he/they should appear before me on.....with documentary proof in support of his/their claim: D.F.G.H. Dated Office of the With father's name. Caste and residence. Dated. (Seal and Signature of Revenue Officer)"

## 8. Form of notice under section 41(2)

- The following form of notice is prescribed for use of the Revenue Officers, to whom applications are made under section 41(2): "Notice issued by.....District.....Notice of relinquishment issued pursuant to sub-section (2) of section 41

Tenant on whose application this notice is issued

C.D. (with father's name, caste and residence).

Landlord on whom this notice is to be served

E.F. (with father's name,  
caste and residence).

Tenancy to which this notice relates. (Give for each field included in the tenancy its number and its area; also the total area of the tenancy and the estate and Tehsil in which situate)

In accordance with the application of C. D., the tenant, notice is hereby given to E. F., the landlord, that the tenant will relinquish the tenancy after harvesting of the current crop. Dated at the Revenue Office of.....this.....day of.....19 ....(Seal and signature of Revenue Officer).

## 9. Form of notice under section 48(1)

-The following form of notice is prescribed for the purposes of sub-section (1) of section 48: "Notice issued by A. B..... District .....Notice of ejectment issued pursuant to the provisions of sub-section (1) of section 48.

Landlord on whose application this notice is issued

C.D. (with father's name,  
caste and residence).

Tenant on whom this notice is to be served

E . F. (with father's  
name, caste and  
residence).

Tenancy to which this notice relates. (Give for each field included in the tenancy, its number and its area; also the total area of the tenancy and the estate and Tehsil in which situate)

Whereas on the..... day of..... 19..... In the Court of.....at.....a decree for Rs.....and costs Rs. ....on account of an arrear of rent due in respect of the tenancy above described was passed in favour of the said C. D, landlord-Plaintiff, against E. F., tenant-defendant, and whereas a sum of Rs.....is still due under this decree as set out in the account annexed. This notice of ejectment is issued against E. F., the said tenant and he is hereby informed that, if he does not pay to this office the said amount of Rs. ....which is still due under the decree within 30 days from the receipt of this notice, he will be ejected from the said tenancy. Dated at the Revenue Office of.....this.....day of.....19(Seal and signature of Revenue Officer).Accounts of Sums due under the decree

Amount of decree	Rs. ....
Costs decreed against defendant	Rs. ....
Costs of execution to date	Rs. ....
Total	Rs. ....
Paid by defendant	Rs. ....
Balance now due	Rs. ....

## 10. Form of notice under section 49(3)

-The following form of notice is prescribed for the purposes of sub-section (3) of section 49: "Notice issued by.....District.....Notice issued pursuant to the provisions of sub-section (3) of section 49.

Landlord on whom application this notice is issued

C.D. (with father's name, caste and residence).

Tenants on whom this notice is to be served.

(i) E.F. (with father's name, caste and residence).

(ii)

(iii)

(iv)

Tenancy to which this notice relates.

(Give for each field included in that tenancy, its number and Tehsil in which situate).

Whereas C. D. has made an application to this office stating that he is the landlord of the tenancy/ tenancies above described and praying that E. F. (and where there are other tenants, put their names also), the tenant/ tenants thereof be ejected from.....kanals of land to enable him to resume it for personal cultivation under section 45; and Whereas it appears from the annual record that E. F. (and where there are other tenants, put their names also) holds/hold as a tenant/ tenants of C. D., who is entitled to resume.....kanals of Abi and/or.....kanals of Khushki land for personal cultivation. This notice is issued to E. F. (and in case of other tenants, add their names also) and he/they are hereby informed that he/they should appear before me on.....at.....and present written statement/statements admitting or denying the particulars mentioned by C. D. in his application, supported by necessary documents indicating at the same time the names of such tenants (together with the land held by them) as have entered into possession during the period intervening between 9th December, 1955 and 8th April, 1965 and also those who have entered into possession after 8th April, 1965. Dated at the Revenue Office of.....this.....day of.....19(Seal and signature of Revenue Officer).

## 11. Form of notice under section 63(2)

-In connection with the sale of a right of occupancy in execution of a decree or order of Court under section 63(2) the following form of notice for issue to the landlord concerned is prescribed: ".....District. Notice of sale of right of occupancy in execution of decree or order of Court issued to the landlord pursuant to the provisions of sub-section (2) of section 63 by.....held at the.....Court of.....in the District aforesaid.

Landlord on whose this notice is to be served.

A.B. (with father's name, caste and residence).

Tenant whose right of occupancy is to be sold.

C.D. (with father's name, caste and residence).

Tenancy to which this notice relates. (Give for each field included in the tenancy, its number and its area; also the total area of the tenancy and the estate and Tehsil in which situate).

Notice is hereby given to A. B., the landlord of the tenancy above described, that the right of occupancy of C. D., the tenant will be sold by this Court at.....O'clock of the.....day of.....19.....in execution of the decree described below; and the landlord is hereby informed that if at any time before the close of the day, on which the sale takes place, he pays to the Court or to the officer conducting the sale a sum equal to one-fourth of the highest bid made at the sale, he shall be declared to be the purchaser of the tenant's right of occupancy at the amount of that bid; provided that he pays the balance of the purchase money within fifteen days of the date of the sale. Dated at the Court of.....this.....day of.....19 ...(Seal and signature of Revenue Officer). Note. Particulars of decree in execution of which this sale is ordered may be given here.

## 12. Disposal of plaint under section 94 of the Act

-Where a subordinate Civil Court has returned a plaint on the ground that the suit is one over which such Civil Court has no jurisdiction and the plaint is subsequently presented in any subordinate Revenue Court, such Revenue Court, if it considers that the suit is not in fact triable by a Revenue Court, shall not again return the plaint but shall refer the point at once under section 94 of the Tenancy Act.

## 13. Points to be considered in application for arrears of rent

- In applications for arrears of rent payable in kind the Revenue Officer will, amongst other things, consider the following points, namely: (a) the area under each kind of crop grown in the harvest for which the rent is claimed; (b) the approximate gross out-turn; (c) the share of the produce after deducting Kamiana and reaper's due, if any, to which the landlord is entitled; and (d) the prices at which the landlord's share should be commuted.

## 14. Receipt for rent

-Every receipt for rent given by the landlords should indicate the amount of rent, the particular harvest and the year for which such rent is recovered.

## 15. Contents of order made for arrears of kind rent

-Every order passed for arrears of rent payable in kind shall contain a statement in the following form showing succinctly the process by which the amount payable has been arrived at: Assessment Circle.....Village.....Harvest.Crops.Soil.Matured area.Average outturn per acre.Gross outturn.Deduction for Kamiana etc. etc.Landlord's share.Average price (per circle note-book or harvest price).Value of landlord's share.