

The Chota Nagpur Tenancy Rules (Part-II), 1959

JHARKHAND

India

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Rule THE-CHOTA-NAGPUR-TENANCY-RULES-PART-II-1959 of 1959

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The Chota Nagpur Tenancy Rules (Part-II), 1959Published vide Notification No. 19-21-7, dated the 26th June, 1930Rules Under The Chota Nagpur Tenure-Holders, Rent Account Act, 1929[Bihar and Orissa Act I of 1929]No. 19-21-7, dated the 26th June, 1930. - In exercise of the powers conferred by Section 17 of the Chota Nagpur Tenure-holders' Rent Account Act, 1929 (1 of 1929), the Board of Revenue, Bihar and Orissa, is pleased to make the following rules under the Act:

1.

In these rules unless there is anything repugnant in the subject or context-(a)'Form' means a form in the Appendix to these rules.(b)The 'Act' means the Chota Nagpur Tenure-holders' Rent Account Act, 1929.Note. - The word 'rent' defined in the Chota Nagpur Tenancy Act, 1908, includes local cess and this Act will therefore, apply not only to permanent tenures in respect of which both rent and local cess are payable but also to those in respect of which only local cess is paid.

2.

Every application under Section 5 of the Act shall be in Form.

3.

The notice under sub-section (1) of Section 6 of the Act requiring the landlord of a tenure to furnish a list of all registered co-sharers in the said tenure shall be in Form II.

4.

The notice required to be served under sub-section (2) of Section 6 of the Act shall be in Form III.

5.

Every notice in Form III shall be served on the landlord and on each registered co-sharer of the tenure concerned : (a) by affixing a copy thereof - (i) at the Zamindari kachari (if any) of the landlord of the tenure in which is situated the registered fractional share for which a separate account is sought; (ii) in some conspicuous place in at least one village belonging to the said tenure in the presence of not less than two persons; (iii) at the office of the Deputy Commissioner, Sub-divisional Officer and Munsif within whose jurisdiction any of the lands to which the application relates are known to be situated; or (b) if the Deputy Commissioner considers that service in the manner prescribed in clause (a) is inconvenient or impracticable, by sending a copy thereof by registered post to the persons on whom the notice is required to be served

6.

In hearing any application or making any inquiry under sub-section (1) of Section 8 of the Act, the Deputy Commissioner shall follow as far as possible the procedure laid down in Chapter XVI of the Chota Nagpur Tenancy Act, 1908.

7.

When the Deputy Commissioner makes an order under sub-section (1) of Section 8 declaring the rent payable in respect of a fractional share of a tenure, he shall deliver a copy of such order in Form IV to the landlord of the tenure and to the applicant for the separate account.

8.

All costs awarded under this Act shall be recoverable in the manner provided in Chapter XVI of the Chota Nagpur Tenancy Act, 1908, for the recovery of money (not being arrears of rent) due under decree. Note. - The word "costs" refers to the costs incurred by the parties and includes the cost of special operations such as the preparation of maps, schedules of property, surveys, etc. required for an inquiry or the hearing of an application. Appendix Form I Application under Section 5 of The Chota Nagpur Tenure-Holders Rent Account Act, 1929 (See Section 5) (1) Name, father's name, caste, profession and residence of the applicant. (2) Name of estate within which is situated the permanent tenure in which a separate account is applied for, and tauzi number of such estate in the Collectorate register of the district. (3) Name or description of permanent tenure in which the separate account is applied for, and the names of the villages comprising the tenure with the thana and thana numbers of such villages and the khewat number of the tenure in such villages. (4) If the permanent tenure, in which a separate account is applied for, is an under-tenure, the name of the tenure within which such under-tenure is comprised, and the names and addresses of the landlords of the superior tenure, and khewat numbers of the superior tenure in all villages in which is situated any land of the under-tenure of which the applicant is a registered fractional co-sharer. (5) Extent of the fractional share of which the applicant is the registered co-sharer and for which the separate-account is applied for, and the khewat numbers of such share in each of the villages comprising the

tenure.(6)Manner in which the applicant's title or interest in the fractional share of which he is the registered co-sharer has been acquired, that is, whether by inheritance, purchase, gift or otherwise and date on which such share was registered in the name of applicant in the office of the landlord.(7)Annual rent and local cess or, if only local cess is payable, of local cess payable for the tenure in which is situated the fractional share for which a separate account is sought.(8)Proportionate share of the annual rent and local cess or, if only local cess is payable, of the local cess only, payable in respect of the fractional share for which a separate account is sought.

Form IIForm of Notice under sub-section (1) of Section 6 of The Chota Nagpur Tenure-Holders Rent Account Act, 1929

In The Court of the Deputy Commissioner of.....

Notice under sub-section (1) of Section 6 of the Chota Nagpur Tenure-holders Rent Account Act, 1929

Notice in the name of.....inhabitant of.....

thana.....District.....Whereas.....

of.....inhabitant of.....thana.....District.....has applied under Section 5 of the Chota Nagpur Tenure-holders' Rent Account Act, 1929 (Act 1 of 1929), for an order that the landlord of the tenure, of which the details are given in the copy of the application attached, shall open a separate account of the rent and local cess payable in respect of his share, you, the landlord of the said tenure, are hereby required to furnish, within three months from the date of the receipt of this notice, a list of all registered co-sharers in the said tenure to this Court.If you refuse or without reasonable cause neglect to furnish the list in due time, you shall be punishable under Section 16 of the said Act with fine which may extent to fifty rupees and with a further fine which may extend to Rs. 5 for each day after conviction during which the default continues.

Form IIIForm of Notice under Sub-section (2) of Section 6 of the Chota Nagpur Tenure-Holders' Rent Account Act, 1929

Whereas.....resident at.....has applied for an order that the landlord shall open a separate account of the rent and local cess payable in respect of his share in the permanent tenure known as.....of which details are given below.....comprised within the estate known as ...bearing tauzi No ... in the Collectorate register (if an under-tenure.....and comprised within the tenure known as.....recorded in khewat Nos....of village.....and khewat No.....of village.....etc.).

Notice is hereby given that the Deputy Commissioner will hear the application at his office at.....on.....(Any person who objects to the grant of such) application of the ground that it will affect any interest which he claims shall, on or before the date fixed for hearing, present to the Deputy Commissioner a statement of his objection in writing and shall appear before the Deputy Commissioner on the date so fixed.Details of tenures as in the application.

Form IVOrder of the Deputy Commissioner under Sub-section (1) of Section 8 of the Chota Nagpur Tenure-Holders Rent Account Act, 1929, on the landlord for correction of entries in account agreeably to his order, dated.....Case No.....

The landlord.....is hereby directed to open the separate account in respect of the tenure named in the sub-joined table and he is directed to correct the tenure register in his office accordingly.

Case No.	Tenure number and name of parent tenure	Number of separate account to be opened	Name, father's name and residence of co-sharer in whose namethe separate	Fractional share of tenure in respect of which separateaccount	Rent and local cess payable in respect of the share for whichseparate
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	and thana		account is to be opened	has to be opened.	account has to be opened.
1	2	3	4	5	6