

# **Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1990**

TAMILNADU

India

## **Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1990**

### **Rule**

### **TAMIL-NADU-CULTIVATING-TENANTS-ARREARS-OF-RENT-RELIEF-F of 1990**

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Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1990Published vide Notification SRO A-142 (a)/90. - G.O. Ms. No. 2151, Revenue, dated 10th October 1990In exercise of the powers conferred by sub-section (1) of section 15 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990), the Governor of Tamil Nadu hereby makes the following rules:-

#### **1. Short title and commencement.**

(1)These rules may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1990.(2)They shall come into force on the 10th October 1990.

#### **2. Definitions.**

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990);(b)"authorised agent" means -(i)a person holding a power of attorney, authorising him to act on behalf of his principal; or(ii)an agent empowered by written authority under the hand of his principal to act on his behalf;(c)"form" means a form appended to these rules;(d)"month" means a calendar month;(e)"section" means a section of the Act.(2)Words and expressions used, but not defined in these rules shall have the same meanings, respectively, assigned to them in the Act.

### **3. Option for payment of arrears of rent under section 4.**

- Every option for payment of arrears of rent under section 4 to be given by the cultivating tenant shall be intimated to the competent authority in Form I. If the cultivating tenant is in arrears of rent payable to more than one landlord, he shall file a separate option in respect of such arrears of rent payable to every such landlord.

### **4. Deposit of current rent and arrears of rent under sub-section (2) of section 5 or under sub-section (2) of section 7.**

- Every deposit of current rent and arrears of rent under sub-section (2) of section 5 or under sub-section (2) of section 7, as the case may be, shall be made by the cultivating tenant in Form II and the current rent and the arrears of rent shall be deposited before the Court or the competent authority, on or before the date specified in sub-section (2) of section 5 or sub-section (2) of section 7, as the case may be. If the cultivating tenant is in arrears of rent payable to more than one landlord, he shall separately deposit the current rent and such arrears of rent payable to every such landlord.

### **5. Notice to landlord under sections 5 and 7.**

- Every notice to be issued under sub-section (3) of section 5 and sub-section (3) of section 7 shall be in Form III.

### **6. Application for the dismissal of suit or proceeding pending on the date of publication of the Act for the recovery of rent or for the eviction of cultivating tenant.**

- Every application under sub-section (4) of section 5 or under sub-section (4) of section 7 for the dismissal of any suit or proceeding pending, on the date of the publication of the Act, for the recovery of the current rent or any arrears of rent or for the eviction of a cultivating tenant for non-payment of any such current rent or any arrears of rent, shall be in Form II.

### **7. Application for the vacation of decree or order passed before the date of the publication of the Act for the recovery of the rent or for the eviction of a cultivating tenant.**

- Every application for the vacation of the decree or order passed by the Court or the competent authority, as the case may be, under subsection (5) of section 5 or under sub-section (5) of section 7 shall be in Form II.

## **8. Right to restoration of possession of evicted cultivating tenant under section 13(1) of the Act.**

- Every application for restoration of possession of evicted cultivating tenant under section 13(1) of the Act shall be in Form IV. If the cultivating tenant has been evicted for arrears of rent by more than one landlord, he shall file separate applications for restoration of possession in respect of every such landlord.

## **9. Court-fee.**

- Every application under these rules shall bear a Court-fee stamp of two rupees and shall be accompanied by sufficient number of copies of the application for service on the landlords, cultivating tenants or other persons likely to be affected, as the case may be.

## **10. Powers of competent authority and conduct of proceedings.**

(1)The competent authority shall have the powers exercisable by a Civil Court in the trial of suits.(2)The proceedings of the competent authority shall be summary and shall, as far as possible, be governed by the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) with regard to-(a)the issue and service of summons;(b)the examination of parties and witnesses;(c)the production of documents;(d)the amendment of pleadings;(e)the addition of parties;(f)the passing of ex parte orders and setting them aside for good cause;(g)the ordering of dismissal for default of appearance and setting aside such orders for good cause;(h)local inspection;(i)the passing of orders; and(j)the enforcement of any order or decision.

## **11. Grounds for the decision of the competent authority to be recorded.**

- In passing an order under section 5 or 7 or 13, the competent authority shall record in brief the grounds for its decision.

## **12. Authorised agent to plead on behalf of the party in proceeding before the competent authority.**

- In any proceeding before the competent authority, any authorised agent may be permitted to plead on behalf of the party:Provided that the competent authority may, for reasons to be recorded in writing, at any stage of the proceeding cancel such permission.

## **13. Process fees.**

- The competent authority may collect process fees at the following rates, namely:-(1)For each summons or notice-

	Rs.
(a) When sent by registered post for each defendant, respondent or witness;	8.00
(b) When served by an officer of the Court—	
(i) On a defendant, respondent or witness;	8.00
(ii) On every additional defendant, respondent or witness residing in the same village, if tire process is applied for at the same time.	2.00
(2) Mileage for the travelling expenses of the process-server at twenty-five paise per kilometre may be calculated from the headquarters of the competent authority or the Court, as the case may be, to the place to which the process-server has to go for serving the summons or notice. (3) Authorisation letters produced before the competent authority shall be engrossed on non-judicial stamp paper of the value of Rs. 5 (Rupees five only). Form I (See rule 3) Option for Payment of Arrears of Rent Under Section 4 of the Act In the Court ..... (Name of.....the competent authority).	

## 1.

.....(Name of the Cultivating Tenant) hereby give my option under section 4 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990) to pay the current rent and the arrears of rent due to the landlord mentioned below:-

## 2. The following particulars are furnished for information of the competent authority:-

(i) Name of the sub-tenant and his address. (ii) Particulars of lands under sub-lease.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A. C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(iii) Amount of current rent due Rs. P. (iv) Total amount of arrears of rent due Rs. P.

(a) For Fasli.....

(b) For Fasli.....

(c) For Fasli.....

(d) For Fasli.....

(e) For Fasli.....

etc.

Total

(v) Market value of the current rent due for item (iii) above (if payable in kind) as on the date of option. (vi) Market value of the arrears of rent due for item (iv) above (if payable in kind) as on the date of option. (vii) Name and address of the landlord or landlords to whom the rent is

payable.(viii)Other particulars, if any.

### **3. \*I opt to pay the current rent and the one-fourth of the total amount of arrears of rent in the manner specified in Part II of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990).**

\*I opt to pay the current rent and the one-third of the total amount of arrears of rent in the manner specified in Part III of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990).I hereby declare that the particulars furnished in the option are to the best of my knowledge and belief, true and correct.Place:Date:Signature of the applicant\*Strike out which is not applicable.Form II(See rules 4, 6 and 7)Deposit of Current Rent and Arrears of Rent Under Section 5(2) or Under Section 7(2) of the Act\* Application for the dismissal of suit pending in Court or proceeding before the competent authority, pending on the date of the publication of the Act, for the recovery of rent or for the eviction of cultivating tenant for non-payment of rent.\* Application for the vacation of decree or order passed before the date of the publication of the Act for the recovery of rent for the eviction of a cultivating tenant.In the Court of (Name of authority)I, ..... hereby deposit the account for the landlord mentioned below, the current and the arrears of rent or if the rent is payable in kind, its market value in accordance with the provisions of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990).

### **2. The following particulars are furnished for information of the Court/competent authority:-**

(i)Name and address of the cultivating tenant.....(ii)Particulars of lands under cultivated.

Name of the district	Name of the taluk	Name of the village	Survey number of the land	Local name, if any	Classification (wet, dry, garden or manavari)	Extent (A. C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(iii)Amount of current rent due Rs. P.(iv)Total amount of arrears of rent due Rs. P.

(a) For Fasli.....

(b) For Fasli.....

(c) For Fasli.....

(d) For Fasli.....

(e) For Fasli.....

etc.

Total

(v)Market value of the current rent due for item (iii) above (if payable in kind) as on the date of deposit.(vi)Market value of the arrears of rent due for item (iv) above (if payable in kind) as on the

date of deposit.(vii)Details of rent deposited.

	Amount deposited	Date of deposit	Number and date of challan	Name of Treasury/ Sub-treasury
(1)	(2)	(3)	(4)	(5)

(a) Current  
rent:

(b) Arrears of  
rent:

Total

(viii)Name and address of the landlord or landlords to whom the rent is payable.(viii)Other particulars, if any.I, ..... hereby declare that the particulars furnished in this application are, to the best of my knowledge and belief, true and correct.Place:Date:Signature of the applicant/depositor.\* Strike out whichever is not applicable.Form III(See rules 5 and 7)NoticeBefore the.....(Name of authority)To.....(Name, designation and place of residence)Take notice that an application has been filed before the undersigned, by.....(name and address) who is a cultivating tenant of the lands specified in the Table below and who has paid or deposited or is deemed to have paid or deposited a sum of Rs.....(Rupees, only) towards the current rent and arrears of rent.It is proposed to conduct an enquiry before the undersigned at.....hour) on (date).....at.....(place)\*to decide whether the cultivating tenant is deemed to have paid the current rent and the instalment of arrears of rent for the purposes of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990). \*to dismiss the suit or proceeding for the recovery of the current rent or any arrears of rent for any fasli year or for the eviction of cultivating tenant for non-payment of any such current rent or any arrears of rent.\*to vacate the decree or order passed for the recovery of any current rent/any arrears of rent/for the eviction of a cultivating tenant for the non-payment of any such current rent or any arrears of rent,\*to restore the cultivating tenant of the possession of land.In case you desire to make any representation in this behalf, you may appear in person or by an authorised agent. You must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which, you intend to rely in support of your defence. Take notice that, in default of your appearance on the aforesaid date, the application will be heard and disposed of in your absence on merits.

Name of the District	Name of the Taluk	Name of the Village	Survey number of the lands	Local name, if any	Classification if wet dry garden, or Manavari	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

### 3. Amount deposited towards-

(a) Current rent Rs.

(b) Arrears of rent Rs.

(c) Total Rs.

### 4. Date/s of deposit/s

### 5. Name and address of the landlord or landlords to whom the rent is payable.

### 6. Name and address of other persons likely to be affected.

### 7. Other particulars, if any

Office:State:Date:Signature and designation of the authority.\*Strike out whichever is not applicable  
Form IV(See rule 8)Application for Restoration of Possession of Evicted Cultivating Tenant  
In the Court of.....(Name of authority).Whereas I.....(name) a cultivating.....tenant of the lands specified below:Whereas, a judgement or decree or order has been passed in the suit or proceeding (No.....of.....) by the.....(Name of the Court/authority.....against me for eviction for non-payment of rent;Whereas, I have been evicted from the lands specified below on or after the 1st day of April 1990 and before the date of the publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990 (Tamil Nadu Act 38 of 1990), namely, the 10th October 1990 on the ground of non-payment of the current rent or arrears of rent;Whereas, I pray that the said judgement or decree or order may be cancelled;Now, Therefore, I pray that I may be restored to possession of the said lands and hold them with all the rights and subject to all the liabilities of a cultivating tenant.

### 3. The following particulars are furnished for information of the Court/competent authority:

(i)Name and address of the cultivating tenant(ii)Particulars of the lands cultivated:

District	Taluk	Village	Survey number of the land	Local name, if any	Classification if wet, dry, garden or manavari)	Extent (A. C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(iii)Actual date of eviction from the lands(iv)Name and address of the landlord or landlords from whom the lands are to be restored(v)Other particulars, if any.I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief true and

correct.Place:Date:Signature of the applicant.