

The M.P. Krishi Upaj Mandi (Method of Service of Notice and Document) Rules, 2000

MADHYA PRADESH

India

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Rule

THE-M-P-KRISHI-UPAJ-MANDI-METHOD-OF-SERVICE-OF-NOTICE-AND-DOCUMENT-RULES, 2000

- Published on 4 July 2001
- Commenced on 4 July 2001
- [This is the version of this document from 4 July 2001.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Krishi Upaj Mandi (Method of Service of Notice and Document) Rules, 2000Published vide Notification No. D-15-49-2000-14-3, dated 4th July, 2001, M.P. Rajpatra (Asadharan). dated 4-7-2001 at page 832(1)In exercise of the powers conferred by sub-sections (1) and (2) and clause (xxxii-a) of Section 79 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973), the State Government hereby makes the "Madhya Pradesh Krishi Upaj Mandi (Method of Service of Notice and Document) Rules, 2000" the same having been previously published as required by sub-section (1) of the said section, namely :-

1. Short title.

- These Rules may be called the Madhya Pradesh Krishi Upaj Mandi (Method of Service of Notice and Document) Rules, 2000.

2. Definitions.

- In these Rules, unless the context otherwise requires(a)"Act" means the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973);(b)"Section" means the Section of the Act.

3. Service of Notice and Other Documents.

- Save as otherwise provided in the Act, the service of any notice or other document under the Act or under any rule, bye-law or order made thereunder on any person to whom it is by name addressed

shall be effected : (a) by giving or tendering the said notice or document to such person; or (b) if such person is not found, by giving or tendering the same to some adult member or servant of his family; or (c) by sending the same by post under certificate of posting; or (d) if such person does not reside in the jurisdiction of the Market Committee and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post of acknowledgement : Provided that if the officer directing the issue of such notice or document is satisfied that the addressee is evading the notice or document and the notice or document cannot be served by the methods mentioned as above the said officer shall cause such notice or document to be served by affixing a copy thereof upon some conspicuous part of the last known place of residence or business of the person concerned and service shall be as effectual as if it had been made on the address personally.

4. Notice to be served on owner of building or land.

- When any notice or other document has to be served upon any owner or occupier of any building or land it shall not be necessary to name the owner or occupier therein, and the service, thereof, in case not otherwise specifically provided for in the Act it shall be effected either, - (a) by giving or tendering the notice or document to the owner or occupier of if there be more owners or occupiers than one to any one of them; or (b) if no such owner or occupier be found, then by giving or tendering the notice or document to some adult member or servant of the family; or (c) if none of the means aforesaid be available then by causing the notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

5. Acknowledgement to be obtained.

- When a notice or document is given or tendered to the addressee by a Market Committee employee, he shall obtain the acknowledgement of the same on duplicate copy and submit to the Issuing Officer.

6. Notice to be served by affixing copy thereof.

- When the notice or document is served by affixing a copy thereof in accordance with the provisions of Rule 3 or clause (c) of Rule 4, the employee serving it shall return the duplicate copy to the officer issuing the notice or document with the report endorsed thereon or annexed thereto. The said employee shall also obtain the signature of two witnesses identifying the addressee's residence or place of business and certifying the affixing of notice or document to his report.

7. Notice to be served by post.

- When service is made by post, the service shall be deemed to be effected by properly addressing, prepaying and posting the notice or document and unless the contrary is proved, the service shall be deemed to have been effected at the time at which notice or document would be delivered in the course by post.

8. Public Notice.

- Every notice which the Act requires or empowers a Market Committee to give or to serve either as a public notice or generally or by provision which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in notice board of the Market Committee Office during such period or is published in such local news papers or in such other manner as the Market Committee may in this behalf direct.

9. Notice not to be invalid.

- No notice or other document shall be invalid for defect or form.

10. Period of Notice.

- Whenever in any notice or other document served under the Act or the rules, bye-laws or orders made thereunder, a period is fixed within which any tax or other sum is to be paid or any other work executed or anything provided such period shall in the absence of any provision to the contrary in the Act or the rules, bye-laws, or orders thereunder be calculated from the date of such service or in case of public notice under Rule 8 from the date of its publication.

11. When no time limit is fixed by the Act.

- When any notice under the Act, or any rule or bye-laws or order requires any act to be done for which no time is fixed, a reasonable time shall be fixed with the notice for doing the same.

12. Repeal.

- All previous rules corresponding to these rules in force immediately before the commencement of these rules shall stand repealed on the date of final publication of these rules in the "Madhya Pradesh Gazette".