

Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Rules, 1956

TAMILNADU

India

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Rule

TAMIL-NADU-CULTIVATING-TENANTS-PAYMENT-OF-FAIR-RENT-RULES of 1956

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Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Rules, 1956 In exercise of the powers conferred by section 17 of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), the Governor of Tamil Nadu hereby makes the following rules:-

1.

(i) These rules may be called the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Rules, 1955. (ii) They shall be deemed to have come into force from 1st November 1956: [Provided that they shall come into force on the 6th December 1961 in the Shencottah Taluk of the Tirunelveli District and on the 28th October 1964 in the added territories.] [Proviso was added by G. O. No. 2560, Revenue, dated the 24th October 1964.]

2.

In these rules, unless there is anything repugnant in the subject or context, -(i) "the Act" means the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956); (ii) "form" means a form appended to these rules; (iii) "section" means a section of the Act.

3. Procedure to be followed by Rent Courts and Rent Tribunals.

- The Rent Court and the Rent Tribunals shall have power to enter upon any land and inspect and do any act thereon which, in their opinion, is necessary for the purpose of carrying out the functions

entrusted to them by or under the Act including the power to cut and thrash the crops on any land and to weigh or measure the produce with a view to estimating the capabilities of the soil.

4.

(i) Every Rent Court and Rent Tribunal constituted under this Act shall have the power exercisable by a Civil Court in the trial of suit and in appeals. (ii) The proceedings of the Rent Court and the Rent Tribunal 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) addition of parties; (f) the passing of ex parte orders and setting them aside for good cause; (g) the ordering, dismissal for default of appearance and setting aside such orders for good cause; (h) the reviewing of orders passed on ground of apparent error; (i) local inspection; (j) the passing of orders. Without prejudice to the generality of the foregoing, the Rent Tribunal shall also have power (1) to remand a case, (2) to call for findings, and (3) to admit fresh and additional evidence for proper cause.

5.

Every application to a Rent Court shall be presented in person or by agent or be sent by registered post to the Rent Court having jurisdiction over the area in which the land concerned is wholly or in part situate which shall endorse the date of receipt thereon. Along with the application as many copies as there are respondents should also be furnished. On receipt of the application, a notice shall be caused to be served upon all persons who are named as respondents to the application to show cause in writing on or before a date named as to why the application should not be ordered. The notice shall contain a summary of the allegations on the basis of which the relief is claimed by the applicant as also the nature of the relief claimed: Provided that any respondent shall, on application to the applicant, be entitled to be furnished free of charge with a copy of the application.

6.

The respondents shall be given at least a period of 10 days from the date of service for the purpose of filing their objections in writing and the notice issued to them shall also intimate the date to which the enquiry is fixed: Provided that the Court shall have, for sufficient cause, power to extend the time allowed for filing objections. The respondent shall, at the same time when he files his objections to the Rent Court, serve a copy thereof on the petitioner or his agent or the legal representative appearing for him.

7.

The Rent Court shall have power to adjourn the proceedings, from time to time, and the notice of the adjourned hearing shall be notified on the notice board of the Court.

8.

In hearing of an application under the Act, the Rent Court shall have also power to depute any officer of the Revenue Department not lower in rank than a Revenue Inspector to make local enquiry and inspection and to collect relevant data. The officer shall submit a report of such enquiry and inspection in writing and this report shall be part of the evidence in the case: Provided, however, that the parties to the proceeding shall be entitled to be furnished with copies thereof and shall have liberty to file objections thereto and the Rent Court shall consider this report together with the objections thereto in passing orders on the application: [Provided further that if the parties so desire, the officer shall be summoned and examined as a witness.] [Added by G. O. No. 2560, Revenue, dated the 24th October 1964.]

9.

(i) In any proceeding before a Rent Court or a Rent Tribunal, a party shall be entitled to be represented by a legal practitioner to act and plead on his behalf. (ii) The Court or the Tribunal may, as the case may be, permit any agent duly authorised in writing by a party to act and plead on his behalf, provided that the Court or the Tribunal may, at any stage of the proceeding, cancel such permission: Provided further that in the case of such cancellation, the party concerned shall be informed of such cancellation and he shall be afforded sufficient opportunity for his being thereafter represented before the Court or the Tribunal, as the case may be, by a legal practitioners or by any other agent duly authorised in his behalf.

10. The matters to be taken into account in determining the normal gross produce.

- For determining the normal gross produce in respect of any land for any specified crop, the Court or the Tribunal, as the case may be, shall ascertain the quantity of the produce which would be obtained if such crop were grown in a year in which the rainfall and the seasons are of a normal character, on a land of the same class as the land in question similarly situated and possessing similar advantage. For the purpose of such determination, the Court or the Tribunal may take into consideration the soil classification of the land and the normal or standard outturn of paddy in the case of wet land and the standard dry or irrigated crop in the case of dry unirrigated or irrigated land as the different classes and sort of soil as finally adopted at the last land revenue settlement of the tract which the land is situated. The Court or the Tribunal may also take into consideration-

- (a) the Government records containing season and crop reports and rainfall accounts;
- (b) the accounts of landowners, intermediaries and cultivating tenants wherever available for similar lands enjoying similar advantages;
- (c) the oral or documentary evidence adduced by any of the interested parties and decrees of Civil Courts.

11.

Every order of the Court or Tribunal shall be served upon the parties thereto or their legal practitioners appearing for them or their authorised agents, if any.

12.

Every application to the Rent Court shall be in writing and shall be in Form 1 annexed to these rules.

13. The fees to be paid in respect of application and appeals under this Act.

- (i) Every application presented to the Rent Court shall bear a Court-fee label of the value of Rs. 1.
- (ii) Every appeal to the Rent Tribunal under section 9(2) shall bear a Court-fee label of value of Rs. 2 and shall be accompanied by the original or a certified copy of the order appealed against.

14. The time within which appeals may be presented under this Act.

- Every appeal to a Rent Tribunal against the order of a Rent Court lying within its jurisdiction shall be made within 30 days from the date following the service of the order: Provided that the appeal may be received after the period of 30 days aforesaid if the applicant satisfied the Court that he has sufficient cause for not preferring the appeal within that period.

15. The notification of prices of agricultural or horticultural produce for the purpose of fixing the cash value of the fair rent.

- (i) The Collector of the district shall notify in the month of January, April, July and October every year in the District Gazette in English and in the language or languages of the district the average market price during the immediately preceding three months at the headquarters of each taluk of the district of the main crops of the district [and of the straw or stalk of those crops] [Added by G. O. Ms. No. 3120, Revenue, dated the 24th October, 1963.].
- (ii) In determining the average market price referred to in sub-rule (i), the Collector may take into consideration the Government records containing the season and crop and price reports and may consult the [Director of Statistics] [Now renamed as Director of Economics and Statistics.], if he considers necessary, and of the straw or stalk of these crops.
- (iii) Copies of the notification published in the District Gazette under sub-rule (i) shall be kept in the office of the Rent Court and the Rent Tribunal concerned.

16.

Any sum awarded by any Rent Court or Rent Tribunal under this Act shall, on application to a party entitled to it, be recovered by an officer of the Revenue Department not lower in rank than a Revenue Inspector specified by such Court or Tribunal as if it were an arrear of land revenue and the amount recovered shall be paid over to the party entitled to same.

17.

Rent Court shall maintain register in the form annexed to these rules.

18.

The Rent Court or the Rent Tribunal may collect process fees at the following rates.

	Rs.
	P.
(1) For each summons or notice:	
(a) when sent by registered post, for each defendant, respondent, or witness	2.25
(b) when served by an officer of the Court -	
(i) on a defendant respondent or witness	2.25
(ii) on every additional defendant, respondent or witness residing in the same village, if the process be applied for at the same time	
(2) Mileages for the travelling expenses of the process-server at four paise per kilo metre may be calculated from the headquarters of the Court or the Tribunal to the place to which the process-server has to go for serving the summons and may be recovered from the parties by way of Court-fee stamps, in addition to the process fees.	
(3) Authorization letter produced before the Court or the Tribunal shall be engrossed on non-judicial stamp paper of the value of Re. 1.50 paise [Rupee one and fifty paise only]. Form I (See rule 12) In the Rent Court at..... (every application presented to the Rent Court shall be affixed with a Court-fee label of the value of rupee one.)..... Petitioner(s) versus..... Respondent(s) Application under section 9 of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 Dated 20	

1. Name(s) and address(es) of the petitioner(s).

2. Name(s) and address(es) of the respondent(s).

3. Whether the petitioner(s) is/are tenant(s) or landowner(s).

(i) Name of the land, if any. (ii) Whether assessed or unassessed. (iii) Whether wet, garden or dry. (iv) Survey number and sub-division number (if unsurveyed, its description) (v) Extent. (vi) Boundaries: East..... South
..... West..... North..... (vii) Assessment and local cesses. (viii) Village and taluk in which the land is situated.

4. In the case of wet land -

(i)whether it is a single crop or double crop land;(ii)the existing rent.In the case of garden land -
 (i)the garden crop or crops raised;(ii)the existing rent.In the case of dry land -(i)the dry crop or crops raised;(ii)the existing rent.

5. Additional facts and information which the applicant(s) may like to furnish

6. Relief claimed.

Petitioner (s).I/We, the above named petitioner(s), do hereby declare that the facts stated above are all true to the best of my/our knowledge and belief.Petitioner (s).Form II(See rule 17)Register No. 1 : Register of application received for fixation of fair rent.Register No. 2 : Register of application received for revision of fair rent.Register No. 3 : Register of application received for deciding any dispute arising under the Act other than fixation or revision of fair rent.Rent Court of.....

Year (Serial number)	Date of Presentation of application	Name with full address of the applicantwhether landlord or tenant	Name and address of the respondent
(1)	(2)	(3)	(4)

Purport of the case and section of law	Date of reference to Revenue Official forlocal enquiry, etc.	Date of receipt of the report of the RevenueOfficial	Date of commencement of order and enquiry	Date of final order and result
(5)	(6)	(7)	(8)	(9)

Form III(See rule 17)Register No. 4 : Hearing BookRent Court of.....Year.....Date.....

Serial number of the case or application	Date to which adjourned	Remarks
(1)	(2)	(3)

Form IV(See rule 17)Rent Court of.....Year.....

Date Number of the case or application	Purport of proceedings
(1) (2)	(3)

Note: This is the Journal showing the daily work of the Rent Court.Form V(See rule 17)Register No. 6 : Register of documents received and disposed ofRent Court of.....

Year/Date	Serial number in the register	Nature of documents	Reference to connected case or application
(1)	(2)	(3)	(4)

Name of party producing the documents	Initial of the clerk or other authorised person to whom the document is consigned with date	Court's order for disposal with date
(5)	(6)	(7)

Form VI(See rule 17)Register No. 7 : Register of instruments impounded.Rent Court of.....Year.....

Number and year of application	Nature of, date of, instrument impounded	Name and residence of person by whom produced	
(1)	(2)	(3)	
Date of sending the instrument to the R.D.O.for adjudication	Date of acknowledgment by the R.D.O. of thereceipt of the instrument		Remarks
(4)	(5)		(6)

Form VII(See rule 17)Register No. 8 : Register of applications for return of documentsRent Court of.....Year.....

Date of application	Number of application	Connected serial number in Register No. 6	Name of the applicant and his connection withthe application under the Tamil Nadu Cultivating Tenants (Paymentof Fair Rent) Act, 1956
(1)	(2)	(3)	(4)
Nature of documents and whether produced tothe applicant	Court's order returning either document orapplication with date		Signature of party or agent with date
(5)	(6)		(7)

Note: Application for return of documents should be entered in this register in the order of the dale of receipt.Form VIII(See rule 17)Register No. 9 : Detailed register of documents and Court-feesRent Court of.....

Date	Serial number in this register	Nature of document and reference to connectedcase	Name of party presenting the document	Number of enclosures
(1)	(2)	(3)	(4)	(5)

Process fees

Search fees Peon's-fees Amin's fees Total fees

Poundage Other fees

(6)	(7)	(8)	(9)	(10)
Rs.	P.	Rs.	P.	Rs. P. Rs. P. Rs. P.