

Rules Under The Tamil Nadu Estates (Supplementary) Act, 1956

TAMILNADU

India

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Act 4785 of 1957

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Rules Under The Tamil Nadu Estates (Supplementary) Act, 1956Published vide Notification No. S.R.O. No A-4785 of 1957In exercise of the powers conferred by section 14 of the Tamil Nadu Act XXX of 1956), the Governor of [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] hereby makes the following rules to carry out the purposes of the said Act: -

Part I – 1.

Every application under section 3 or section 4(2) shall be in writing, shall be signed and verified by the applicant. An application under section 3 shall be stamped with Court-fee stamp of the value of two rupees. An application under section 4(2) (a) need not be stamped.

2.

Every such application shall be restricted to a single village or part thereof.

3.

Where such application is made by the State Government or by any person other than the landholder of the non-ryotwari area, the landholder shall be made a respondent to the application.

4.

Every such application shall contain the following particulars, namely: -(a)Name of the District.(b)Name of the taluk.(c)Name of the non-ryotwari area and particulars sufficient to localise

it.(d)Name of the applicant.(e)Whether he is the landholder or not.(f)If he is not the landholder, the name of the interest possessed by him in the said area.(g)Nature of the applicant's case and the nature of the evidence he desires to adduce in support of his contention.

5.

(a)An application under section 4(2) (b) shall be in the form of a memorandum, as set out in the Annexure to Part III to these rules, and shall be signed by the appellant or his advocate and presented by such appellant or his Advocate or the registered clerk of the Advocate at the office of the Registrar, High Court during working hours.(b)Such application need not be stamped.(c)The memorandum shall set forth briefly the grounds of objection to the decision appealed from.(d)The memorandum shall be accompanied by a vakalathnama duly executed if the appellant appears by the Advocate, by a certified copy of the order appealed from and by as many authenticated copies of the memorandum as there are respondents to be served, together with the process-fee prescribed for service of process on the Appellate Side of the High Court.(e)(1) As soon as the appeal is numbered, it shall be placed before the Registrar for orders as to issue of notice and the preparation of the record for the hearing of the appeal.(2)The record of the case the use of the Special Appellate Tribunal shall consist of all material papers on which either party proposes to rely at the hearing of the appeal.(3)Unless otherwise ordered by the Special Appellate Tribunal or the Registrar at the instance of a party, the record shall be translated, if need be, and typed the Office of the Registrar and the charge therefor shall be calculated at the rates prescribed in the rules of the High Court, Appellate Side.(4)In case the record is to be prepared at the Office of the Registrar, the appellant shall, within two weeks after the receipt of an Office Memorandum to that effect, pay into the Registrar's Office such charges, as may be specified in the said Office Memorandum.(5)The respondent shall, within three weeks from the date of service of the notice of appeal on him, obtain the directions of the Registrar as to the preparation of the record and shall pay the charges therefor within such time as may be fixed by the Registrar.

Part II – 1.(1) The notice referred to in section 6 shall specify the date on which and the place at which the Tribunal proposes to hear the applicant and shall be published -

(i)by affixture in a village chavadi in the area to which the application relates or, if there is no village chavadi, in some other conspicuous public place in the said area;(ii)by beat of tom-tom in the area; and(iii)by affixture on the notice board of the Office of the Tribunal.(2)A copy of the notice shall be served -(i)on the applicant;(ii)on the landholder if the applicant is not the landholder;(iii)on the person in occupation of the land if the landholder is the applicant; and(iv)on the Collector of the district in which the area concerned is situated, if the State Government is not the applicant.(3)Such service shall be effected by giving or tendering the notice to the person concerned or if it cannot be so effected, by sending the notice to him by registered post or by affixture to his last known residence.(4)In the case of non-ryotwari area belonging to a religious institution, a copy of the notice shall be sent to the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department [Chennai] [Substituted for the word 'Madras' by the City of Madras

(Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).](5)The notices shall be in the form given below: -Form of NoticeNotice to the Collector of District, the landholder and all persons claiming an interest in any land in the area noted in the Schedule. Notice is hereby given that an application has been filed before this Tribunal under section 3/4 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Supplementary) Act, 1956 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXX of 1956) by for a declaration that the non-ryotwari area, specified in the Schedule is an estate or part of an estate as defined in section 3, clause (2) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1956).is not an estate or part of an estate as defined in section 3, clause (2) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1956)is an inam estate as defined in section 2, clause (7) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Abolition and Conversion into Ryotwari) Act, 1948 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXVI of 1948).is not an inam estate as defied in section 2, clause (7) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Abolition and Conversion, into Ryotwari) Act, 1948 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXVI of 1948).The application has been posted for hearing on the day of 20 at (hours) at.....(place).All persons interested are hereby called upon to file before the Tribunal statements bearing on the question, adduce oral or documentary evidence as is necessary and be present at the hearing.A copy of the application is appended hereto.

Schedule

Name of the district	Name of the Taluk	Name of the non-ryotwari area concerned (with particulars to localise it)
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To the applicant in duplicate, though the Tahsildar...../Manager of Estates.....for causing service, obtaining the acknowledgement and returning the original before the date of hearing.In duplicate through the Tahsildar..... /Manager of Estatesfor causing publication in the area concerned by affixture in the village chavadi or other conspicuous public

place and by beat of tom-tom and for returning the original, with the certificate of publication. To the Collector of.....district at.....for information and for arranging for production before this Tribunal of all relevant documents in the possession of the Government which have a bearing on the question, on or before the date of hearing, through a responsible Revenue Official.(6)The publication of the notice in the village chavadi or other conspicuous public place, as the case may be, and by beat of tom-tom in the area concerned shall be duly certified by the village headman or kamam having jurisdiction over the said area or any portion of it.

2. If any person in occupation of land in the area concerned or claiming to be in occupation of the land, desires to participate in the enquiry, the Tribunal may implead him as a party, either as a petitioner or as a respondent, in the application.

3. The decision of the Tribunal under section 3 or 4 shall be published in the area concerned in the form given below and in the manner prescribed in rule.

Form of NoticeIt is hereby notified for the information of all concerned that under section 6 of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Supplementary) Act, 1956 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXX of 1956), the Tribunal has decided that the non-ryotwari area specified in the Schedule is an estate or part of an estate as defined in section 3, clause (2) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908, and

is =| a zamindari 2(16)under tenure 2(15)| estate as defined in section of the Tamil Nadu an Estate (Abolition and Conversion, into Ryotwari) Act, 1948 (Tamil Nadu Act XXVI of 1948). is not an estate or part of an estate as defined in section 3, clause (2) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates, Land Act, 1908 is not an inam estate as defied in section 2, clause (7) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Abolition and Conversion, into Ryotwari) Act, 1948 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXVI of 1948).is not an inam estate as defied in section 2, clause (7) of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Abolition and Conversion, into Ryotwari) Act, 1948 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXVI of 1948).Chairman of the

Tribunal.

Schedule 2

Name of the district	Name of the Taluk	Name of the non-ryotwari area concerned (with particulars to localise it)
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4. The decision of the Tribunal shall be communicated to -

(i)the applicant;(ii)the landlord, where the applicant is not the landholder;(iii)the State Government;(iv)the Collector of District concerned;(v)the [Board of Revenue] [The Board of Revenue was abolished. Now, Commissioner of Land Administration vide G.O. Ms. No. 2675, Revenue, dated the 1st December 1980.] (Settlement of Estates), [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).];(vi)the Director of Settlement [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).];(vii)the Tahsildar /Manager of Estates for publication in the area concerned by affixture in the village chavadi or other conspicuous public place and by beat of tom-tom.

Part III – 1. (1) Every appeal to the Special Appellate Tribunal shall be in the form of a memorandum as set out in the Annexure to these rules and shall be signed by the appellant or his advocate and presented by such appellant or his advocate or the registered clerk of the Advocate at the office of the Registrar, High Court, during working hours.

(2)The memorandum shall set forth briefly the grounds of objection to the decision appealed from.(3)The memorandum shall be accompanied by a vakalatnama duly executed if the appellant appears by advocate by a certified copy of this order appealed from and by as many authenticated copies of the memorandum as there are respondents to be served together with the process-fee prescribed for service of process on the appellate side of the High Court:Provided that, in the case of memorandum of appeal presented under sub-rule (1) of rule 2, the process-fee shall be paid within three days after the delay is excused under that rule.(4)The memorandum shall be stamped with Court-fee stamp of the value of one hundred rupees:Provided that no Court-fee shall be required if the State Government is the appellant.

2.

(1)When an appeal is presented after the period of limitation prescribed therefor in section 7 of the Act, it shall be accompanied by a petition for excusing the delay. The petition shall be supported by an affidavit setting forth the facts on which the applicant relies, to satisfy the Court that he had

sufficient cause for not preferring the appeal within such period.(2)The petition shall then be posted for orders before the Special Appellate Tribunal,

3.

(1)As soon as the appeal is numbered, it shall be placed before the Registrar for orders as to issue of notice and the preparation of the record for the hearing of the appeal.(2)The record of the case for the use of the Special Appellate Tribunal shall consist of all material papers on which either party proposes to rely at the hearing of the appeal.(3)Unless otherwise ordered by the Special Appellate Tribunal or the Registrar at the instance of a party, the record shall be translated, if need be, and typed at the office of the Registrar and the charges therefor shall be calculated at the rates prescribed in the rules of the High Court, Appellate Side.(4)In case the record is to be prepared at the office of the Registrar, the appellant, shall, within two weeks after the receipt of an Office Memorandum to that effect, pay into the Registrar's Office such charges as may be specified in the said Office Memorandum.(5)The respondent shall, within three weeks from the date of service of the notice of appeal on him, obtain the directions of the Registrar as to the preparation of the record and shall pay the charges therefor within such time as may be fixed by the Registrar. Annexure Form of Memorandum of Appeal Before the Special Appellate Tribunal under the Tamil Nadu Estates (Supplementary) Act, 1956.

Appeal No of 19

A. BAppellant

v.

C. D. and others
Respondents

The above named appeals to the Special Appellate Tribunal from the decision of the Tribunal dated and sets forth the following grounds of objections to the said decision appealed from, viz., (here set out the grounds).

Part IV – 1. Not less than two members shall be necessary to constitute a sitting of a Tribunal.

2. [*] [Omitted by S.R.O. No. A-5631 of 1959, G.O. Ms. No. 2567, Revenue dated 3rd September, 1959, with effect from 1st July 1959.]**

3. When the Chairman of a Tribunal is ill or absent for any other reasons, the second judicial member of the Tribunal shall act as the Chairman.

4. [*] [Omitted by S.R.O. No. A-5631 of 1959, G.O. Ms. No. 2567, Revenue dated 3rd September, 1959, with effect from 1st July 1959.]**

5. The proceedings of a Tribunal shall be summary and shall be governed, as far as practicable, by the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), particularly in 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 the ground of apparent error; and(i)the passing of orders.

6. Proceedings pending before any Tribunal may be transferred to any other Tribunal by the State Government.

7.

(1)In any proceedings before a Tribunal or a Special Appellate Tribunal, a party shall be entitled to be represented by a legal practitioner to act and plead on his behalf.(2)The Tribunal or the Special Appellate Tribunal, as the case maybe, may permit any agent duly authorised in writing by a party, to act and plead on his behalf:Provided that the Tribunal or the Special Appellate Tribunal may, at any stage of the proceedings, 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 reasonable opportunity for his being thereafter represented before the Tribunal or the Special Appellate Tribunal by a legal practitioner or by any other agent duly authorised in this behalf.

8. Any person interested in any inquiry under section 6 shall, on satisfying the officer of the Government having possession or custody of a document that such document has a bearing on the claim of the person aforesaid, be entitled to examine the document and take a copy of it. Copies of that document and of the other documents which are relied on by the Tribunal in arriving at a decision on the subject-matter of the inquiry shall form part of the records of the inquiry.

9. Every interlocutory application to a Tribunal shall bear a Court-fee of seventy-five paise and the vakalatnama shall bear a Court-fee of one rupee and eight annas. Such application filed on behalf of the Government need not be stamped.

10. Every interlocutory application made to a Special Appellate Tribunal shall bear a Court-fee of two rupees and the vakalatnama shall bear a Court-fee of three rupees. Such an application filed on behalf of the Government need not

be stamped.

11. In proceedings before a Tribunal, process fees shall be levied at the rates prescribed for District Courts on processes issued at the instance of parties. In proceedings before a Special Appellate Tribunal, process fees shall be levied in accordance with the Schedule of process fees prescribed under section 20 of [the Court-fees Act, 1870] [This Act in its application to the State of Tamil Nadu was repealed. Now, see Schedule II to the Tamil Nadu Court-fees and Suits Valuation Act, 1955.].

12. (a) No costs by way of process fee, Pleader's fee and witness batta shall be allowed in proceedings before a Tribunal or Special Appellate Tribunal in cases where the claim is uncontested or is decreed on admission or compromise.

(b)Where an application/appeal is contested before a Tribunal/Special Appellate Tribunal, but is allowed wholly or in part, costs shall be allowed to the applicant/appellant in proportion to his success against contest and the contesting party/respondent shall pay such costs to the applicant/appellant.(c)Where an application/appeal is contested before a Tribunal/Special Appellate Tribunal and is being dismissed wholly or in part, costs shall be allowed to the contesting party respondent in proportion to his success.(d)In the cases mentioned in clauses (b) and (c), the Pleader's fee shall be allowed on the same scale as in money suits/appeals in Civil Courts.(e)Where costs are awarded by a Tribunal or Special Appellate Tribunal, the order for costs shall be executable by a Civil Court, having jurisdiction over the area with reference to which the Tribunal or the Special Appellate Tribunal gave its decision as if it were a decree passed by such Court.(f)In cases of frivolous or vexatious claims or defences, costs shall be allowed also by way of compensation as laid down in section 35-A of the Code of Civil Procedure, 1908 (Central Act V of 1908).

12.

-A. (i) The Estates Abolition Tribunals shall, in the cases mentioned in clauses (b) and (c) of rule 12, fix the fees payable to pleaders by its orders.(ii)In respect of a batch of connected cases in which the result is determined by a single case, the Tribunal shall fix one regulation fee only(iii)The Tribunal shall fix the fee payable to the pleaders in each case irrespective of whether it allows costs or not.

12.

-B. (i) The Special Appellate Tribunal shall, in cases mentioned in clauses (b) and (c) of rule 12, fix the fee's payable to pleaders by its orders.(ii)In respect of a batch of connected cases in which the result is determined by a single case, the Special Appellate Tribunal shall fix one regulation fee only.(iii)The Special Appellate Tribunal shall fix the fee payable to the pleader in each case

irrespective of whether it allows costs or not.

13. The provisions of rules 8, 9 and 10 shall apply to the proceedings before one or more judges nominated under section 7(2) of the Act, as they apply in relation to the proceedings before the Special Appellate Tribunal.

14. If the applicant does not appear before the Tribunal at the hearing, the Tribunal shall dismiss the application. If any person interested, other than the applicant, does not avail himself of the opportunity given to him for appearing before the Tribunal or adducing such evidence as is necessary or producing relevant documents, no further opportunity will be given to him and the matter will be disposed of on merits on the material made available to it.

Part V – 1. When any suit, appeal or other proceeding (other than those pending before the High Court), pending at the commencement of the Act before any Court or Tribunal or Settlement Officer as defined in section 2 clause (13) of the Abolition Act, stands transferred under section 11 of the Act to the appropriate Tribunal constituted under the Act. The Tribunal shall direct the person who raised the question which occasions the transfer to furnish before a date specified by it in this behalf, all particulars which the Tribunal considers relevant as for an application under section 3 or section 4(2) (a), as the case may be, of the Act and rules 1,2,3 and 4 of Part I shall apply mutatis mutandis.

2. On receipt of the said particulars, the Tribunal shall proceed to determine the question referred to in accordance with section 6, following as far as may be, the procedure laid down in the rules in Part II. On the completion of its proceedings, the Tribunal shall communicate its decision and return the record to the Court from which the suit, appeal or other proceedings, as the case may be, was transferred to it.

3. Rules 5, 7, 8, 9,11,12 and 14 in Part IV shall apply mutatis mutandis to proceedings before Tribunals referred to in this Part.