

# The Tamil Nadu Buildings (Lease and Rent Control) Rules, 1974

TAMILNADU

India

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### Rule 182 of 1974

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The Tamil Nadu Buildings (Lease and Rent Control) Rules, 1974 Published vide Notification G.O. MS. No. 2529, Home, dated the 28th October, 1974, No. SRO. A-182 of 75, Supplement to Part 2-Section 1(a) of the Tamil Nadu Government Gazette, dated 9th April 1974 In exercise of the powers conferred by section 34 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960) and in supersession of the Tamil Nadu Buildings (Lease and Rent Control) Rules, 1961, published with the Home Department Notification No. S. R.O. A - 567 of 1961, dated the 5th June 1961 at pages 1 to 14 of Part V of the Fort St. George Gazette Extraordinary, dated the 5th June 1961, the Governor of Tamil Nadu hereby makes the following rules:-

#### 1. Short title.

- These rules may be called the Tamil Nadu Buildings (Lease and Rent Control) Rules, 1974.

#### 2. Definition.

- In these rules, unless there is anything repugnant in the subject or context-(a)"Act" means the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960);(b)"recognized agent" means-(i)a person holding a power of attorney authorizing him to act on behalf of his principal; or(ii)an agent empowered by written authority under the hand of his principal;(c)"section" means a section of the Act.

#### 3. Particulars to be furnished to the Controller and the Authorized Officer.

- Every landlord and tenant of a building shall furnish the following particulars to the Controller or any person authorised by him in that behalf or the authorised officer, namely:-(i)door number of the building and name, if any;(ii)street and municipal ward or division of the town or village in which

the building is situated;(iii)date on which the construction of the building was completed;(iv)name of the tenant, if the building is occupied, and particulars are furnished by the landlord, and the name and address of the landlord, if the particulars are furnished by the tenant;(v)whether the building is residential or non-residential;(i)internal water supply.(ii)sanitary fittings,(iii)electrical installation.(vi)the rent paid per month and whether fair rent has been fixed or re-fixed and also what rental value, if any, has been entered in the property-tax register of the municipal council, panchayat or panchayat union council or the Corporation of [Chennai] [Substituted far the word 'Madras' by the Tamil Nadu Act 28 of 1996.] or the Corporation of Madurai or other local authorities, as the case may be; and(vii)the address at which the key of the building is available for inspection, if necessary.

#### **4. Particulars to be furnished while giving notice of vacancy.**

- [(1)] [Renumbered as sub-rule (1) of rule 4 by G. O. Ms. No. 729, Home, dated the 30th March 1976.] Even notice under sub-section (1) or sub-section (2) of section 3 of the Act shall contain the following particulars, namely:-(i)door number of the building and name, if any;(ii)street and municipal ward or division of the town or village in which the building is situated;(iii)date of completion of construction;(iv)date on which the building fell vacant;(v)name and address of the tenant who vacated the building, if the notice is given by the landlord, and name and address of the landlord, if the notice is given by the tenant who vacated;(vi) (a)details of accommodation in the building, such as number of rooms, their area, fittings, and fixtures and the like;(b)amenities available including common amenities to be shared by the occupants of other parts of the building, such as electricity and water supply, vacant space and the like; and(c)whether the building is residential or non-residential;(vii) (a)whether fair rent has been fixed to the building and, if so, the rate of fair rent;(b)rent paid by the tenant who vacated; and(c)the rental value of the building, if any, as entered in the property-tax register of the municipal council, panchayat or panchayat union council or the Corporation of [Chennai] [Substituted far the word 'Madras' by the Tamil Nadu Act 28 of 1996.] or the Corporation of Madurai or other local authorities, as the case may be;(viii)the address at which the key of the building is available in case it is required for the purpose of inspection of the building; and(xi)if the landlord is the full owner and he is in occupation of a part of the building,-(a)whether the portions occupied by the full owner and the tenant are self-contained and separate units;(b)whether the full owner actually occupies the building for residential purposes; or(c)whether the full owner is in actual occupation of any other residential building, and if so, particulars of accommodation available in that building, rent paid, etc.Explanation. - The notice under section 3(1) shall be a notice of actual vacancy and not a notice of anticipated vacancy. Even if a landlord or tenant gives a notice in anticipation of the building becoming vacant, it is obligatory on him to give within seven days of the building actually becoming vacant, a notice of such actual vacancy containing the particulars specified in rule 3.(2)[ Every notice under sub-section (1) or sub-section (2) of section 3 shall be presented to the authorised officer or an officer authorised by him, in person at any time during office hours on a working day or sent to him by registered post acknowledgment due.] [Sub-rule-(2) was added to rule 4 by G.O. Ads. No. 729, Home, dated the 30th March 1976.]

## **5. Serving of notices or orders of the authorised officer under the Act.**

- The intimation under sections 3(3), 3(5) or 10(5)(b), the notice under section 13 and any order passed under section 3-A or 12 of the Act, shall be served on the persons concerned-(a)by delivering or tendering it to that person, personally or to any adult member of the family of that person and in the case of a company, association or firm, whether incorporated or not to the Secretary or Director or other principal officer of that company, association or firm, as the case may be; or(b)if that person cannot be found or if he refuses to receive it, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided; or at the registered office or if there is no registered office, then, at the place where the company, association or firm carries on its business, as the case may be; or(c)by registered post acknowledgment due.

## **6. Particulars to be furnished by the landlord applying for the release of the building.**

- The following particulars shall be furnished by the landlord under section 3-A of the Act, namely:-(1)Door number of the building and accommodation available in the building;(2)Name and address of the landlord;(3)Particulars of other buildings owned by the landlord;(4)Particulars of accommodation, rent paid, etc., of the building in which the landlord now resides;(5)Whether the building is required for his own occupation, if so, the reason therefor. If the building is not required for his own occupation, whether it is required for the occupation of any member of his family, if so, the name of such persons;(6)Number of buildings owned by the member of the family, and particulars of such buildings;(7)Where such member is now living;(8)Need for that member to change his residence;(9)Rent of the building; and(10)Income of the landlord and whether he can afford to forego the rental income.

## **7. Inspection of vacant buildings by prospective allottees.**

- Every landlord who has given notice of a vacancy under section 3(1) of the Act shall afford all reasonable facilities for inspection of the buildings by prospective allottees at such time or times as may be specified by the authorised officer during the period of ten days specified in section 3(3) of the Act and the landlord shall also take all necessary steps for keeping watch over the buildings, its fixtures, fittings and other materials during such inspection.

## **8. Fixation of reasonable rent by the authorised officer.**

- The authorised officer shall determine the reasonable rent for the purpose of the third proviso to section 3(5) of the Act after personally inspecting the premises or after considering the report of any officer to the rank not lower than a Revenue Inspector subordinate to him whom he may authorise to inspect the premises on his behalf and after giving a reasonable opportunity to the landlord for such fixation of reasonable rent. In determining the rent, the authorised officer shall have due regard to the principles set out in section 4 of the Act for fixation of fair rent.

## **9. Form of receipt for rent or advance.**

- The receipt given under section 8(1) may be in any form, but shall contain the following particulars, namely:-(i)name of the tenant from whom or on whose behalf the rent or advance is received by the landlord;(ii)amount of rent, or advance received;(iii)in the case of rent, the rate at which and the period for which the rent is received;(iv)the particulars of the building (door number, street name, etc.) in respect of which the rent or advance is paid;(v)the name and address of the landlord by whom or on whose behalf the receipt is given.

## **10. Procedure for deposit and withdrawal of rent.**

(1)A tenant desirous of depositing rent under sections 8(5), 9 or 11 shall deposit the same in accordance with the procedure laid down in the Civil Rules of Practice and Circular Orders in regard to the payment of money into Court.(2)Any person who is entitled and who desires to receive the rent deposited under sections 8(5), 9 or 11 shall present an application for the purpose to the Controller or the Appellate Authority, as the case may be, supported by an affidavit showing how he is entitled to receive the rent deposited:Provided that no affidavit in support of the application shall be required in the case of any order passed by the Controller under section 9(4) (b) or by a competent Court under section 9(5) and a copy thereof is attached to the application.(3)On receipt of the application under sub-rule (2), the Controller or the Appellate Authority, as the case may be, shall, if he or it is satisfied, pass an order directing the payment to the applicant of the rent specified in the application. The procedure laid down in the Civil Rules of Practice and Circular Orders in regard to the payment of money out of Court shall, as far as may be, apply to the payment of money under this sub-rule.

## **11. Applications under the Act.**

(1)Every application under the Act shall, in addition to the particulars necessary for its support contain also the particulars specified in rule 3 or 4 so far as they may be applicable. Every application for release under section 3-A or for eviction under section 10 or for recovery of possession under section 12 or 14 shall also state the grounds on which the application is made.(2)Every application under the Act shall be accompanied by a spare copy or sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.(3)Every application shall be signed by the applicant and his counsel, if any, and be presented to the Controller [x x x] [The words 'or the authorised officer' were omitted by G.O. No. 1700, Home, dated the 30th March 1976.] or an officer authorised by him, as the case may be, by the applicant himself personally or by his recognised agent or by his counsel at any time during office hours on a working day.(4)No documents or proceedings which is sent by post or telegraph shall be received or filed by the Controller, [x x x] [The words 'or the authorised officer' were omitted by G.O. No. 1700, Home, dated the 30th March 1976.] or an officer authorised by him, as the case may be.

## **12. Procedure for the disposal of applications.**

(1) When an application is presented under rule 11, the Controller or the authorised officer, or an officer authorised by him, as the case may be, shall fix the date on which and the place at which the inquiry in respect of the application will be held and send notice thereof to the applicant or applicants and the respondent or respondents mentioned in the application and shall also send a copy of the application along with the notice to the respondent or respondents. (2) The Controller or the authorised officer or an officer authorised by him, as the case may be, shall give to the parties a reasonable opportunity to state their case. He shall also record a brief note of the evidence of the parties and witnesses, if any, examined on either side; and upon the evidence so recorded and after consideration of any documentary evidence which may be produced by the parties, pass orders on the application. (3) In any case in which an order passed ex-parte against a tenant or a landlord, or any order of dismissal for default is passed by the Controller, then, the party affected may, within thirty days from the date of the order or if he satisfies the Controller that he knew of the order only on a subsequent date, within thirty days from the date of such knowledge apply to the Controller by whom the ex-parte order or the order of dismissal was passed, for an order to set it aside; and if he satisfies the Controller that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the application was called on for hearing or that such default was occasioned due to circumstances beyond his control, the Controller shall make an order setting aside the ex-parte order or the order of dismissal passed, as the case may be, upon such terms as to costs as the Controller thinks fit and shall appoint a day for proceeding with the application: Provided that no order shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party: Provided further that in computing the period of thirty days for the purpose of this sub-rule, the time requisite for obtaining a certified copy of the order shall be excluded: Provided also that where an application for setting aside an ex-parte order or an order of dismissal for default has been received under this sub-rule for the first time, all execution proceedings in pursuance of the ex-parte order or the order of dismissal for default shall be stayed until the disposal of the application: Provided also that in respect of a second or subsequent application to set aside an ex-parte order or an order of dismissal for default, the Controller shall have discretion to grant or refuse stay.

## **13. Taking possession of buildings by authorised officers, etc.**

- The Officer empowered by the Government under section 3(9) or any of his subordinates acting in his behalf who takes possession of a building shall make an inventory of all the articles found in the building. Such officer shall have the right to store all such articles in any of the rooms of the building and have them properly locked up. In the case of perishable goods, such officer may auction them, keep the sale proceeds and shall, after conducting a summary enquiry, hand over the articles, or the sale proceeds, as the case may be, to the person entitled to receive them. Similarly, with regard to non-perishable articles, such officer shall cause a notice in writing to be served on the person entitled to receive them requiring him to remove the articles within a period of three months from the date of recovery of possession of the premises or within a month from the date of receipt of the notice, whichever is later, and if the said person refuses or fails to remove the articles within the time specified, such officer may sell the articles by public auction, keep the sale proceeds and shall, after

conducting a summary enquiry hand over the articles or pay the sale proceeds or both, as the case may be, to the person entitled to receive them. Subject to the decision of a competent Court, the order of the said officer shall be final.

#### **14. Transfer of proceedings from one Controller to another.**

- The Appellate Authority or the Chief Judge, Court of Small Causes, [Chennai] [Substituted for the word 'Madras' by the Tamil Nadu Act 28 of 1996.] may transfer a case from the file of one Controller to that of another controller within its or his jurisdiction:-(i)for administrative grounds; or(ii)if the Controller on whose file the case is pending is personally interested and report the matter; or(iii)if, on an application for transfer by any party in the case the Appellate Authority or the Chief Judge, Court of Small Causes, [Chennai] [Substituted for the word 'Madras' by the Tamil Nadu Act 28 of 1996.], is satisfied that there are sufficient grounds for the transfer.

#### **15. Procedure for filing of appeals.**

(1)Every appeal against an order of the Controller shall, in addition to the grounds of appeal, specify the date on which the order was received by the appellant. The appeal shall be signed by the appellant and his counsel, if any, and presented to the Appellate Authority or to such officer as he appoints in this behalf, by the appellant himself personally or by his, recognized agent or by counsel at any time during office hours on a working day. The appeal shall be accompanied by a copy of the order of the Controller appealed from.(2)Every appeal under the Act shall be accompanied by a spare copy or sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

#### **16. Procedure for the disposal of appeals under section 23.**

(1)When an appeal under section 23 of the Act is preferred, the Appellate Authority shall fix a day for hearing the appeal and send notice thereof to the appellant or appellants and the respondent or respondents mentioned in the appeal and shall also send a copy of the appeal along with the notice to the respondent or respondents.(2)If the Appellate Authority decided to make further inquiry', he may take additional evidence or require such evidence to be taken by the Controller.(3)In any case in which an order is passed ex-parte against a tenant or a landlord or an order of dismissal for default is passed, then, the party affected may, within thirty days from the date of the order or if he satisfies the Appellate Authority that he knew of the order only on a subsequent date, within thirty days from the date of such knowledge or from the date of service of the order as provided in rule 22 apply to the Appellate Authority by whom the ex-parte order or the order of dismissal was passed, for an order to set it aside; and if he satisfies the Appellate Authority that the summons was not duly served or that he was, prevented by any sufficient cause from appearing when the appeal was. called on for bearing or that such default was occasioned due to circumstances beyond his control, the Appellate Authority shall make an order setting aside the ex-parte order or the order of dismissal passed, as the case may be, upon such terms, as to costs, as the Appellate Authority thinks fit and shall appoint a day for proceeding with the appeal:Provided that no order shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party:Provided

further that in computing the period of thirty days for the purpose of this sub-rule, the time requisite for obtaining a certified copy of the order shall be excluded: Provided also that where an application for setting aside an ex-parte order or an order of dismissal for default has been received under this sub-rule for the first time, all execution proceedings in pursuance of the ex-parte order or the order of dismissal for default shall be stayed until the disposal of the application: Provided also that in respect of a second or subsequent application to set aside an ex-parte order or an order of dismissal for default, the Appellate Authority shall have discretion to grant or refuse stay.

## **17. Transfer of appeals from one Appellate Authority to another.**

- [The Chief Judge, Court of Small Causes, [Chennai] [Substituted by G. O. Ms. No. 2658, Home, dated the 12th November 1981.] in respect of cases arising in the City of Madras and the District Courts, in respect of other cases may transfer an appeal and from the file of the Appellate Authority before whom the appeal is pending to that of any other Appellate Authority-](i) if the Appellate Authority before whom the appeal is pending is personally interested in the appeal and reports the matter to the District Court or [The Chief Judge, Court of Small Causes, Chennai] [Substituted by G. O. Ms. No. 2658, Home, dated the 12th November 1981.], as the case may be; or (ii) if, on an application for transfer by any party in the appeal or otherwise, the District Court or [The Chief Judge, Court of Small Causes, [Chennai] [Substituted by G. O. Ms. No. 2658, Home, dated the 12th November 1981.] is satisfied that there are sufficient grounds for such transfer.

## **18. Procedure for filing appeals to Government.**

- Every appeal under section 3-A(3) or section 12 (3A) of the Act, preferred against the order of the authorised officer shall, in addition to the grounds of appeal, specify the date on which the order was received by the appellant. The appeal shall be signed by the appellant and his counsel, if any, and presented to the government in the department concerned by the appellant himself or by his recognised agent or his counsel personally at any time during office hours on a working day or sent by registered post, acknowledgment due. The appeal shall be accompanied by a copy of the order of the authorised officer appealed from. The appeal shall also be accompanied by sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

## **19. Inspection of buildings by the Controllers and Appellate Authorities.**

- In cases falling under section 5 of the Act or in any other cases contemplated in the Act, the Controller or the Appellate Authority may, if he thinks fit to do so, personally inspect the building concerned. After inspection, the Controller or the Appellate Authority shall record a note of inspection in brief and such note shall form part of the case record.

## **20. Inspection of buildings by authorised officers in certain cases.**

- In cases falling under sections 3, 3-A and 12 of the Act, the authorised officer or any person authorised by him in that behalf may, if he thinks fit to do so, personally inspect the building

concerned and may call for any particulars in respect of the said building from the landlord or tenant or occupant or any previous tenant or occupant thereof, and such landlord, tenant or occupant shall, thereupon, furnish such particulars.

## **21. Appearance, etc. of parties before Controllers or authorised officers or Appellate Authorities.**

- Any appearance, application or act in any proceeding before the Controller or authorised officer or the Appellate Authority may be made or done by the party in person or by his recognised agent or by counsel: Provided that in any such proceeding where the Central or State Government or any officer of the Central or State Government in his official capacity, are parties, no Government Pleader or other pleader appearing on their behalf shall be required to present any document empowering him to act; but such pleader shall file a memorandum of appearance signed by himself, and such memorandum of appearance need not be stamped.

## **22. Service of notice.**

- A notice under the Act issued by the Controller or the Appellate Authority and any order passed by the Appellate Authority, if not pronounced in open Court, shall be served on the person concerned-(a) by giving or tendering it to such person; or (b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or (c) if the address of such person is known to the Controller or the Appellate Authority by sending to him by registered post acknowledgment due; or (d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

## **23. Scale of process fee for service of notices and orders.**

- In respect of every application filed under the Act, the application or applications, as the case may be, and in respect of every appeal, preferred, under section 23 of the Act, the appellant or appellants, as the case may be, shall pay for the service of all notices and orders issued, whether in the first instance or subsequently, fees in the form of Court-fee stamp of the value specified below:-

For each notice or order		
	Rs.	P.
(a)	to a single applicant, respondent or appellant.	2 25
(b)	to every additional applicant, respondent or appellant residing within the same town or village, if the notice or order is to be served at the same time.	1 15



## **24. Procedure for furnishing certified copies.**

(1) Any person affected by any order passed by the Controller or the Appellate Authority under section 23 of the Act shall be entitled to be furnished with a copy thereof and any other connected document duly certified by the Controller or the Appellate Authority, as the case may be, on application. (2) The procedure laid down in the Civil Rules of Practice and Circular Orders in regard to making of application for, and grant of, certified copies shall, as far as may be, apply to the applications and grant of copies under sub-rule (1).

## **25. Time-limit for bringing the legal representative on record in proceedings.**

- Every application for making the legal representative or representatives of a deceased person, party to a proceeding under the Act shall be preferred within one month from the date of the death of the person concerned or the date of having knowledge of the death of the person concerned.

## **26. Service of summons.**

(1) Every summons issued under the Act on any person shall be served in any of the following ways namely:-(a) by giving or tendering it to such person; or (b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or (c) if the address of such person is known to the Controller, the Appellate Authority or other authorised person, by sending it to him by registered post acknowledgment due; or (d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business. (2) In respect of every summons issued under section 28 of the Act, the person at whose instance the summons is issued shall pay into the office of the Controller a fee of one rupee and forty five paise in the form of Court-fee stamps for the service of the summons and shall also deposit in the said office the amount of the allowances to which the witness is entitled for travelling and attendance at the Court according to the scale for the time being in force with respect to witnesses in Civil Courts in the State of Tamil Nadu.

## **27. Penalty for contravention of certain rules.**

- Any person who contravenes any of the provisions of rules 4, 6, 7, 9 or 20 shall be punishable with fine which may extend to one thousand rupees.

## **28. Procedure in regard to summons, etc.**

(1) Every summons issued under the Act shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf. (2) The summons shall require the person summoned to appear before the said officer at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy. (3) Any

person may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.(4)Where the serving officer delivers or tenders a copy of the summons to the respondent personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.(5)The serving officer shall, in all cases in which the summons has been Served under sub-rule (4) endorse or annex or cause to be endorsed on or annexed to the original summons a return stating the time when, and the manner in which the summons was served, the name and address of the person, if any, identify the person served and witnessing the delivery or tender of the summons.(6)The Controller or the Appellate Authority, as the case may be, shall have power to administer oaths, to require the attendance of all parties concerned and of witnesses and required the production of all books and documents relating to the matter in the dispute.(7)The Controller or the Appellate Authority, deciding shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded, and after consideration of any documentary evidence produce by the parties a decision shall be given in accordance with justice, equity and good conscience by the Controller or Appellate Authority. The decision given shall be reduced to writing. In the absence of any party duly summoned to attend, the dispute may be decided ex pane.

## **29. Fees.**

- The fee leviable in respect of applications and appeals under the Act shall be at the rates specified in the Schedule hereto. The fee shall be paid in the form of Court-fee stamps.