

# Tamil Nadu Cultivating Tenants (Special Provisions) Rules, 1984

TAMILNADU

India

## Tamil Nadu Cultivating Tenants (Special Provisions) Rules, 1984

### Rule

### TAMIL-NADU-CULTIVATING-TENANTS-SPECIAL-PROVISIONS-RULES of 1984

- Published on 17 January 1986
- Commenced on 17 January 1986
- [This is the version of this document from 17 January 1986.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Cultivating Tenants (Special Provisions) Rules, 1984Published vide Notification No. SRO A-44/86.-G.O. Ms. No. 54, Revenue, dated 17th January 1986In exercise of the powers conferred by section 16 of the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984), the Governor of Tamil Nadu hereby makes the following rules, namely:-

#### 1. Short title.

- These rules may be called the Tamil Nadu Cultivating Tenants (Special Provisions) Rules, 1984.

#### 2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984);(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)"competent authority" means the Revenue Divisional Officer in whose jurisdiction the holding in question or part thereof is situate, or an officer of the Revenue Department not lower in rank than the Revenue Divisional Officer empowered by the State Government in this behalf;(d)"Form" means a form appended to these rules;(e)"section" means a section of the Act.

#### 3. Procedure for deposit of instalment of arrears of rent.

- Every cultivating tenant may deposit the instalments of arrear of rent due under sub-section (1) of

section 5, or if the rent is payable in kind, its market value of the instalment as on the date of deposit to the account of the landlord under sub-section (1) of section 6 shall make an application in Form I and deposit the same before the competent authority.

#### **4. Notice to landlord under section 6(2).**

- As soon as the deposit is made by the cultivating tenant towards the instalments of arrears of rent, a notice in Form II shall be issued by the competent authority to the landlord intimating the deposit of the instalment of arrears of rent and fixing a date, time and place for an enquiry to decide whether the amount deposited by the cultivating tenant represents the correct amount of the instalments of rent due to the landlord. On the date fixed or on any subsequent date to which the hearing may be adjourned, the competent authority may, after taking such evidence or making such enquiry as it thinks fit, pass orders in accordance with the provisions of the Act.

#### **5. Application for eviction of a cultivating tenant falling under sub-section (1) of section 7.**

- Every application under sub-section (2) of section 7 made by the landlord for eviction of the cultivating tenant for non-payment of any instalment of arrears of rent shall be in Form III. On receipt of the application, a notice in Form II shall be issued by the competent authority, to the landlord cultivating tenant, intimating the deposit and or non-deposit of the instalment of arrears of rent and fixing a date, time and place for enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the competent authority may, after taking such evidence or making such enquiry, as it thinks fit, pass orders in accordance with the provisions of the Act.

#### **6. Right to restoration of possession of evicted cultivating tenant.**

- Every cultivating tenant, who had been evicted from any land on or after the 1st July 1984, but before the date of the publication of the Amendment Act, i.e., 26th August 1985 on the ground that he has not paid the arrears of rent for the period prior to the 30th June 1983 shall make an application in Form IV to the competent authority within a period of five months after the date of such publication for restoration of possession of such land and to hold it with all the rights and subject to all liabilities of a cultivating tenant under the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) or under the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961), as the case may be, provided that the restoration of possession in the case of cultivating tenant should be subject to the conditions that it does not violate the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961) (Section 60) stipulates the ceiling for cultivating tenants 5 standard acts of land: Provided that the competent authority may admit an application presented after the expiry of the period referred to above, if it is satisfied that the applicant has sufficient cause for not presenting the application within that period.

## **7. 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.

## **8. 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.

## **9. Grounds for the decisions of the competent authority to be recorded.**

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

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

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

## **11. Process fees.**

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

(a) When sent by registered post for each defendantrespondent or witness; Rs. 5.00

(b) When served by an officer of the Court—

- |                                                          |             |
|----------------------------------------------------------|-------------|
| (i) On a defendant, respondent or witness;               | Rs.<br>5.00 |
| (ii) On every additional defendant respondent or witness | Rs.         |

residing in the same village, if the process applied for at 2.00 the same time.

(2) Mileage for the travelling expenses of the process-server at twenty-five paise per kilometer 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. (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) Application for Deposit of Instalment of Arrears of Rent Under Section 6 of the Act.....before the.....I.....hereby deposit to the account of the landlord named below the instalment of arrears of rent or if the rent is payable in kind its market value in accordance with the provisions of the Tamil Nadu Cultivating Tenant (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984).

## 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 lands	Local name, if any	Classification if wet dry garden, or Manavari	Extent (A. C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

## 3. Particulars of deposit towards the instalment of arrears of rent,-

(i) Name of the Treasury/Sub-Treasury. (ii) Number and date of challan. (iii) Amount deposited.

## 4. The market value of the rent (if payable in kind) as on the date of deposit.

## 5. Date of deposit.

## 6. Name and address of the landlord to whom the rent is payable.

## 7. Remarks.

I hereby declare that the particulars furnished in the applications are, to the best of my knowledge and belief, true and correct. Place: Date: Signature of the applicant. Form II [See rules 4 and 5] Notice Before 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.....( only) towards the instalment

of arrears of rent. It is proposed to conduct an enquiry before the undersigned at.....(hour) on.....at (place). \* to decide whether the cultivating tenant is deemed to have paid the instalment of the arrears of rent for the purposes of the Tamil Nadu Cultivating Tenant (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984) or \* to decide whether a cultivating tenant has to be evicted for non-payment of instalment of arrears of rent, or \* to restore the cultivating tenant of the possession of the land from which he was evicted on or after the 16th January 1984. \*Strike out which is not applicable. 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.

**1. Name and address of the cultivating tenant who deposited the rent.**

**2. Particulars of lands under sub-lease.**

Name of the District	Name of the Taluk	Name of the Village	Survey number of the lands	Local name, if any
(1)	(2)	(3)	(4)	(5)

**3. Amount deposited towards the instalment of arrears of rent.**

**4. The market value of the rent (if payable in kind) as on the date of deposit.**

**5. Date of deposit.**

**6. Name and address of the landlord or landlords to whom the rent is payable.**

**7. Name and address of other persons likely to be affected.**

**8. Remarks.**

Office Station: Date: Signature and Designation of the Authority Form III (See rule 5) Application for Eviction of a Cultivating Tenant Falling Under Section 7(1) In the Court of..... Before the..... (..... No..... of)

Between  
..... Plaintiff/Petitioner  
and

..... Defendant/Respondent.

The above named plaintiff/petitioner states as follows:-

**1. .... (name) the plaintiff/petitioner is a landlord and resides at.....(address);**

The address of the plaintiff/ petitioner for service of all notices and process is.....(address);

**2. The respondent is a cultivating tenant and residing at.....**

(address);

**3. Whereas a suit or proceeding is pending against the defendant /respondent for the recovery of instalment of arrears of rent or for the eviction of the defendant/respondent for non-payment of any instalment of arrears of rent. Whereas the defendant/respondent has failed to pay any of the instalment of rent and the respondent having deposited in instalment of the rent has failed to deposit further sum if any within the time allowed by the competent authority, under the provisions of the Tamil Nadu Cultivating Tenants (Special Provision) Act, 1984 (Tamil Nadu Act 29 of 1984).**

Now, Therefore, I,.....the plaintiff/petitioner in the said suit or proceeding pray that the defendant/respondent cultivating tenant may be evicted from the lands noted below.

**4. 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 if wet dry garden or Manavari	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

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. Form IV[See rule 6] Application for Restoration of Possession of Evicted Cultivating Tenant In the Court of..... Before the.....(.....No.....of)

Between

..... Plaintiff/Petitioner

and

..... Defendant/Respondent.

The above named plaintiff/petitioner states as follows:-I,.....(name) the plaintiff/petitioner is a cultivating tenant residing at No.(address). The address of the plaintiff/petitioner for service of all notices and process is.....(address);

## 2.

.....the defendant/respondent is a landlord residing atNo.....(address);

### 3. Whereas a decree or order has been passed in the suit or proceedings

(No of ) by the against the plaintiff/petitioner for eviction for non-payment of instalment of arrears of rent and has been evicted from the lands specified in the table below after the 16th January 1984 and before the publication of the Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984 (Tamil Nadu Act 29 of 1984) and whereas, I, ....., the plaintiff/petitioner in the said suit pray that the said decree or order may be cancelled and I may be restored to possession of the lands specified in the table below with all the rights and subject to all the liabilities of a cultivating tenant.

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

#### 1. Name and address of the cultivating tenant to whom the evicted lands are to be restored.

#### 2. 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 if wet dry garden or Manavari	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

#### 3. Actual date of eviction from the lands.

#### 4. Name and address of the landlord or land owners from whom the lands are to be restored.

## **5. Remarks.**

I hereby declare that the particulars furnished in the application are, to the best my knowledge and belief, true and correct. Place: Date: Signature of the applicant.