

Tamil Nadu Inams (Supplementary) Rules, 1965

TAMILNADU

India

Tamil Nadu Inams (Supplementary) Rules, 1965

Act 164 of 1965

- Published on 19 February 1965
- Commenced on 19 February 1965
- [This is the version of this document from 19 February 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Inams (Supplementary) Rules, 1965 Published vide Notification No. G.O.P. No. 347, Revenue, dated 19th February 1965 - SRO No. A-164 of 1965 G.O.P. No. 347, Revenue, dated 19th February 1965 - SRO No. A-164 of 1965. - In exercise of the powers conferred by section 13 of the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963), the Governor of Tamil Nadu hereby makes the following Rules:-

1. Short title.

- These rules may be called the Tamil Nadu Inams (Supplementary) Rules, 1965.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963); (b) "Form" means a Form appended to these rules; (c) "section" means a section of the Act.

3. Application under section 5.

(1) Every application for a decision under section 5 shall be in Form No. 1 and shall be either presented in person or sent by registered post to the Settlement Officer concerned within a period of six months from the notified date as defined in clause (10) of section 2 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 26 of 1963) or from the date of publication in the District Gazette under sub-section (5) of section 1 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Tamil Nadu Act 30 of 1963), of a copy of the notification under sub-section (4) of the said section 1, or within a period of six months from the 13th December 1967, whichever period expires later: Provided that the Settlement Officer may in his discretion, allow further time not exceeding six months for the filing of any such application. (2) Every such application shall be signed and verified by the applicant and restricted to

the non-ryotwari area in a single village.(3)Sufficient number of copies of such application shall also be sent for communication to each of the respondents and to the State Government.(4)Where an application is made by the State Government or by any person other than the landholder or the inamdar of the non-ryotwari area, the landholder or the inamdar, as the case may be, shall be made a respondent to the application.

4. Notice of enquiry under section 5.

(1)The notice to be given by the Settlement Officer under sub-section (2) of section 5 shall be in Form No. 2.(2)In the case of a non-ryotwari area, which belongs to religious institution or is endowed to a wakf, a copy of the notice shall also be sent to the Commissioner, Hindu Religious and Charitable Endowments, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], or to the State Wakf Board, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], as the case maybe.(3)The notice shall also be published by affixture on the notice board of the office of the Settlement Officer.(4)The date of enquiry shall not be earlier than fifteen days from the date of the publication of the notice.

5. Application of the provisions of the Code of Civil Procedure, 1908 to proceedings before the Settlement Officer.

- The proceedings of the Settlement Officer 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 witness;(c)the production of documents;(d)the passing of orders.

6. Publication and communication of decision under section 5.

- Every decision of the Settlement Officer under section 5 shall be in Form No. 3 and shall be published by affixture on the notice board of the office of the Settlement Officer. A copy of the decision shall also be given to the applicant in person or sent to him by registered post. Copies of the decision shall also be sent to the Manager of the inam estate and the Tahsildar of the taluk concerned.

7. Procedure to be adopted in cases under section 11.

- Rules 3 to 6 shall apply mutatis mutandis to cases referred to the Settlement Officer under section 11.

8. Appeal under section 6.

(1)Every appeal preferred under section 6 against the decision of the Settlement Officer under sub-section (2) of section 5, shall be accompanied by an authenticated copy of the order appealed

against.(2)On receipt of the appeal, the Tribunal shall give notice of the appeal in Form No. 4 and cause it to be served on the appellant, the Collector or the District Revenue Officer of the District concerned on behalf of the State Government and every other person concerned.(3)The notice shall also be published by affixture on the notice board of the office of the Tribunal.(4)The date of hearing shall not be earlier than fifteen days from the date of the publication of the notice.(5)The proceedings of the 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 of dismissal for default of appearance and setting aside such orders for good cause;(h)the reviewing of orders passed on grounds of apparent error;(i)the passing of orders.(6)If the applicant does not appear before the Tribunal at the hearing, the Tribunal shall dismiss the appeal. If any person interested, other than the appellant does not appear before the Tribunal or adduce such evidence as is necessary or produce relevant documents, the matter shall be disposed of on merits on the material made available to it.(7)A copy of the final order of the Tribunal shall be communicated to the appellant, the respondent and the State Government.

9. Representation by counsel or agent.

(1)In any proceeding under the Act before the Tribunal, any party shall be entitled to be represented by counsel to act and plead on his behalf.(2)The Tribunal may permit any agent duly authorised in writing in this behalf by a party, to act and plead on his behalf:Provided that the 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 sufficient opportunity for his being thereafter represented in such proceeding by counsel or by any other person duly authorised in writing in this behalf.

10. Revision under section 7.

- Notice of revision shall be issued to the Government Pleader, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], in all cases, irrespective of whether the State Government have been impleaded as a party or not.

11. Examination and taking copies of documents by interested person.

- Any person interested in any inquiry under section 5 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 Settlement Officer in arriving at a decision on the subject-matter of the inquiry shall form part of the records of the enquiry.

12. Award of costs.

(1) No costs by way of process fee, Pleader's fee and witness batta, shall be allowed in proceedings before a Tribunal in cases where the claim is uncontested or is decreed on admission or compromised. (2) Where an appeal is contested before a Tribunal, but is allowed wholly or in part, costs shall be allowed to the appellant in proportion to his success against contest and the respondent shall pay such costs to the appellant. (3) In the event of any appeal before a Tribunal being dismissed wholly or in part, costs shall be allowed to the respondent in proportion to his success. (4) In cases of frivolous or vexatious claims or defences, costs shall be allowed also by way of compensations as laid down in section 35-A of the Code of Civil Procedure, 1908 (Central Act V of 1908). (5) Where costs are awarded by a Tribunal, the order for costs shall be executable by a Civil Court, having jurisdiction over the area with reference to which the Tribunal gave its decision, as if it were a decree passed by such Court.

13. Fees to pleaders.

(1) The Tribunal shall fix the fees payable to the Pleadors by its orders. (2) In respect of a batch of connected cases in which the result is determined by a single case, the Tribunal shall fix only one regulation fee. (3) The Tribunal shall fix the fee payable to the pleaders in each case irrespective of whether it allows costs or not.

14. Grant of interim stay.

- In respect of any order passed under the Act, which is subject to appeal or revision, the appellate or revisional authority, as the case may be, may suspend the execution of the order, pending its decision on the appeal or in revision.

15. Transfer of proceedings.

- The proceedings pending before any Tribunal, authority or officer may be transferred to any other Tribunal, authority or officer, as the case may be, by the authority to whom appeal or revision petition lies against the decision of such Tribunal, authority or officer or where there is no such appellate or revisional authority, by the Government.

16. Manner of service and publication of notices and orders under the Act or the rules.

(1) Any notice or order issued or made under the Act or under these rules shall be served on the person concerned in the following manner, namely:-(a) by delivering or tendering the notice or order to the person concerned or his counsel or authorised agent or some adult member of his family; or (b) by sending the notice or order to the person concerned by registered post acknowledgment due; or (c) if none of the aforesaid modes of service is practicable, by affixing the notice or order in some conspicuous part of the last known place of residence or business of the person

concerned.(2)Any notice or order, which is intended for publication for general information shall, in addition to the special mode of publication prescribed in these rules, also be published by affixture in the village chavadi and if there is no village chavadi, in any conspicuous public place in the village and the fact of such publication shall be announced by beat of tom-tom in the village. The village officer shall certify to the place and date of publication and the said date shall be deemed to be the date of communication of the notice or order, as the case may be, to the parties concerned.

17. Court-fees and process-fees payable.

(a)The Court-fees payable in respect of the documents specified in column (1) of the Table below shall be the amount specified in the corresponding entry in column (2) thereof.

Description of documents (1)	Court-fee (2) Rs. P.
Application to the Settlement Officer under section 5	075
Appeal to the Tribunal under section 6	200
Vakalatnama to the Tribunal	150
Interlocutory application to the Tribunal	200

Explanation. - No Court-fee need be paid in the case of applications and appeals filed on behalf of the State Government.(b)In proceedings before the Tribunal, process fees shall be paid at the rates prescribed for District Courts on processes issued at the instance of parties. In proceedings before authorities other than a Tribunal, the rates of process fee payable for service of the notice and summons on respondents and witnesses and for production of records shall be calculated as follows:-

	Rs.P
(1) For service of notices or summons on a single person	2.25
(2) For service of notices or summons on every additional person residing in the same village, if applied for at the same time	1.15

(As amended by G. O. Ms. No. 1376, Revenue, dated the 23rd March 1973)Appendix Form No. 1(See rule 3 of the Tamil Nadu Inams (Supplementary) Rules, 1965)Form of Application Under Section 5 of The Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963)

1. Name of the district.

2. Name of the taluk.

3. Name of the non-ryotwari area and particulars sufficient to localise it.

4. Name of the applicant.

5. Whether he is the landholder/inamdar or not.

6. If he is not the landholder/inamdar, the nature of the interest possessed by him in the said area.

7. Nature of the applicant's case and the nature of the evidence he desires to adduce in support of his contention.

Place:Date:Signature of the applicant.Form No. 2(See rule 4 of the Tamil Nadu Inams (Supplementary) Rules, 1965)Notice is hereby given that an application has been filed before the undersigned under section 5 of the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963) by Sri for declaration that the non-ryotwari area specified in the Schedule below is-(i)an existing inam estate; or(ii)a part village inam estate; or(iii)a minor inam; or(iv)a whole inam village in Pudukkottai.The application has been posted for hearing on (date) at..... (time) in..... (place).All persons interested are hereby called upon to file before the undersigned, statements bearing on the question, adduce oral or documentary evidence as is necessary and be present at the hearing either in person or through their duly authorized representatives.In the absence of any such representation, the Settlement Officer will conduct such enquiry, as he may deem necessary, on the basis of the available records and evidence. In the event of the absence of any interested person, the enquiry ex parte. The village headman and the kamam will be present at the enquiry.A copy of the application is appended hereto.Place:Date:Settlement Officer.

Schedule

Name of the district	Name of the taluk	Name of the non-ryotwari area concerned (with particulars to localise it)
(1)	(2)	(3)

To Sri.....(name of applicant) in duplicate, through the Tahsildar oftaluk/Manager ofinam estate for causing service at least fifteen days prior to the date of hearing, obtaining the acknowledgment and returning the original before the date of hearing.The Collector ofdistrict for information and for arranging for production before the undersigned of all the relevant documents in the possession of the Government which have bearing on the question, on or before the date of hearing, through a responsible Revenue Official.The Tahsildar of.... taluk/Manager of.....inam estate (in duplicate) for causing publication in the area concerned at least fifteen days prior to the date of hearing by affixture in the village chavadi or in any conspicuous public place, which should be specified, and announcing the fact by beat of tom-tom; and for returning the original with the following certificate:-Certificate Certified that this notice was published by affixing a copy thereof in the village chavadi (or some conspicuous place to be mentioned) and by announcing the fact by beat of tom-tom on and in token thereof signatures of

villagers have been obtained. Place: Date: [Signature of the Karnam.] [Now Village Administrative Officer.] Form No. 3 (See rule 6 of the Tamil Nadu Inams (Supplementary) Rules, 1965) It is hereby notified for the information of all concerned that under section 5 of the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963), the Settlement Officer has decided that the non-ryotwari area specified in the Schedule below is-(i) an existing inam estate; or (ii) a part village inam estate; or (iii) a minor inam; or (iv) a whole inam village in Pudukkottai. Any person aggrieved by the decision may prefer an appeal to the Tribunal within three months from the date of this decision. Place: Date: Settlement Officer.

Schedule 2

Name of the district	Name of the taluk	Name of the non-ryotwari area concerned (with particulars to localise it)
(1)	(2)	(3)

To Sri (name of applicant) The Tahsildar taluk. The Manager inam estate. The Tahsildar of taluk / Manager of inam estate (in duplicate) for causing publication by affixture in the village chavadi or in some conspicuous public place in the village, which should be specified, and announcing the fact by beat of tom-tom, and for returning the original with the following certificate:- Certificate Certified that this notification was published by affixing a copy thereof in the village chavadi (or some conspicuous place to be mentioned) and by announcing the fact by beat of tom-tom on and, in token thereof signatures of villagers have been obtained. Place: [Signature of village Headman] [Now Village Administrative Officer.] Date: [Signature of the Karnam.] [Now Village Administrative Officer.] Form No. 4 (See rule 8 of the Tamil Nadu Inams (Supplementary) Rules, 1965). Notice is hereby given that an appeal from the decision of the Settlement Office under section 5 of the Tamil Nadu Inams (Supplementary) Act, 1963 (Tamil Nadu Act 31 of 1963) has been presented by Sri and admitted by this Tribunal and has been posted for hearing on (date) at (time) in (place). All persons, who have preferred claims before the Settlement Officer or filed statements during the enquiry before him, are hereby called upon to appear before the Tribunal at the hearing and file their further statements, if any, in the matter. If any person interested does not appear before this Tribunal, or adduce such evidence as is necessary, or produce relevant documents, the matter will be disposed of on merits on the material available before this Tribunal. A copy of the appeal petition is appended hereto. Place: Date: Tribunal. To Sri (appellant). The Tahsildar of taluk / Manager of inam estate (in duplicate) for causing publication by affixture in the village at least fifteen days prior to the date of hearing by a affixture in the village chavadi or in any conspicuous, public place in the village, which should be specified, and announcing the fact by beat of tom-tom, and for returning the original with the following certificate: Certificate Certified that this notice was published by affixing a copy thereof in the village chavadi (or some conspicuous place to be mentioned) and by announcing the fact by beat of tom-tom on and, in token thereof signatures of villagers have been obtained. Place: [Signature of village Headman] [Now Village Administrative Officer.] Date: [Signature of the Karnam.] [Now Village Administrative Officer.]