

Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1980

TAMILNADU

India

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Rule

TAMIL-NADU-CULTIVATING-TENANTS-ARREARS-OF-RENT-RELIEF-F of 1980

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Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1980Published vide Notification SRO. A-191 (b)/80.-G.O Ms. No. 1596, Revenue, dated 28th June 1980In exercise of the powers conferred by section 13 of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These rules may be called the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1980.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980);(b)"authorized 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 to act on his behalf;(c)"Form" means a form appended to these rules;(d)"section" means a section of the Act.

3. Procedure for the deposit of previous arrears and reduced rent.

(1)Every cultivating tenant, desirous of depositing the previous arrears and/or the reduced rent or if the rent be payable in kind its market value on the date of deposit under subsection (2) of section 4, shall make an application in Form I and deposit the same in the Court or before the competent

authority.(2)Where the deposit is made in the Court, the application in Form I, and the deposit shall be made to an officer of the Court, authorized in this behalf by the Court.(3)Where the competent authority is absent, the application in Form I and the deposit shall be made before the chief ministerial officer in the office of the competent authority, authorized in this behalf by the competent authority.

4. Notice to landlord under section 4(3).

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

5. Dismissal of suit or proceeding pending on the date of the publication of the Act.

- Every application under sub-section (4) of section 4 for dismissing a pending suit or proceeding for the recovery of any arrears of rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent shall be in Form III. On receipt of the application, a notice in Form II shall be issued by the Court or competent authority, as the case may be, to the landlord intimating the deposit of the previous arrears and/or the reduced rent and fixing a date, time and place for an enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or 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. Vacation of decree or order passed.

- Every application for vacating the decree or order passed by the Court or the competent authority, as the case may be, under clause (ii) of sub-section (5) of section 4 shall be in Form IV. On receipt of the application, a notice in Form II shall be issued by the Court or the competent authority, as the case may be, to the landlord intimating the deposit of the previous arrears and/or the reduced rent and fixing a date, time and place for an enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or the competent authority may, after taking such evidence or making such evidence or making such enquiry as it think lit, pass orders in accordance with the provisions of the Act.

7. Payment or deposit of rent on or after the 1st July 1973.

- Every application for reopening the proceeding under sub-section (1) or sub-section (2) of section 5 shall be in Form V. On receipt of the application, a notice in Form 11 shall be issued by the Court or the competent authority, as the case may be, to the landlord intimating the deposit of the previous arrears and/or the reduced rent and fixing a date, time and place for an enquiry. On the date fixed or on any subsequent date to which the hearing may be adjourned, the Court or 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.

8. Court-fees.

- 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.

9. 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 enforcement of any order or decision.

10. Grounds for the decision of the Court or the competent authority to be recorded.

- In passing an order under section 5, the Court or the competent authority, as the case may be, shall record in brief the grounds for its decision.

11. Authorized agent to plead on behalf of the parties in proceedings before the competent authority.

- In any proceedings before the competent authority, any authorized 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.

12. Process fees etc.

- 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 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 applied for at the same time.	1.15

(2) Mileage for the travelling expenses of the process-server at six paise per kilometer may be calculated from the headquarters of the Court or competent authority to the place where the process-server is to go for serving summons and may be recovered from the parties by way of Court-fee stamps in addition to the process fees. (3) Authorization letters produced before the competent authority shall be engrossed on non-judicial stamp paper of the value of Rs. 2.50 (Rupees two and paise Fifty only). Form I (See rule 3) Application for Deposit of Previous Arrears and Reduced Rent Under Section 4(2) of the Act In the Court of..... Before the..... I,, hereby deposit to the account of the landlord named below, the previous arrears and/or the reduced rent or if the rent be payable in kind, its market value in accordance with the provisions of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980).

2. The following particulars are furnished for information of the Court/Competent authority:-

(1) Name and address of the cultivating tenant. (2) Particulars of the lands cultivated.

Name of the District	Name of the Taluk	Name of the Village	Survey number of the land	Local name, if any	Classification (wet or dry garden or manavari)	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(3) Amount deposited towards previous arrears and reduced 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) Remarks. 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 II (See rules 4, 5, 6 and 7) 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. (Rupees.....only), towards the previous arrears and/or the reduced 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 previous arrears and/or the reduced rent for the purposes of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980). *to dismiss the suit or proceeding for recovery of any arrears of rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent. *to vacate any decree or order passed for the recovery of an arrears of rent or for the eviction of a cultivating tenant for non-payment of any arrears of rent. *to restore the cultivating tenant of the possession of land. In case you desire to make any representation in this behalf, you may appear in person or by an authorized 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 day, the application will be heard and disposed of in your absence. *Strike out what is not applicable. (1) Name and address of the cultivating tenant who deposited the rent. (2) Particulars of the lands cultivated.

Name of the District	Name of the Taluk	Name of the Village	Survey number of the land	Local name, if any	Classification (wet or dry garden or manavari)	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(3) Amount deposited towards previous arrears and/or the reduced 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. Station: Date: Office Signature and designation of the authority. Form III (See rule 5) Application for Dismissing the Suit or Proceeding for Recovery of any Arrears of Rent or for the Eviction of a Cultivating Tenant for Non-Payment of any Arrears of Rent 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 cultivating tenant and resides at.....(address); The address of the plaintiff/petitioner for service of all notices and process is.....(address);

2.

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

3. Whereas a suit or proceeding is pending against the plaintiff/petitioner for the recovery of any arrears of rent or for the eviction of the plaintiff/petitioner for non-payment of any arrears of rent.

And Whereas the plaintiff/petitioner herein has paid or deposited, or is deemed to have paid or deposited the previous arrears and/or the reduced rent under the provisions of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu Act 15 of 1980); Now, Therefore, I,..... the plaintiff/petitioner in the said suit or proceeding pray that the suit or proceeding (No.....of.....) pending before.....may be dismissed without costs.

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

(1)Name and address of the cultivating tenant.(2)Particulars of the lands cultivated.

Name of the District	Name of the Taluk	Name of the Village	Survey number of the land	Local name, if any	Classification (wet or dry garden or manavari)	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(3)Amount deposited towards previous arrears and reduced 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)Remarks.I hereby declare that the particulars furnished in the application are, to the best of my knowledge and belief, and true and correct.Place:Date:Signature of the applicant.
Form IV(See rule 6)Application for Vacating the Decree or Order Passed for Recovery of any Arrears of Rent or for the Eviction of a Cultivating Tenant for Non-Payment of any Arrears of RentIn the Court of.....Before the.....(.....No.....of)

Between

..... Plaintiff/Petitioner

and

..... Defendant/Respondent.

The above plain tiff/petitioner states as follows:

1. I,.....(name) the plaintiff/petitioner is a cultivating tenant residing at.....(address);

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

2.

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

3. Whereas a decree or order has been passed in the suit or proceeding (No.....of.....) by the.....against the plaintiff/petitioner for the recovery of any arrears of rent or for eviction for non-payment of any arrears of rent before the date of the publication of the Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980 (Tamil Nadu 15 of 1980):

And Whereas, I the plaintiff/petitioner have paid or deposited, or deemed to have paid or deposited, under the said Act the whole of the previous arrears and/or the reduced rent:And Whereas, I am a person affected by the said decree or order:Now Therefore, I the plaintiff/petitioner in the said suit pray that the said decree or order may be vacated insofar as such decree or order relates to such recovery or eviction.

4. The following particulars we furnished for information of the Court/competent authority:

(1)Name and address of the cultivating tenant.(2)Particulars of the lands cultivated.

Name of the District	Name of the Taluk	Name of the Village	Survey number of the land	Local name, if any	Classification (wet or dry garden or manavari)	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(3)Amount deposited towards current.(4)The market value of 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)Remarks.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 V(See rule 7)Application for Re-Opening the ProceedingIn the Court of.....Before the.....(.....No.....of)

Between
..... Plaintiff/Petitioner
and

..... Defendant/Respondent.

The above named plaintiff / petitioner states as follows:-

1. I,.....(name) the plaintiff/petitioner is cultivating tenant residing at.....(address);

The address of the plaintiff/petitioner for service of all notices and process is.....(address);Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Rules, 1980 1267

2.

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

3. Whereas a decree or order has been passed in the suit or proceeding (No.....of.....) by/against the plaintiff petitioner for the recovery of any arrears of rent;

And Whereas, I, the plaintiff petitioner in the said suit or proceeding have paid or deposited on or after the 1st July 1973, a sum of Rs.....(Rupees.....only) in the account of the landlord towards the previous arrears and or the reduced rent or towards full or part satisfaction of a decree or order for the recovery of any arrears of rent:And Whereas, I am a person affected by the said decree or order, in the said suit or proceeding.Now Therefore, I, the plaintiff/petitioner pray that the proceeding may be re-opened and that an order may be passed that the amount so paid or deposited shall be deemed to have been paid or deposited towards the previous arrears and /or the reduced rent.

4. The following particulars are furnished for information of the court/competent authority.

(1)Name and address of the cultivating tenant.(2)Particulars of the lands cultivated.

Name of the District	Name of the Taluk	Name of the Village	Survey number of the land	Local name, if any	Classification (wet or dry garden or manavari)	Extent (A.C.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Total

(3)Amount deposited towards previous arrears and/or the reduced rent.(4)The market value of 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)Remarks.Thereby 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.