

Tamil Nadu Debt Relief Rules, 1980

TAMILNADU

India

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Rule TAMIL-NADU-DEBT-RELIEF-RULES-1980 of 1980

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Tamil Nadu Debt Relief Rules, 1980Published vide Notification No. SRO A-133 (a)/80 - G. O. Ms. No. 1067, Revenue, dated the 21st April 1980In exercise of the powers conferred by section 13 of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These rules may be called the Tamil Nadu Debt Relief Rules, 1980.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980);(aa)"authorised agent" means-(i)a person holding a power-of-attorney authorised by the principal to act on his behalf;(ii)an agent empowered by written authority under the hand of his principal;(b)"Form" means forms appended to these rules; and(c)"Section" means a section of the Act.

3. Applications to be made by debtors under section 5(1)(a) and 6(1)(a).

(1)The applications referred to in clause (a) of sub-section (1) of section 5 and in clause (a) of sub-section (1) of section 6 shall be in Form I.(2)The affidavit referred to in sub-clause (i) of clause (b) of sub-section (1) of section 5 and in sub-clause (i) of clause (b) of sub-section (1) of section 6 shall be in Form II. The affidavits shall be sworn in or affirmed before an officer of the Government of Tamil Nadu in the grade of Tahsildar or Deputy Tahsildar or Commissioner of Panchayat Union (Block Development Officer) or Co-operative Sub-Registrar.(3)The certificate referred to in sub-clause (ii) of clause (b) of sub-section (1) of section 5 and in sub-clause (ii) of clause (b) of sub-section (1) of section 6 shall be given by the Headquarters Deputy Tahsildar of a taluk or the Deputy Tahsildar in charge of a sub-taluk where the debtor normally resides, on a request made by

the debtor in writing.

4. Period within which order of Tahsildar shall be communicated.

- The order passed by the Tahsildar under clause (a) of sub-section (2) of section 5 or under clause (a) of sub-section (2) of section 6 shall be communicated to the creditor concerned and the debtor within fifteen days from the date of the order.

5. Mode of communication of orders passed by the Tahsildar.

- Every order passed by the Tahsildar under any of the provisions of the Act shall be communicated to the creditor concerned and the debtor by a Registered Post with acknowledgment due.

6. Publication of list of debtors who have made applications.

- The list of debtors who have made applications under clause (a) of sub-section (1) of section 5 and under clause (a) of sub-section (1) of section 6 shall be published in the District Gazette in Form III.

7. Form of certificate under section 5(5).

- The certificate referred to in sub-clause (i) of clause (b) of sub-section (5) of section 5 shall be in Form IV.

8. Register of statements received, etc.

- The Tahsildar shall maintain, - (i) a register of applications received under clause (a) of sub-section (1) of section 5 and under clause (a) of sub-section (1) of section 6 in Form V. (ii) a register of movable properties produced, recovered or deposited under the Act in Form VI.

9. Issue of receipt for movable property by Tahsildar.

- The Tahsildar shall, on receipt of the movable property produced or deposited or on the recovery thereof, issue a receipt in Form VII to the creditor or the transferee of the creditor, as the case may be, and obtain the signature of the creditor or the transferee of the creditor, as the case may be, on the duplicate copy thereof.

10. Form of certificate of redemption.

- The certificate of redemption granted under sub-clause (i) of clause (a) of sub-section 2 of section 6 shall be in Form VIII.

11. Appeals.

(1) Any person aggrieved by an order made by the Tahsildar under the Act may, within thirty days from the date on which the order was communicated to him, appeal against such order to the Revenue Divisional Officer having jurisdiction over the place of business of the creditor or the Personal Assistant (General) to the Collector of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)] in respect of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996)] District (hereinafter in this rule referred to as the appellate authority). (2) On receipt of an appeal, the appellate authority shall fix a date for the hearing and give notice to the appellant and the respondent, as the case may be. (3) The notice referred to in sub-rule (2) shall be served on the appellant and respondent by delivering or tendering it to them or if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such appellant or respondent or to an agent of such appellant or respondent or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the appellant or respondent is known to have last resided or carried on business or personally worked for gain. (4) On the date fixed for the inquiry, the appellate authority shall hold an open inquiry in a public place and in such inquiry reasonable opportunity shall be given to the parties concerned to make their representations either orally, or in writing. Where evidence is tendered orally, it shall be recorded in writing by the appellate authority and got signed by the deponent. (5) The appellate authority shall, for the purpose of these rules, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while hearing an appeal. Form I [See rule 3(1) of the Tamil Nadu Debt Relief Rules, 1980] Application Under Clause (A) of Sub-Section (1) of Section 5*/clause (A) of Sub-Section (1) of Section 6* of The Tamil Nadu Debt Relief Act, 1980 (1) Name of the applicant (debtor) (2) Father's/Husband's name (3) Full address (4) Occupation (5) Details of indebtedness-

Name and full address of the Creditor with movable property has been pledged/ property has been mortgaged(*)	Full description of the movable property which has* been pledged/property which has been mortgaged (*)	Date of pledge/ Amount mortgaged (*) borrowed
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(6) Is the sworn or affirmed enclosed to the application. I request that the pledged property may be delivered to me. I request that the mortgaged property may be ordered to be realised to me and the certificate of redemption of the property may be granted to me. Date: Signature of the applicant (Debtor). * Strike out whichever is not applicable. Form II (See rule 3(2) of the Tamil Nadu Debt Relief Rules, 1980) Affidavit Under Clause (6) of Sub-Section (1) of Section 5 (*)/clause (6) of Sub-Section (1) of Section 6 of the Tamil Nadu Debt Relief Act, 1980 Before the Tahsildar I,.....aged, son/wife of.....residing at.....do hereby solemnly and sincerely affirm and state as follows:- I am the applicant (debtor) herein and the creditor is having his place of business at on I pledged / mortgaged (*) the property, the full description of which is given below with the said creditor and borrowed a sum of Rs.....(Rupees.....) only. Full description of property pledged/mortgaged (*) with the said creditor. I submit that I am a debtor as defined in section 3 of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980). My annual household income is Rs.....(Rupees.....) only. I am entitled to relief under section 4 of the said Act. All the particulars

furnished by me herein are true to the best of my knowledge. Date: Signature of the applicant. Solemnly affirmed and signed in my presence. (Debtor). (**) Signature of the Officer of the Government of Tamil Nadu with name in block letters, designation and date seal. Date: (*) Strike out whichever is not applicable. (**) Tahsildar or Deputy Tahsildar or Commissioner of Panchayat Union (Block Development Officer) or Co-operative Sub-Registrar. Form III (See rule 6 of the Tamil Nadu Debt Relief Rules, 1980) List of Debtors Who have made Applications to Tahsildar, Under Clause (A) of Sub-Section (1) of Section 5, Clause (A) of Sub-Section (1) of Section 6 of Tamil Nadu Debt Relief Act, 1980

Serial No.	Name of the applicant (debtor)	Address of the applicant (debtor)	Occupation of the applicant (debtor)	Date of receipt of the application by Tahsildar	Name and address of the creditor as mentioned in the application
(1)	(2)	(3)	(4)	(5)	(6)

Dated: Signed..... Tahsildar Form IV (See Rule 7 of The Tamil Nadu Debt Relief Rules, 1980) Certificate Issued Under Section 5(S)(B)(I) of the Tamil Nadu Debt Relief Act, 1980 Certificate This is to certify that the amount due to the..... (particulars of the institution) in respect of..... (here enter description of the movable property and particulars relating to the creditor) shall be recovered from (creditor particulars) as if it were an arrear of land revenue and paid to the..... (particulars of the institution) on recovery in accordance with section 5(5)(b)(ii) of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1960). Official seal: Signature: Designation Address: Form V (See rule 8(i) of the Tamil Nadu Debt Relief Rules, 1980) Register of Applications Received by the Tahsildar Under the Tamil Nadu Debt Relief Act 1980 (1) Name of the applicant (debtors) and his address (2) Date of receipt of his application (3) Applicant's (debtor/s) occupations (4) Name of the creditor and his address (5) Description of the movable property pledged or the mortgaged property (6) Amount borrowed by the applicant (debtor) (7) Nature of disposals of the application (Allowed/Rejected) (8) Date of final orders passed by Tahsildar (9) Date on which orders were communicated to the debtor and creditor. Form VI [See rule 8(ii) of the Tamil Nadu Debt Relief Rules, 1980] Register of Movable Property-Produced, Recovered or Deposited Under the Tamil Nadu Debt Relief Act, 1980

Description of movable property										
Serial No.	Name of the creditor and the transferee of the creditor	Nature of movable property	If ornaments, whether of silver or gold, etc.	Weight Value	Date of receipt of the movable property	Name of the debtor	Name of the persons to whom delivered	Date of delivery	Signature of the person to whom delivered	Signature and address of the witness in whose presence the movable property was delivered

property
was
delivered

(1) (2) (3) (4) (5) (6) (7) (8) (9)

Form VII[See rule 9 of the Tamil Nadu Debt Relief Rules, 1980]Receipt Acknowledging the Receipt of the Movable Property from the Creditors Under the Tamil Nadu Debt Relief Act, 1980I hereby acknowledge the receipt of the following movable property...

Description of
movable property

Serial No.	Nature of movable property	If ornaments, whether of silver or gold, etc.	Weight value	Name of the debtor	Remarks
(1)		(2)	(3)	(4)	

Signature of the creditor the transferee of the creditor. Signature of Tahsildar. Form VIII(See rule 10 of the Tamil Nadu Debt Relief Rules, 1980)Certificate of Redemption Under Section 6(2) of the Tamil Nadu Debt Relief Act, 1980Whereas.....(debtor) has applied under sub-section (1) of section 6 of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980) for an order releasing the property specified in the Schedule from mortgage and for the grant of a certificate of redemption.And Whereas I,.....Tahsildar of.....have passed an order under sub-section (2) of section 6 of the said Act releasing the said property from the mortgage.Now, Therefore, in exercise of the powers conferred on me under sub-section (2) of the said section 6I hereby issue this Certificate Redemption in respect of the said property with effect on and from the 19th day of April

1980.

The Schedule

Description of property (1)	Name of the Creditor	Details of deed/ document evidencing mortgage	Survey number	Local name if any	Classification wet/dry	Extent
District	Taluk	Village				
(a)	(b)	(c)	(d)	(e)	(f)	(g) (2) (3)

Seal:Signature:Designation:Address