

**THE PONDICHERRY LAND
ENCROACHMENT RULES, 1971**

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No.E.829/68-Rev - 2

Pondicherry,26th June 1971

NOTIFICATION

G.S.R.No.13 - In exercise of the powers conferred by section 18 of the Pondicherry Land Encroachment Act, 1970 (No.2 of 1970), the Lieutenant - Governor, Pondicherry, hereby makes the following rules namely;-

RULES

Short title, extent and commencement

1. (1) These rules may be called the Pondicherry Encroachment Rules, 1971.
- (2) They shall extend to the entire Union Territory Pondicherry.
- (3) They shall into force at once.

Definitions

2. In these rules, unless the context otherwise requires,-

- (a) "Act" means the Pondicherry Land Encroachment Act, 1970;
- (b) "form" means a form appended to these rules;
- (c) "Government" means the Administrator appointed by the President under Article 239 of the Constitution;
- (d) "Section" means a section of the Act;
- (e) "Tahsildar" means the Tahsildar in - charge of a taluk and includes a Deputy Tahsildar in - charge of a sub - taluk; and
- (f) "year" means the fasli year as defined in the Pondicherry Revenue Recovery Act, 1970 (No.14 of 1970).

Rates of assessment in certain cases

3. When no rates as specified in clause (ii) of section 4 exist, the ground rent at such rates as may be fixed and notified by the Government from time to time shall be levied as the assessment for the unauthorized occupation.

Manner and procedure for levy of assessment payable under section 4.

4. (1) The karnam shall report the unauthorized occupation to the ¹[Deputy Collector (Revenue)]¹ though the firka ²[Revenue inspector and Tahsildar]² every month in the memorandum in Form 1.

(2) In respect of unauthorized occupation falling under clause (i) of section 4, if the ³[Deputy Collector (Revenue) or subject to his control, the Tahsildar]³ does not propose to levy penalty under section 6, he shall levy assessment and communicate the order to the karnam.

(3) The ⁴[Deputy Collector (Revenue) or the Tahsildar, as the case may be]⁴ shall, in all other cases, sign the notice referred to in section 7, if it has not already been served by the Revenue Inspector, and send to the Revenue Inspector, who shall have it served on the occupier, inspect the unauthorized occupation and make a report thereof to the Tahsildar.

Levy of penalty

5. (1) The ⁵[Deputy Collector (Revenue) or, subject to his control, the Tahsildar]⁵ shall in levying the penalty, have regard to any or all of the following factors, namely;-

(i) the occupation does not fall within the category of landless poor, as may be defined by the Government from time to time.

(ii) the occupation does not lie in porambokes classes in the Revenue accounts such as streets, tank, mandaveli, burial ground or burning ground, threshing ground, grazing ground, passage or pathway, road, channel and such other category as may be specified by the Government from time to time by means of executive instructions;

(iii) the occupation, though not lying in the porambokes specified in clause (ii), but of such nature as being prejudicial to the public interest of the villages;

(iv) the occupation is by construction of permanent structure rendering its eviction difficult at a later date.

Note;- For the purpose of this rule, permanent structure means pucca construction by using cement or lime.

(2) The levy of penalty if any, shall be intimated to the occupier and the date of intimation noted in the memorandum in Form 1.

(3) A register showing the receipt and disposal of the memoranda in Form 1 shall be maintained in Form 2 in the Office of the Tahsildar.

(4) A register showing the cases reported and orders passed thereon shall be maintained by the karnam in Form 3.

1. Substituted by notification No.19644/77-J dated 22-5-1978

2. Substituted by notification No.19644/77-J dated 22-2-1978

3. Substituted by notification No. 19644/77-J dated 22-2-1978

4. Substituted by notification No. 19644/77-J dated 22-2-1978

5. Substituted by notification No. 19644/77-J dated 22-2-1978

Manner of prohibition of occupation

6. Wherever the Collector is of opinion that any particular land or class of lands which are the property of Government shall not be open to occupation, he shall arrange to publish the fact in the Official Gazette and also in the following places in the manner specified against each and the order shall be noted in the concerned village and Taluk office records:-

Village - By Tom tom and also by affixture in a conspicuous public place.

Taluk or Sub - taluk - By affixture in the Notice Board of the Office.

Mode of service of notice under section 7

7. (1) The notice referred to in section 7 shall be in Form 4 and it shall be served by delivering a copy to the occupier of the land, or to some adult male member of the family, at his usual place of residence, or to his authorised agent, or if none of the said methods is feasible, by affixing a copy thereof to some conspicuous part of his last known residence, or on some conspicuous part of the land occupied.

(2) Where the notice under section 7 is caused to be served by the Revenue inspector, he shall inspect, the land and make a report in writing to the Tahsildar or the Deputy Tahsildar, as the case may be, containing the following particulars, namely:-

- (i) Extent, nature and age of occupation; and how it was dealt with in the previous year;
- (ii) date of inspection of the encroachment by the Revenue Inspector;
- (iii) result of inspection whether occupation is objectionable or unobjectionable with reasons;
- (iv) nature of representations, if any, from the occupier and the remarks of the Revenue Inspector;
- (v) If any objections have been received from the public or any other source ? If so, the nature of the objections and the remarks of the Revenue Inspector ; and
- (vi) recommendations of the Revenue Inspector.

(3) The report referred to in sub - rule(2) shall be obtained by the Tahsildar, in cases where the notice under section 7 is caused to be served by him.

Procedure to be followed in appeal etc

8. (1) Every appeal or application for revision shall be made in the form of a petition addressed to the authority to whom the appeal lies or the authority competent to revise, as the case may be, and shall be drawn up concisely and legibly and shall bear the signature or make of the appellant or the revision petitioner or his duly authorised agent and shall also bear a court fee stamp as specified below:-

	Rs. p.
(1) in the case of appeal to the Deputy Collector (Revenue)	1.00
(ii) in the case of appeal or application for revision to the Collector or the Government	2.00

(2) The petition of appeal or application for revision shall contain the following particulars, namely ;-

- (i) the name, father's name, occupation and place of residence and address of the appellant/revision petitioner;
- (ii) the name and address of the writer (or typist, if it is typed) of the petition of appeal/application for revision;
- (iii) the date of order appealed against or sought to be revised;
- (iv) a brief and precise statement of the facts; and
- (v) the grounds of appeal or revision.

(3) The petition shall be accompanied by the order appealed against or sought to be revised in original or an authenticated copy thereof, it shall be presented to the appellate or the revising authority by the appellant or the revision petitioner, or his agent or be forwarded to such authority by Registered post.

(4) If the Petition of appeal or application for revision does not comply with the requirements of subrules (1) to (3), and in the case of an application for revision, if the exceptional ground referred to in sub - section (2) of section 10 does not exist, it may be summarily rejected.

Provided that no appeal application for revision shall be rejected under this sub - rule unless the appellant or the revision petition is given such opportunity, as the appellate or revising authority thinks fit, so as to enable him to comply with the requirements of the said sub - rules.

(5) If the appellate or revising authority does not reject the petition under sub - rule (4), it shall call for the records connected with the order appealed against or sought to be revised together with the remarks of the officer who passed the order and fix a date for hearing the appellant or the revision petitioner, as the case may be, or his agent and may adjourn the hearing at any stage.

(6) The appellate or the revising authority shall bear the appellant or the revision petitioner, or the agent/consider all points relevant to the subject matter and pass suitable orders.

(7) If on the date fixed for hearing or any other date to which the hearing may be adjourned the appellant or the revision petitioner does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal or the application for revision or may decide it exparte as it thinks fit.

(8) A copy of the order passed on appeal or application for revision shall be supplied free of cost to the appellant or the revision petitioner or the person affected thereby and another copy shall be sent to the officer whose order was appealed against or sought to be revised.

FORM 1

[See Rule 4 (i)]

Memorandum showing the unauthorized occupation in -----
-----village -----Taluk in -----month of-----
-----fasli year.

1. Serial No. :
2. Particulars of land whether assessed or unassessed or Poramboke :

If Poramboke, name of Poramboke and if there is any prohibition order in Respect of the land :
3. Survey No. :
4. Total extent of the land :
5. Extent under occupation :
6. Rate of assessment per hectare :
7. Assessment for the extent noted against item 5 :
8. If the occupier is a pattadar, the extent of land owned by him under wet and dry and the extent under occupation, if any, on other Government lands :
9. Name if occupier Details to be furnished if he belongs to scheduled Caste or Scheduled Tribe) :
10. Nature of occupation, whether by cultivation or by construction :

11. Period of occupation and details of order passed in the previous fasli year :
12. Remarks of the karnam :
13. Date of service of notice under section 7 of the Pondicherry Land Encroachment Act, 1970 :
14. Gist of the reply given by the occupier :
15. Remarks of the Revenue Inspector :
16. Orders of the Revenue Inspector :
17. Date of communication of the order to the party if penalty is levied :

FORM 2

[See Rule 5 (3)]

Register of Memoranda in Form 1

(i) Memoranda relating to poramboke lands and assessed or unassessed waste lands in respect of which notices referred to under section 7 of the Act are issued.

1. Serial No.& date of receipt in Taluk Office.
2. Name of the village.
3. Survey No. and subdivision number.
4. Date of reference to the Revenue Inspector (Reference to other officers, if any, may be entered in this column).
5. Date of service of the notice under section 7.
6. Date of receipt of petitions in response to the notice under section 7, if any.
7. Date of receipt of report from the Revenue Inspector (reply to references made to other officers if any).
8. Date of issue of orders to village karnams.
9. Date of communication of order to the unauthorized occupier where penalty is levied.

10. Date of submission of report to Sub/Asst./Dy. Collector and further reference, if any, in cases where eviction is resorted to under Public premises (Unauthorised Occupants) Eviction Act, 1958.
11. Date of receipt of orders, from Sub/Asst./Dy. Collector with his number and replies to further references, if any.
12. Date of reference to Revenue Inspector.
13. Date of receipt of R.I's report after eviction.
14. Date of receipt in the record room and Record-keeper's initials in token of acknowledgment.