

**THE PONDICHERRY
OCCUPANTS OF KUDIYIRUPPU
(PROTECTION FROM EVICTION)
RULES, 1971**

THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) RULES, 1971

G. S. R. No. 7.-- In exercise of the Powers conferred by section 12 of the Pondicherry Occupants of kudiyiruppu (Protection from Eviction) Act, 1970 (Act No. 4 of 1971), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely :-

Short title

1. These rules may be called the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Rules 1971.

Definition

2. In these rules—

(i) " Act " means the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 (Act No. 4 of 1971) ;

(ii) " Form " means a Form appended to the rules ; and

(iii) " Section " means a section of the Act.

Form of application for eviction

3. Every application for the eviction of a person occupying a kudiyiruppu falling under sub-section (3) of section 3, shall be in Form I. The application shall be presented in person or by agent or sent by registered post, within a period of two months from the date on which the cause of action arose, to the authorised officer having jurisdiction over the area :

Provided that the application may be received after the period of two months aforesaid, if the authorised officer, for reasons to be recorded in writing, is satisfied that the applicant had sufficient cause for not applying within that period.

Application for restoration of possession

4. Every application for restoration of possession of kudiyiruppu, under section 4, shall be in Form II and the application shall be presented in person or by agent or sent by registered post, to the authorised officer having jurisdiction over the area.

Notice to the respondents

5. (1) On receipt of the application referred to in rules 3 and 4, with as many copies thereof as there are respondents, a notice shall be caused to be served, on all persons who are named as respondents to the application, to show cause, in writing, on or before a specified date, as to why the application should not be allowed. The notice shall contain a summary of the allegations, on the basis of which the relief is claimed by the applicant, as also the nature of the relief claimed ; provided that any respondent shall be entitled to be furnished, free of charge, with a copy of the application.

(2) The respondents shall be given time, for at least fifteen days from the date of service of the notice, for filing their objections in writing, and the notice issued to them shall also specify the date to which the enquiry is posted ; provided that the authorised officer may, for sufficient cause, extend the time allowed for filing objections. The respondents shall, when submitting their objections to the authorised officer, also serve a copy thereof on the applicant or his authorised agent or the legal practitioner appearing for him.

Recording reasons

6. In passing an order under section 6, the authorised officer shall record, in brief, the grounds for his decision.

Appeal to the Collector

7. Every appeal under sub-section (1) of section 7 shall be in Form III and shall bear court fee stamps of the value of Rs. 2 and shall be accompanied by the original, or a certified copy, of the order appealed against. The appeal shall be presented in person or by agent or sent by registered post.

Proceedings of the authorised officer

8. The proceedings of the authorised officer shall be summary and shall be governed, as far as possible, by the provisions of the Code of Civil Procedure, 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) ordering 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) local inspection ; and
- (j) the passing of orders.

Representation

9. (1) In any proceedings before the authorised officer or the Collector, a person shall be entitled to be represented by a legal practitioner to act and plead on his behalf.

(2) The authorised Officer or the Collector, as the case may be, may permit any agent duly authorised in writing by a party, to act and plead on his behalf ;

Provided that the authorised officer or the Collector 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 it and shall be afforded sufficient opportunity for his being thereafter represented before the authorised officer or the Collector, as the case may be, by another agent duly authorised in this behalf, or by a legal practitioner.

Manner of serving the order

10. Every order of the authorised officer or the Collector shall be served upon the parties thereto or their authorised agents or the legal practitioners appearing for them.

APPENDIX

FORM I

(See rule 3)

**THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT,
1970 (PONDICHERRY ACT, No. 4 OF 1971)**

Application for the eviction of a person occupying a kudiyruppu

1. Name of the taluk/sub-taluk
2. Name of the village
3. Name of the applicant and his address
4. Whether the applicant is the owner of the kudiyruppu or not :
5. If the applicant is not the owner of the kudiyruppu, the nature of the applicant's interest in it :
6. Name of the person occupying the kudiyruppu, who is to be evicted, and his full address :
7. Particulars of the kudiyruppu :—

Sl. No.	Local name if any	Classification (wet, dry or garden etc.)	Total extent	Extent of the kudiyruppu.
(1)	(2)	(3)	(4)	(5)

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8. The term on which the applicant was in possession of the kudiyruppu.
 9. Reasons for the eviction.
 10. Remarks (the complaint in brief).

Signature of the applicant.

FORM II

(See rule 4)

**THE PONDICHERRY OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT,
1970 (PONDICHERRY ACT, No. 4 OF 1971)**

Application for restoration of possession of Kudiyiruppu

1. Name of taluk/sub taluk
2. Name of the village
3. Name of the applicant and his address
4. Name of the owner of the kudiyiruppu and his address.
5. Particulars of the kudiyiruppu :—

Sl. No.	Local name if any	Classification (wet, dry or garden etc.)	Total extent	Extent of the kudiyiruppu.
(1)	(2)	(3)	(4)	(5)

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6. The term on which the applicant was in possession of the kudiyiruppu on the 5 the October, 1970.
 7. The date of dispossession
 8. Name of the person, if any, admitted to possession of the kudiyiruppu, subsequent to the 5th October, 1970 and his address.
 9. Remarks (the complaint in brief).

Signature of the applicant.

FORM III
(See rule 7)

**THE PONDICHERY OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) ACT,
1970 (No. 4 OF 1971)**

MEMORANDUM OF APPEAL

Before the Collector under section 7 (1) of the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 (Pondicherry Act 4 of 1971).

A. B.	Applicant
C. D. and others	Respondents

The above named appeals to the Collector from the decision of the Authorised Officer

No. _____ dated _____ and setforth the following grounds of objection to the said decision appealed from viz.,

(Here set out the grounds)

GOVERNMENT OF PONDICHERY

Revenue Department

No. E. 14217/69

Pondicherry, 20th March, 1971

NOTIFICATION

S. O. No. 28— In exercise of the powers conferred by clause (4) of section 2 of the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 (No. 4 of 1971), the Lieutenant-Governor, Pondicherry, hereby authorises the officers mentioned in column (2) of the Table below to exercise the powers conferred on, and discharge the duties imposed upon the authorised officer under the said Act within the local limits of their respective jurisdiction specified in the corresponding entries in column (3) of the said Table.

TABLE

Sl. No.	Designation of officers	Jurisdiction
(1)	(2)	(3)
1.	Sub/Asst./Deputy Collector Revenue), Pondicherry	Pondicherry region
2.	Deputy Collector (Revenue), Karaikal	Karaikal region
3.	Deputy Collector (Revenue), Yanam	Yanam region