

THE PONDICHERRY CULTIVATING TENANTS PROTECTION ACT, 1970

(Act No.9 Of 1971)

30th March, 1971.

An Act

for the protection from eviction of cultivating tenants and matters incidental thereto in certain areas in the Union territory of Pondicherry

Be it enacted by the Legislative Assembly of Pondicherry in the Twenty-first Year of the Republic of India as follow :-

Short title, extent and commencement.

1. (1) This Act may be called the Pondicherry Cultivating Tenant Protection Act, 1970.

(2) It extends to the regions known as Pondicherry, Karaikal and Yanam in the Union territory of Pondicherry.

(3) It shall come into force on such date¹ as the Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act or for different areas and any reference in any such provision to the commencement of this Act shall be construed, in relation to any area, as a reference to the coming into force of that provision in such area.

Definitions

2. In this Act, unless the context otherwise requires-

(a) "cultivating tenant" means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under an agreement express or implied on condition of paying rent therefor in cash or in kind or delivering or receiving a share of the produce and includes.

(i) any such person who continues in possession of the land after the determination of the agreement.

(ii) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land :

(iii) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land ;

(iv) any such sub-tenant who continues in possession of the land notwithstanding that the person who sublet the land to such sub-tenant ceases to have the right to possession of such land. and

(v) a person who cultivates the land on payment of waram :
but does not include a mere intermediary or his heir :

1. The Act came into force in Pondicherry, Karaikal and Yanam regions on the 10th day of April, 1971 vide Notification No. 6896/70/E, dated 10th April, 1971.

(b) "cultivation" means the use of lands for the purpose of agriculture or horticulture and a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land ;

(c) " garden land" means dry land irrigated by lifting water from wells or other sources ;

(d) "Government" means the Administrator appointed by the President under article 239 of the Constitution ;

(e) " holding" means a parcel or parcels of land held by a cultivating tenant ;

(f) " land" means land used for the purpose of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto, and any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy ;

¹[(g)"land lard" in relation to a holding or part thereof means the person entitled to receive the rent due in respect of such holding or part ;]

(h)"prescribed" means prescribed by rules made under this Act ;

(i) " Revenue Court" means the Revenue Court constituted by notification in the Official Gazette by the Government ; and

(i) "Wet land " means land registered as such in revenue accounts.

Explanation - One hectare of wet land shall be deemed to be equivalent to one and a half hectares of garden land or three hectares of dry land and reference to hectares of wet land shall be deemed to include a reference to dry or garden land reduced to their equivalent extent of wet land.

²[Act not to apply in certain cases

2-A. Nothing in this Act shall apply, to-

(i) leases or tenancies of lands belonging to or vested in the Government of the Union territory of Pondicherry, the Central Government, a State Government, a local authority, or a corporation owned or controlled by any of the said Government, or authority ; or

(ii) leases or tenancies of lands created by the Administrator General or the Official Trustee or an Official Receiver or officer appointed by a Court under the provisions of any law, or by any person holding under or deriving title from any or the Officers aforesaid.]²

Landlords not to evict cultivating tenants

3. (1). Notwithstanding anything to the contrary in any law, custom, usage or contract or any decree or order of court, no cultivating tenant shall be evicted from his holding or any part thereof, by or at the instance of his landlord except as provided in this section.

2. Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant.

1. Substituted by Act 9 of 1972, with effect from 10-4-1971.

2. Inserted by Act 9 of 1972, section 3, with effect from 10-4-1971.

(a) Who, in the areas where the Karaikal Tenants Protection Order, 1960 was in force immediately before the commencement of this Act, if in arrears at such commencement with respect to the rent payable to the landlord does not pay such rent within such time as may be prescribed or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent becomes due ; or

(b) who, in the other areas, if in arrear at the commencement of this Act, with respect to the rent payable to the landlord and accrued due subsequent to 31st March,, 1970, does not pay such rent within such time as may be prescribed, or who in respect of rent payable to the landlord after the commencement of this Act, does not pay such rent within a month after such rent become due ; or

(c) who has done any act or has been guilty of any negligence which is destructive of, or injurious to the land or any crop thereon or has altogether ceased to cultivate the land ; or who has used the land for any purpose not being an agricultural or horticultural purpose ; or

(d) who has wilfully denied the title of the landlord to the land ;

Explanation- A denial of the landlord`s title under a **bona fide** mistake of fact is not wilful within the meaning of this clause.

(3)(a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord-

(i) in the case of rent accrued due subsequent to the 31st March, 1970 within such time as may be prescribed :

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b)(i) The court shall cause notice of the deposit to be issued to the landlord and determine, after a summary inquiry, whether the amount deposited represent the correct amount of rent due from the cultivating tenant and if the Court finds that any further sum is due, it shall allow the cultivating tenants such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant, for depositing such further sum inclusive of such costs as the court may allow.

(ii) If the Court adjudge that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to have paid the rent within the period specified in the last foregoing sub-section.

(iii) If, having been ordered to deposit a further sum, the cultivating tenant fails to do so within the time so allowed by the Court, the landlord may evict the cultivating tenant as provided in sub-section (4).

Explanation.- The expression "Court" in this sub-section means the Court which passed the decree or order for eviction or where there is no such decree or order, the Revenue Court.

(4)(a) Every landlord seeking to evict a cultivating tenant falling under sub-section (2) shall, whether or not there is an order or decree of a Court for the eviction of such cultivating tenant, make an application to the revenue Court and such application shall bear a court-fee stamps of one rupee.

(b)(i) On receipt of such application, the Revenue Court shall, after giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause(a) or (b) of sub-section (2) in which the tenant had not availed of the

provisions contained in sub-section (3), the revenue Court may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct.

(ii) If the cultivating tenant deposits the sum as directed he shall be deemed to have paid the rent under clause(b) of sub-section (3) and if the cultivating tenant fails to deposit the sum as directed, the Revenue Court shall pass an order for eviction.

Right to restoration of possession

4.(1) Every cultivating tenant who was in possession of any land on the 1st December, 1969 and who is not possession thereof at the commencement of this Act shall, on application to the Revenue Court, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December, 1969.

(2) Nothing sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession.

(i) If, at the Commencement of this Act, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the explanation below or if he has been assessed to any sales tax, profession -tax or income-tax under the respective laws relating to the levy of such taxes during 1967-68 ; or

(ii) If the landlord, after evicting such cultivating tenant from the land has been carrying on personal cultivating on the land provided as follows :-

(a) the total extent of land held by such landlord inclusive of the land, if any, held by him as a tenant does not exceed the extent specified in the Explanation below ; and

(b) the landlord has not been assessed to any sales tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1967-68 or 1968-69 ; or

(iii) If subsequent to the 1st December, 1969 the landlord has bona fide admitted some other cultivating tenant to the possession has cultivated the land before the commencement of this Act :

Provided that where such other tenant is in possession, either as owner or as tenant or as both of any other land which exceeds the extent specified in the Explanation below and the cultivating tenant who was evicted is not in possession of any land or is in possession of any other land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

Explanation.- The extent referred to in clauses (i) to (iii) above is $2\frac{2}{3}$ hectares of wet land.

(3) Every application to the Revenue Court under sub-section (1), shall be made within such time as may be prescribed and shall bear a court-fee stamp of one rupee :

Provided that the application may be received after the prescribed period, if the applicant satisfies the Revenue Court that he had sufficient cause for not making the application within that period.

(4) On receipt of an application under sub-section (3), the Revenue Court shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and in passing an order allowing the application, the Revenue Court may impose such conditions as it may consider just and equitable including conditions is regard to-

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding one year's rent, and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession, on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

Explanation.- In lieu of imposing any condition in relation to reimbursement as provided in clause(ii), the Revenue Court may, in its discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

(5) Any cultivating tenant who after the commencement of this Act has been evicted except under the provisions of sub-section (4) of section 3 shall be entitled to apply to the Revenue Court within two months from the date of such eviction for the restoration to him of the possession of the lands from which he was evicted and to hold them with all the rights and subject to all the liabilities of a cultivating tenant and the provisions of sub-section (4) shall, so far as may be, apply to such an application.

¹[Provided that the Revenue Court may, if satisfied that the applicant had sufficient cause for not making the application within the said period of two months, consider the application even after expiry of such period.]¹

5. ²[*****]² Section 5 is omitted.

Special privileges for members of the Armed Forces.

6. (1) A cultivating tenant who is enrolled as a member of the Armed Force, may, on or after such enrolment, sublet the lands held by him as a cultivating tenant.

(2) A cultivating tenant who is enrolled as a member of the Armed Forces, on discharge or retirement from service or on being sent to Reserve, shall, on application for resumption made within the prescribed period to the Revenue Court, be entitled to resume possession of the land sublet by him under sub-section (1).

(3) A landlord who is enrolled as a member of the Armed Forces shall, on discharge or retirement from service or on being sent to Reserve, be entitled to resume from any cultivating tenant possession of land which he had leased out on or after such enrolment for purpose of personal cultivation.

³[(4)(a) Any person desiring to resume any land under sub-section (2) or, as the case may be, under sub-section(3) (hereafter in this sub-section referred to as the applicant) shall apply to the Revenue Court and on receipt of such application, the Revenue Court shall, after giving a reasonable opportunity to the applicant and the person in possession of the land (hereafter in this sub-section referred to as the possessor) to make their representations, hold a summary inquiry into the matter and pass an order either directing the possessor to put the applicant in possession of the land or dismissing the application.

1. Inserted vide Act No.6 of 1982 dt.31-5-1982.

2. Omitted vide Act No.6 of 1982 dt.31-5-1982.

3. Substituted by Act No. 6 of 1982 dt.31-5-1982.

(b) Where a Revenue Court passes an order under clause(a) directing the possessor to put the applicant in possession of the land, the Revenue Court may impose such conditions as it may consider just and equitable including conditions in regard to the reimbursement, by the applicant, to the possessor in respect of the expenses incurred by the possessor or the labour contributed by him on any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement ;

Provided that in lieu of imposing any condition relating to reimbursement under this clause, the Revenue Court may, in its discretion, postpone the restoration of the applicant, to possession of the land, until any crop which is being grown thereon at the time when the order is passes, has been harvested.]³

(5) where a member of the Armed Forces dies while in service, the special privileges conferred by this section on such member shall be available to the widow of such member, or any person dependent upon such member immediately before his death.

(6) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in any other provision of this act or of any other Act.

¹[* * *]

(7) If a question arises whether any person is a member of the Armed Forces or not such question shall be decided by the Government and the decision of the Government thereon shall be final.

Explanation.- For the purposes of this Act.-

(a) a “member of the Armed Forces’ means-

(i) a person in the service of the Air Force, Army or Navy or the Union of India and includes a seaman :

(ii) a member of the Armed Forces who has been discharges or retired from service or who has been sent to Reserve is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land ; and

(b) a member of the Armed Forces in service shall be deemed to carry on personal cultivation on a land if such land is cultivated by the members of his family or by his own servants or by hired labour, with his own or hired stock.

Execution of lease

7.(1) In the case of every tenancy agreement entered in to after the coming into force of this Act between a cultivating tenant and a landlord, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant the name (if any), survey number, description and extent of the land leased out and the terms of the tenancy; and shall be signed both by the landlord or his agent and by the cultivating tenant. One of the three copies shall be kept by the landlord, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk Office or Sub-Taluk Office, as the case may be by the landlord or his agent within a fortnight of the date on which the cultivating tenant signs it ;

1. Omitted by Act No.6 of 1982 dt.31-5-1982.

Provided that if the landlord or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the landlord, as the case may be, to lodge the deed in the Taluk Office or the Sub-Taluk Office, as the case may be, with a declaration that the other party has refused or delayed unreasonably to execute it.

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the landlord or his agent or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1) the Revenue Court may impose on the landlord or cultivating tenant, as the case may be, a penalty which may extend to fifty rupees; and any penalty so imposed may be recovered as if it were an arrear of land revenue.

Bar of jurisdiction of Civil Courts

8. No Civil Court shall, except to the extent specified in sub-section (3) of section 3, have jurisdiction in respect of any matter which the Revenue Court is empowered by or under this Act to determine and no injunction shall be granted by any Court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Transfer of certain suits to the Revenue Court by Civil Courts.

9. If any suit before any court for possession of or injunction in relation to any land, it is proved by affidavit or otherwise that the defendant is a cultivating tenant entitled to the benefits of this Act, the Court shall not proceed with the trial of the suit but shall transfer it to the Revenue Court which shall thereupon deal with and dispose of it as though it were an application under this Act and all the provisions of this Act shall apply to such an application and the applicant.

Revision by the High Court

10. The Reserve Court shall be deemed to be a Court subordinate to the High Court for the purpose or section 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and its orders shall be liable to revision by the High Court under the provisions of that section.

Transfer of application or other proceeding by High Court.

11.(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, of its own motion without such notice, the High Court may, at any stage, transfer any application or other proceeding under this Act pending before any Revenue Court for disposal to any other Revenue Court.

(2) Where any application or other proceeding has been transferred under sub-section (1), the Revenue Court which thereafter holds the enquiry may, subject to any special directions in the case of an order of transfer, either hold the inquiry **de novo** or proceed from the point at which the said application or other proceedings stood when it was transferred.

Surrenders

12. (1) No surrender of land made by a cultivating tenant after the commencement of this Act shall be valid unless it is made in such manner as may be prescribed.

(2) Where a surrender of land is made under sub-section (1) the rights of the cultivating tenant shall vest in the Government and the Government may assume the management of the land or settle another cultivating tenant thereon.

(3) Where the management of the land is assumed under sub-section (2) the Government shall be liable to pay to the landlord fair rent payable under the Pondicherry Cultivating tenants (Payment of Fair Rent) Act, 1970 and the liability of the cultivating tenant who has surrendered his holding to pay the rent to the landlord in respect of that land shall cease from the date ¹[on which the management of the land is assumed by the Government]¹

Provided that nothing contained in this sub-section shall affect the liability of such tenant to pay rent in respect of any period before such date.

(4) Where in pursuance of surrender under sub-section (1), another cultivating tenant has been settled by the Government, ¹[the cultivating tenant so settled by the Government shall with effect on and from the date on which he has so settled, pay to the landlord fair rent as payable under the Pondicherry Cultivating tenant (Payment of Fair Rent) Act, 1970.

Abandonment by cultivating tenant

13. (1) No landlord shall enter on any land which has been abandoned by a cultivating tenant.

(2) If a cultivating tenant abandons his tenancy and ceases to cultivate his holding either by himself or by some other person the landlord of such tenancy shall, within thirty days of such abandonment, inform the Government in writing that the cultivating tenant has abandoned such tenancy and the Government shall, on receipt of such intimation, forthwith take possession of the land appertaining to such tenancy.

(3) The Government shall pay to the landlord fair rent payable under the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970, for the land possessed by that Government under sub-section (2) from the date on which the Government takes possession of such land.

(4) The Government may settle any other cultivating tenant on any land possession of which has been taken under sub-section (2).

(5) The cultivating tenant settled under sub-section (4) shall pay the fair rent as payable under the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970, directly to the landlord and the Government's liability under sub-section (3) with regard to the payment of fair rent for such land shall, on and from the date on which the cultivating tenant has been settled on the land, cease.

Landlord to take possession in specified cases

14. No landlord shall obtain possession of any land held by a cultivating tenant at the commencement of this Act, except where such tenant under section 12 or section 13, as the case may be.

1. Substituted by Act 9 of 1972, section 5, with effect from 10-4-1971.

Penalty

15. Whoever contravenes the provisions of section 13 shall, on conviction, be punishable with fine which may extend to two hundred and fifty rupees and the possession of the land shall be restored to the cultivating tenant.

Power to make rules

16.(1) The Government may, by notification in the Official Gazette, makes rules to carry out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Pondicherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and saving

17.(1) As from the commencement of this Act, the Karaikal Tenants Protection Order, 1960 (hereinafter referred to as the said order), is hereby repealed.

(2) Nothing in sub-section (1) shall affect -

- (a) the previous operation of the said order or anything duly done or suffered thereunder: or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said order : or
- (c) any penalty incurred in respect of any offence committed against the said order : or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid :

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, may be imposed as if this Act had not been passed.

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No.E.6896/70

PONDICHERRY, 10th April, 1971.

THE PONDICHERRY CULTIVATING TENANTS PROTECTION RULES, 1971.

G.S.R.No.10.- In exercise of the powers conferred by sub-section (1) of section 16 of the Pondicherry Cultivating Tenants Protection Act, 1970 (No.9 of 1971), the Lieutenant-Governor, Pondicherry hereby makes the following rules namely :-

RULES

Short title and commencement

1. (1) These rules may be called the Pondicherry Cultivating Tenants Protection Rules, 1971.
- (2) They shall come into force at once.

Definitions

2. In these rules :

- (1) `the Act` means the Pondicherry Cultivating Tenants Protection Act, 1970 (No.9 of 1971)
- (2).`From` means a Form appended to these rules : and
- (3) `section ` means a section of the Act.

Payment of rent accrued prior to the commencement of the Act.

3. The period within which the rent accrued prior to the commencement of the Act both in the areas where in Karaikal tenants Protection Order, 1960 was in force and in the other areas shall be paid is three months from the date of commencement of the Act.

Deposit of rent

4.(1) Every cultivating tenant desirous of depositing rent under clause(a) of sub-section (3) of section 3 of the Act, shall deposit the same with the Court or the Revenue Court, as the case may be, and present to the Court or the Revenue Court an application in Form 1, in person or through his authorized agent. In the absence of the presiding officer of the Court or the Revenue Court, the rent shall be deposited with and the application presented to the head ministerial officer of the office.

(2) The period within which the rents referred to in sub-clause(i) of clause(a) of sub-section (3) of section 3 shall deposited is three months from the commencement of the Act.

(3) On receipt of the application under rule 4(i) , the Court or the Revenue Court, as the case may be, shall fix a date for hearing the application and shall cause a notice of the date so fixed to be served on the landlord mentioned in application.

(4) On the date fixed under sub-rule 4 (1), the Court or the Revenue Court, as the case may be, shall fix a date for hearing the application and shall cause a notice of the date so fixed to be served on the landlord mentioned in the application.

(5) If the landlord admits the correctness of the averments made in the application he may file a petition expressing his willingness to accept the money deposited in full discharge of such rent and receive the money so deposited.

(6) If the landlord does not admit the correctness of the averments in the application, he may file counter-statement certified in the manner prescribed by the Code of Civil Procedure, 1928, and the Court or the Revenue Court, as the case may be, shall, thereupon after taking such evidence or making such enquiry as the said authority considers necessary, pass orders on the application in accordance with the provisions of this Act.

Entry and inspection

5. The Court or the Revenue Court shall have.-

(i) power to enter upon any land and inspect and do any act which in its or his opinion may be necessary for the purpose of carrying out the functions entrusted to it or him by or under the Act ;
and

(ii) power to summon witnesses and call for the production of documents.

Eviction

6. Every application for the eviction of a cultivating tenant falling under sub-section (2) of section 3 of the Act shall be in Form II and shall be presented in person or by authorised agent or sent by registered post to the Revenue Court having jurisdiction over the area (and in the absence of the presiding officer of the Revenue Court, to the head ministerial officer of the office), who shall endorse thereon the date of receipt

Restoration of possession under section 4

7. (1) The period within which the application for restoration of possession under section 4 of the Act is thirty days from the date of commencement of the Rules.

(2) Every such application for restoration shall be in Form III and shall be presented in person or by authorised agent or sent by registered post to the Revenue Court having jurisdiction over the area (and in the absence of the presiding officer of the Revenue Court, to the head ministerial officer of the office), who shall endorse therein the date of receipt.

Restoration of possession under section 4(5)

8. Every application for restoration of possession under sub-section (5) of section 4 shall be in Form IV and shall be presented in person or by authorised agent or sent by registered post to the Revenue Court having jurisdiction over the area (and in the absence of the presiding officer of the revenue Court to the head ministerial officer of the office), who shall endorse thereon the date of receipt. Such application shall bear a court fee stamp of rupee one.

Resumption

9. Every application to resume land for personal cultivation under section 5(2) shall be in Form V and shall be presented in person or by an authorised agent or sent by registered post to the Revenue Court having jurisdiction over the area (and in the absence of the presiding officer of the Revenue Court to the head ministerial officer of the office) and every such application shall bar a court-fee stamp of one rupee.

Restoration of possession under section 5(6)

10. Every application for restoration of possession under section 5(6) shall be in Form VI and shall be presented in person or by authorised agent or sent by registered post, to the Revenue Court having jurisdiction over the area (and in the absence of the presiding officer of the Court to the head ministerial officer of the office).

Resumption by members of Armed Forces.

11.(1) The period within which an application for resumption should be made under sub-section (2) of section 6 is six months from the date of discharge or retirement from service or being sent to Reserve.

(2) Every such application shall be in Form VII and shall be presented in person or by an authorised agent or sent by Registered Post to the Revenue Court having jurisdiction over the area (and in the absence of the presiding officer of the Revenue Court to the head ministerial officer of the office) and every such application shall bear a court-fee stamp of one rupee.

(3) Every application for resumption of a land from a cultivating under sub-section (3) of section 6 shall be in Form VIII and shall be presented in person or by an authorised agent or sent the presiding officer to the head ministerial officer of the office) and every such application shall bear a court-fee stamp to the value of one rupee.

Execution of agreement

12. (1) In every case of tenancy agreement entered into after the commencement of the Act between a cultivating tenant and a landlord, a lease deed in Form IX shall be executed in triplicate within a fortnight after the commencement of such tenancy or such later date as the Government may in any case or class of cases deem fit to allow. Wherever fresh lease deeds are necessary in future, they shall be executed within a fortnight of the commencement of the falsi year as defined in the Pondicherry Revenue Recovery Act, 1970 (No. 14 of 1970).

Provided that in the case of tenancy agreements entered into after the commencement of the Act and before the date of coming into force of these rules, the lease deeds shall be executed within a fortnight from the date of coming into force of these rules.

(2) A register in the following form shall be maintained in each taluk/sub-taluk office for the registry of lease deeds executed under sub-section (1) of section 7 with a village war index at the beginning :-

(i) Serial number.

(ii) Name of the village

- (iii) Name and address of the landlord
- (iv) Name of the tenant.
- (v) Survey numbers and description of lands.
- (vi) Date of execution of the lease deed.
- (vii) Date of declaration, in case one of the parties did not sign the lease deed.
- (viii) Date of receipt in the taluk/sub-taluk office.
- (ix) Date of issue of the acknowledgment
- (x) Remarks and initials of the Officer issuing the acknowledgments with date.

(3) On receipt of copies of such lease deeds in the taluk/sub-taluk office these shall be registered in serial order in the register and an acknowledgment containing an extract of condition (i) to (v) of the register relating to that entry shall be given to the landlord or his agent, as the case may be.

Imposition of penalty

13.(1) Before the imposition of the penalty referred to in sub-section (3) of section 7, the Revenue Court shall hold an enquiry into the matter. It shall fix the place, date and time for the enquiry and shall give notice of the same to the landlord and the cultivating tenant concerned.

(2) Any presentation made by the landlord or the landlord or the cultivating tenant, shall in writing and shall be filed before the Revenue Court, on or before the date of the enquiry.

(3) On the date fixed for the enquiry or on such other date or dates to which the enquiry may be adjourned, the Revenue Court shall, after hearing the party and taking such evidence, as it.

Grounds

14. In passing a final order on any application under the Act, the Revenue Court shall record in brief the grounds for its decision.

Surrenders.

16. (1) A cultivating tenant intending to surrender land under section 12 shall file a written statement before the Revenue Court specifying the following particulars.-

- (a) Description of the land
 - (i) commune and village in which situated :
 - (ii) survey No. and subdivision No. if any ; or description of the land adequate for the identification ;
 - (iii) class of land :
 - (iv) total extent of land :
 - (v) extent of land to be surrendered :
 - (vi) boundaries

- (b) Name of the land

- (c) Name of other persons having interest on the land and the nature of their interest.
- (d) Particulars of the documents, if any, evidencing the contract.
- (e) Amount of the rent payable in respect of the land.
- (f) Reasons for such surrender

(2) The statement referred to in sub-rule(1) shall be signed by the cultivating tenant and attested by two respectable witnesses.

(3) On receipt of the written statement referred to in sub-rule (1), the Revenue Court shall issue notice to the cultivating tenant and the landlord, for appearance before it on a specified date, if appears to the Revenue Court that the application is only in good faith, it may allow the surrender.

Powers

16. (1) Every Court constituted under the Act, shall have the powers exercisable by a Civil Court in the trial of suits.

(2) The proceeding of the Court shall be summary and shall, as far as possible, be governed by the provisions of the Codes 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) the ordering dismissal for default of appearance and setting aside such orders for good cause :
- (h) local inspection ; and
- (i) the passing of orders.

Local enquiry and inspection

17. (1) In hearing an application under the Act, the Revenue Court shall have power to depute any officer of the Revenue Department not lower in rank than a Revenue Inspector to make local enquiry and inspection and to collect relevant data.

(2) The officer shall submit a report of such enquiry and inspection in writing and this report shall be part of the evidence in this case.

Provided, however that the parties to the proceeding shall be entitled to be furnished with copies thereof and shall have liberty to file objections thereto and the Revenue Court shall consider

this report together with the objections thereto in passing orders on the application :

Provided further that if the parties so desire, the officer shall be submitted and examined as a witness.

Permitting an agent to plead on behalf of the party.

18. In any proceeding before a Court or Revenue Court, the Court or the Revenue Court, as the case may be, may permit any agent authorised by a party to plead on his behalf :

Provided that the Court or the Revenue Court may, at any stage of the proceeding, cancel the permission.

Enforcement of order, etc.

19. Any order, decision or award passed by a Revenue Court under the Act shall be enforceable by an officer of the Revenue department not lower in rank than a Revenue Inspector.

Process fees.

20. The Revenue Court may collect process fees at the following rates :-

(1) For each summons or notice-

	Rs. P
(a) when sent by registered post, for each defendant, respondent or witness. ...	1.50
(b) when served by an Officer of the Court-	
(i) on a defendant, respondent or witness ...	1.50
(ii) on every additional defendant, respondent, or witness residing in the same village if the process be applied for at the same time. ...	0.75

(2) Mileage for the travelling expenses of the process server at four paise per kilo meter may be calculated from headquarters of the Revenue Court 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 Revenue Court should be engrossed on nonjudicial stamp paper of the value of Rs. 1.50 (Rupee one and fifty paise.)

FORM II
(See rule 6)

Application for evicting tenant under sub-section (4) (a) of section 3

1. Name of the Commune.
2. Name of the village.
3. Name of applicant(landlord) and his full address.
4. Name of the tenant to be evicted and his full address.
5. Survey number, local name of the field, if any, and extent.
6. Terms of tenancy.
7. Reasons for eviction
8. Remarks (the complaint in brief)

Signature of applicant.

FORM III
(See rule 7)

Application for restoration of possession under section 4(1) of the Act.

1. Name of the commune.
2. Name of the village.
3. Name of the applicant and his address.
4. Name of the landlord and his address
5. Particulars of the lands -

Survey Number	Local name if any	Classification (wet, dry or garden, etc)	Total extent	Extent claimed	Whether irrigated from a Government source or not
(1)	(2)	(3)	(4)	(5)	(6)
			H.A.C	H.A.C	Totals.....

6. The terms on which he was in possession or such lands on 1st December, 1969.
7. Date of dispossession.
8. Name and address of the cultivating tenant if any admitted to the possession of the land subsequent to 1st December, 1969, the tenure under which he holds the land and whether he has cultivated the land before the date of commencement of the Act.

- 9. The extent of lands possessed by the applicant either as owner or as tenant or as both on the date of commencement of the Act (wet land, dry land irrigated from a Govt. source of irrigation and other dry land shall be shown separately).
- 10. Whether the applicant was assessed to any sales tax profession tax or income tax under the respective law relating to the levy of such taxes during 1967-68 or 1968-1969.
- 11. Remarks (the complaint brief).

Signature of applicant.

FORM IV
(See rule 8)

Application for restoration of possession under section 4(5) of the Act.

- 1. Name of the commune.
- 2. Name of the village.
- 3. Name of the applicant and his address.
- 4. Name of the landlord and his address.
- 5. Particulars of the lands.

Survey Number	Local name if any	Classification (wet, dry or garden,etc)	Total extent	Extent claimed
(1)	(2)	(3)	(4)	(5)
			H.A.C	H.A.C

Total.....

- 6. Date of eviction of the applicant from such lands.
- 7. Remarks (the complaint in brief).

Signature of the applicant.

FORM-V

(See rule 9)

Application for resumption of land for personal cultivation under section 5(2)

1. Name of the commune.
2. Name of the village.
3. Name of the applicant and his address.
4. Name of the cultivating tenant and his address.
5. Particulars of lands of the applicant in the possession of the cultivating tenant.

Survey Number	Local name if any	Classification (wet, dry or garden,etc)	Total extent	Extent claimed
(1)	(2)	(3)	(4)	(5)
			H.A.C	H.A.C
				Total.....

6. The terms on which the cultivating tenant is in possession of such lands.
7. The extent of lands possessed by the applicant either as owner or as tenant or as both on the commencement of the Act (wet lands, dry lands and garden lands shall be shown separately and lands possessed by owner and tenant shall be shown separately)
8. Whether the applicant was assessed to any sales tax, profession tax or income tax under the respective laws relating to the levy of such taxes during 1967-68 or 1968-69.
9. Remarks (the request of the applicant in brief).

Signature of the applicant

FORM - VI
(Se rule 10)

Application for restoration of possession under section 5(6) of the Act.

1. Name of the commune.
2. Name of the Village.
3. Name of the applicant and his address.
4. Name of the landlord and his address.
5. Particulars of the lands.

Survey Number	Local name if any	Classification (wet, dry or garden,etc)	Total extent	Extent claimed
(1)	(2)	(3)	(4)	(5)
			H.A.C	H.A.C
				Total.....

6. Date on which the landlord was put in possession of the lands for the purpose of personal cultivation.
7. Date on which this application is made.
8. Remarks (the grounds in brief).

Signature of applicant.

FORM VII
(See rule 11(2))

Application for resumption of land from a sub-tenant under section 6(2)

1. Name of the region.
2. Name of the Commune.
3. Name of the Village.
4. Name of the applicant and his address.
5. Number, rank and unit of the Armed Forces in which he was last serving.

6. Date of discharge or retirement from service or being sent to Reserve.

7. Name of the sub-tenant and his address

8. Particulars of lands under sub-lease.

Region	Commune	Village	Survey No.	Local name if any	Classification wet, dray or garden ,etc	Total extent	Extent claimed
1	2	3	4	5	6	7	8
						H.A.C	H.A.C
						Total

9. Total particulars of land owned by the applicant.

Region	Commune	Village	Survey No.	Local name if any	Classification wet, dray or garden ,etc	Extent	Assess-ment
1	2	3	4	5	6	7	8
						H.A.C	Rs. P
						Total

10. Remarks (Request of the applicant in brief)

Signature of the applicant

FORM VIII

(See rule 11(3))

Application for resumption of land for personal cultivation under section 6(3)

1. Name of the region.
2. Name of the Commune.
3. Name of the village.
4. Name of the applicant and his address
5. Number , rank and unit of the Armed service or being sent to Reserve.
6. Date of discharge or retirement from service or being sent to Reseveror.
7. Name of the cultivating tenant and his address.
8. Particulars of land of the applicant in possession of the cultivating tenant.

Region	Commune	Village	Survey No.	Local name if any	Classification wet, dray or garden ,etc	Total extent	Extent claimed
1	2	3	4	5	6	7	8
						H.A.C	H.A.C
						Total

9. Terms on which the cultivating tenant is in possession of such lands.

10. Particulars of lands already in possession of the applicant.

Region	Commune	Village	Survey No.	Local name if any	Classification wet, dray or garden ,etc	Extent	Assess-ment
1	2	3	4	5	6	7	8
						H.A.C	Rs. P
						Total

11. Remakrs(The request of the applicant in brief)

Signature of the applicant

FORM IX
(See rule 12)

LEASE DEED

(Under section 7 of the Pondicherry, Cultivating Tenants Protection Act, 1970)

This lease deed made on the _____ day of _____ 19____

Between

(1) the landlord-

Name and address

Village

Commune

And

(2) the cultivating tenant-

Name and address

Village

Commune

witnesses as follows.-

The landlord hereby lets the lands described in the Schedule hereto annexed to the cultivating tenant for cultivation and it is hereby agreed between the landlord and the cultivating tenant that their rights and liabilities under this lease shall, subject to the provisions of the Pondicherry Cultivating Tenants Protection Act, 1970 (No.9 of 1974) and the Pondicherry Cultivating Tenants(Payment of Fair Rent) Act, 1970 (No.5 of 1971) and the rules, orders and notifications issued thereunder, be as follows :-

Rights and liabilities of the Landlord.

..... (here enter the rights and liabilities of the landlord agreed to)

Rights and liabilities of the cultivating tenant.

.....(Here enter the rights and liabilities of the cultivating tenant agreed to)

SCHEDULE

Description of land

Region	Commune	Village	Survey No. & letter	Local name of the land if any	Extent
(1)	(2)	(3)	(4)	(5)	(6)
					H. A. C

In witness whereof.....the landlord
agent of the landlord
and.....the cultivating tenant have here unto set their hands.

Signed by the abovenamed.

In the presence of

Signed by the abovenamed.

In the presence of

GOVERNMENT OF PONDICHERRY REVENUE DEPARTMENT

No.E.6896/70.

Pondicherry, 10th April, 1971.

NOTIFICATION

S.O.No.29. In exercise of the powers conferred by clause (i) of section 2 of the Pondicherry Cultivating Tenants Protection Act, 1970 (No.9 of 1971), the Lieutenant Governor, Pondicherry, hereby constitutes for each of the regions known as Pondicherry, Karaikal and Yanam, a Revenue Court which shall be prescribed over by the Sub/Asst./Deputy Collector (Revenue), having jurisdiction over the area, for the purpose of performing the functions entrusted to a Revenue Court by or under the said Act.