

PART II

**THE PONDICHERRY CULTIVATING TENANTS
PROTECTION RULES, 1971.**

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).`Form` 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 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 are (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 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	
			Total.....		

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, dry 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, dry or garden ,etc	Extent	Assessment
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 Forces in which he was last serving.
- 6. Date of discharge or retirement from service or being sent to Reserve.
- 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, dry 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, dry or garden ,etc.	Extent	Assess-ment
1	2	3	4	5	6	7	8
						H.A.C	Rs. P
					Total	

11. Remarks (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 above named.

In the presence of

Signed by the above named.

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.