THE TAMIL NADU CULTIVATING TENANTS (PAYMENT OF FAIR RENT) RULES, 1956.

*(As Subsequently Amended)**

In exercise of the powers conferred by section 17 of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), the Governor of Tamil Nadu hereby makes the following rules:-

***1.** (i) These rules may be called The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Rules, 1956.

(ii) They shall be deemed to have come into force from 1st November, 1956.

Provided that in the Shencottah taluk of the Tirunelveli District they shall come into force on the 6th December, 1961, in the added territories on the 28th October, 1964 and in the Kanyakumari district on the 24th May, 1978.

2. In these rules, unless there is anything repugnant in the subject or context-

(i) "the Act" means the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956).

(ii) "form" means a form, appended to these rules. .

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

3. Procedure to be followed by Rent Courts and Rent Tribunals.- The Rent Court and the Rent Tribunals shall have power to enter upon any land and inspect and do any act thereon which in their opinion is necessary for the purpose of carrying out the functions entrusted to them by or under the Act including the power to cut and thrash the crops on any land and to weigh or measure the produce with a view to estimating the capabilities of the soil.

4.(i) Every Rent Court and Rent Tribunal constituted under this Act shall have the powers exercisable by a Civil Court in the trial of suit and in appeals.

(ii) The proceedings of the Rent Court and the Rent Tribunals shall be summary and shall as far as possible be governed by the provisions of the Code of Civil Procedure 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) addition of parties;

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*See Table of Amendments

(f) *See Table of Amendments
(g) the passing of ex parte orders and setting them aside for good cause; (h) the ordering, dismissal for default of appearance and setting aside such order for good cause;
(i) the reviewing of orders passed on ground of apparent error;
(j) local inspection;
(k) the passing of orders.

Without prejudice to the generality of the foregoing the Rent Tribunal shall also have power (1) to remand a case, (2) to call for findings and (3) to admit fresh and additional evidence for proper cause.

*5. Every application to a Rent Court shall be presented in person or by agent or be sent by registered post to the Rent Court having jurisdiction over the area, in which the land concerned

is wholly or in part situate, which shall endorse the date of receipt thereon. Along with the application as many copies as there are respondents should also be furnished.

On receipt of the application with the necessary number of copies, a notice shall be caused to be served upon all persons who are named as respondents to the application to show cause in writing on or before a date name as to why the application should not be ordered. The notice shall be accompanies by a copy of the application.

*6. The respondents shall be given at least a period of 10 days from the date of service for the purpose of filing their objections in writing and the notice issued to them shall also intimate the date to which the enquiry is fixed. Provided that the Court shall have for sufficient cause power to extend the time allowed for filing objections. The respondent shall at the same time when he files his objections to the Rent Court serve a copy thereof on the petitioner or his agent or the legal practitioner appearing for him.

7. The Rent Court shall have power to adjourn the proceedings from time to time and the notice of the adjourned hearing shall be notified on the notice board of the Court.

*8. In hearing an application under the Act, the Rent Court shall have also 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.

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;

_____ *See Table of Amendments

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 Rent 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 summoned and examined as a witness.

9. (i) In any proceeding before a Rent Court or a Rent Tribunal, a party shall be entitled to be represented by a legal practitioner to act and plead on his behalf.

(ii) The Court or the Tribunal may, as the case may be, permit any agent duly authorized in writing by a party to act and plead or his behalf provided that the Court or the Tribunal may, at any stage of the proceeding cancel, such permission.

Provided further that in the case of such cancellation the party concerned shall be informed of such cancellation and he shall be afforded sufficient opportunity for his being thereafter represented before the Court or the Tribunal, as the case may be, by a legal practitioner or by any other agent duly authorized in his behalf.

The matters to be taken into account in determining the normal gross produce.

10. For determining the normal gross produce in respect of any land for any specified crop, the Court or the Tribunal, as the case may be, shall ascertain, the quantity of the produce which would be obtained if such crop were grown, in a year in which the rainfall and the seasons are of a normal character, on a land of the same class as the land in question similarly situated and possessing similar advantage. For the purpose of such determination, the Court or the Tribunal may take into consideration the soil classification of the land and the normal or standard outturn or paddy in the case of wet land and the standard dry or irrigated crop in the case of dry unirrigated or irrigated land as the different classes and sort of soil as finally adopted at the last land revenue settlement of the tract in which the land is situated. The Court or the Tribunal may also take into consideration;

(a) the Government records containing season and crop reports and rainfall accounts;

(b) the accounts of landowners, intermediaries and cultivating tenants wherever available for similar lands enjoying similar advantages;

(c) the oral or documentary evidence adduced by any of the interested parties and decrees of civil Courts.

*11. Every order of the Court or Tribunal shall be pronounced in open court on a date and time of which previous notice in writing shall be given to the parties in writing. A copy of the order shall be served upon the parties or the legal practitioners appearing for them or their authorized agents, if any.

Form I annexed to these rules.

The fees to be paid in respect of application and appeals under this Act.

13.(i)Every application presented to the Rent Court shall bear a Court fee label of the value of Re.1.

(ii) Every appeal to the Rent Tribunal under section 9 (2) shall be a Court fee label of value of Rs.2 and shall be accompanied by the original or a certified copy of the order appealed against.

The time within which appeals may be presented under this Act.

14.Every appeal to a Rent Tribunal against the order of a Rent Court lying within its jurisdiction shall be made within 30 days from the date following the service of the order.

Provided that the appeal may be received after the period of 30 days aforesaid if the applicant satisfied the Court that he has sufficient cause for not preferring the appeal within that period.

The notification of prices of agricultural or horticultural produce for the purpose of fixing the cash value of the fair rent.

15.(i) The Collector of the district shall notify in the months of January, April, July and October every year in the District Gazette in English and in the language or languages of the district the average market price during the immediately preceeding three months at the headquarters of each taluk of the district of the main crops of the district and of the straw or stalk of those crops.

(ii) In determining the average market price referred to in sub-rule (i), the Collector may take into consideration the Government records containing the season and crop and price reports and may consult the Director of Statistics, if he considers necessary.

(iii) Copies of the notification published in the district Gazette under sub-rule (i) shall be kept in the office of Rent Court and the Rent Tribunal concerned.

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*See Table of Amendmants

16. Any sum awarded by any Rent Court or Rent Tribunal under this Act shall on application by a party entitled to it, be recoverable by an officer of the Revenue Department not lower in rank than a Revenue Inspector specified by such Court or Tribunal as if it were an arrear or land revenue and the amount recovered shall be paid over to the party entitled to same.

17. Rent Court shall maintain register in the forms annexed to these rules.

*18. The Rent Court or the Rent Tribunal may collect process fees at the following rates;-

(1)	(1) For each summons or notice	Rs.	P
	(a) When sent by registered post, for each defendant, respondent or witness	2	25
	(b) When served by an officer of the Court –		
	(i) on a defendant, respondent or witness	2	25

	(ii) on every additional defendant, respondent or witness, residing in the same village, if the process be applied for at the same time	1	15

(2) Mileage for the travelling expenses of the process server at four paise per kilometer may be calculated from the headquarters of the Court of the Tribunal to the place to which the process server has to go for serving the summons.

(3) Authorization letters produced before the Court or the Tribunal shall be engrossed on non-judicial stamp paper of the value of Rs.1.50 p. (Rupee one and paise fifty only).

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FORM I

(See rule 12)

In the Rent Court at

(every application presented to the Rent Court shall be affixed with a Court-fee lable of the value of rupee one)

Petitioner(s)

Respondent(s)

versus

Application under section 9 of the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956.

Dated……19 1.

Name(s) and address(es) of the petitioner(s).

2. Name (s) and address(es) of the respondent(s)

3. Whether the petitioner(s) is/are tenant(s) or landowner(s) 4. *(i)* Name of the land, if any

(ii) Whether assessed or unassessed.

(iii) Whether wet, garden or dry.

(iv) Survey number and sub-division number (if unsurveyed, its description) (v) Extent

(vi) Boundaries-

East

South

West

North

(vii) Assessment and local cesses.

(viii) Village and taluk in which the land is situated

5. In the case of wet land-

(i) whether it is a single crop or double crop land; (ii) the existing rent.

In the case of garden land-

(i) the garden crop or crops raised;

(ii) the existing rent.

In the case of dry land-

(i) the dry crop or crops raised;

(ii) the existing rent.

6. Additional facts and information which the applicant(s) may like to furnish

7. Relief claimed

Petitioner(s).

I/We, the above named petitioner(s), do hereby declare that the facts stated above are all true to the best of my / our knowledge and belief.

Petitioner(s).

FORM II

(See rule 17.)

Register No.1 – Register of application received for fixation of fair rent.

_ *Register No.2*- Register of application received for revision of fair rent.

Register No.3. Register of application received for deciding any dispute arising under the Act other than fixation or revision of fair rent.

Rent Court of
Year

Serial number	Date of presentation of application	Name with full address of the applicant whether landlord or tenant	Name and address of the respondent
(1)	(2)	(3)	(4)

Purport of the case and section of law	Date of reference to Revenue Official for local enquiry, etc.	Date of receipt of the report of the Revenue Official	Date of commencement of enquiry	Date of final order and result
(5)	(6)	(7)	(8)	(9)

FORM III

(See rule 17.)

Register No.4 – Hearing Book

Rent Court of

Year

Date.

Serial number of the case or application	Date to which adjourned	Remarks
(1)	(2)	(3)

FORM IV

(See rule 17.)

Rent Court of
Year

Date	Number of the case or application	Purport of proceedings
(1)	(2)	(3)

Note:- This is the journal showing the daily work of the Rent Court.

FORM V

(See rule 17.)

Register No.6.- Register of documents received and disposed of.

Rent Court of
Year

Date	Serial number in the register	Nature of documents	Reference to connected case or application
(1)	(2)	(3)	(4)
Name of party producing the documents	Initial of the clerk or other authorized person to whom the document is consigned with date		Court's order for disposal with date
(5)	(6)		(7)

FORM VI

(See rule 17.)

Register No.7.- Register of instruments impounded.

Rent Court of
Year

Number and year of application	Nature and date of instrument impounded	Name and residence of person by whom produced
(1)	(2)	(3)
Date of sending the instrument to the R.D.O for adiudication	Date of acknowledgement by the R.D.O of the receipt of the instrument	Remarks
(4)	(5)	(6)

FORM VII

(See rule 17.)

Register No.8.- Register of applications for return of documents Rent Court of
Year

Date of application	Number of application	Connected serial number in Register No.6.	Name of the applicant and his connection with the application under T.N.C.T (Payment of Fair Rent) Act, 1956
(1)	(2)	(3)	(4)

Nature of documents and whether produced to the applicant	Court's order returning either document or application with date	Signature of party or agent with date
(5)	(6)	(7)

Note.- Application for return of documents should be entered in this register in the order of the date of receipt.

FORM VIII

(See rule 17.)

Register No.9.- Detailed register of documents and Court fees. Rent

Court of

Date	Serial number in this register	Nature of document and reference to connected case	Name of party presenting the document	Number of enclosures
(1)	(2)	(3)	(4)	(5)

Process fees

Amin's fees

Search fees	Peon's fees	Poundage
(6) Rs.P	(7) Rs.P	(8) Rs.P