THE TAMIL NADU CULTIVATING TENANTS PROTECTION RULES, 1955

*(G.O. No. 3089, Revenue, dated 7th October, 1955) (As Subsequently Amended)**

In exercise of the powers conferred by section 7 (1) of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), the Governor of Tamil Nadu hereby makes the following rules:

RULES

1.(i)* These rules may be called the Tamil Nadu Cultivating Tenants Protection Rules, 1955.

(ii) They shall come into force at once.

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

2. In these rules-

(i) "*the Act"* means the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955);

(ii) "Form" means a Form appended to these Rules.

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

*3. *(i)* Every cultivating tenant desirous of depositing rent under section 3(3) (a) of the Act, shall deposit the same with the Court or the Revenue Divisional Officer, as the case may be, and present to the Court or the Revenue Divisional Officer, an application in

Form I, in person or through his authorized agent. In the absence of the presiding officer of the Court or the Revenue Divisional Officer, the rent shall be deposited with, and the application presented to, the head ministerial officer of the office.

(ii) [Omitted)

(iii) [Omitted]

(iv) On receipt of the application under rule 3 (i), the Court or the Revenue Divisional Officer, 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.

__ *See Table of Amendments

(v) On the date fixed under rule 3(iv) or on any subsequent date to which the application may be adjourned, the landlord may appear in person or through his authorized agent.

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

(vii) if the landlord does not admit the correctness of the averments in the application, he may file a counter statement verified in the manner prescribed by the Code of Civil Procedure, 1908, and the Court, or the Revenue Divisional Officer, 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 the Act.

4. The Court or the Revenue Divisional Officer 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.

5. 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 authorized agent or sent by registered post to the Revenue Divisional Officer having jurisdiction over the area (and in his absence to the head ministerial officer of his office), who shall endorse thereon the date of receipt.

*6. Every application for restoration of possession under section 4 (1) of the Act shall be in

Form III and shall be presented in person or by authorized agent or sent by registered post to the Revenue Divisional Officer having jurisdiction over the area (and in his absence to the head ministerial officer of his office), who shall endorse thereon the date of receipt:

Provided that the applications made under section 4 (1) before the 15th October, 1955, shall not require and shall not be deemed to have ever required to conform to this rule and

Form III and that those applications be dealt with for all purposes as though this rule and Form III do not exist.

***6-A.** Every application for restoration of possession under section 4 (5) shall be in Form IV and shall be presented in person or by authorized agent or sent by registered post to the Revenue Divisional Officer, having jurisdiction over the area (and in his absence to the head ministerial officer of his office), who shall endorse thereon the date of receipt:

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__ *See Table of Amendments

Provided that the application made under section 4 (5) before the date of coming into force of these rules shall not require and shall not be deemed to have ever required to conform to this rule and

Form IV, and that these applications be dealt with all purposes as though this rule and Form IV do not exist.

***6.B.** Every application to resume land for personal cultivation under section 4-A (2) shall be in Form V and shall be presented in person or by an authorized agent or sent by registered post to the Revenue Divisional Officer having jurisdiction over the area (and in his absence to the head ministerial officer of his office). Every such application shall bear a Court-fee stamp of one rupee.

***6.BB.** (1) The period within which an application for resumption should be made under section 4-AA (2) is six month from the date of discharge or retirement from service or being sent to Reserve.

(2) Every application for resumption of land from a sub-tenant under section 4-AA (2) shall be in Form V-A and shall be presented in person or by an authorized agent or sent by Registered post to the Revenue Divisional Officer having jurisdiction over the area (and in his absence to the head ministerial officer of his office).Every such application shall bear a Court-fee stamp to the value of one rupee.

(3) Every application for resumption of land from a cultivating tenant under section 4-AA (3) shall be in Form V-B and shall be presented in person or by an authorized agent or sent by Registered post to the Revenue Divisional Officer having jurisdiction over the area (and in his absence to the head ministerial officer of his office). Every such application shall bear a Court-fee stamp to the value of one rupee.

***6-C.** Every application for restoration of possession under section 4-A (6) shall be in Form VI and shall be presented in person or by authorized agent or sent by registered post to the Revenue Divisional Officer having jurisdiction over the area (and in his absence to the head ministerial officer of his office).

***6-CC.** Applications made in the Shencottah Taluk of the Tirunelveli district, under sections 3 (3)(a), 3(4) (a), 4 (1), 4 (5), 4-A (2) or 4-A(6) of the Act before the date of coming into force of these rules in that taluk, shall not require and shall not be deemed to have ever required to conform to rules 3,5,6,6-A,6-B or 6-C as the case may be, or to Forms I, II, III, IV, V or VI as the case may be, and these applications shall be dealt with for all purposes, as though the relevant rule and

***6-CCC.** Applications made in the added territories under sections 3 (3)(a), 3(4)(a), 4 (5), 4-A (2) or 4-A(6) of the Act before the date of coming into force of these rules in those territories shall not require and shall not be deemed to have ever required to conform to rules 3,5,6,6-A,6-B or 6-C as the case may be, or to Forms I, II, III, IV, V or VI as the case may be, and these applications shall be dealt with for all purposes as though the relevant rule and

Form do not exist.

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*See Table of Amendments

***6-CCC.** Applications made in the Kanyakumari district, under sections 3 (3)(a), 3(4) (a), 4 (5) of the Act before the date of coming into force in that district, shall not require and shall not be deemed to have ever required to conform to rules 3,5 or 6-A as the case may be, or to Forms I, II, or IV, as the case may be, and these applications shall be dealt with for all purposes, as though the relevant rule and From do not exist.

***6-D.** (i) In every case of tenancy agreement entered into after 1st October, 1956, between a cultivating tenant and a landlord, a lease deed in Form VII 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 agricultural year:

Provided that in the case tenancy agreements entered into after 1st October, 1956 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:

Provided further that in the Shencottah Taluk of the Tirunelveli district and in the added territories in the case of tenancy agreements entered into before the date of coming into force of these rules in that taluk (or the added territories as the case may be) and remaining in force on that date, the lease deed shall be executed within a fortnigh from that date.

(ii) A register in the following form shall be mentioned in each taluk office for the registry of lease deeds executed under section 4-B, 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 office. (ix) Date of issue of the acknowledgement. (x) Remarks (initials of the Officer issuing the acknowledgement with date)

_____ *See Table of Amendments

(iii) On receipt of copies of such lease deeds in the taluk office these shall be registered in serial order in the register and an acknowledgement containing an extract of columns (i) to (v) of the

register relating to that entry shall be given to the landlord or his agent, as the case may be.

*__6-E.__ (i) Before the imposition of the penalty referred to in sub-section (3) of section 4-B, the Revenue Divisional Officer shall hold an enquiry into the matter. He 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.

(ii) Any representation made by the landlord or the cultivating tenant shall be in writing and shall be filed before the Revenue Divisional Officer, on or before the date of the enquiry.

(iii) On the date fixed for the enquiry or on such other date or dates to which the enquiry may be adjourned, the Revenue Divisional Officer shall after hearing the party and taking down evidence, pass orders.

*7. In passing an order under section 4 (4) or 4 (5) or 4-A (2) or 4-A (3) or 4-A (6) of the Act, the Revenue Divisional Officer shall record in brief the grounds for his decision.

*8. (i) Every Court constituted under the Act shall have the power exercisable by a civil Court in the trial of suits.

(ii) The proceedings of the Court shall be summary and shall, as far as possible, be governed 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 pleading;
(e) the addition of parties;
(f) the passing of ex parte orders and setting them aside for good cause; (g) the ordering and dismissal for default of appearance setting aside such orders for good cause;
(h) local inspection; and
(i) the passing of orders.

*See Table of Amendments

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

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

Provided that the Court or the Revenue Divisional Officer may at any stage of the proceedings cancel the permission.

10. Any order, decision or award passed by a Revenue Divisional Officer under the Act shall be enforceable by an officer of the Revenue Department not lower in rank than a Revenue Inspector.

*11. The Revenue Divisional Officer may collect process fees at the following rates:-

(1) For each summons or notice-

(b) When served by an officer of the Court-

(i) on a defendant, respondent or witness…

be applied for at the same time

(2) Mileage for the travelling expenses of the process-server at four paise per kilometre may be calculated from headquarters of the Revenue Divisional Officer 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 Divisional Officer shall be engrossed on non-judicial stamp paper of the value of Rs.1.50 P. (Rupees one and paise fifty only).

*See Table

SCHEDULES

APPENDIX

FORM I

(*See rule 3)*

Application for deposit of rent under section 3 (3) (a) of the Act

1. Name and address of the cultivating tenant.

2. Particulars of land cultivated.

Name of the village and taluk	Survey number	Local name if any	Classification (wet,dry or manavari)	Extent
Total				

(1)	(2)	(3)	(4)	(5)

3. (a) Period of tenancy and agreed rent during the period.

(b) The market value or rent, if it is payable in kind

4. Name and address or the landlord or landlords to whom rent is due.

(In case of dispute between persons claiming the amount of the rent, the names

and addresses of all such persons should be given.)

5. Amount of rent deposited and the period to which it relates.

6. Remarks

Place:

Date: *Signature of applicant*

Declaration of the applicant

I declare that I am a cultivating tenant entitled to the benefit of the Tamil Nadu

Cultivating Tenants Protection Act, 1955.

Signature of applicant

FORM II

(See Rule 5.)

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

1. Name of the taluk
2. Name of the village
3. Name of the 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 6.)

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

1. Name of the taluk
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 manavari)	Total Extent from a Government source of irrigation	Whether not
(1)	(2)	(3)	(4)	(5) (6)
	Total			

6. The terms on which he was in possession of such lands on 1st December 1953
7. Date of dispossession
8. Name and address of the cultivating tenant, if any, admitted to the possession on the land subsequent to 1st December, 1953, the tenure under which he holds the land and whether he has cultivated the land before 27th September, 1955
9. The extent of lands possessed by the applicant either as owner or as tenant or as both on 27th September 1955 (wet land, dry land irrigated from a Government source of irrigation and other dry land shall be shown separately)

Extent claimed	Whether irrigated

10. Whether applicant was assessed to any sales tax, profession tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55.
11. Remarks (the complaint if brief)

Signature of applicant

NOTE: In the Shenkottah Taluk of the Tirunelveli District, the dates 1st December, 1953' and '27th September 1955' shall be altered as '31st March 1958' and '2nd March, 1960' respectively, and the years '1953-54 and '1954-55' shall be altered as '1957-58' and '1958-59' respectively.

FORM IV

(*See rule 6-A)*

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

1. Name of the taluk.
2. Name of the village.
3. Name of the applicant and his address.
4. Name of the landlord and his address
5. Particulars of land cultivated.

Survey number	Local name if Classification Total Extent Extent claimed	any (wet,dry or manavari)		
(1)	(2)	(3)	(4)	(5)
Total				

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

Signature of applicant

FORM V

(*See rule 6-B)*

Application for restoration of land for personal cultivation under section 4-A (2).

1. Name of the taluk.

2. Name of the village.

3. Name of the applicant and his address.

4. Name of the landlord and his address

5. Particulars of land of the applicant in the possession of the cultivating tenant.

Survey number	Local name if Classification Total Extent Extent claimed	any (	wet,dry or manavari)	
(1)	(2)	(3)	(4)	(5)
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 1st October, 1956)wet lands, dry lands and garden lands shall be shown separately and lands possessed by owners 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 1954-55 or 1955-56.

9. Remarks (the request of the applicant in brief)

Signature of applicant

Note:- (1) In the Shencottah Taluk of the Tirunelveli District, the date '1st October, 1956' shall be altered as '2nd March, 1960' and the years '1954-55' and '1955-56 shall be altered as '1957-58 and '1958-59 respectively.

Note:- (2) In the added territories the date '1st October 1956' shall be altered as '27th February, 1964' and the years '1954-55' and '1955-56' shall be altered as '1961-62' and '1962-63' respectively.

FORM V-A

(*See rule 6-BB (2)*)

Application for resumption of land from a sub-tenant under section 4-AA (2)

1. Name of the district.
2. Name of the taluk.
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.

District	Taluk	Village	Survey number name if any	Local	Classification, wet or dry	Total extent	Extent claimed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
							A. C. A. C.

Total

9. Total particulars of land owned by the applicant

District	Taluk	Village	Survey number name if any	Local	Classification, wet or dry	Extent	Assess-ment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
							A. C

Total

10. Remarks (request of the applicant in brief)

Signature of the applicant

FORM V-B

(*See rule 6-BB (3).)*

Application for resumption of land for personal cultivation under section 4-AA(3)

1. Name of the district.

2. Name of the taluk.

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.

District	Taluk	Village	Survey number	Local name if any	Classification, wet or dry	Total extent	Extent claimed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
							A. C.
							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.

District	Taluk	Village	Survey number	Local name if any	Classification, wet or dry	extent	Assess-ment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	

Total

11. Remarks (request of the applicant in brief)

Signature of the applicant

FORM VI

(*See rule 6-C)*)

Application for restoration of possession under section 4-A (6) of the Act

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

Survey number	Local name if any,	Classification, Total (wet, dry, garden or	Extent claimed
(1)	(2)	(3)	(4) (5)
Total			

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

Signature of the applicant

FORM VII (here enter the rights and liabilities of the cultivating tenant agreed to).

(*See rule 6-D*)

Lease deed

(Under section 4-B of the Tamil Nadu Cultivating Tenants Protection Act, 1955)

This lease deed made on the date of

(1) the landlord

Name and address

Village

Taluk

and

(2) the cultivating tenant

Name and address

Village

Taluk

Witnesses as follows:-

19 between

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 right and liabilities under this lease shall, subject to the provisions of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955), and the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), 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.

SCHEDULE

Description of land

District Taluk Village
Survey Local
Extent

(1)	(2)	(3)	(4)	(5)	(6)

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

Signed by the abovenamed in the presence of

Signed by the abovenamed in the presence of