

**THE PONDICHERRY NON -
AGRICULTURAL KUDIYIRUPPUDARS
(STAY OF EVICTION PROCEEDINGS)
ACT,1980**

(ACT NO. 2 OF 1981)

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(20-02-1981)

AN

ACT

To provide for the stay of eviction of certain classes of non-agricultural kudiyiruppu in certain areas of the Union territory of Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Thirty - first Year of the Republic of India follows:-

Short title extent, Commencement and duration

1. (1) This Act may be called the Pondicherry Non - agricultural Kudiyiruppudars (stay of Eviction Proceedings) Act. 1980.

(2) It extends to the Pondicherry and karaikal regions of the Union territory of Pondicherry.

Central Act 10 of 1897

(3) It shall come into force at once and shall remain in force upto and inclusive of the¹ 31st day of March, 1994¹ except as respects things done or omitted to be done before its expiry under the operation of this sub -section, and section 6 of the General Clauses Act, 1897 shall apply upon such expiry as if it had then been repealed by a central Act.

Definitions

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

(a) "homestead" means any dwelling house erected by a person who has been given permission to have the use and occupation of any land for the purpose of such erection, and includes any such dwelling house reconstructed by a non - agricultural kudiyiruppudar;

1. Substituted by Notification No.41/Leg/93-LD dt 05-11-1993 Act. No of 1993.

(b) "hut" means any dwelling house erected by a person other than the person who has been given permission to occupy it—

(i) at a cost, not exceeding two thousand rupees; or

(ii) Which yields or could yield a monthly rent not exceeding twenty-five rupees;

and includes any such dwelling house reconstructed by non-agricultural kudiyruppudars;

Explanation.— For the purpose of clauses (a) and (b) any person who is in occupation of a "homestead" or "hut" on the date of introduction of the Pondicherry Non-agricultural Kudiyruppudars (Stay of Eviction Proceedings) Bill, 1980 in the Legislative Assembly shall be deemed to be a person who has got the permission specified under the said clauses;

(c) "non-agricultural kudiyruppudar" means a non-agriculturist who has neither a homestead, nor any land exceeding in extent 120 square metres in any municipality or 200 square metres in any commune panchayat either as owner or as tenant in possession on which he could erect a dwelling house, but has been permitted by a person in lawful possession of any land—

(i) to have use and occupation of a portion of such land for the purpose of erecting a homestead ; or

(ii) to occupy a hut belonging to such person and situate in the said land,

with or without an obligation to pay rent;

(d) "non-agriculturist" means a person who is not an agriculturist or agricultural labourer and whose annual aggregate income does not exceed Rs. 2,400

Explanation.- For purpose of this clause,—

(1) "agricultural labourer" means a person who earns his livelihood principally by manual labour in any of the following operations, namely:-

(i) farming, including cultivation and tillage of soil;or

(ii) dairy farming;or

(iii) production, cultivation, growing and harvesting of any horticultural commodity;or

(iv) raising of livestock, bees or poultry;or

(v) any practice performed on a farm as incidental to, or in conjunction with, farm operations (including any forestry or timbering operation) and preparation for market, or to carriage for transportation, of farm products in the capacity of labourer on hire and exchange and who is paid in cash or in kind or partly in cash and partly in kind for such engagement.

(2) "agriculturist" means a person who cultivates land classified as agricultural in revenue land classified as agricultural in revenue by the contribution of his own manual labour or of the manual labour of any member of his family.

Act not to apply in certain cases

3. Nothing in this Act shall apply lands belonging to or vested in the Government of the Union territory Pondicherry, the Government of any State in India, the Government of India, a local authority or a corporation owned or controlled by any of the said Governments or authority.

Stay of eviction proceedings

4. Notwithstanding anything contained in any other law for the time being in force, or in any contract, custom or usage or in any judgment, decree or order of a court or other authority, on and from the commencement of this Act, no non - agricultural kudiyruppu shall be evicted from his homestead or hut, and no suit, or proceeding for the execution of any decree or order, for the eviction of a non - agricultural kudiyrupputar from his homestead or hut shall lie in any court or authority, and all such suits, or proceedings for the execution of any decree or order, for such eviction pending in a court or authority on such commencement shall be stayed.

Explanation.— For the purposes of this section and section 5, "suit" includes appeal.

Exclusion of time for limitation

5. Notwithstanding anything contained in any other law for the time being in force, in computing the period of limitation for the institution of a suit for proceeding for the execution of any decree or order for the eviction of a non-agricultural kudiyrupputar from his homestead or hut, the time during which such suit or proceeding is barred under section 4 shall be excluded.