

**THE PONDICHERRY CULTIVATING
TENANTS
(PAYMENT OF FAIR RENT)
RULES, 1970**

GOVERNMENT OF PONDICHERRY

Revenue Department

No. 6896/70-E.

Pondicherry, 22nd March, 1971.

THE PONDICHERRY CULTIVATING TENANTS (PAYMENT OF FAIR RENT) RULES, 1971.

G. S. R. No. 3.— In exercise of the powers conferred by section 17 of the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970 (No. 5 of 1971), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely :—

Short title and commencement

1. (1) These rules may be called the Pondicherry Cultivating Tenants (Payments of Fair Rent) Rules, 1971.

(2) They shall come into force from 2nd April, 1971.

Definitions

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

(1) " the Act " means the Pondicherry Cultivating tenants (Payment of Fair Rent) Act, 1970 (No. 5 of 1971) ;

(2) " form " means a form appended to these rules ; and

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

Power to enter, etc.

3. The Rent Court and the Rent Tribunal 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 thresh the crops on any land and to weigh or measure the produce with a view to estimating the capabilities of the soil.

Proceedings of the Rent Courts and Rent Tribunals

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

(2) The proceedings of the Rent Court and Rent Tribunal 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 ;
- (f) the passing *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) the reviewing of orders passed on ground of apparent error ;
- (i) local inspection ; and
- (j) the passing of orders.

(3) 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.

Application to a Rent Court

5. (1) 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 and the said Court shall endorse the date of receipt thereon. Along with the application as many copies as there are respondents should also be furnished.

(2) On receipt of the application 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 named as to why the application should not be ordered. The notice shall contain a summary of the allegations on the basis of which the relief is claimed by the applicant as also the nature of the relief claimed :

Provided that any respondent shall on application is the applicant be entitled to be furnished free of charge with a copy of the application.

Filing of objections

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 representative appearing for him.

Adjournment

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.

Hearing

8. (1) 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 inspections 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 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.

Appointment of legal practitioner

9. (1) 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.

(2) The Court or the Tribunal may, as the case may be, permit any agent duly authorised in writing by a party to act and plead on his behalf :

Provided that the Court or the Tribunal may, at any stage of the proceeding, cancel such permission :

Provided further that in 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 authorised in his behalf.

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

10. (1) For determining the average gross produce in respect of any land for any specified crop, the Court or the Tribunal, as the case may be, shall take into account the average gross produce, if any, notified by the Government under clause (b) of section 2 of the Act.

(2) The Court or the Tribunal may also take into consideration—

(i) the Government records containing season and crop reports and rainfall accounts, if maintained ;

(ii) the results of crop cutting experiments conducted by the Government ;

(iii) the accounts of landowners, intermediaries and cultivating tenants wherever available in respect of that land and in respect of similar lands enjoying similar advantages ;

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

(3) Where the average gross produce in respect of any land for any specified crop has not been notified by the Government, the Court or the Tribunal shall determine the actual gross produce in the manner laid down in sub-rule (2).

Service of order

11. Every order of the Court or Tribunal shall be served upon the parties thereto or their legal practitioners appearing for them or their authorised agents, if any.

Form of Application

12. Every application to the Rent Court shall be in writing and shall be in Form I annexed to these rules

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

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

(2) Every appeal to the Rent Tribunal under section 10 (2) shall bear a court fee label of the 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 the 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 satisfies 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. (1) The Collector shall notify in the months of January, April, July and October every year in the Official Gazette in English the average market price during the immediately preceding three months at the headquarters of each region of the main crops of the region.

(2) In determining the average market price referred to in sub-rule (1), 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.

(3) Copies of the notification published in the Gazette under sub-rule (1) shall be kept in the Office of the Rent Court and the Rent Tribunal concerned.

Mode of recovery of sum awarded

16. Any sum awarded by any Rent Court or Rent Tribunal under the 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 of land revenue and the amount recovered shall be paid over to the party entitled to the same.

Registers and Forms

17. Rent Courts shall maintain registers in the forms annexed to these rules

Process fees

18. (1) The Rent Court or the Rent Tribunal may collect process fees at the following rates:—

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 metre may be calculated from the headquarters of the Court or the Tribunal to the place to which the process server has to go for serving the summons and may be recovered from the parties by way of Court fee stamps, in addition to the process fees.

(3) Authorisation letter produced before the Court or the Tribunal shall be engrossed on non-judicial stamp paper of the value of Rs. 1-50.

Particulars to be furnished in the receipt

19. The receipt granted by the landlord for payment of fair rent by the cultivating tenant shall specify—

(a) the commune and village in which the land is constituted and its survey No. and sub-division No., if any, or a description of the land adequate for its identification ;

(b) the name of person from whom received and on whose behalf received ;

(c) the date of payment ;

(d) the amount paid ; and

(e) the period to which the rent relates.

FORM - I

(See rule 12)

In the Rent Court at

(Every application presented to the Rent Court shall be affixed with a court-fee label of the value of rupee one).

PETITIONER(S)

Versus

RESPONDENT(S)

Application under section 10 of the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970.

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 subdivision number (if unsurveyed, its description).
- (v) Extent.
- (vi) Boundaries—
 - East
 - South
 - West
 - North
- (vii) Assessment and other taxes.
- (viii) Village and Commune 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.

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 applications received for fixation of fair rent.

Register No. 2 — Register of applications received for revision of fair rent.

Register No. 3 — Register of applications 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. the official.		Date of reference to Revenue official local enquiry, etc., if any.	Date of receipt of the report of Revenue
(5)		(6)	(7)
Date of commencement of enquiry.			Date of final order and result.
(8)			(9)

FORM - III

(See rule 17)

Register No. 4 — Hearing Book.

Rent Court of

Year

Date

Serial number of the case
(or) application

(1)

Date to which
adjourned

(2)

Remarks.

(3)

FORM - IV

(See rule 17)

Register No. 5 — Diary Register.

Rent Court of

Year

Date.

(1)

Number of the case or application.

(2)

Purport of proceeding

(3)

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 authorised 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. produced.	Nature and date of instrument impounded	Name and residence of of person by whom
(1)	(2)	(3)

Date of sending the instrument the Sub./Asst./Dy Collector for adjudication.	Date of acknowledgment by the Sub./Asst./Dy. Collector of the receipt of the instrument.	Remarks.	to
(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 P. C. T. (Payment of Fair Rent) Act, 1970.
(1)	(2)	(3)	(4)
Nature of documents and whether produced by 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

Year

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

Search fees.	Peon's fees.	Amin's fees		Total fees
		Poundage	Other fees	
(6)	(7)	(8)	(9)	(10)
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.