NOTIFICATION BY GOVERNMENT.

COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS DEPARTMENT.

T GUDALUR JANMAM ESTATES (ABOLITION AND CONVER SION INTO RYOTWARI)

4 *G.O. Ms. No.* 695, *Commercial Taxes and Religious Endowments Department, 1th December* 1974.

[Published in *Tamil Nadu Government Gazette,* 8th January 1975 —*Vide* Part III—Section 1 (a).]

No. SRO A/18/75.—In exercise of the powers, conferred by section 60 of the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969 (Tamil Nadu Act 24 of 1969), the Governor of Tamil Nadu hereby makes the following rules :—

RULES.

1. *Short title*—These rules may be called the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Rules, 1974.

1. *Definition.*—In these rules, unless the context otherwisa requires—*I*

(1) ‘‘Act’’ means the Gudalur Janmam Estates (Abolition * and Conversion into Ryotwari) Act, 1969 (Tamil Nadu Act 24 of 1969);

(2) ‘‘Authorised Officer’’ means the Assistant Settlement Officer having jurisdiction over the area or the Tahsildar of Gudalur taluk after the introduction of ryotwari settlement in that taluk;

(3) ‘‘Form’’ means a form appended to these rules.

(4) ‘‘ Government Irrigation work ’’ in respect of a land means the irrigation work (belonging to constructed, or maintained), by or on behalf of the Government under which the land has been registered as wet at the settlement.

(5) ‘‘Section’’ means a section of the Act;

46-10—1

,6) ‘‘Settlement dry assessment’’ in respect of a land means the dry assessment appropriate to the soil classification assigned to the land at the settlement;

;7) ‘‘Settlement wet assessment’’ means the assessment on we; lands under the settlement notification appropriate to the # Soil classification assigned to the land at the settlement;

(8) ‘‘Settlement estate assessment’’ in respect of a land means the estate assessment appropriate to the soil classification j assigned to the land at the settlement;

Verified RecEstate ™

(9) "Settlement notification" in relation to a land means the settlement notification published under sub-section (1) of section 20 in respect of the janmam estate or part thereof in which the land is situated;

(10)' Settlement Officer'' includes the Assistant Settlement Officer or Settlement Tahsildar wherever the powers of the Settlement Officer have been delegated to the Assistant Settlement Officer or Settlement Tahsildar by the Settlement Officer in writing;

(11)"Tahsildar'' means the Tahsildar of Gudalur Taluk or any other officer of the rank of Tahsildar specially appointed in this behalf bv the District Collector.

3. Procedure for taking possession of a janmam estate—

(1) The Officer authorised by the Government to take possession of a janmam estates on their behalf under clause (d) of section 3, shall take charge of only such of the accounts, registers, pattas, muchilikas, maps, plans and other documents T relating to the janmam estates, as are in his opinion, necessary for the administration of the janmam estate. He shall prepare a detailed inventory of those documents in the presence of the janmi or any person authorised in writing by the Janmi in that behalf and give a copy of such inventory to the janmi or his authorised representative. Certified copies of the documents shall be made and given to the janmi, if so required by him or by bis authorised representative ;

(21 Where the officer referred to in sub-rule (1) lias reason to believe that there are other documents in the possession or custody of the janmi .and is of the opinion that such documents are essential for the administration of the janmam estate, he

may summon the janmi to produce all such documents and the janmi shall be bound to produce them.

4. *Procedure for taking possession of land in a janmam estate.*— (1) Before taking possession of any land in a janmam estate in cases falling under the proviso to clause (d) of section 3, the Tahsildar shall examine whether any person or janmi bolding the land is prima facie entitled to ryotwari patta in respect of that land or not;

(2) If the Tahsildar considers that the occupant of a land on the appointed day is, prima facie entitled to ryotwari patta in respect of that land, he shall, tentatively, allow such occupation to continue, subject to the payment of assessment on the extent occupied, payable prior to ryotwari settlement and subject to the condition that the payment of such assessment shall not confer any right of occupancy.

Explanation.—For the purpose of this rule occupation for part of a fasli year shall be deemed to be occupation for the whole of a fasli year.

3. (a) If the Tahsildar considers that the occupant of a land on the appointed day is, prima facie not entitled to ryotwari patta in respect of that land and that

the occupation is objectionable, he shall cause a notice in Form No- 1 to be served on him calling upon him to show cause why he should not he dispossessed of the land.

(b) The Tahsildar shall examine the representations if any made on the date fixed for the enquiry and, after such further enquiry as he may consider, necessary, shall pass order, either - bolding that the occupant prima facie ig entitled or is not entitled to ryotwari patta, in respect, of the land. If the Tahsildar considers that the occupant is prima facie not entitled to ryotwari patta and that the occupation is objectionable, he shall cause a notice in Form No. 2 to be served on the occupant-

(b) On the expiry of the time allowed for filing an appeal or revision petition or, if an appeal or revision petition has been filed, after the disposal of such appeal or revision petition, and if the decision in the appeal, or revision is that the occupant is prima facie not entitled to ryotwari patta in respect of the land, an officer not. lower in rank than a Revenue Inspector duly authorised in this behalf, may formally enter upon the d in question

and take possession of it and record a certificate of th« village officers and of atleast an occupant of the village in which the janmam estate is situated that the land has been taken possession of by the Government.

... ©

4. If the decision is that the occupant of a land on the appointed day is prima facie not entitled to ryotwari patla in- respect of that land hut that the occupation is not objectionable, the occupation may be allowed subject to the payment by[4,] the occupant of the assessment on the land payable prior to ryotwari settlement, until the ryotwari settlement of the land i» effected under section 20 or until the land is required by the Government for any purpose, whichever is earlier. The payment of such assessment shall not confer on the occupant any occupancy right. Every decision of the Tahsildar in this regard shall be communicated to the occupant concerned in Form No. 3.

5. Period within which appeal against the order under the proviso to section 3 (d) can he filed.

(1) Every appeal against an order under the proviso to clause (d) of section 3, for deciding the question whether a tenant or a janmi or a cultivator is prima facie entitled to a ryotwari patta in respect of a land or not, shall be referred to the Revenue Divisional Officer of the division within thirty days from the date of such order or within such further time as the Revenue Divisional Officer may, in his discretion, allow:

Provided that an orderpassedin appeal by the Revenue Divisional Officer shall be subject torevision by theDistrict Collector and any order passed irevision by the District Collector shall be subject, to a further revision by the Board 'of Revenue-:

Provided further that any such order passed in revision by the Commissioner. Land Administration shall be subject to a further revision by the Government either suo motu or on application.

(1) A revision petition under sub-rule <lj above shall be preferred within 30 days from the date of communication of such order or within such further time as the authority may m its discretion, allow.

4. *Revision Petition to the Settlement Officer—.*Any person aggrieved by any of the orders, acts or proceedings of the Assistant Settlement Officer or the Officer who is exercising the powers delegated by the Settlement Officer in writing other than

those in respect of which an appeal lies to the Tribunal, may prefer a revision petition to the Settlement Officer within th'rty days from the date of service of the order or proceedings sought to be revised.

7. *Revision Petition to.* the *Director of Settlements.*—(1) Every petition under sub-section (2) of section *5* for cancellation or revision of any of the orders, acts or proceedings of the Settlement Officer; shall be preferred to the Director of Settlements within 30 days from the date of service of such orders or proceedings of the Settlement Officer :

Provided that the Director of Settlements may admit a petition preferred after the period aforesaid, if he is satisfied that the petitioner had sufficient cause for not preferring the petition within the said period.

(2) *Revision Petition to the Commissioner, Land Administration:*

Any person aggrieved by any of the orders, acts or proceedings of the Director of Settlements or of the District Collector including those passed, done or taken in the exercise of revisional powers may prefer a revision petition to the Commissioner, Land Administration:

(3) Every such petition shall be preferred within thirty days from the date of service of the order cr proceedings of the Director of Settlements or of the District Collector, as the case may be :

Provided that the Commissioner, Land Administration may admit a petition preferred after the expiry of the period aforesaid, if he is satisfied that the petitioner has sufficient reason for not preferring the petition within the said period.

8. *Enquiry into claims under sections* 8, 9 *or* 10. (1) Every
application for grant of ryotwari patta in respect of any land under sections 8, 9 or 10 shall be in Form No. 4 and shall be either presented in person or sent by registered post, to the Settlement Officer, within six months from the appointed day.

(2) Every such application shall be signed and verified bv fhe applicant, and restricted to lands in the holdings in a single

(3) If, in respect of any land, no person has applied for under sub-rule (1), the Settlement* Officer shall proceed enquire :-;o the nature and history of the land *suo motu* and determine if any person is *prima facie* entitled to a ryot- •vari patta in respect of that land.

1- The Settlement Officer shall, then, fix a date for the Enquiry and shall cause a notice in Form 5 to be served on * each janmi or tenant-or cultivator who has applied for ryotwari patta or who in the opinion of the Settlement Officer *is prima facie* entitled to a ryotwari patta, to'produce any record or w make any representation which he may wish to make at the enquiry. A copy of the notice shall also be sent, to the Tahsildar of the Taluk.

(5) The Settlement Officer shall also publish a notice in Form No. fi requiring any person who has any objection to any of (he proposal to grant ryotwari patta, to file before him a statement of his objections, within a week from the date of the notice and also requesting all interested persons to be present at the enquiry either in person or through an authorised representative and make their representations. Copies of the notice shall also be affixed on the notice board of the offices of the Settlement, Officer and of the Assistant Settlement Officer.

(6) The date of the enquiry shall not be earlier than fifteen days from the date, of the publication of the notice, referred to in sub-rule (5).

C7) The enquiry shall be. summary. The Settlement Officer shall hear the parties and afford them a reasonable opportunity for adducing any oral or documentary evidence.

18) The decision of the Settlement Officer shall be published in Form No. 7. A copy of the decision shall be made available to the party concerned in person or sent to him by registered post,. A copy of the decision shall also be sent to the Tahsildar of the Gudalur Taluk and to the Director of Settlements. ,

, *Appeal to the Tribunal.*—(1) On receipt of an appeal preferred under sub-section (31 of Section 12, the Tribunal, shall car- • a notice in Form No. 8 to be published requiring all persons who have applied to the Settlement Officer under sections 8, 9 or 10 or filed a statement before the Settlement Officer in the course of the enquiry under such section, to appear before it.

(2) A copy of the notice shall be served on the applicant, the Tahsildar of the Gudalur taluk and every other person affected by the appeal, by sending the notice to the individual concerned by registered post-

(3) A copy of the final order of the Tribunal shall be communicated to the appellant, the respondents and the Tahsildar of Gudalur Taluk.

10. Vesting of Buildings (1) The Settlement Officer shall enquire into the claims of any person for a decision as to in whom the building shall vest under section 11 of the Act.

(2) The provisions of rule 8 as in. enquiry shall apply mutafis mutandis in regard to such claims.

Verified © RealEstate ™

(3) The power of the Settlement Officer specified in Sub- rule (d) shall be exercisable also by the Assistant Settlement, Officer subject to revision by the Settlement Officer, the Director of[1] Survey and Settlement and the Commissioner of Land Administration. Such revision petitions, other than the revision to 'Commissioner of Land Administration, shall be preferred with in thirty days from the date of communication of the order sought to be revised and the revision petition of Commissioner of Land Administration shall be preferred within sixty days from the date of communication of the order sought to be revised. The Commissioner of Land Administration may at any time in his discretion suo motu call for, examine and revise if necessary any order passed or proceeding recordeid by fha Assistant Settlement Officer, the Settlement Officer or the Director of Survey and Settlement :

Provided that the Assistant Settlement Officer, the Settlement Officer, the Director of Survey and Settlement or the Commissioner of Land Administration shall not, pass any order prejudicial any person unless he has had a reasonable opportunity of making his representations.

10. *Eviction of occupation of land not entitled to ryotwari, patta in respect of it consequent on decision under section* 12 *or* 14.— In cases in which the Settlement Officer, the Tribunal the Special Appellate Tribunal, the Director of Settlements or the

&

Commissioner, Land Administration decides that the occupant of a land is not actually entitled to a ryotwari patta in respect of that land, the Tahsildar shall serve on him a notice in Form No. 9. The Tahsildar shall also take such further steps as are necessary to evict him. Any such eviction shall be carried out in accordance with the provisions of clause (c) of sub-rule (3) of rule 4 :

Provided that if the occupation is unobjectionable and if the occupant states, in writing, that he accepts the decision of the Settlement Officer, the Tribunal, the special Appellate Tribunal, the Director of Settlements or the Commissioner, Land Administration as the case may be, that he is not entitled to a ryotwari patta in respect of the land in his occupation and that he will surrender the possession thereof to the Government when required, if the land is not assigned to him under the darkhast rules, his petition being treated as his darkhast application, he need not be evicted. The Tahsildar may allow the occupation in such cases to continue, subject to the payment of assesment on the land as determined under section 20, until orders are passed on the darkhast application or the land is required by - the Government for any purpose, whichever is earlier.

12. *Liability of an unauthorised occupant of land to be proceeded against under any law.*—Nothing contained in these rules shall be construed as

exempting any person unauthorisedly occupying land from liability to be proceeded against under any law for the time being in force.

13- *Procedure to be followed in cases falling under sections* 14, 15, 16, 17 or 18.—The provisions of rule 11 shall apply mntatis mutandis to cases, in which the occupant of any land is not entitled, under sections 14, 15, 16, 17 or 18, as the case may be, to remain in occupation of the land.

14. *Delegation of powers.*—The powers specified in column (2) of the Schedule below which are conferred on the Government by the Sections of the Act specified in the corresponding entry in column (1) of the said Schedule may be exercisable also by any of the authorities or officers specified in the corresponding entry in column (3) thereof, subject to such control as may be specified in the said column (3) and also subject to revision by the Government.

THE SCHEDULE.

Section of the Act.	*Powers.*	*Authorities or officers by whom the powers should be exercised.*
(1)	(2)	(3)
, 3(d)	Power to take possesion of janmam estate.	Collector of the district or such one of the following officers as may be specified by the Collector or Revenue Divisional Officer of the Division or Tahsildar of taluk and any other officer of Government not below the rank of a Revenue Inspector.
9 Second pioviso	Power to direct that a person admitted to possession of any land on or after 1st June 1961 be entitled to ryotwari patta.	Settlement Officer.
15 Second proviso	Power to specify lights which a person admitted into possession of any land for non-agri- cultural purpose on or after 1st June 1961 shall be entitled to.	Settlement Officer. •
• Section 16	Power to issue direction under this section.	Settlement Officer.
Section 17 (1) (a)	Power to terminate any right created before the appointed day by the janmi.	Director of Settlements.

Verified RedEstoks™

Section 17 (2)	Power to impose reasonable restrictions on the exercise of any right continued under section 17(l)Ja),	Director of Settlements.

- ' * i '

46-10—2

Section of the Act.	*Powers,*
	" '
(1)	(2)
Section 18 (2) (a)	Power to terminate any right created before 1st June 1961, for a period exceeding one year.
Section 18 (3)	Power to impose reasonable restrictions on the exercise of any right continued under section 18 (2)(a).

■ *Explanation.—(I)* The Commissioner, Land Administr lion shall have power to pass orders suo motu or on application for revision. A further revision shall lie to Government against the orders of the Commissioner, Laud Administration. Revision petitions to the Commissioner, Lard Administration or the Government shall be presented within sixty days of the date of the communication of the order sought to be revised.

14 (2).—The powers of the Settlement Officer specified in column (2) of the Schedule below' under the sections of the Act specified in the corresponding entry in column (1) thereof, may be exercisable also by the officers specified in column No. (3) thereof.

THE SCHEDULE.'

Section of the Act.	*Powers.*	*Authorities or officer by whom the powerss should be exercised.*
(1)	(2)	(3)
12 read with section 8.	To decide the claim of the Janmi for the i ssue of jyotwati patta.	Assistant Settlement
12 read with section 9 or 10.	To decide the claim of the tenant or the person based on personal cultivation foi grant of ryotwari patta.	
	To decide the question regarding forests.	

Verified @ Re-Estate™

Officer.

Assistant Settlement
Officer or
Settlement Tahsildar.

Assistant Settlement Officer.

n

15. *Determination of. rent in cases falling under section* 24 .(2).— .(1) In cases falling under sub-section (2) of . section 24, where the rent which would have been payable to the janrni in respect of the fasli year in which the appointed day falls, is in kind or is a share of the produce, the quantity of such

- rent shall be determined by the District Collector or any officer authorised by him, on local enquiries made and with reference to the . village accounts.

(2) The rent so determined shall be commuted into cash in accordance with the prices notified by the Board of Revenue and prevailing on the data on which the land revenue became payable; . ,

Provided that where no Such price has been notified, the rent shall be commuted in accordance with the price which the District Collector may, after making such, local enquiry as he deems fit, fix as the price prevailing on the date on which the land revenue became payable.

15. *Procedure for determination of fair rent.*—(1) In respect of lands falling under section 25(2) (a) where fair rent under the Malabar Tenancy Act, 1929, is not fixed, the Tahsildar of the faluk will determine the fair rent in accordance wifh the provisions of that Act.

. . (2) Any person aggrieved by any decision of the Tahsildar may prefer a revision petition to the District Collector.

Verified RedlEstate™

« (3) Any such petition shall be preferred within thirty days from the date of communication of the order of the Tahsildar :

Provided that the District Collector may admit a petition

• after the period aforesaid, if he is satisfied that the petitioner had sufficient cause for not preferring the petition within the said period.

15. *Application for a copy of the data and communication of the order determining the basic annual sum.*—(1) An application for a copy of the data, on the basis of which the Director of Settlements proposes to determine the basic annual sum, shall be made by the Janrni or other persons interested, within two months from such date as may be notified by Director of Settlements in this behalf.

(2) The Director shall communicate eyery order passed under sub-section (1) of section 29 to every janmi concerned and also to every applicant under sub-section (2) of section 29 in the manner specified below :—

(a) by sending the order free of cost, by registered post acknowledgement due; or

(b) by getting the- order served through the Tahsildar, Gudalur taluk;

2. In cases, where the order is to be served on any janmi or any applicant,

the Director shall send the order in duplicate to the Tahsildar who shall arrange to serve one copy on the person concerned after obtaining bis acknowledgement of the duplicate and return the duplicate copy to the Director within fifteen days from the date of receipt of the order. Such service on the person shall be effected by giving or tendering the order to the person concerned or by affixture on his last known place of residence or of business or by giving or tendering the same p an adult member of his family.

18. *Form of payment of compensation.*—(1) The compensation payable in respect of every janmam estate shall be paid in full either in cash or in bonds or partly in cash and partly in bond issued by the Government.

(2) («) If the basic annual sunr in respect of a janmam estate does not exceed Es. 5,000 the compensation shall be paid in one lump sum.

(b) If the basic annual Sum in respect of a Janmam estate exceeds Rs. 5,000 but does not exceed Rs- 25,000 the compensation shall be paid in three equal annual instalments and in other cases where the basic annual sum exceeds Rs. 25,000 the compensation shall be paid in five equal annual instalments.

18. *Period within, which compensation in lump-sum or first instalment need be paid.*—The compensation in respect of the janmam estate, where it is payable in one lumpsum and the first instalment of the compensation

Verified by RealEstate

where it is payable in instalments, shall be paid not later than nine months from the date on which the Settlement operations in respect of the janmam

estate are completed or where the date is earlier than the date of expiry of the period of agricultural years referred to in section 26, not later than nine months from the latter date :

Provided that where the amount of the total compensation stands altered as a result of any order under section 29, or otherwise, after the payment or payments referred to above have been made, the amount or the amounts of any deficiency in the payment or payments already made may be paid at any time, and as soon as may be after the said alteration, and the amount or amounts of any excess in the payment or payments already made by way of deposit under sections 31 and 40 may be withdrawn at any time and as soon as may be after the said alteration- ,

20. *Apportionment of compensation and interim payment*— (12 As soon as may be after any amount is deposited under sections 31 and 40 in the office of the Tribunal, the Director of Settlements shall publish the fact of such deposit in the *Tamil Nadu Government Gazette,* with particulars of the amount is deposited, the date of deposit and name of the janmam estate to which it relates.

(2) As soon as may be after such publication is made the Tribunal shall publish on the notice board of its Office, both in English and Tamil, a copy of the notification as published hr the *Tamil Nadu Government Gazette.*

(3) The fact of such deposit shall also be published on the notice board of the Taluk Office of the taluk, in which the janmam estate is situated and also in the headquarters village of the janmam estate by affixing a copy of the notice in the village chavadi or in some other conspicuous public place in the village and also by beat of tom-tom.

(4) If there are persons, whose claims to any amount deposited previously in respect of the same janmam estate, have been recognised by the Tribunal, it shall give notice to all such persons and the expenses for issue of such notice shall be distributed among all the claimants who are before the Tribunal, within the time specified in section 32.

(5) The Tribunal shall pass no orders regading the apportionment of any amount so deposited with it until after the expiry of one month from the date of publication of the notification in respect of the deposit on its notice board.

(6) No claim shall be allowed by the Tribunal except oh a claim petition made to it.

(7) The claimants and other persons interested may appear before the Tribunal in person or through Pleaders duly authorised by them in this behalf.

(8) In the case of a janmam estate, not being an impartible tarwad governed by section 35, the value of the respective interests in the janmam estates of the janmi and the other persons mentioned in section 34(1) shall be ascertained in accordance with the following provisions

(9.) In the case of any such janmam estate, the Tribunal, shall first determine the compensation payable in respect of the janmam estate and then proceed in accordance with sub-rule (TO), in respect of the compensation payable to the principal janmi.

(10) (a) The Tribunal shall determine the aggregate compensation payable to all the following persons considered as a single group :—

(i) the members of the farwad (who are hereniaf'ter called 'sharers'); and

(ii) other persons, who, immediately before the appointed day, were entitled to maintenance out of the janmam estate and its income under any decree or order of a court, award or other instrument in writing or contract or family arrangement, which is binding on the janmi (who are hereinafter called, "maintenance holders "):

Provided that no such maintenance-holder shall be entitled to any portion of the aggregate compensation aforesaid if, before the appointed day, his claim for maintenance or the claim, of his branch of the family for maintenance had been settled or discharged in full.

(b) The Tribunal shall next determine which creditors, if any, are lawfully entitled to have their debts paid from and out of the assets of the janmam estate and the amount, to which each of them is so entitled; and only the remainder of the aggregate compensation shall be devisable among the shares and maintenance-holders as hereinafter provided.

(c) (i) The Tribunal shall, in determining, the amount of the compensation payable to the maintenance-holders and apportioning the same among them, have regard, as far as possible, to the following considerations, namely :—

(1) the compensation payable in respect of the janmam estate :

(1) the number of persons to be maintained out of that estate;

(1) the nearness or relationship of the persons claiming to be maintained;

(2) the other sources of income of the claimant;

(3) the circumstances of the family of the claimant-

(ii) For the purpose of securing that the amount of compensation payable to the maintenance-holders is apportioned among them on an equitable basis, the Tribunal shall have power, wherever necessary, to reopen any arrangement already made in respect of the maintenance, whether by a decree or order of court, award or other instrument in writing or contract or family arrangement.

Verified by RealEstate

(d) The balance of the aggregate compensation shall, subject to the provisions of section 36, be divided among the shares as if they owned such balance as a Marumakkattayam farwad and a partition thereof had been effected among them on the appointed day.

(11) In respect of cases governed by section 38, rules 9 and 10 shall apply *muta^is-mutandis.*

21. *Appeal to the Special Appellate Tribunal.*—(1) Every appeal to the Special Appellate Tribunal shall be in Form No. 10 and shall be signed by the appellant or his Advocate and presented by such appellant of liis advocate or the registered clerk of the advocate at the office of the Registrar, High Court, Madras, during working hours.

(2) It shall set forth briefly the grounds of objection to the decision appealed against.

(3) It. shall be accompanied by a Vakalat-nama duly executed, if the appellant appears by advocate, and by a certified copy of the order appealed against and by as many authenticated copies thereof as there are respondents, together with the prescribed process fee :

Provided that in the case of an appeal preferred under subrale (4), the process fee shall be paid within three days, after the delay is condoned under sub-rule (5).

(4) Where an appeal is preferred after the period of limitation prescribed therefor in sub-section (1) of section 41, it shall be accompanied by a petition for condoning the delay. . The petition shall be supported by an affidavit setting forth the grounds on which the applicant relies to satisfy the Tribunal that the -
had sufficient reason for not preferring, the appeal within such period. ’

(4) The petition shall then be posted for orders before the Judges nominated for the purpose under sub-section (1) of Section 41.

(5) As Soon as the appeal is numbered, it shall be placed before the Registrar for orders as to issue of notice and preparation of the record for the hearing of the appeal.

(6) The record of the case for the use of the Special Appellate Tribunal shall consist of all material papers on which either party proposes to rely at the hearing of the appeal.

(7) Unless otherwise ordered by the Judges or the Registrar at the instance of a party, the record shall be translated, if need be, any typed at the office of the Registrar and the charges therefor shall be calculated at the rates prescribed in the Appellate Side Rules of the High Court.

(8) In case the record is to be prepared at the office of the Registrar, the appellant shall, within two weeks after the receipt of an office memorandum to that effect, pay into the Registrar’s office such charges, as may be specified in the said office memorandum.

.d) The respondent shall, within three weeks from the date of service of the notice of appeal on him, obtain the direction of the Registrar as to the preparation of the record and shall pay the charges therefor within such time, as may be fixed by the Registrar.

22. *Award of costs.*—(1) No costs, by way of process fee, pleader's fee and witness batta shall be allowed in proceedings before a Tribunal and Special Appellate Tribunal in cases where the claim is uncontested or is decreed on admission or compromised,

.... , i .. • < 4' f •

17

(2) Where a claim.is contested before a Tribunal or the Special Appellate Tribunal, but is allowed in whole or in part, costs shall be allowed to the claimant or the appellant in proportion to his success against contest and the contesting party or the respondent shall pay such costs to the claimant or the appellant.

(3) In the event of any claim before a Tribunal or the * Special Appellate Tribunal being dismissed wholly or- in part,

costs, shall be allowed to the contesting party or the respondent in proportion to his success.

(2) In cases of frivolous or vexations claims or defences, costs shall be allowed also by way of compensation as laid down in section 35-A of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) Where costs are awarded by a Tribunal or the Special Appellate Tribunal, the order for costs shall be executable by a Civil Court having jurisdiction over the area with reference to which the Tribunal or the Special Appellate Tribunal gave its decision, as if it were a decree passed by that Court-

23. *Procedure to be adopted in* fhe *case of proceedings before the Judges of High Court-*—The provisions of rules 21 and 22 shall, as far as may be, apply to the proceedings before Judge or -Judges of the High Court hearing a case under Sub-Section 2 _ .pf Section 41.

24. *Mode of Entertaining appeal of revision petitions Enquiry ^hereof and grant of stay.*—(1) Every appeal or revision petition under 4he Act or these rules shall be accompanied by a duly authenticated copy of the order appealed against or sought t® be revised.

(2)' In respect of any order passed under the Act, which is subject to appeal or revision, the appellate or revisional authority as the case may be, may suspend the execution of the order, pending its decision on the appeal or in revision.

C3)' Notiec of hearing of any appeal or revision as the «ase mar be, shall be given to the appellant or revision petitioner and the respondent or respondents and to the other persons

interested, if any. .....

' 46-10-3

18

(4) Before passing orders on every appeal, or <revision petition, the parties concerned shall b$_{e}$ given a reasonable opportunity of being heard.

(5) A copy of the final order in any appeal or revision shall be communicated to the appellant or revision petitioner and the respondent or respondent and other persons interested if any or the counsel concerned, if any of them is represented by counsel, by registered post and also the Tahsildar of the taluk and the Settle- tf ment Officer.

nc. ‘ b

Explanation.'—Bor the purposes of this rule, (“ Persons interested ” means the janmi of the janmum estate or part thereof in which the land is situated and inculdes any other person claiming an interest in the compensation payable for the janmam estate or part, thereof.

25- *Time barred application, appeal or revision petition to be dismissed.*—(1) Subject to the provisions of the Act and these rules, every application made and every appeal and revision petition presented to the authorities or officers having jurisdiction under the Act and these rules, after the period of limitation prescribed there for in the Act and these rules, shall be dismissed although limitation has not been set up as a defence.

(2) No such application made or appeal and revision petition filed shall be admitted after the nerior of limitation prescribed therefore in the Act and these rules on the ground that the applicant^ or the appellant or the petitioner had sufficient cause for not preferring the application or appeal or petition within such period.

26. *Extent or boundaries of land covered by orders of any „ authority under Act.*—The extent of boundaries of the land covered by any order passed by any authority or officer in any proceedings under the provisions of this Act, shall be subject to any changes consequent on the determination of the fair area and map plotting »
by the survey authorities.

26. *Power to issue summons.*—The Settlement Officer, the Assistant Settlement Officer, The Tahsildar and any other Officer working, under the Settlement Officer, Assistant Settle- Officer and the Tahsildar shall have powers to issue summons to any person either for appearance or for production of documents in connection with the enquiries info questions pending before Such offioer under the Act and such person shall’ be bpurtd to obey Such summons. The form of summons shall bo that, used by Revenue Courts.

O.'£ -

.28- .Manner *of -service and publication' of notices and ' orders under the Act ~or the rules.*—(1) Any notice or order issued or made under the Act or under these-rules shall be served on the person-concerned in the following manner, namely.:—

ji (a) by delivering or tendering the notice or order to the person concerned or his counsel or authorised agent or an adult member of his family; or .

(hl by sending the notice or order to the persons concerned by registered post acknowledgement due; or

(c) If none of the aforesaid modes of service is practicable, by affixing the notice or order in some conspicuous part of the last known place of residence or business of. the person concerned.

‘ (2)’ Aliy notice or order, which is intended for publication for general information shall, in addition to the Special modes of publication prescribed in these rules, also be published by. affixture in the village chavadi of the village in which the janmam estate is situated and if there is no village chavadi, in any

Verified © RoofFtate

conspicuous public place in the village, and by announcing fhe fact of such publication by beaf of tom-tom in the village. The village officer shall certify to the place and date of publication and the said date shall be deemed to be the date of communication of the notice or order, as the case may be, within these rules to the parties concerned.

•J '. - '■' ■■

'29. *Deposit in District Court of .unclaimed and imdisbursed amount deposited with the Tribunal.—(If* (a) All amounts deposited in the Office of the Tribunal under sub-section (1) of section 31 and sub-sections (4) and (7) of section 40 and remaining unpaid and with reference to which no claim has been made within the time specified in sub-section (1) of section 32 or no application for payment has been made within the time specified in Section 44; and

. (b) all amounts deposited as aforesaid and remaining unpaid after the expiry of a period of six months from the date of disposal of 'the application under section 44, shall be withdrawn by the Tribunal and be deposited in the District Court having jurisdiction over the janmam estate.

Verified RealEstate™

(2| As soon as any amount is withdrawn by the Tribunal from its personal deposit or other account and deposited in the District Court having jurisdiction under sub-section .(1) **of** section 45, the Tribunal shall publish the fact of such deposit in the District Gazette concerned in Form No. 11. The Tribunal shall also cause a copy of the notice board of its office. It shall also send a copy of the notification to the District Judge, the Settlement Officer, the District Collector and the Talisildar, who shall cause it to be affixed on the notice boards of their respective offices and send a certificate of such publication to the Tribunal.

(3) On the transfer of the amount deposit or other account of the Tribunal to District Court, it shall be charged off as an account of the Tribunal.

30. *Form in which claim should be made.*—**Every person** making a claim to, or enforceable against, any amount held **in** deposit by the Distict Court shall apply in Form No. **12.**

31. *Levy of process fee, award of costs etc.*—In respect of the levy of process fees, the award of costs including cosfa by way of compensation for frivolous or vexatious claims or defences, the pleader's fee and witness batta, the District Court shall follow the rules applicable to the Tribunals.

32. *Procedure for dealing with amounts transferred to deposit of the District Court*:—The amount transferred to the deposit of the District Court shall be finally dealt with in accordance with the procedure laid down in rules 51 to 60 in Chapter III of

I of the Civil Rules of Practice and Circular Orders (Volume

30. *Application for a copy of the data by Pattadar etc.*— *Fvery* application for a copy of the data on the basis of which the Settlement Officer proposes to determine the contribution payable by each pattadar shall be made by any pattadar or other person interested, within two months from the date of publication in the *Tamil Nadu Government Gazette,* of a notification by the Settlement Officer that he proposes to determine (ha contribution payable.

il

84, *Publication of fact of determination of contribution,-—lub* soon as may be, after the determination of the ctmtribntion payable by a Pattadar under section 47 of the Act, the Settlement Officer shall publish the fact of such determination in the *Tamil Nadu Government Gazette,* with full particulars of the contribution.

35. *Recovery of Contribution:*—The annual instalments of contribution payable by every pattadar shall be payable **to** the Tahsildar in cash in the first kist month of every fasli year. The first annual instalment shall be payable in the first kist month of the fasli year succeeding that in which the Settlement Office* determines the contribution payable by the pattadar unde® section 47.

Verified © RealEstate

36. *Transfer of title.*—Notice shall be given in Porm No. 13 to the Settlement Officer or Tahsildar of Gudalur taluk on introduction of Settlement by every transferor and transferee under Sub-Section (1) of Section 50 of the Act or by any person to whom the title of a deceased person shall be transferred t* heir or otherwise under sub-section (2) of that Section.

37. *Decision of questions regarding forests.—(If* The Settle- ment Officer shall determine questions regarding forests under section 53 either *suo motu* or an application.

(2) Any person requiring a decision under section 53 shall apply to the Settlement Officer in Porm No. 14.

(3) Except where the application is on behalf of Government; it shall be signed and verified by the applicant.

(4) Every such application shall be restricted to the lands in a holding of a janmam estate in a single village.

(5) Every such application shall be presented in person 05 sent by registered post,

(6) As many copies of the application as there are respondents with one additional copy for the Tahsildar of the Taluk in which the land is situated, shall be filed with the application.

(7) On receipt of the application, the Settlement Office# Shall fix a date for hearing and issue notice in form No. 15 to the applicant, the respondents and the Tahsildar of the Taluk. A copy of the application shall be sent along with the notice.

Verified RedEstate™

The Settlement Officer shall make a summary enquiry into the application and give his, decision in writing after givings the parties a reasonable opportunity for adducing evidence-

» (9 A copy of the order shall he served on the applicant add'on'each of the respondents. A copy shall also be sent to the Officer immediately superior to the Officer making the enquiry and to the Tahsildar of the taluk.

; 38. Appeal *to Director of Settlements*— (1) Every appeal against an order of the Settlement Officer under section 53 Shalt fix a date of hearing and issue notices in form No. Iff t,o the parties concerned. He shall give them a reasonable opportunity of being heard before passing orders.

■*.^. Revision by the Commissioner, Land Administrations.*—(1) ' Every revision against the orders of the Director of Settlements under section 53 shall be preferred to the Commissioner, Land Administrations with thirty days from the date of receipt of the[AJ] order.'

(2) On receipt of the revision petition, the Commissioner, Land Administrations shall fix a date for hearing and issue notice in Form No. 17 to the parties concerned. It shall give them a ■ reasonable opportunity of being heard before passing orders.

40. *Court Fees and process fees payable.*-—(1) The Court-fee payable in respect of the documents specified in column (2) of the table below, under the section specified in column (1) of the Said table, shall be the amount specified in the corresponding entry in column (3) thereof :—

m ; THb Table.

Section.	*Description of Document.*	*. Court-Fee.*
3		
Section 6(c)	Revision petition to the Commissioner, Land Administrations.	
ec,.ipn 12	Application to the Settlement Officer	
' '	Appeal to the Tribunal.	
	Application to the Tribunal Vakkalatnama to the Tribunal	

..Section 9, Application to the Sqttlem> nt Office) . . ' ,
14,15 and 1.6 ■
Sec ion 29(6) Appeal to the Commissioner, L nd Administrations. -2.Or : -1

See.ion 41 (1) Memo.andum of appeal to the Special Appellate Tl ibunal.
(a) if the claim does not exceed Rs. 3,000
(a) if the claim exceed Rs. 3,000 but does not exceed Rs. 10,000.
(a) if tht claim exceeds Rs. i0,000.
Int ilocutoiy application to the Sp cial Appellate T) ibunal Vakalatnama to the Special
- Appellate Tribunal

Section 45 (3) Application to -the Disti ict Com t
(a) if the claim deesnot exceed Rs. 100.
(a) if the claim exceeds Rs. 100/—

: Section 53 . Application to th Settlement Office?
Appeal to the Diiecioi of Settlements Revision petition to the Commissioner, Land Admu-isti tio; s.

Explanation.—No Court-fee need be paid in the case of appeals filed on behalf of Government.

(2) In proceedings before the Tribunal, process fees shall be paid at the rates prescribed for the District Court. on processes issued at the instance of parties. In proceedings before the Special Appellate Tribunal process fees shall be ptid in accordance with the process fees prescribed under section 80 ' of the Tamil Nadu Court Tees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955). The rates of process fees leviable for service of notice and summons on respondents and witnesses and for production of. records shall be as follows:—

(i) for service of notice or summons on a single person. 1.50

,(ii) for service of notice or summons on every additional person residing in the same village if applied for at the same time

41. *Fees to Pleaders.*—-The following principles shall be adopted in fixing the fees to pleaders for work connected with **the** proceedings under the Act before the Special Appellate Tribunal and the Tribunal:—

(1) *Fees payable to pleaders for appearance before the Special Appellate Tribunal.*—The Special Appellate Tribunal shall for taxation, fix the fees payable to pleaders, for work connected with the proceed:ngs before it, in the same manner in

which the High Court fixes advocate's fee for taxation in **appeals** against the orders of lower courts, irrespective of the **fact** whether it allows costs to any of the contesting parties or not:

Provided that in respect of a batch of connected cases, in which the results are determined by a single case, only one regulation fee shall be fixed.

(1) *Fees payable to pleaders for appearance before the Tribunal.*—(a) The Tribunal shall fix the fees payable to pleaders for work connected with the following original proceedings before them so as not to exceed 500 in ordinary cases and **Rs-** 1,000 in important cases;

(i) Proceedings connected with the apportionment of compensation under Section 34.

(ii) Proceedings connected with the apportionment of Interim Payment under sub-section (4) of section 40;

(iii) Proceedings connected with the division of the lands in respect of which a ryotwari pafta has to b_e granted under section 37 ; : 1

Provided that in respect of a batch of connected cases in which the result is determined by a single case, only one regulation fee shall be fixed.

(b) (i) The Tribunal shall fix the fees payable to Pleaders for work connected with proceedings under the other provisions of the Act on the following basis, namely :—

(1) for appearance before the Tribunal and for preparation of the case—A fixed fee of Rs. 15 for each case in respect of appeals under sub-section (3) of section 12.

f2) for appearance before the Tribunal for arguments in **raspect** of appeals under sub-section (31 of section 12.

Verified RedEstate