

Chota Nagpur Tenure-Holder's Rent Account Act, 1929

(Bihar & Orissa Act 1 of 1929)

18th may, 1929

An Act to protect the interest of sharers in permanent tenures from sale by reason of the default of their co-sharers.

-Preamble.- Whereas it is expedient to give to certain share holders in permanent tenures the means of protecting their shares from sale by reason of the failure of their co-sharers to pay rent of the tenure;

It is hereby enacted as follows:-

1. **Short title.** - This act may be called the Chota Nagpur Tenure Holders' Rent Account Act, 1929.

2. **Extent.**- It extends to those areas of the Chota Nagpur Division in which the Chota Nagpur Tenancy Act, 1908¹, is for the time being in force.

3. **Commencement.**- It shall come into operation only on such date and subject to such exceptions and modifications, if any, as the ² [State] Government may by notification direct.

4. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context,-

³(a) 'registered co-sharer' means a co-sharer in a tenure whose name has been registered in the office of the landlord under Section 11 of the Chota Nagpur Tenancy Act, 1908, or who is deemed to be registered under section 12 of the said Act;

(b) resumable tenure' means a tenure which is held subject to the condition that it shall lapse to estate of the grantor and be

resumable by him or his successor in title on failure of male heirs of the body of the original grantee in the male line; and]

(c) Words and expressions' use in this Act and not otherwise defined have the same meanings respectively as in the Chota Nagpur Tenancy Act, 1908.

5. application by co-sharer in permanent tenure.- (1) Registered co-share holding any share in a permanent (including resemble) renure may aaply to the Deputy Commissioner for an order that the landlord shall open a separate account of the rent payable in respect of his share.

2. An application under sub-section (1) may be made by any number of co-sharers, each specifying in the application his share in the tenure in respect of which separate account is required to be opened; and the provisions of sections 140 and 141 of the Chota Nagpur Tenancy Act, 1908, shall apply to such collective application.

6.(1) On receipt of the application the Deputy Commissioner shall require the landlord of the tenure concerned to furnish within three months a list of all registered co-sharers in the said tenures.

(2) On receipt of such list the Deputy Commissioner shall fix a date for hearing the application, and cause notice of the application and of the date fixed for the hearing thereof to be served on the landlord and on each of the registered co-sharers of the aforesaid tenure and to be published in such places and in such manner as may be prescribed by rules made under this Act.

7. Objection by Interested person .- On the date fixed, or on any subsequent date permitted by the Deputy Commissioner, any person claiming to have an interest which will be affected by the grant of the application may present an objection to the Deputy Commissioner.

8. Inquiry by Deputy Commissioner.- (1) The Deputy Commissioner, after hearing the application and considering any objections that have been made, and after such further inquiry as he deems necessary may ¹[subject to the provisions of sub-Section (1-a) make an order declaring the rent payable in respect of the ²[share of the applicant].

¹[(1-a) The amount which may be declared under sub-section (1) as rent payable in respect of the share of the applicant in the tenure shall bear to the total rent payable in respect of the tenure the same proportion as the annual value of the assets comprised in such share last determined under Cess Act, 1880, bears to the annual value of the assets comprised in tenure determined as aforesaid.]

(2) Such order shall take effect from the Commencement of the agricultural year next following.

(3) If on hearing any objection the Deputy Commissioner is of opinion that no order can be passed without the determination of a question of title, he may stop the proceeding and refer the parties to the Civil Court for a decision on such question.

(4) The costs of any inquiry held under-section (1) and the costs of the hearing of the application shall be borne by the applicant for a separate account unless the Deputy Commissioner directs that such costs shall borne by any other party to the proceedings, or partly by such other party any partly by the applicant or separate account.

9. Appeal.- (1) Any person aggrieved by an order of the Deputy Commissioner passed under 3[* * *] section 8 may appeal within one month to the prescribed authority].

(2) The order of 4[the prescribed authority] on any appeal, or, in the absence of an appeal, the order of the Deputy Commissioner,

shall be final 5[for the purposes of the Act, buy shall not affect any question of title.]

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10. Effect of order under section 8 or section 9.- When an order is passed by the Commissioner under sub-section (1) or by 4[the prescribed authority] under section 9, the landlord shall, from the date on which the order takes effect, upon a separate account in the name of the applicant for a separate account.

⁴[11. Fees payable to landlord.- (1) When any separate account has been opened, the landlord shall be entitled to levy -

- (a) a registration fee of two per centum on the annual rent of the share in respect of which such account has been opened; and .
- (b) annual fee for the maintenance of additional establishment at the rate mentioned in clause (a) :

Provided that no fee payable under clause (a) or clause (2) shall be less than one rupee.

(2) Any amount which is payable under this section shall be recoverable as if it were rent.

12. Exclusion of share c

covered by separate account from sale.-

When the holder of a separate account has paid of the rent due in respect of his share of 1[a tenure for which such account has been opened under this Act, the landlord shall, in execution of a decree or certificate for arrears of rent due in respect of the tenure, exclude such share from his application for sale and such share shall not be

included in the notice of sale issued under section 208 of the Chota Nagpur Tenancy Act, 1908 or in the proclamation of sale issued in execution of the certificate, as the case may be.

13. Entire tenure when liable to sale.- If highest offer for the share exposed to sale under section 12 shall be less than the sale amount of rent due there from to the date of sale, the officer in-charge shall stop the sale and shall, on the petition of the landlord, declare, the entire will be put up to sale for arrears of rent at a future date to be specified, notice notice of which shall be given to each of the registered co-sharers.

14. Sale of entire tenure.- If the amount necessary to prevent the sale is not paid into Court the entire tenure shall be sold on the date specified under section 13.

15. Application of Chota Nagpur Tenancy Act, 1908.- All the provision of the chota Nagpur Tenancy Act, 1908 relating to the sale of tenures in execution of a decree or a certificates for arrears of rent, shall, subject to the provisions of this Act, apply to the sale of tenures under this Act, and all other provisions of the Chota Nagpur Tenancy Act, 1908, which are not inconsistent with the provisions of this Act, shall apply to tenures referred to in this Act.

16. Penalty for failure to furnish list of co-sharers.- Any landlord who, on being required to do so by the Deputy Commissioner under section 6, refuses or without reasonable cause neglects to furnish list of co-charers of a tenure in due time, shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for each day after conviction during which the default continues.

17. Power to make rules.- (1) The Board of Revenue may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of sub-section (1), the Board of Revenue may make rules prescribing-

- (a) The form and contents of any application, notice or objection under this Act;
- (b) The manner and place of service of notice under section 6; and
- (c) The procedure to be followed by the Deputy Commissioner in making inquiries under sub-section (1) of section 8.