

**THE PONDICHERRY OCCUPANTS OF  
KUDIYIRUPPU ( PROTECTION FROM  
EVICTION ) ACT, 1970.**

( Act No. 4 of 1971 )

**THE PONDICHERY OCCUPANTS OF KUDIYIRUPPU ( PROTECTION FROM  
EVICTION ) ACT, 1970.**

( Act No. 4 of 1971 )

26th February, 1971

AN ACT

**to provide for the protection from eviction of persons occupying kudiyruppu in certain  
areas in the Union territory of Pondicherry.**

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

**Short title, extent and duration**

1. (1) This Act may be called the Pondicherry Occupants of Kudiyruppu (Protection from Eviction ) Act, 1970.

(2) It extends to the regions known as Pondicherry, Karaikal and Yanam in the Union territory of Pondicherry.

(3) It shall remain in force for a period of ten years and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897 ( Central Act 10 of 1897 ), as applicable under section 2 of the Pondicherry General Clauses Act, 1965 ( Act 13 of 1965 ), shall apply as if this Act had then been repealed by a Pondicherry Act.

**Definitions**

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

(1) " agricultural labourer " means a person whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land ;

(2) " agricultural land " means any land used for any of the following purposes, namely :—

(a) horticulture ;

- (b) the raising of crops, grass or garden produce ;
- (c) grazing ;
- (d) the raising of manure crops ;
- (e) dairy farming ;
- (f) poultry farming ;
- (g) livestock breeding ;
- (h) growing of trees ; and.

(i) includes any land used for nay purpose subservient to the above purpose, any forest land, pasture land, plantation, orchard and tope, but

(ii) does not include house-site or land used exclusively for non-agricultural purpose ;

(3) " agriculturist " means a person who cultivates agricultural land by the contribution of his own manual labour or of the manual labour of any member of his family ;

(4) " authorised officer " means any Gazetted Officer authorised by the Government by notification in the Official Gazette to exercise the powers conferred on, and discharge the duties imposed upon the authorised officer under this Act for such area as may be specified in the notification ;

(5) " Government " means the Administrator of the Union territory appointed by the President under article 239 of the constitution ;

(6) " Kudiyruppu " means the site of any dwelling house or hut occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer and includes such other area adjacent to the dwelling house or hut as may be necessary for the convenient enjoyment of such dwelling house or hut ;

**Explanation.—** It shall be presumed that any person occupying the kudiyruppu is an agricultural labourer or an agriculturist, until the contrary is proved.

(7) " prescribed " means prescribed by rules made under this Act ;

(8) " tenant " means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under an agreement express or implied, and includes his heirs and legal representatives.

#### **Act not to apply in certain cases.**

<sup>1</sup> [ 2-A. Nothing in this Act shall apply to the lands belonging to or vested in the Government of the Union territory of Pondicherry, the Government of India, the Government of any State of India, a local authority or a corporation owned or controlled by any of the said Governments or authority.]

### **Persons occupying kudiyruppu not to be evicted**

3. (1) Subject to the provisions of sub-section (3), no person occupying any kudiyruppu on the date of the publication of the Pondicherry Occupants of Kudiyruppu ( Protection from Eviction ) Bill, 1970, in the Official Gazette shall be evicted from such kudiyruppu.

(2) Subject to the provisions of sub-section (3), any person occupying any kudiyruppu on the date referred to in sub-section (1), shall be entitled to continue to occupy a kudiyruppu on the same terms and conditions as were applicable to him on such date.

(3) Sub-sections (1) and (2) shall not apply to any person occupying any kudiyruppu—

(a) if he has done any act or has been guilty of any negligence which is destructive of or injurious to, the property belonging to the owner of the kudiyruppu ; or

(b) if he has wilfully denial the title of the owner of the kudiyruppu.

**Explanation.—** A denial of the owner's title under a bona fide mistake of fact is not wilful within the meaning of this clause.

(4) In computing the period of limitation prescribed for an application for the execution of a decree of order for the eviction of a person occupying any kudiyruppu, the time during which he was protected by sub-section (1) from eviction, shall be excluded.

**Explanation.—** A decree or order shall be deemed to be a decree or order for the eviction of a person occupying any kudiyruppu notwithstanding that any other relief is also granted by such decree or order.

### **Right to restoration of possession of kudiyruppu**

4. If any person who was occupying any kudiyruppu on the date of publication of the Pondicherry Occupants of kudiyruppu ( Protection from Eviction ) Bill, 1970 has been evicted from such kudiyruppu after such date, but before the commencement of this Act, or is evicted from such kudiyruppu after such commencement he may, within a period of six months after such commencement or after the date of eviction, as the case may be, apply to the authorised officer within whose jurisdiction the kudiyruppu is situated in such form as may be prescribed for restoration to him of the possession of the kudiyruppu from which he was evicted, and to occupy it subject to the same terms and conditions, as far as may be, as were applicable to him on the date of publication of the Pondicherry Occupants of kudiyruppu ( Protection from Eviction ) Bill, 1970.

### **Owner's right to apply to the authorised officer**

5. Any owner of kudiyruppu seeking to evict for any of the reasons mentioned in sub-section (3) of section 3 any person occupying any kudiyruppu may, whether or not there is an order or decree

of court for the eviction of such persons, make an application for such eviction to the authorised officer within whose jurisdiction the kudiyruppu is situated, in such form and within such time as may be prescribed.

### **Authorised officer to hold summary inquiry**

6. On receipt of the application under section 4 or section 5, the authorised officer shall, after giving a reasonable opportunity to the parties concerned to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it and shall communicate a copy of such order to the party concerned.

### **Appeals**

7. (1) Against any order passed by the authorised officer under section 6, any person aggrieved by such order, any within sixty days from the date of the order, appeal to the Collector :

Provided that the Collector may admit an appeal presented after the expiry of the said period if he is satisfied that the party concerned had sufficient cause for not presenting it within the said period.

**Explanation.—** For the purpose of this sub-section " date of the order " means the date which order is communicated to the party concerned.

(2) The provisions of section 4 and of sub-sections (1) and (2) of section 12 of the Limitation Act, 1963 ( Central Act 36 of 1963 ) shall, as far as may be apply to any appeal under sub-section (1).

(3) An appeal to the Collector under sub-section (1) shall be in such form and shall be accompanied by such fee as may be prescribed.

(4) The Collector may, after giving the parties to the appeal, an opportunity of being heard, pass such order thereon as he thinks fit and shall communicate a copy of such order to the party concerned.

(5) The Collector may stay the execution of any order passed by the authorised officer pending the exercise of his powers of appeal under this section.

### **Act to over - ride other laws, Contracts, etc.**

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.

### **Costs**

9. The costs of, and incidental to, all proceedings before the authorised officer or the collector shall be in his discretion.

### **Bar of jurisdiction of civil courts**

10. No civil court shall have jurisdiction in respect of any matter in which the authorised officer or the collector is empowered by or under this Act to decide and no injunction shall be granted by any court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.

### **Indemnity**

11. No suit, prosecution or other legal proceeding shall lie against the authorised officer or the collector for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

### **Power to make rules**

12. (1) The Government may make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the form of application to be made to the authorised officer under section 4 or section 5;

(b) the manner of holding summary inquiry under section 6;

(c) the manner of communicating to the parties the order under section 6 or under sub - section (4) of section 7;

(d) the form of appeal, and the fee payable under sub - section (3) of section 7.

(3) All rules made under this Act shall be published in the official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made this Act, shall, as soon as may be after it is made, be laid before the Legislative Assembly of Pondicherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Power to remove difficulties**

13. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, do anything not inconsistent with such provisions which appears to the Government to be necessary for the purpose of removing the difficulty :

Provided that no such order shall be made under this section after expiration of two years from the commencement of this Act.