

## PUNJAB LAND REFORMS (PROCEDURE FOR EJECTMENT SUITS) RULES, 1977

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No. LH-III-393-77/949-LC.-In exercise of the powers conferred by paragraph 6 of the Land Reforms Regulation, 1972 (Martial Law Regulation No. 115) and in supersession of the Punjab Land Reforms (Procedure for Ejectment Suits) Rules, 1971, the Land Commission of the Punjab is pleased to make the following rules for carrying out the purposes of sub paragraph (1) of paragraph 25 of the regulation :-

**\*1. Short title, extent and commencement.**-(1)\*These rules may be called the Punjab Land Reforms (Procedure for Ejectment Suits) Rules, 1977.

(2) These shall extend to the whole of the Punjab and the Islamabad Capital Territory.

(3) These rules shall come into force at once.

**2. Cognizance of ejectment tufts.**-A suit by a landlord for ejectment of his tenant shall be filed in a Revenue Court of an *Assistant Collector of the First Grade* within whose jurisdiction the land comprising the tenancy is situated, hereinafter referred to as the Court.

**3. *Plaint in ejectment suit.***-(1) A landlord may present a plaint with as many copies as the number of tenants to be ejected before the fifteenth day of November in a year, for ejectment of the tenant on any one or more of the grounds mentioned in clauses (a), (6), (c) and (d) of sub-paragraph (1) of paragraph 25 of the Land Reforms Regulation, 1972 (Martial Law Regulation No. 115).

(2) The Plaint under sub-rule (1) shall contain subject-matter of the snit land, its description and Khasra number and shall be accompanied by-

(a) an attested copy of latest entry in the Register Haqdarar Zamin relating to land mentioned in the Plaint; and

(b) an attested copy of entry in the Register Girdawari relating to last two harvests.

(3) Every Plaint shall be presented to the Court on any working day during office hours by the plaintiff-landlord personally or through his authorised agent.

(4) The statements and pleadings made by or on behalf of the plaintiff landlord shall be as brief as the nature or the case admits and shall not be ergumentive, but shall be confined, as much as possible, to simple and concise narrative of the facts.

(5) Every Plaint shall bear court-fee stamps of the same value as provided for suits for recovery of possession of agricultural land under the Court Fees Act, 1870 (VII of 15 70).

**4. Rule of procedure.**-(1) On receipt of the Plaint of a landlord the Court shall, if the Plaint is in order and not open to objection, cause a notice with a copy of the suit, to be served on every tenant separately to show cause why he shall not be ejected from his tenancy \*\*\*or such\*\*\*portion thereof as is mentioned in the suit.

(2) The notice shall specify the name of the landlord on whose plaint it has been issued and shall give description of the land to which it relates.

(3) The Assistant Collector of the First Grade, after hearing the parties on a date fixed for the purpose, and after making such enquiries as he may consider necessary, shall pass an order directing the tenant to be ejected or the notice to be discharged, as the case may be.

(4) The said Court shall dispose of the Plaint within sixty days of its receipt.

(5) If the said Court fails to decide a case within the stipulated period of sixty days, the case shall stand transferred to the Court of Collector concerned to be tried in the same manner as in the original Court. The case so transferred shall be disposed of within thirty days and the order passed by the Collector shall be final.

(6) When the case stands transferred to the Collector under sub-rule (5), the lower Court shall forward the record of the case to the Collector along with an explanation for its failure to decide the case within the prescribed period of sixty days. If such an explanation is not found satisfactory by the Collector, the officer concerned shall be censured and liable to disciplinary action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.

1. Contents of order of the Court.-In every proceedings in which an order is passed on merits after inquiry, the Court of the Assistant Collector of the First Grade, or the Court of the Collector, as the case may be, making the order shall also record a brief statement of the reasons on which it is based.
2. Execution of order of ejection.-**(1)**In no case shall a tenant be ejected without paying such compensation to him, as he may be entitled to, under the law, for the crop, if any, or for preparing the land for sowing, if it has been so prepared, and for improvement, if any on his tenancy, as may be determined by the Court of the Assistant Collector of the First Grade, or the Court of the Collector, as the case may be.

(2) No order for the ejection of a tenant shall be executed before the first day of May or after the fifteenth day of June (both days inclusive) in a year unless the Court of the Assistant Collector of the First Grade, or the Court of the Collector, as the case may be, for reasons to be recorded, otherwise directs.

(3) Before the execution of order of ejection, a tenant shall be given an opportunity for delivering the possession of the land to the landlord within a period not exceeding thirty days and if he fails to do so the Court of the Assistant Collector of the First Grade or the Court of the Collector, as the case may be, on any application made by the landlord, shall issue a warrant of ejection which shall be executed by an official not below the rank of Kanungo with or without police assistance as may be directed by the Court of the Assistant Collector of the First Grade or the Court of the Collector, as the case may be according to the circumstances of the case.

**7. Appeal and Revision.**-(1) An appeal may be filed within fifteen days of the order of the Assistant Collector of the First Grade before the Collector whose order shall be final ;

Provided that in computing the period prescribed for filing an appeal under these rules the period spent in obtaining certificate copy of the order of the Assistant Collector of the First Grade shall be excluded.

(2) The Commissioner may, at any time, of this own motion or on a petition made in that behalf to him by any aggrieved tenant within fifteen days of the impugned order, call for the record of any case disposed of by, or proceedings pending with, any Assistant Collector of the First Grade or a Collector sub-ordinate to him;

Provided that in computing the period prescribed for filing a revision petition under these rules, the period spent in obtaining certified copy of tile order against which revision is preferred, shall be excluded ;

Provided further that the right to file a revision petition against an order or proceedings shall be available to a tenant and nut to a landlord.

(3) If after examination the Commissioner is satisfied that it is a fit case to interfere **with** the proceedings or the order or decree, ha shall within periods of thirty days of calling for the record under the proceeding sub-rule (2) pass such order as he deems fit. after due notice to the parties likely to be affected.

(4) The order passed by the Commissioner in revision shall be final.

*8. Residuary application of*C. P. C.-Subject to these rules, the Code of Civil Procedure, 1908, so far as it is applicable and is not inconsistent with these rules, shall apply to the proceedings before the Court of the Assistant Collector of the First Grade or the Collector or the Commissioner, as the case may be.