**RELINQUISHMENT, ABANDONMENT AND EJECTMENT**

Relinquishment

35. Relinquishment by tenant for a fixed term.– A tenant holding for a fixed term under a contract or a

decree or order of competent authority may relinquish his tenancy without notice at the end of that term.

36. Relinquishment by any other tenant.– (1) Any other tenant may relinquish his tenancy by giving

verbally or in writing to his land-lord, or to his land-lord’s agent, on or before the fifteenth day of January in

any year, notice of his intention to relinquish the tenancy at the end of the agricultural year then current.

(2) The tenant may, instead of or in addition to, giving the notice in the manner mentioned in sub-section

(1), apply to a Revenue Officer on or before the date aforesaid to cause the notice to be served on the landlord and the Revenue Officer on receiving the cost of service from the tenant, shall cause the notice to be

served as soon as may be.

(3) If the tenant does not give notice in the manner prescribed in this section, he shall be liable to pay the

rent of his tenancy for any part of the ensuing agricultural year during which the tenancy is not let by the landlord to some other person or is not cultivated by the land-lord himself.

37. Relinquishment of part only of a tenancy.– A tenant cannot, without the consent of his land-lord,

relinquish a part only of his tenancy.

Abandonment

38. Abandonment of tenancy by occupancy tenant.– (1) If a tenant having a right of occupancy fails for

more than one year without sufficient cause to cultivate his tenancy, either by himself or some other person,

and to arrange for payment of the rent thereof as it falls due, the right of occupancy shall be extinguished from

the end of that year.

[44]

[(2) For the purposes of this section, a muqarraridar shall be deemed to be a tenant having a right of

occupancy].

Liability to ejectment

39. Grounds of ejectment of occupancy tenant.– (1) A tenant having a right of occupancy shall be liable to

be ejected from his tenancy on any of the following grounds, namely:-

(a) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes

for which he held it;

 (b) where rent is payable in kind, that he has without sufficient cause failed to cultivate that in the manner

or to the extent customary in the locality in which the land is situate;

(c) when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains

unsatisfied.

[45]

[(2) For the purposes of this section a muqarraridar shall be deemed to be tenant having a right of

occupancy].

40. Grounds of ejectment of tenant for a fixed term.– A tenant not having a right of occupancy but

holding for a fixed term under a contract or a decree or order of competent authority, shall be liable to be

ejected from his tenancy at the expiration of that term, and, on any of the following grounds, before the

expiration thereof, namely:-

(a) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes

for which he held it;

(b) where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the

manner or to the extent customary in the locality in which the land is situate;

 (c) on any ground which would justify ejectment under the contract, decree or order.

41. Ejectment of tenant from year to year.– A tenant who has not a right of occupancy, and does not hold

for a fixed term under a contract or a decree or order of competent authority, may be ejected at the end of any

agricultural year.

Procedure on ejectment

42. Restriction on ejectment.– A tenant shall not be ejected otherwise than in execution of a decree for

ejectment, except in the following cases, namely:-

(a) when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains

unsatisfied;

 (b) when the tenant has not a right of occupancy and does not hold for a fixed term under a contract or a decree

or order of competent authority.

43. Application to Revenue Officer for ejectment.– In any such case as is mentioned in clause (a) or

clause (b) of the last foregoing section, the land-lord may apply to a Revenue Officer for the ejectment of the

tenant in the case mentioned in the former clause or for the service on the tenant of a notice of ejectment in

the case mentioned in the latter clause.

44. Ejectment for failure to satisfy decree for arrear of rent.– (1) On receiving the application in any such

case as is mentioned in clause (a) of section 42, the Revenue Officer shall, after such inquiry with respect to the

existence of the arrear as he deems necessary, cause a notice to be served on the tenant, stating the date of the

decree and the amount due thereunder, and informing him that if he does not pay that amount to the Revenue

Officer within fifteen days from receipt of the notice he will be ejected from the land.

(2) If the amount is not so paid the Revenue Officer shall, subject to the provisions of this Act with respect to

the payment of compensation, order the ejectment of the tenant unless good cause is shown to the contrary.

45. Ejectment of tenant from year to year by notice.– (1) On receiving the application of the land-lord in

any such case as is mentioned in clause (b) of section 42, the Revenue Officer shall, if the application is in

order and not open to objection on the face of it, cause a notice of ejectment to be served on the tenant.

(2) A notice under sub-section (1) shall not be served after the fifteenth day of November in any

[46]

[agricultural] year.

(3) The notice shall specify the name of the land-lord on whose application it is issued, and describe the

land to which it relates, and shall inform the tenant that he must vacate the land before the first day of May

next following, or that, if he intends to contest his liability to ejectment, he must institute a suit for this

purpose in a Revenue Court within two months from the date of the service of the notice.

(4) The notice shall also inform the tenant that if he does not intend to contest his liability to be ejected

and he has any claim for compensation on ejectment, he should within two months from the date of the

service of the notice prefer his claim to the Revenue Officer having authority under the next following subsection to order his ejectment in the circumstances described in that sub-section.

(5) If within two months from the date of the service of the notice the tenant does not institute a suit to

contest his liability to be ejected, a Revenue Officer, on the application of the land-lord, shall, subject to the

provisions of this Act with respect to the payment of compensation, order the ejectment of the tenant:

Provided that the Revenue Officer shall not make the order until he is satisfied that the notice was duly

served on the tenant.

(6) If within those two months the tenant institutes a suit to contest his liability to be ejected and fails in

the suit, the Court by which the suit is determined shall by its decree direct the ejectment of the tenant.

46. Power to make rules.– The [47]

[Board of Revenue] may make rules prescribing–

 (a) the form and language of applications and notices under the two last foregoing sections; and

 (b) the manner in which those applications and notices are to be signed and attested.

General provisions respecting ejectment

47. Time for ejectment.– A decree or order for the ejectment of a tenant shall not be executed at any other

time than between the first day of May and the fifteenth day of June (both days inclusive), unless the Court

making the decree or where the order is made under section 44, the officer making the order, otherwise

directs.

48. Relief against forfeiture.– (1) If in a suit for the ejectment of a tenant on either of the grounds mentioned in

clauses (a) and (b) of section 39 or of section 40 it appears to the Court that injury caused by the act or omission on

which the suit is based is capable of being remedied, or that an award of compensation will be sufficient satisfaction

to the land-lord therefor, the Court may, instead of making a decree for the ejectment of the tenant, order him to

remedy the injury within a period to be fixed in the order, or order him to pay into Court, within such a period, such

compensation as the Court thinks fit.

(2) The Court may from time to time, for special reasons, extend a period fixed by it under sub-section

(1).

(3) If within the period, or extended period, as the case may be, fixed by the Court under this section, the

injury is remedied or the compensation is paid, a decree for the ejectment of the tenant shall not be made.

49. Rights of ejected tenants in respect of crops and land prepared for sowing.– (1) Where at the time of

the proposed ejectment of a tenant from any land, his uncut or ungathered crops are standing on any part

thereof, he shall not be ejected from that part until the crops have ripened and he has been allowed a

reasonable time to harvest them.

(2) The Court or Revenue Officer decreeing or ordering the ejectment of the tenant may, on the

application of the land-lord, determine any dispute arising in consequence of the provisions of sub-section (1)

between the land-lord and tenant or between the land-lord and any person entitled to harvest the crops of the

tenant, and may in its or his discretion–

(a) direct that the tenant pays for the longer occupation of the land secured to him under sub-section

(1) such rent as may be fair and equitable, or

(b) determine the value of the tenant’s uncut and ungathered crops, and, on payment thereof by the

land-lord to the Court or Revenue Officer, forthwith eject the tenant.

(3) When a tenant for whose ejectment proceedings have been taken has, conformably with local usage,

prepared for sowing any land comprised in his tenancy, but has not sown or planted crops on that land, he

shall be entitled to receive from the land-lord before ejectment a fair equivalent in money for the labour and

capital expended by him in so preparing the land, and the Court or Revenue Officer before which or whom

the proceedings are pending shall, on the application of the tenant, determine the sum payable to the tenant

under this sub-section and stay his ejectment until that sum has been paid to him.

Relief for wrongful dispossession

50. Relief of wrongful dispossession or ejectment.– In either of the following cases, namely:-

(a) if a tenant has been dispossessed without his consent of his tenancy or any part thereof otherwise than

in execution of a decree or than in pursuance of an order under section 44 or section 45,

 (b) if a tenant who, not having instituted a suit under section 45, has been ejected from his tenancy or any

part thereof in pursuance of an order under that section denies his liability to be ejected,

the tenant may, within one year from the date of his dispossession or ejectment, institute a suit for recovery of

possession or occupancy, or for compensation or for both.

[48]

[50-A. Bar to civil suits.– No person whose ejectment has been ordered by a Revenue Court under section

45, sub-section (6), or whose suit has been dismissed under section 50, may institute a suit in a Civil Court to

contest his liability to ejectment, or to recover possession or occupancy rights, or to recover compensation].

51. Bar of relief by suit under section 9, Act I of 1877.– Possession of a tenancy or of any land comprised in a

tenancy shall not be recoverable under section 9 of the Specific Relief Act, 1877, by a tenant dispossessed thereof.

Power to vary dates prescribed by this Chapter

52. Power of Provincial Government to fix dates for certain purposes.– (1) The

[49]

[Provincial Government]

may, for all or any of the territories under its administration, by notification, fix for the purposes of sections 36, 46

and 47, or of any of those sections, any other dates instead of those specified therein.

(2) A notification under this section shall not take effect till after the expiration of six months from the

date of the publication thereof.