

Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1983

JHARKHAND

India

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Rule

BIHAR-BUILDINGS-LEASE-RENT-AND-EVICTION-CONTROL-RULES-1 of 1983

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Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1983Published vide Notification G.S.R. 33, Bihar Gazette (extraordinary) dated 24-10-1983G.S.R. 33 dated the 24th October, 1983. - The Governor of Bihar is pleased to rescind the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1982 published under notification G.S.R. 5 dated the 1st February, 1983 of the Food, Supply and Commerce Department and make in exercise of the powers conferred by the Section 33 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 (Bihar Act 4 of 1983) the following Rules namely:

1.

These rules may be called the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1983.

2.

In these rules unless there is anything repugnant in the subject or context.-(a)'Act' means the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982.(b)'Form' means a form appended to these Rules,(c)'Section' means a section of the Act.

2A. [[Inserted vide Notification No. UDD 1501 dated 24.3.1988.]

(1)Where there is more than one Controller, all the applications for determination of the fair rent shall be filed in the Court of the Sub-divisional Officer, who shall apportion such application between the Controllers.(2)The Collector of the district shall decide all matters relating to transfer of

application for fixation of fair rent from the court of one Controller to the court of another Controller.]

2B. [[Inserted vide Notification No. UDD 1501 dated 24.3.1988.]

(1)Where there is more than one Appellate Authority, all appeals shall be filed in the Court of Collector of the district, who shall apportion such appeals between Appellate Authorities.(2)The Commissioner of the Division shall decide all matters relating to transfer of appeal from the Court of one Appellate Authority to the Court of another Appellate Authority.]

3.

(i)The Controller may determine the fair rent of a building either on the application by the landlord or by the tenant in possession of the building or on his own motion as also on the application of the landlord or prospective tenant.(ii)In determining the fair rent the Controller shall take into account the following factors:-(a)The prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances at any time during the twelve months preceding the date of his order;(b)The increased cost of repairs required to be made in the building;(c)The amenities, general or special provided in the building;(d)The compound or the open land attached to the building;(e)The type of construction and the location of the building, and the nature of tenancy, i.e., whether it is for residential purpose or for business purpose, etc;(f)The municipal tax or corporation tax of the building;(g)Any lawful agreement entered into by the landlord and the tenant.(iii)The Controller in determining the fair rent shall follow the provisions of the Act and apply the rules in accordance with them and in case of any doubt or conflict the provisions of the Act shall invariably prevail in determining the fair rent.(iv)The Controller shall fix fair rent after due enquiry and after duly giving notice to the parties concerned and after providing them the opportunity of being heard.(v)If at any time after the first fixation of standard rent the market price of the land and the cost of construction increases by more than twenty-five per cent on the basis of the value of the land and the cost of construction estimated at the subsequent prevailing market rates, then the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth of the seven half per cent of the additional increase in the original market price of the land and the cost of construction from the date as may be determined in the manner prescribed subject to a maximum of fifty per cent of the original standard rent.(vi)If at any time after the standard rent is fixed under the provisions of the Act any addition, improvement or alteration (not being repairs) is effected at the landlord's expenses which was not taken into consideration in fixing the standard rent, then the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth or seven-half percent per annum of the cost of such addition, improvement or alteration with effect from the date on which the addition, improvement or alteration was completed.

4.

(i)Whenever it is necessary to evict any person under sub-section (2) of Section 11 from a building vacated by a servant of the Government; the District Magistrate shall cause a notice in Form I to be served on such person directing him to vacate the building or to show cause, within a period of

seven days from the date of service of the notice why he shall not be evicted from the building.(ii)Such notice shall be served by tendering and delivering a copy thereof to the person concerned or, where such person cannot be readily found, by tendering and delivering of a copy thereof to any adult male member of the family, who is residing with such person.Explanation. - A servant is not a member of the family within the meaning of this rule.(iii)Where the serving officer tenders and delivers a copy of the notice under sub-rule (ii) to the person concerned or to any other adult male member of the family on his behalf, he shall require the signature of the person to whom the copy is so tendered and delivered with an acknowledgement of service endorsed on the original notice.(iv)Where the person or such other person as aforesaid to whom a copy of the order to be served is tendered under sub-rule (2) refuses to sign the acknowledgement as required by sub-rule (3), or where the serving officer, after using due and reasonable diligence, cannot find the person and the order cannot be served without undue delay, the order shall be serviced by affixing a copy thereof to any conspicuous part of the building to which it relates or in such manner as the District Magistrate may deem fit in the circumstances of the case.(v)Notwithstanding anything contained in this rule, the order may, if the District Magistrate so directs, be served by a registered post with acknowledgement due.(vi)If the person occupying the building fails to vacate the building or to show cause to the satisfaction of the District Magistrate, within the period specified in the notice, the District Magistrate may evict such person from the building and may, for that purpose, use such force, as may be necessary.

5.

(i)Where any rent lawfully payable by a tenant in respect of any building is to be deposited under section 13 of the Act, he may, after giving a week's notice to the parties concerned, deposit in the local treasury under the Head "P-Deposit and Advance-Departmental and Judicial Deposits-Civil Deposits-Revenue Deposits, etc. - Rent Deposits under the '[Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982" ultimately payable to the landlord, to the credit of the Controller the full amount of the rent due in respect of that building on the date of such deposit, and shall file before the Controller a copy of the treasury challan showing the amount deposited together with a statement duly signed by him containing particulars of the building, the rent thereof, the period for which the rent has been deposited, the name and address of the person to whom the rent was last paid by the tenant and of the person now claiming to receive the same and recital of the circumstances under which the deposit is made:Provided that the Controller may, from time to time require the tenant to furnish additional particulars.(ii)On receipt of the statement and treasury challan under sub-rule (1), the Controller shall serve the person or persons named in such statement or in his or their absence on any adult member in his or their families, a notice of the same and fix a date on or before which the amount of rent deposited may be withdrawn by the person or persons entitled to receive the same according to the decision of a competent court or according to any agreement between the parties:Provided that any notice required to be served under this rule, in the absence of such person or persons or any adult member of his or their families, be served affixing to the usual or last known residing place of such person or persons:Provided further that the Controller may extend the date for withdrawal of the deposit.(iii)On receipt of the notice, the person or persons claiming to receive the rent may, at any time before the expiry of the date fixed under sub-rule (2) or extended under the proviso to that rule, apply to the Controller for the payment to him or them of

the sum deposited under sub-rule (1) or prefer any objection in regard to the deposit made by the tenant.(iv)On receipt of the application under sub-rule (3) the Controller may-(i)order the payment of the sum deposited to the person entitled to it on the production of a certified copy of the decision of a competent court or a deed signifying the agreement between the parties; or(ii)fix a date for hearing the objection.(v)When the Controller had fixed a date for hearing the objection under the preceding sub-rule, he shall give a reasonable opportunity to the parties to be heard and after considering the evidence placed before him and holding such enquiry as he considers necessary, pass such order as he thinks fit.

6.

Every tenant, who makes a payment on account of rent to his landlord shall be granted a receipt under section 20 of the Act in Form II.

7.

Any application to the Commissioner for revision of an order passed by the Controller or by appellate authority on appeal under this Act shall be preferred within fifteen days of the date of the passing of that order after deducting the time occupied in obtaining a copy of the order:Provided that the Commissioner may entertain the application for revision after the expiry of the said period of fifteen days, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

8.

(i)Any person affected by an order of the Controller or of appellate authority on appeal, or of the Commissioner in revision passed under this Act shall be supplied under section 29 of the Act with a copy thereof, duly certified by the Controller, the appellate authority or the Commissioner as the case may be, on application to the authority concerned. The application for ordinary copy or urgent copy of the fee shall bear adhesive court fee stamps of the value as prescribed by Civil Court Rules framed by the High Court with respect to fee leviable for ordinary copy or urgent copy or searching fee, shall be levied in all cases:Provided that no searching fee shall be levied when papers for which copies are required, have not been deposited in the record room of the Collectorate or of the Commissioner.(ii)On receipt of the application the party shall be informed of the court-fee stamps required under the provision of sub-rule (iii), for the supply of the copy. On payment of the requisite amount of court-fee stamps by the party a certified copy of the order shall be prepared and granted to him.(iii)The court-fee stamps required for the supply of the copy shall be the same as chargeable under Civil Court Rules framed by Patna High Court for such copies.
Form I(See Rule 4)
The Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982
Notice
Whereas the building described in the schedule below is proposed to be vacated under the provision of sub-section (2) of Section 11 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982. Now, therefore, in exercise of the powers conferred by sub-rule (1) of Rule 4 of the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1983, I hereby direct-(a).....person/persons unauthorisedly in occupation of the building to vacate the building, or to show cause to the undersigned within a week from the date of

the service of this notice why he shall not be evicted from the said building.

Schedule

(Particulars of the Building) District Magistrate Form II

Form of
Form of Receipts Under Section 20 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982
Receipts Under Section 20 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982
Landlord's Counterfoil Received from.....a resident of.....the sum of Rs.....being the rent of the building as per particulars given below:
Receipt Issued To the Tenant Received froma resident of.....the sum of Rs.....being the rent of the building as per particulars given below:

Name of the tenant	Holding No. of the building	Area in which the building is situated	Rent paid by the tenant	Period for which rent is paid by the tenant	Remarks	Name of the tenant	Holding No. of the building	Area in which the building is situated	Rent paid by the tenant
1	2	3	4	5	6	1	2	3	4
Signature of the landlord or his agent.	Signature of the landlord or his agent.								
Date.....	Date.....								
Place.....	Address	Place.....	Address						