

The Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1955

JHARKHAND

India

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Rule

THE-BIHAR-BUILDINGS-LEASE-RENT-AND-EVICTION-CONTROL-RULES of 1955

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The Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1955Published vide Notification No. Misc/55-P.C.-11244, dated 19th August, 1955Notification No. Misc/55-P.C.-11244, dated the 19th August, 1955. - In exercise of the powers conferred by sub-section (2) of Section 24 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947 (Bihar Act III of 1947) and in supersession of the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1944, the Governor of Bihar is pleased to make the following rules.

1.

These rules may be called the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1955.

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, 1947;(b)'Form' means a form appended to those rules; and(c)'section' means a section of the Act.

3.

(1)Whenever it is necessary to evict any person under clause (b) of subsection (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 the service of the notice why he shall not be evicted from the building.(2)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 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 sub-rule.(3)Where the serving officer tenders and delivers a copy of the notice under sub-rule (2) 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 services endorsed on the original notice.(4)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) refused 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 served 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.(5)Notwithstanding anything contained in this rule, the order may, if the District Magistrate so directs, be served by registered post with acknowledgement due.(6)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.

4.

(1)Where any rent lawfully payable by a tenant in respect to any building is to be deposited under sub-section (2) of Section 13 of the Act, he may after giving a week's notice to the parties concerned, deposit in local treasury under the head, "P-Deposits and Advances-Departmental and Judicial Deposits-Civil Deposits-Revenue Deposits, etc. - Rent Deposits under the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947" 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.(2)On receipt of the statement and treasury challan under sub-rule (1), the Collector shall serve the person or persons named in such statement or in his or their absence on any adult member of 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 the 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 by affixing to the usual or last known place of such person or persons:Provided further that the Controller may extend the date for withdrawing the deposit.(3)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.(4)On receipt of the application under sub-rule (3) the Controller may-(i)order the payment of the amount 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.(5)When the Controller has 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.

5.

Every tenant who makes a payment on account of rent to his landlord shall be granted a receipt under section 14 of the Act in Form II.

6.

Any application to the Commissioner for revision of an order passed by the Controller or by the 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.

7.

(1)Any person affected by an order of the Controller or of the appellate authority on appeal, or of the Commissioner in revision, passed under this Act, shall be supplied under section 21 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 shall bear adhesive court-fee stamps of the valuation of 25 paise, only for an ordinary copy or adhesive court-fee stamp of the value of one rupee and 25 paise, for an urgent copy. In addition, a searching fee of 25 paise, adhesive court-fee stamp shall be levied in all cases:Provided that no searching fee shall be levied when papers of which copies are required, have not been deposited in the record room of the Collectorate or the Commissioner.(2)On receipt of the application the party shall be informed of the court-fee stamps required under the provisions of sub-rule (3), 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.(3)The following fee shall be payable for grant of copies, namely-

	Ordinary Copy	Urgent Copy
(i) Copying fee for every 153 words, or less of the typewritten document.	25 Paise	50 Paise
(ii) Authentication fee	50 Paise	62 Paise

(4)An application for copy may also be made by registered post in which case the applicant shall be required to pay a consolidated fee of five rupees irrespective of the number of words contained in the order of which copy is desired, to cover the cost of copy and authentication fee. In such cases, the application shall be accompanied by a copy of the challan showing deposit of five rupees in the Government treasury under the head "XXXVI-Misc."

8. Savings.

- Any action taken, order made or proceedings commenced under the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1948, shall so far as it is consistent with these rules, be deemed to have been taken, made or commenced under the corresponding provisions of these Rules. Form I The Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1955 Notice Where the building described in the schedule below is proposed to be vacated under the provisions of clause (b) of sub-section (2) of Section 11 of the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1947. Now, therefore, in exercise of the powers conferred by sub-rule (1) of Rule 3 of the Bihar Buildings (Lease, Rent and Eviction) Control Rules, 1955, I hereby

direct-(a) _____
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 (See Rule 5)

Form of	
Form of Receipts	Receipts Under
Under Section	Section 14(1) of
14(1) of the Bihar	the*[Bihar
Buildings (Lease,	Buildings
Rent and	(Lease, Rent
Eviction) Control	and Eviction)
Act, 1947	Control Act,
	1947
Landlord's	Receipt Issued
Counterfoil	To the Tenant
Received	Received from
from.....a
a	resident of.....
resident of.....	the sum of
the sum of	Rs.....
Rs.....	being the rent
being the rent of	of the building

the building as
per particulars
given below:

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						