

The Haryana Requisitioning and Acquisition of Immovable Property Rules, 1973

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Rule

THE-HARYANA-REQUISITIONING-AND-ACQUISITION-OF-IMMOVABLE of 1973

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The Haryana Requisitioning and Acquisition of Immovable Property Rules, 1973Published vide Notification Haryana Government Gazettee See Legislative Supplement Part 3, dated the 4th November, 1974, page 9

1. Short title.

- These rules may be called the Haryana Requisitioning and Acquisition of Immovable Property Rule, 1973.

2. Definitions.

[Section 25] - In these rules, -(a)"Act' means the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973.(b)"Form" means a form appended to these rules.(c)"Section" means a section or sub-section of the Act.

3. Procedure to be followed be competent authority.

[Section 3(2)] - A notice under clause (a) of sub-section (1) and order under clause (b) of sub-section (1) of Section (sic) shall be [in Form 'A' which shall be sent to the person concerned by registered post acknowledgement due.] [Substituted vide GSR 43/HA35/73/S.25/Amd(1) dated 10th April, 1975.]

4. Order of Requisitioning.

[Sections 3(2) and 4(1)] - The order of requisition under sub-section (2) of Section 3 and the notice under sub-section (1) of Section 4 shall be issued [in Form 'E' which shall be sent to the person concerned by registered post acknowledge due] [Substituted vide GSR 43/HA35/73/S.25/Amd(1) dated 10th April, 1975.].

5. Breaking open of locks on requisitioned property.

[Section 4(2)] - Where the possession of a requisitioned property is not handed over in compliance with an order issued under sub-section (1) of Section 4 and the premises are found locked the competent authority or any other person authorised by it in writing in this behalf may break open the lock in the presence of two witnesses and take possession of the property. Provided that :- (i) before any such action is taken the competent authority shall satisfy itself that the order under sub-section (1) of Section 4 has been duly served on the party concerned and that the party is evading compliance with the order; (ii) the powers under this rule shall not be exercised at any time after sunset or before sunrise; and (iii) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witnesses and such articles shall be stored in safe custody.

6. Repairs to requisitioned premises.

[Section 6] - A notice under sub-section (2) of Section 5 shall be in Form 'F'. The time for execution of repairs to be specified in the notice shall be such as the competent authority may deem reasonable having regard to the nature of repairs and other circumstances of the case.

7. Procedure to be followed in releasing the property.

[Section 5(2)] - (1) For the purpose of the sub-section (2) of Section 6 the competent authority, may, if it considers it necessary so to do, make or cause to be made by an officer empowered in this behalf by it, an enquiry to obtain information in respect of the following matters, namely :- (i) the name and address of the person from whom the property was requisitioned; (ii) the name and address of the person in possession of the property at the time the property was requisitioned; (iii) the name of the person who has been receiving compensation; (iv) Whether any alternative accommodation was provided to the occupant when the property was requisitioned or whether any compensation was paid to him for vacating the property, or whether the occupants, if any, relinquished their claims for reoccupation of the property; (v) whether the occupant was a bona fide tenant of the property or was an authorised occupant or has no claim in law for the restitution of the property; (vi) whether the owner of the property on whom the requisitioning order was first served, has sold the property and if so, to whom; (vii) in case the property has been sold whether the owner has sold all rights in respect of the property; (viii) whether there is any objection to the property being derequisitioned in favour of the owner from whom the property was requisitioned; (ix) the state of repairs of property at the time of enquiry; (x) whether any structure or articles belonging to State Government have been

erected or installed in the property and their value;(xi)the condition of the property at the time of requisition and whether the property is in as good a condition as it was when possession thereof was taken subject to change caused by reasonable wear and tear or irresistible forces;(xii)the estimated cost of restoration; and(xiii)any other matter that the competent authority may consider necessary for the purpose of specifying the person to whom possession of the property may be given.(2)An order under sub-section (2) of Section 6 shall be issued in Form 'G'.(3)A notice under sub-section (4) of Section 6 shall be in Form 'H'.

8. Acquisition of requisitioned property.

[Section 9] - A notice under sub-section (1) of Section 9 calling upon the owner or any other person interested in a requisitioned property to show cause why the property should not be acquired, shall be in Form 'I' and a notice of actual acquisition shall be in Form 'J'.

9. Arbitration.

[Section 10] - (1) An arbitrator appointed under clause (b) of sub-section (1) of Section 10 shall complete the arbitration proceedings and give his award within a period of four months from the date of appointment. The State Government may, if it thinks fit whether the time for making the award has expired or not and whether the award has been made or not, extend from time to time the period for making the award.(2)An arbitrator shall take down the evidence of each witness, not ordinarily in the form of question and answer, but in that of a narration and shall sign it.(3)Where before an arbitrator is able to finish the arbitration proceeding and make his award a new arbitrator is appointed, the new arbitrator may deal with the evidence taken down by his predecessor as if such evidence had been taken down by him and may proceed with the arbitration proceedings from the stage at which his predecessor had left it.(4)The costs of arbitration and award shall be in discretion of the arbitrator who may direct as to by whom, and in what manner, the same or any part thereof shall be paid, and in case an appeal is preferred to the High Court, such costs and the costs of the appeal shall be in the discretion of the High Court, which may direct to and by whom and in what manner, the same or any part thereof shall be paid.

10. Appeals.

[Sections 12 and 13] - (1) An appeal under Section 12 or Section 13 shall be addressed to the Secretary to the Government in the Home Department.(2)Every appeal shall contain the grounds of appeal and shall be accompanied by a copy of the order against which the appeal is preferred.

11. Summoning of persons and witnesses and production of documents.

[Section 15] - An order under Section 12 summoning and enforcing the attendance of any person and examining him on oath or requiring the discovery and production of any documents shall be issued in Form 'B'. An order requisitioning public records from any court or office shall be issued in Form 'C', and an order issuing commissions for examination of witnesses shall be in Form 'D'.

12. Inspection of premises.

[Section 17] - The competent authority or any officer empowered in this behalf by such authority, by general or special order, shall not in exercise of the powers conferred by Section 14, enter upon any property after sunset or before sunrise. Form A (See Rule 3) Notice and Order

Whereas, I, | (name and designation)| Property Act, 1973 (35 of 1973) am of opinion that the property described in the Schedule hereto annexed is needed/or likely to be needed for a public purpose, * _____ being a purpose of the State and that the said property should be requisitioned. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the said Act, I, to the competent authority, hereby call upon | (name of persons)| being the | *owner of the said property* person in possession of the property | to show cause within fifteen days of the date of service of this instrument upon him why the said property should not be requisitioned and I further direct that neither the owner of the said property nor any other person shall without my permission dispose of or structurally alter the said property or let it out to a tenant until the expiry of two months from the date of service of this instrument upon him.

Schedule

Signature _____ Designation _____ To _____ Form 'B' (See Rule 11) Summons to Witness Case No. _____ of 19 _____ In the office _____ proposed requisitioning/acquisition/fixation of compensation in respect of _____ To _____ Whereas your attendance is required to give evidence/produce the documents described in the list enclosed in the case, you are hereby required (personally) to appear before the undersigned on the _____ day of _____ 195 _____, at _____ o'clock in the forenoon/afternoon and to bring with you (or send to this office) the said documents. In case you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in Rule 12 of Order XVI of the CPC. Given under my hand and the seal of this office this _____ day of _____ 195 _____. (SEAL) Competent Authority/Arbitrator Form 'C' (See Rule 11) Requisition for public record To _____ Please arrange to send per bearer/through your clerk on _____ the public record(s) mentioned below for my examination in connection with the proposed requisition/acquisition/fixation of compensation in respect of _____. Given under my hand and seal of this office this _____ day of _____ 195 _____. Details of Record

1. _____

2. _____

Competent Authority/Arbitrator (SEAL) Form 'D' (See Rule 11) Form of Commission In the matter of _____ It is ordered as follows :-

1. A Commission may issue direction to _____ of _____ for the examination upon interrogatories or viva voce before the aforesaid Commissioner of the following witnesses :-

(1) _____ (2) _____ (3) _____

2. In the event of any witness in his examination, cross-examination or re-examination producing any book, document, letter, paper or writing and refusing for good cause to be stated in his deposition, to part with the original thereof, then a copy thereof, or extract thereof certified by the Commissioner to be a true and correct copy or extract shall be annexed to the witness's deposition.

3. Each witness to be examined under the commission shall be examined on oath, affirmation or otherwise in accordance with his religion by or before the said Commissioner.

4. The depositions to be taken under and by virtue of the said commission shall be subscribed by the witness or witnesses and by the Commissioner

5. The interrogatories, cross-interrogatories and deposition together with any documents referred to therein or certified copies thereof or

extracts therefrom shall be sent to the| competent authorityarbitrator| on or before the _____ day of _____ or such further or other day as _____ may be ordered by registered post.Dated this _____ day of _____ 19____Competent Authority/ArbitratorForm 'E'(See Rule 4)Order and NoticeWhereas by a notice issued under sub-section (1) of Section 3 of the Haryana Requisition and Acquisition of Immovable Property Act, 1793 (35 of 1973)| (enter name of the person)| was called upon to show cause within the period (enter name of the person)specified therein why the property specified in the Schedule hereto annexed should not be requisitioned;And whereas the said period has expired and no cause has been shown against the said notice or/the cause shown against the notice has been considered;Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 3 and by Section 4 of the said Act, I _____ (name) being a competent authority under the said Act having been satisfied that it is necessary or expedient so to do, do hereby requisition the said property and I hereby order the said| (enter the name)| to surrender or deliver possession| thereof to| (enter designation of officer)| within thirty days of the service of this notice.

If the said| (enter the name)| refuses or fails to comply with the above order, it shall be lawful for me to take possession of the property and

for that purpose to use such force as may be necessary.

Schedule 2

Signature _____ Designation _____ To _____ Form 'F' (See Rule 6) Order Whereas the premises known as _____ have been requisitioned under Section 3 of the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973 (35 of 1973); And whereas the said premises are in need of repairs specified in the Schedule hereto appended; Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 5 of the said Act, I, _____ (enter name) _____, being the competent authority, under the said Act do hereby order _____, the landlord of the said premises to execute, the repairs specified in the schedule, being repairs which are necessary and are usually made by landlords in the locality in which the premises are situated within a period of _____ from the date of service of this notice. If the said landlord fails to execute the repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expense and the cost thereof shall, without prejudice to any other mode of recovery be deducted from the compensation payable to him.

Schedule 3

Signature _____ Designation _____ To _____ Form 'G' [See Rule 7(2)] Order Whereas the property specified in the Schedule hereto annexed was requisitioned by the order of the _____ No. _____ dated _____ with effect from the _____. And whereas the competent authority has now decided that the said property shall be released from requisition with effect from _____; Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 6 of the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973 (No. 35 of 1973), I _____, being the competent authority hereby specify (enter name and designation) Mr./Messrs. _____ as the person/persons to whom possession of the said property shall be given.

Schedule 4

Signature _____ Designation _____ To _____ Form 'H' [See Rule 7(3)] Notice Whereas the property specified in the Schedule hereto annexed was requisitioned by the order of the _____, No. _____ dated _____ with effect from _____. And whereas the competent authority has decided that the said property shall be released from requisition : And whereas in exercise of the powers conferred by sub-section (2) of Section 6 of the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973 (No. 35 of 1973), I _____, _____ (name) (designation) being a competent authority under the said Act have specified Shri _____, as the person to whom possession of the said property shall be given; And whereas, the said Shri _____ cannot be found and has no agent or other person empowered to accept delivery on his behalf; Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, I, _____, (name) _____ do hereby declare that the said property (designation) is released from requisition.

Schedule 5

Signature _____ Designation _____ To _____ Form 'I' (See Rule 8)
Notice Whereas the *[State Government _____] (here give the name or designation of the Officer to whom the powers to acquire property under Section 20 has been delegated is of opinion that the property described in the Schedule hereto annexed which is subject to requisition should be acquired for a public purpose, namely, _____. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the said Act, *the State Government _____ read

with Haryana Government notification No. _____, dated the _____ hereby calls Shri| being the owner of the said property| the person interested in the said property| to show cause within fifteen days of the date of service of this notice upon him why the said property should not be acquired.

Schedule 6

Signature _____ Designation (Seal) _____ To _____ Form 'J' (See Rule 8)
Notice Whereas a notice under the proviso to sub-section (1) of Section 9 of the Haryana Requisitioning and Acquisition of Immovable Property Act, 1973 (35 of 1973) was issued by the State Government _____ (here give the name or designation of the officer to whom the powers to acquire the property have been delegated under Section 20 of the said Act) to Shri being the owner of the said property/ the person interested in the said property calling upon him to show cause within the period specified therein why the said property should not be acquired; And whereas the said period has expired and no cause has been shown against the said notice/ the cause shown against the said notice has been considered, and parties have been given an opportunity of being heard; Now, therefore, in exercise of the powers under sub-section (1) of Section 9 of the said Act, the State Government _____ (here give the name or designation of the officer to whom the powers to acquire the property have been delegated under Section 20 of the said Act) having been satisfied that it is necessary so to do hereby acquire the said property.

Schedule 7

Signature _____ Designation _____