

Andhra Pradesh Government Lands And Buildings (Termination Of Leases) Act, 1986

ANDHRA PRADESH

India

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Act 18 of 1986

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Andhra Pradesh Government Lands And Buildings (Termination Of Leases) Act, 1986(Act No. 18 of 1986)Statement of Objects and Reason - Several valuable lands and huge buildings belonging to the Government had been earlier leased out to private parties at incredibly low rents and for long periods. Due to vast expansion of developmental activities, the Government themselves are in need of lands and buildings for public purposes; but due to acute shortage of lands and buildings it has become increasingly difficult to secure suitable land or building for public purposes. While the private parties are in possession of Government lands and buildings, public interest is at stake, since it is not possible to resume the Government lands and buildings in the hands of lessees, the reason being the concerned lease deeds do not provide for the resumption of the demised land or building when they are required for public purposes. In the circumstances it has been decided to make a law empowering the Government to terminate an existing lease with regard to a demised land or building and resume the same whenever it is required for a public purpose. In order to mitigate any inconvenience or hardship caused to the lessee due to premature termination of lease and also to enable him to secure alternative accommodation, it has also been decided to pay a suitable solatium to the lessee. This Bill seeks to give effect to the above decisions. [25th July, 1986] The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 13th April, 1986 for the consideration and assent of the President received the assent of the President on the 20th July, 1986 and the said assent is hereby published on the 25th July, 1986 in the Andhra Pradesh Gazette, Part IV B (Ext.) An Act to provide for the determination of leases relating to Lands and Buildings belonging to Government and to provide for matters connected therewith or incidental thereto. Whereas certain buildings and lands belonging to the Government have been leased out to private parties for long periods; And whereas due to increasing developmental activities there has been a phenomenal expansion of Government offices and establishments; And whereas the Government have been finding it extremely difficult to secure land and Buildings for public purposes due to acute shortage of lands and buildings; And whereas the Government have been

forced to take private accommodation at exorbitant rents for public purposes; And whereas in the circumstances, it is considered expedient to empower the Government to terminate the existing leases of lands and buildings and resume them wherever any such land or building is required for public purpose; Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in Thirty seventh Year of the Republic of India as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Andhra Pradesh Government Lands and Buildings (Termination of Leases) Act, 1986. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on such date [as the Government may, by notification in the Andhra Pradesh Gazette, appoint.] [Came into force from 15-8-1987, Published in Andhra Pradesh Gazette, Part I, Extraordinary, dated 15-8-1987.]

2. Definitions.

- In this Act, unless the context otherwise requires: (a) "appointed date" means a date appointed under sub-section (3) of Section 1; (b) "demised premises" means any land or building belonging to the Government which has been leased out to any person or in respect of which there is any arrangement with any person; (c) "estate officer" means an officer appointed as such under Section 3 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 (Act 20 of 1968); (d) "Government" means the State Government of Andhra Pradesh; (e) "notification" means a notification published in the Andhra Pradesh Gazette; (f) "person" includes a firm or a branch thereof, a body corporate or a branch thereof or an association or a joint Hindu family or a Company; (g) "prescribed" means prescribed by rules made under the Act.

3. Termination of leases.

- Notwithstanding anything contained in the Indian Contract Act, 1872 (Central Act IX of 1972) and the Transfer of Property Act, 1882 (Central Act IV of 1882), it shall be lawful for the Government to terminate any lease or other arrangements entered into or made before or after the appointed date between the Government and any person, in respect of any demised premises, where any such demised premises is required for a public purpose, after giving such period of notice and in such manner as may be prescribed to such person and thereupon the rights and liabilities as between the parties to the lease or other arrangement shall cease and determine; but any amount due to the Government from the aforesaid person under the lease or other arrangement so terminated shall be recovered as an arrear of land revenue.

4. Eviction from demised premises.

- Where a lease or other arrangement with regard to a demised premises stands terminated under Section 3, the person in occupation of such premises shall within such period as may be prescribed not exceeding one hundred and eighty days, vacate the demised premises and deliver possession

thereof to the Estate Officer if it is a building, and to the Mandal Revenue Officer in whose jurisdiction the land is situated if it is a land.

5. Manner of Eviction from demised premises in certain cases.

(1)Where any person fails or refuses to vacate and deliver possession of the demised premises under Section 4, the Estate Officer in case of a building, and the Mandal Revenue Officer in case of a land shall serve an order of eviction in the manner prescribed on the person in occupation of the demised premises or on his agent requiring him to vacate and deliver possession thereof within such time as may be specified in such order and after the receipt of such order the person in occupation of the demised premises shall vacate the same and deliver possession thereof to the Estate Officer or as the case may be to the Mandal Revenue Officer within such time as may be specified in such order.(2)Where the person in occupation of the demised premises fails to vacate the premises within the time specified in sub-section (1) the Estate Officer, or as the case may be the Mandal Revenue Officer, may take possession of the demised premises from the person in occupation thereof and where any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of a Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.(3)Where the demised premises is a building of which possession is to be taken under this Act and the same is found locked, the Estate Officer may either cause the premises sealed or in the presence of two or more witnesses break or cause it to be broken open by its door, gate or other barriers and enter the premises:Provided that:(a)no entry shall be made into or possession taken of a building before sunrise or after sunset;(b)where any building is forced open an inventory of the articles found in the premises shall be taken in the presence of two or more witnesses.

6. Solatium payable to the lessee.

(1)Where a lease is terminated under Section 3 the Government shall pay to the lessee an amount of solatium.(a)equivalent to four months rent for every year of unexpired period of lease where such unexpired is five years or less; or(b)equivalent to three months rent for every year of unexpired period of lease where such unexpired period is more than five years but does not exceed ten years subject to a minimum amount equivalent to twenty months' rent; or(c)equivalent to two months rent for every year of unexpired period of lease where such unexpired period is more than ten years subject to a minimum amount equivalent to thirty months,' rent.Explanation: For the purpose of computation of the years of unexpired period of lease under this sub-section any period not exceeding six months shall be ignored and any period exceeding six months shall be computed as one year.(2)The amount payable under sub-section (1) shall be paid to the lessee in such manner and within such time as may be prescribed.

7. Punishment for disobeying eviction order.

- Without prejudice to any action that may be taken under Section 5, any person continuing in occupation of a demised premises after the expiry of the period specified in the order of eviction,

shall be punishable with imprisonment of either description which may extend to one year or with fine which may extend to one thousand rupees or with both.

8. Offence by companies.

(1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything in sub-section (1) where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation: For the purpose of this section, (a) "company" means any body corporate and includes a firm, a society or other association of individuals, and (b) "director" in relation to (i) a firm, means a partner in the firm; (ii) a society or other association of individuals means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association as the case may be.

9. Savings.

(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder. (2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or by anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

10. Bar of jurisdiction.

- No Court shall have jurisdiction to entertain any suit or proceeding in respect of an eviction order served under Section 5 on any person who is in unauthorised occupation of any demised premises or the recovery of the amounts under Section 3.

11. Act to override other laws.

- The provisions of this Act and the rules made thereunder shall have effect, notwithstanding inconsistent therewith in any other law for the time being in force, or any custom, usage or agreement, or decree or order of a Court, tribunal or other authority.

12. Power to make rules.

(1)The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall,from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.