

Sikkim Public Security (Requisitioning and Acquisition of Immovable Property) Rules, 1963

SIKKIM

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Rule

SIKKIM-PUBLIC-SECURITY-REQUISITIONING-AND-ACQUISITION-OF- of 1963

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Sikkim Public Security (Requisitioning and Acquisition of Immovable Property) Rules, 1963
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1. Short title.

- These rules may be called the Sikkim Public Security (Requisitioning and Acquisition of Immovable Property) Rules, 1963.

2. Power to require delivery of possession of property.

- Whenever any property is requisitioned, the Government of Sikkim may by order require the owner or person in possession of the property to deliver possession thereof, after removing there from any furniture or other articles, to such person and within such time as may be specified in the order.

3. Procedure for taking possession.

- Where any person either remains in possession of any requisitioned property or fails to remove there from any furniture or other articles belonging to him in contravention of any order of requisition, the Government of Sikkim may enter into or take possession of the property and while taking possession of the property, the Government of Sikkim. shall make, in the presence of two

witnesses, an inventory of the furniture or other articles found therein and after giving not less than 3 days notice for removing such furniture or other articles, may dispose of such furniture or other articles by public auction. The sale proceeds, if any, shall, after deducting the expense, of the sale, be paid to such person or persons as are entitled to receive the same.

4. A property requisitioned can be used for any one or more purposes at the discretion of the Government.

5. (i) The Government of Sikkim may, by order in writing, require any person interested to execute such repairs to the property (being repairs which are necessary and are usually made by owners of properties in the locality in which the requisitioned property is situated) and within such time as may be specified in the order, and if the person interested fails to execute any repairs in pursuance of such order, the Government of Sikkim may cause the repairs specified in the order to be executed and the expense of such repairs shall be deducted from the compensation payable to him so, however, that the amount to be deducted shall in no case exceed the compensation payable for a month in any one year.

(ii) the Government of Sikkim does not consider it in the public interest to allow entry into the property by the person interested or his agents or workmen for carrying out the requisite repairs, such repairs may be carried out by the Government of Sikkim and the expenses thereof shall be deducted from the compensation payable in respect of the property in accordance with sub -rule (i).

6. Release from Requisition.

- (i) Where any person to whom the possession of any property to be released is to be given fails to accept delivery of the property, or cannot be found and has no legal agent or any other person empowered to accept delivery on his behalf. the Government of Sikkim shall cause a notice declaring that the property is released from requisition, to be served by registered post at the last known address of such person and a copy of such notice shall at the same time be fixed on some conspicuous part of the property and a purport of the notice shall be made public in the manner that the Sikkim Government may consider sufficient. Such property shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof and the Government of Sikkim shall not be liable for any compensation or other claim in respect of the property for any period after the said date. (ii) Where any requisitioned property or any material part thereof is wholly destroyed or rendered substantially and permanently unfit for reasons beyond the control of the Government, the property or any such part thereof, shall at the option of the Government of Sikkim be deemed to have been released from requisition and the Government of Sikkim shall not be liable to restore the same in as good a condition as it was at the time of requisition making allowance for normal deterioration.

7. Compensation.

- (i) Government of 'Sikkim shall, as soon as may be after the property has been requisitioned, determine the compensation payable and shall also apportion it where necessary among the persons being known or believed to be interested in the property or whom or of whose claim to compensation the Government has information. Such determination shall be communicated by the competent authority to the person or persons in whose favour the determination has been made.(ii)The Compensation will be determined on the basis of a month rental worked out by the Sikkim Public Works Department and the finding of the Chief Engineer will be final.(iii)The Compensation shall be payable on the expiry of every three month in respect of a building and on the expiry of every six months in respect of a rural land.

8. Orders on behalf of Sikkim Government under this rule will be passed by the Chief Secretary to The Government of Sikkim.