

The Haryana Public Premises and Land (Eviction and Rent Recovery) Rules, 1973

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Rule

THE-HARYANA-PUBLIC-PREMISES-AND-LAND-EVICTION-AND-RENT of 1973

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The Haryana Public Premises and Land (Eviction and Rent Recovery) Rules, 1973Published Vide Haryana Government Gazette Legislative Supplement Part 3, dated 26th June, 1973

1. Short title.

- These rules may be called the Haryana Public Premises and Land (Eviction and Rent Recovery) Rules, 1973.

2. Definitions.

- In these rules, -(a)"Act" means the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972;(b)"Form" means a Form appended to these rules;(c)Words and expressions used but not defined in these rules shall have the meaning, if any, assigned to them in the Act.

3. Form of notice and orders.

[Sections 4, 5, 6 and 7] - A notice or order under the Act shall be in one of the appropriate Forms appended to these rules.

4. Manner of service of notice.

[Sections 4 and 6] - (1) Where the person on whom a notice under sub-section (1) of Section 4 or sub-section (1) of Section 6 of the Act is to be served cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult member of his family.(2)The Collector may also proclaim the contents of any notice in the locality by beat of drum.

5. Manner of taking possession of public premises.

[Section 5(2)] - (1) If any obstruction is offered, or is in the opinion of the Collector likely to be offered to the taking possession of any public premises under the Act, the Collector or any other officer duly authorised by him in this behalf may obtain necessary police assistance.(2)Where any public premises of which possession is to be taken under the Act, is found locked, the Collector or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses preferably of the locality in the which public premises is situated break open to the locks or open or cause to be opened any door, gate or other barrier and enter the premises:Provided that -(a)no entry shall be made into, or possession taken of, a public premises before sunrise or after sunset;(b)where any public premises is forced open, an inventory of the articles found in the premises shall be prepared in the presence of two witnesses, preferably of the locality in which the public premises in situated.

6. Assessment of damages.

[Section 7] - In assessing damages for unauthorised use and occupation of any public premises, the Collector shall take into consideration the following matters, namely :-(a)the purpose and the period for which the public premises were in unauthorised occupation;(b)the nature, size and standard of the accommodation available in such premises;(c)the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation to a private person;(d)any damage done to the premises during the period of unauthorised occupation;(e)any other matter relevant for the purpose of assessing the damages.

7. Holding of inquiries.

[Section 8] - (1) Where any person on whom a notice or order under the Act has been served desires to be heard through his representative, he should authorise such representative in writing.(2)The Collector shall record the summary of the evidence produced before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.

8. Procedure in appeals.

[Section 11(2)(c)]. - An appeal preferred under Section 9 of the Act, shall be in writing, shall set forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a copy of such order.(2)On receipt of the appeal and after calling for and pursuing the record of the proceedings before the Collector, the appellate officer shall fix a time and place for the hearing of the appeal and shall give notice thereof to the Collector against whose orders the appeal is preferred and to the appellant.

9. Repeal.

- The Punjab Public Premises and Land (Eviction and Rent Recovery) Rules, 1959, are hereby repealed. Form 'A' Form of notice under sub-section (1) of Section 4 of the Haryana Public Premises and Land (Eviction and Recovery) Act, 1972. To Shri/Shrimati/Kumari

_____. Whereas I, the undersigned, am of opinion, on the grounds specified below, that you are in unauthorised occupation of the public premises mentioned in the Schedule below and that you should be evicted from the said premises :- Grounds Now, therefore, in pursuance of sub-section (1) of Section 4 of the Act, I hereby call upon you to show cause on or before the * _____ why such an order of eviction should not be made.

Schedule

Date _____ Signature and seal of the Collector. *This date should be a date not earlier than ten days from the date of issue of the notice. Form 'B' Order under sub-section (1), Section 5 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. Whereas I, the undersigned, am satisfied for the reasons, recorded below that Shri/Shrimati/Kumari _____ is/are in unauthorised occupation of the public premises specified in the Schedule below. Reasons Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 5 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, I hereby order the said Shri/Shrimati/Kumari _____ and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within thirty days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Shri/Shrimati/Kumari _____ and all other person concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary.

Schedule 2

Date _____ Signature and Seal of the Collector Form "C" Form of notice under sub-section (1) of Section 6 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. Shri/Shrimati/Kumari _____ Whereas on the _____ you were evicted from the public premises described in the Schedule below which was unauthorisedly occupied by you. Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 6 of the Act, I hereby give you notice that after fourteen days of the service

of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent or damages due from you are paid within the said period of fourteen days.

Schedule 3

Date _____ Signature and seal of the Collector Form "D" Form of Order under sub-section (1) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. To Shri/Shrimati/Kumari _____ Whereas you are/were in occupation of the public premises described in the Schedule below; And whereas, by a written notice dated _____ you are called upon to show cause on or before _____ why an order requiring you to pay arrears of rent amounting to Rs. _____ for occupation of the said premises, should not be made. *And whereas, I have considered your objection and/or the evidence produced by you; *And, whereas you have not made any objections or produced any evidence before the said date: Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, I hereby require you to pay the said sum within _____ months in equal instalments of Rs. _____ payable _____. In case the said sum is not paid within the said period it will be recovered as an arrear of land revenue.

Schedule 4

Signature and Seal of the Collector Date _____ *Strike off portion not required. Form "E" Form of Order under sub-section (2) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. To Shri/Shrimati/Kumari _____ Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Schedule below; And whereas, by a written notice dated _____, you were called upon to show cause on or before _____ why an order requiring you to pay damages of Rs. _____ for unauthorised use and occupation of the said premises, should not be made; *And whereas, I have considered your objections and/or the evidence produced by you _____; *And, whereas you have not made any objections or produced any evidence before the said date; Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, I hereby order you to pay the said sum of Rs. _____ assessed by me as damages on account of your unauthorised occupation of the said premises within _____ months in equal instalments of Rs. _____ payable _____.

Schedule 5

Signature and Seal of the Collector Date _____ *Strike off portion not required. Form "F" Notice under sub-section (3) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. To Shri/Shrimati/Kumari _____ Whereas I, the undersigned, am satisfied that you are/were in occupation*/unauthorised occupation of the

public premises mentioned in the Schedule below :And whereas in exercise of the powers conferred on me by sub-section (1) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent and Rent Recovery) Act, 1972, I consider that the arrears of rent per mensem/per annum are due from you for the period from _____ to _____*And Whereas, in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Haryana Public Premises and Land (Eviction and Recovery) Act, 1972. I consider the damages amounting to Rs. _____ at the rate of Rs. _____ p.m./p.a. have been caused on account of unauthorised use and occupation of the said premises for the period from _____ to _____,Now, therefore, under the provisions sub-section (3) of Section 7 of the Act, I hereby call upon you to show cause on or before the _____, why an order requiring you to pay the said arrears of rent/damages* should not be made.

Schedule 6

Date _____ Signature and Seal of the Collector*Strike off portion not required.