

# Gangtok Rent Control Eviction Act, 1956

SIKKIM

India

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### Act 1 of 1956

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Gangtok Rent Control Eviction Act, 1956[Act 1 of 1956]Last Updated 20th February, 2020Received assent of His Highness the Maharaja of Sikkim on, 31st May 1956.Preamble. - Whereas it is deemed expedient and necessary to control rent and eviction of accommodation in Gangtok Bazar premises it is hereby enacted as follows: -

#### 1. Short Title, Commencement Extent.

- (i) This Act shall be called the Gangtok Rent Control Eviction Act 1 of 1956.(ii)It shall come into force from the date of its publication in the Sikkim Darbar Gazette.(iii)It shall extend to all Buildings & Construction situated within the area of Gangtok Bazar, which may be fixed from time to time by the Sikkim Darbar.

#### 2. No tenant shall be liable to pay rent for accommodation within the Bazar area as specified in schedule 1 in excess of the standard rent fixed for such accommodation.

#### 3. Standard rents shall be fixed as follows,

(i)Market value of the premises on the date this Act comes into force shall be fixed by the Sikkim Durbar. In fixing the Market value the competent authority would take the opinion of such responsible members of the public including the owner of the premises as may be deemed fit so as to ensure a just evaluation. The rent so fixed would remain valid for five years.(ii)The standard rent shall be 9% per year of the market value of the premises.

#### 4. A Landlord may not ordinarily eject any tenant. When however whole or part of the premises are required for the bonafide occupation of the landlord or his dependents or for thorough overhauling excluding addition and

**alterations or when the rent in arrears amount to four months rent or more the landlord may evict the tenant on filing a suit of ejectment in the Court of the Chief Magistrate. The tenant so evicted shall however have the first right to re-occupy the premises after over-hauling on such enhanced rent as may be fixed by the Sikkim Darbar before it is let out to any other tenant.**

**5. No tenant shall sub-let the premises either in whole or in part to a third party without the consent of the Landlord.**

**6. No landlord or tenant shall keep either the whole or any part of the business premises facing the Bazar street as a go down as long as parties may be available to take up the premises on payment of the standard rent.**

**7. No landlord or tenant shall keep either the whole or any part of the business premises facing the Bazar street closed down-for a period exceeding six months. If he does so, the Sikkim Darbar shall have the right to take possession of the: premises and let it out to anyone else whom it thinks proper:**

Provided the landlord will first be given the opportunity to let out such premises himself on being so directed by the Darbar.

**8. Where, during the currency of a standard rent payable for any premises there is any increase in the ground rent payable to the Darbar in respect of the premises the landlord may enhance the rent to the extent of the increase in such ground rent subject to the approval of the Darbar.**

**9. Where, during the currency of a standard rent payable for any premises the landlord has on the request of the tenant made some addition alteration or improvement in the premises the landlord shall be entitled to proportionate - increase In the standard rent.**

**10. (i) Any tenant or landlord may apply to the Sikkim Darbar in writing to fix the standard rent as provided in section 3.**

(ii) Application shall be accompanied by a State Bank Receipt of Rs.10.

**11. Where the landlord recovers, possession of any premises from the tenant by virtue, of a decree obtained under section 4 and the premises are not occupied by him or by the person for whose, benefit the premises were, acquired within 2 months of date of vacation of the premises or through overhauling is not commenced within three months of the date of vacation of the premises, by the tenant, the Sikkim Durbar, shall, on receipt of a complaint from the evicted tenant let out premises in a standard rent While so letting out the premises, the evicted tenant shall be given the first choice, put if he does not school to re-occupy the premises within one month of the receipt of notice the premises may be let out to any one else.**

**12. No tenant shall make any additions or alterations to the building, or damage the structure in any way, save in the course of ordinary wear and tear, without the approval in writing of the landlord, failing which the landlord shall have the right to evict such tenant.**

**13. Any person contravening, attempting, or abetting the contravention of. any of the provisions of this Act shall be liable to fine which may extend to Rs. 1000, in default one month's simple imprisonment.**