

# The M.P. Lok Parisar (Bedakhali) Niyam, 1975

MADHYA PRADESH

India

## The M.P. Lok Parisar (Bedakhali) Niyam, 1975

### Rule THE-M-P-LOK-PARISAR-BEDAKHALI-NIYAM-1975 of 1975

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The M.P. Lok Parisar (Bedakhali) Niyam, 1975 Published vide Notification No. F.13-43-74-2-A(3), dated 8-4-1975, published in the M.P. Rajpatra (Asadharan) dated 9-4-1975 at p. 916 In exercise of the powers conferred by Section 18 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), the State Government hereby makes the following rules, namely :-

#### 1. Short title.

- These rules may be called the Madhya Pradesh Lok Parisar (Bedakhali) Niyam, 1975.

#### 2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974);(b)"Form" means a Form appended to these rules.(2)Where the copy of the notice under sub-rule (1) is delivered or tendered, the signature of the person to whom the copy is so delivered or tendered shall be obtained in token of acknowledgement of the service.(3)In respect of a notice issued under [x x x] [Omitted by Notification No. F-13-37-80-II-A (3), dated 6-5-1980.] sub-section (1) of Section 6 or sub-section (1) or (2) of Section 7 or sub-section (1) of Section 13 of the Act, where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where such person cannot be found after using all due and reasonable diligence, and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original shall be returned to the competent authority who issued the notice, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was done so, and the name and address of the person, if any, by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed.(4)If a notice issued under [x x x] [Omitted by Notification No. F-13-37-80-II-A (3), dated 6-5-1980.] sub-section (1) or (2) of Section 7 or sub-section (1) of Section 13 of the Act cannot be served in the manner provided in

sub-rule (1) the competent authority may, if he thinks fit, direct that such notice shall also be published in at least one newspaper having circulation in the locality and he may also proclaim the contents of any notice in the locality by beat of drum.

### **3. [ Form of notices. [Substituted by Notification No. F-13-37-80-II-A(3), dated 6-5-1980.]**

- A notice under the Act shall be in one of the appropriate Forms.]

### **4. [Manner of service of notice] [Substituted by Notification No. F-13-37-80-II-A(3), dated 6-5-1980.].**

(1)[A notice issued under sub-section (1) of Section 6 or sub-section (1) or (2) of Section 7 or sub-section (1) of Section 13 of the Act] [Substituted by Notification No. F-13-37-80-II-A(3), dated 6-5-1980.] shall be served by delivering or tendering a copy of the notice to the person for whom it is intended or to any adult member of his family, or by sending it by registered post acknowledgement due in a letter addressed to that person at his usual or last known place of residence or business.

### **5. Holding of inquiries.**

(1)Where any person on whom a notice [x x x] [Omitted by Notification No. F-13-37-80-II-A(3), dated 6-5-1980.] under this Act has been served desires to be heard through his representatives, he shall authorise such representative in writing.(2)[x x x] [Omitted by Notification No. F-13-37-80-II-A(3), dated 6-5-1980.]

### **6. Transfer of pending proceedings.**

(1)On the application of any person to whom a notice under the Act has been served and after hearing him, if he desires to be heard, or of its or his own motion, the State Government or any Gazetted Officer especially authorised by the State Government in this behalf by notification in the Official Gazette may at any stage transfer any proceeding pending before any competent authority for disposal of the same.(2)Where any proceeding has been transferred under sub-rule (1), the competent authority who thereafter is incharge of such proceeding may, subject to any special directions in the order of transfer, either restart it or proceed from the point at which it was transferred.

### **7. Manner of taking possession of public premises.**

(1)If any obstruction is offered, or is in the opinion of the competent authority likely to be offered, to the taking possession of any public premises under the Act, the competent authority 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 competent authority or any other officer duly authorised by him in this behalf may either seal the premises or

in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises :Provided that-(1)no entry shall be made into, or possession taken of, a public premises before sunrise or after sunset;(2)where any public premises is forced open, an inventory of the articles found in the premises shall be taken in the presence of two witnesses.

## **8. Assessment of damages.**

- In assessing damages for unauthorised use and occupation of any public premises the competent authority 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.

## **9. Procedure of appeals.**

(1)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 persuing the record of the proceeding before the competent authority, the appellate officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the competent authority against whose orders the appeal is preferred, to the appellant and to the Head of Department or authority in administrative control of the premises.

## **10. Repeal.**

- Madhya Pradesh Government Premises (Eviction) Rules, 1960 are hereby repealed :Provided that anything done or any action taken under the rules so repealed shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.[Form A] [Substituted for Forms A & B by Notification No. F, 13-37-80-II-A (3), dated 6-5-1980 and Substituted by Notification No. F. 1-221-90-2-A(3), dated 20-2-1991.]Order under sub-section (1) of Section 4 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)Whereas, I, the undersigned have received information that Shri/Smt./Kumari..... is/are in unauthorised possession of the public premises specified in the Schedule below; and that they should be evicted on the grounds given in the said Schedule;

**2. Now, therefore, in exercise of the powers conferred on me under sub-section (1) of Section 4 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), I hereby call upon the said Shri/Smt./Kumari..... and all persons who may be in occupation of the said premises or any part thereof, to show cause on or before (date) as to why the**

**proposed order of eviction should not be finally made. Shri/Smt./Kumari..... should also produce all evidence in support of the cause, if any to be shown on or before the date specified above.**

## **Schedule**

Part-A Public premisesPart-B GroundsDated..... 199.....Signature and seal of theCompetent Authority.Form CForm of notice under sub-section (1) of Section 6 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)Shri/Shrimati/Kumari.....Whereas on the..... you are evicted from the public premises described in the Schedule below which was unauthorisedly occupied to you;Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 6 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), 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/damages/costs due from you are paid within the said period of fourteen days.

## **Schedule 2**

Date.....Signature and Seal of theCompetent Authority.Form DNotice under sub-section (3) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)To,Shri/Shrimati/KumariWhereas you are/were in occupation of the public premises described in the schedule below :And whereas a sum of Rs..... being the arrears of rent from the..... day of..... 197, to the..... day of..... 197..... (both days inclusive) in respect of the said premises is due and payable by you to the Government;Now, therefore, in pursuance of sub-section (3) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), I hereby call upon you to show-cause on or before the..... why an order requiring you to pay the said arrears of rent should not be made.

## **Schedule 3**

Date.....Signature and Seal of theCompetent Authority.Form EForm of Order under sub-section (1) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)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 were called upon to show cause on or before why an order requiring you to pay a sum of Rs. .... being the rent payable in respect 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 by sub-section (1) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), I hereby require you to pay the sum of Rs..... (Rupees.....) as follows :In case the said sum is not paid within the said period or in the said manner, it will be recovered as an arrear of land revenue.

## Schedule 4

Date.....Signature and Seal of theCompetent AuthorityForm FNotice under sub-section (3) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)To.Shri/Shrimati/Kumari.....Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in Schedule I below;And, whereas in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), I consider the damages amounting to Rs..... are due for the period (s) and at the rate (s) shown in Schedule II below, on account of unauthorised use and occupation of the said premises;Now, therefore, under the provisions of sub-section (3) of Section 7 of the said Act, I hereby call upon you to show cause on or before the ..... as to why an order requiring you to pay the said damages should not be made.

I

II

Date.....Signature and Seal of theCompetent Authority.Form GForm of Order under sub-section (2) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)ToShri/Shrimati/Kumari.....Whereas I, the undersigned, am satisfied that you are/were in authorised occupation of the public premises mentioned in schedule below;And whereas by a written notice dated..... you were called upon to show cause on or before the..... 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 objection and/or the evidence produced by you;And whereas you have not made any objection or produced any evidence before the said date;Now, therefore, in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), I hereby order you to pay the 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.....In the event of your refusal or failure to pay the damages or instalment thereof within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.

## Schedule 7

Date.....Signature and Seal of theCompetent Authority.Form HForm of Order under Section 12 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974)ToShri/Shrimati/Kumari.....Whereas, there are reasons to believe that certain persons are in authorised occupation of the public premises described in the schedule hereto annexed;Now, therefore, in exercise of the powers conferred by Section 12 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), read with the notification of the competent authority..... I hereby require you to furnish the information in the Form specified in Schedule II hereto annexed on or before.....

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II

Date.....Signature and Seal of the Competent Authority or the Signature of the Officer authorised by the Competent Authority. Note. -Failure to comply with this order is an offence under the Indian Penal Code. Form ICertificate under Section 14 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974) from the Competent Authority to the Collector.....This is to certify that the amount of Rs..... is due to the State Government from Shri..... resident of..... on account of rent/damages/cost of appeal. In pursuance of Section 14 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974), I, Competent Authority, request you to proceed to recover the same as an arrear of land revenue. Form JNotice under sub-section (2) of Section 13 of the Madhya Pradesh Lok Parisar (Bedakhali) Adhiniyam, 1974 (No. 46 of 1974) To, Shri/Shrimati/Kumari.....Whereas, Shri..... (now deceased) was in occupation/unauthorised occupation of public premises described in the schedule below; And whereas the amount of Rs..... being arrears of rent/damages from the..... day of..... 19, upto the..... day of..... 19, in respect of the said premises had become due and payable by the said Shri..... to the Government; And whereas you are the heir/legal representative of the deceased Shri..... Now, therefore, in pursuance of sub-section (2) of Section 13 of the said 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 against you.

## **Schedule 10**

Date.....Signature and Seal of the Competent Authority.