

The Bihar Government Premises (Rent, Recovery and Eviction) Rules, 1957

BIHAR

India

The Bihar Government Premises (Rent, Recovery and Eviction) Rules, 1957

Rule

THE-BIHAR-GOVERNMENT-PREMISES-RENT-RECOVERY-AND-EVICTION-RULES-1957

- Published on 1 January 1957
- Commenced on 1 January 1957
- [This is the version of this document from 1 January 1957.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bihar Government Premises (Rent, Recovery and Eviction) Rules, 1957

1. Short title.

- These Rules may be called the Bihar Government Premises (Rent, Recovery and Eviction) Rules, 1957.

2. Definitions.

- In these Rules-(a)"the Act" means the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956); and(b)"form" means a form appended to these rules.

3. Form and manner of service of notice.

(1)(a)A notice issued under the proviso to-(i)Section 3 of the Act shall be in Form A;(ii)Section 4 of the Act shall be in Form B; and(iii)Section 5 of the Act shall be in Form C.(b)A notice issued under Section 4 of the Act shall be in Form D; and a notice issued under Section 5 of the Act shall be in form E; and(c)A notice of demand issued under Section 5 of the Act shall be in Form F.(2)Every notice referred to in sub-rule (1) shall be served by registered post or by delivering a copy of it to the person concerned or to an adult member of his family residing with him in the same premises, or, if there is no such person, by a copy of the notice being affixed on some conspicuous part of Government premises in occupation.(3)Where any objections are filed to the assessment of damages

in response to a notice issued in Form E or to the notice of demand for arrear rent issued in Form F, the competent authority shall investigate them and pass such orders thereon as it may deem fit.

4. Procedure for taking possession of Government premises.

- (i) The competent authority may, for the purposes of evicting any person from any Government premises under the Act, use or cause to be used such force and take or cause to be taken such other steps (including obtaining the assistance of the police) as may, in its opinion, be reasonably necessary for the said purpose.(2)Where any Government premises of which possession is to be taken under the Act are found locked, the competent authority or any other person authorised by it in writing in this behalf, may break open the lock in the presence of two witnesses and enter the premises:Provided that-(i)no Government premises shall be entered in pursuance of the powers conferred by this rule after sunset or before sunrise; and(ii)where Government premises are entered into in pursuance of the powers conferred by sub-rule (2), an inventory of the articles found in the premises shall be made in the presence of two witnesses and such articles shall be stored in safe custody.

5. Assessment of damages.

- In assessing damages under Section 5 of the Act, the competent authority shall take into consideration the following matters, namely-(1)(a)the purpose and the period for which the Government premises were in unauthorised occupation;(b)the nature and quality of accommodation available in such premises;(c)the rent that would have been realised if the premises had been let out on rent to any person other than a Government servant for the period of unauthorised occupation;(d)any injury done to the premises during unauthorised occupation;(e)any other matter which, in the opinion of the competent authority is relevant for the purpose of assessing damages.(2)For the purpose of assessing damages doe to any injury done to the premises, the competent authority or any other person authorised by him in writing in this behalf may enter and inspect such premises except after sunset and before sunrise.

6. Appeals.

- Every appeal under Section 8 shall be made in the form of a petition in writing stating the grounds of appeal and shall be accompanied by an authenticated copy of the orders against which the appeal is preferred.

7. Certificate of competent authority for recovering damages or arrear of rent as arrears of land revenue.

- No damages or arrear rent in respect of any Government premises shall be recovered under the Act as an arrear of land revenue except under and in accordance with the certificate of the competent authority issued in Form G.Form A(Form of notice under the proviso to Section 3)To,.....Where the Government premises described in the schedule below are required

for a public purpose, I, the undersigned, in pursuance of the proviso to Section 3 of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX, of 1956), hereby call upon you to show cause within fifteen days from the date of the service of this notice why the allotment under which the said Government premises occupied by you should not be cancelled.

Schedule

(Description of Government Premises)Competent AuthorityForm B(Form of show cause notice under the proviso to Section 4)To,.....Whereas, I, the undersigned, have reasons to believe that you have sublet without/have committed or are committing/have acted in contravention of/are in unauthorised occupation of the premises of the State Government or of undersigned the Government premises described in the schedule/the acts of waste (viz....) which are likely to affect materially the value or utility of the Government premises described in the Schedule/of the terms under which you are authorised to occupy the Government premises described in the Schedule.I hereby call upon, you in pursuance of the proviso to Section 4 of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956), to show cause with fifteen days of the service of this notice why you should not be asked to vacate the said premises within the time specified in the said section.

Schedule 2

(Description of Government Premises)Competent AuthorityForm C(Form of notice under the proviso to Section 5)To,.....Whereas you are in unauthorised occupation of the Government premises described in the Schedule/have committed the acts of waste (viz.....) which are likely to affect materially the value or utility of the Government premises described in the Schedule which are occupied by you.I propose to assess damages for such unauthorised occupation of the said premises for the period from.....to...../the act of waste committed by you, and hereby call upon you, in pursuance of the proviso to sub-sections (1) and (2) of Sections 5 of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956) to show cause within a month of the service of the notice why such assessment should not be made.

Schedule 3

(Description of Government Premises)Competent AuthorityForm D(Form of notice under Section 4)To,.....Whereas I, the undersigned am satisfied that you are in possession of the Government premises described in the Schedule in contravention of the provisions of Section 4 of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956) I hereby call upon you to vacate the said premises within fifteen days from the date of the service of this notice.I am to warn you that in case you fail to vacate the premises within the period specified above, you will be liable to be forcibly evicted therefrom.Date.....

Schedule 4

(Description of Government Premises)Competent AuthorityForm E(Form of notice of payment of damages under Section 5)To,.....In exercise of the powers conferred upon me by Section 5

of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956), I have assessed Rs.....as damages for the period from.....at the rate of Rs.....per month payable by you for the use and occupation of the premises described in the Schedule/a sum of Rs.....on account of the acts of waste (viz) committed by you which are likely to affect materially the value or utility of the premises described in the Schedule. A further amount calculated at the aforesaid rate will be due from you for the use and occupation of the premises for the period from until the premises are vacated. I accordingly call upon you to pay the said amount within..... days from the date of the service of this notice. If you do not accept the assessment of damages, you may file objections in writing thereto so as to reach the undersigned on or before the last date hereby fixed for payment of the said amount. If the amount is not paid or objections are not filed within the time specified above, the said amount will be recovered from you as arrear of land revenue.

Schedule 5

(Description of Government Premises)Competent AuthorityForm F(Form of notice of demand for arrear rent under Section 7)To,.....In exercise of the powers conferred by Section 6 of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956), I, the undersigned, hereby serve on you this notice of demand for payment of a sum of Rs.....on account of arrear rent payable by you for the occupation of the Government premises described in the Schedule. If the amount is not paid or objections to the payment thereof are not filed within 30 days from the service of this notice on you, the said amount will be recovered from you as arrear of land revenue.

Schedule 6

(Description of Government Premises)Competent AuthorityForm G(Form of notice under Rule 7)To,DistrictThe Collector.....This is to certify that a sum of Rs.....which is due from.....son of unauthorised/rent for use and occupation of the Government premises known as.....as per details in the enclosed statement is in arrears. With reference to the provision of Section of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar Act XX of 1956), you are hereby requested to recover the same as if it were an arrear of land revenue.Competent Authority