

# East Punjab Urban Rent Restriction (Amendment) Act, 1985

PUNJAB

India

## East Punjab Urban Rent Restriction (Amendment) Act, 1985

### Act 2 of 1985

- Published on 15 November 1985
- Commenced on 15 November 1985
- [This is the version of this document from 15 November 1985.]
- [Note: The original publication document is not available and this content could not be verified.]

East Punjab Urban Rent Restriction (Amendment) Act, 1985 Punjab Act No. 2 of 1985 Statement of Objects and Reasons of East Punjab Urban Rent Restriction (Amendment) Act (2 of 1985). - There have been representatives that defence personnel and other Central and State Government Employees are facing considerable difficulties in getting their residential houses vacated from tenants. The existing provisions of the East Punjab Urban Rent Restriction Act, 1949 do not provide any immediate relief to such employees. Cases have come to the notice of the State Government where such personnel are forced to face protracted litigation in courts involving considerable hardship and financial loss the Kendrya Sainik Board has also been pressing the State Government to provide relief in this regard. With a view to mitigate the hardship being faced by defence personnel and other Central and State Government employees, there is a need to amend the East Punjab Urban Rent Restriction Act, 1949 providing summary procedure for eviction of tenants from the residential and scheduled buildings of defence personnel and other Central and State Government employees on the eve of their retirement for their personal occupation and enabling such employees to get such buildings vacated from tenants within one year prior to or within one year after the date of retirement or after their retirement within one year of the date of commencement of this legislative measure. In the case of death of such a person the benefit of seeking eviction through summary procedure is also proposed to be granted to his widow or widower as the case may be, a child or a grand-child or a widowed daughter-in-law, who was dependent upon him. Further safeguarding against misuse, the Bill also makes a provision for imprisonment and fine in case such a person after having evicted a tenant/tenants through summary procedure does not occupy the building within three months or lets out it or any portion thereof within three years of such eviction and evicted tenant has also been made entitled to restoration of possession of the building in question. Punjab Gazette Extraordinary dated 30.10.1985. Received the assent of the Governor of Punjab on the 15th November, 1985, and was published in the Punjab Gazette, (Extraordinary), Legislative Supplement, Part I, dated November 16, 1985. An Act to amend the East Punjab Urban Rent Restriction Act, 1949. Be it enacted by the Legislature of the State of Punjab in the Thirty-sixth Year of the Republic of India as follows :-

## **1. Short title.**

- This Act may be called the East Punjab Urban Rent Restriction (Amendment) Act, 1985.

## **2. Amendment of Section 2 of Punjab Act 3 of 1949.**

- In the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the principal Act), in Section 2, -(a)in clause (h), for the words "the Schedule", the word and figure 'Schedule I' shall be substituted; and(b)after clause (h), the following clause shall be inserted, namely :-(hh) 'specified landlord' means a person who is entitled to receive rent in respect of a building on his own account and who is holding or has held on appointment in a public service or post in connection with the affairs of the Union or of a State;"

## **3. Amendment of Section 13 of Punjab Act 3 of 1949.**

- In the principal Act, in Section 13, after sub-section (4), the following sub-section shall be inserted, namely :-(4-A) Where a tenant is evicted from a residential building or scheduled building in pursuance of an order made under Section 13-A and the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law of such specified landlord, -(a)does not occupy it for a continuous period of three months from the date of such eviction; or(b)within a period of three years from the date of such eviction of the tenant, lets out the whole or any part of such building, from which the tenant was evicted, to any person other than the tenant;such evicted tenant may apply to the Controller, for an order directing that the possession of the building shall be restored to him and the Controller shall make an order accordingly."

## **4. Insertion of new Section 13A in Punjab Act 3 of 1949.**

- In the principal Act, after Section 13, the following Section shall be inserted, namely :-"13-A. Right to recover immediate possession of residential or scheduled building to accrue to certain persons. - Where a specified landlord at any time, within one year prior to or within one year after the date of his retirement or after his retirement but within one year of the date of commencement of the East Punjab Urban Rent Restriction (Amendment) Act, 1985, whichever is later, applies to the Controller alongwith a certificate from the authority competent to remove him from service indicating the date of his retirement and his affidavit to the effect that he does not own and possess any other suitable accommodation in the local area in which he intends to reside to recover possession of his residential building or scheduled building, as the case may be, for his own occupation, there shall accrue, on and from the date of such application to such specified landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether expressed or implied), custom or usage to the contrary, a right to recover immediately the possession of such residential building or scheduled building or any part or parts of such building if it is let out in part or parts:Provided that in case of death of the specified landlord, the widow or widower of such specified landlord and in the case of death of such widow or widower, a child or a grandchild or a widowed daughter-in-law who was dependent upon such specified

landlord at the time of his death shall be entitled to make an application under this section to the Controller -(a)in the case of death of such specified landlord, before the commencement of the East Punjab Urban Rent Restriction (Amendment) Act, 1985, within one year of such commencement;(b)in the case of death of such specified landlord after such commencement, but before the date of his retirement, within one year of the date of his death;(c)in the case of death of such specified landlord after such commencement and the date of his retirement within one year of the date of such retirement:and on the date of such application the right to recover the possession of the residential building or scheduled building, as the case may be, which belonged to such specified landlord at the time of his death shall accrue to the applicant:Provided further that nothing in this section shall be so construed as conferring a right, on any person to recover possession of more than one residential or scheduled building inclusive of any part or any parts thereof if it is let out in part or parts:Provided further that the Controller may give the tenant a reasonable period for putting the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law in possession of the residential building or scheduled building, as the case may be, and may extend such time so as not to exceed three months in the aggregate.Explanation. - For the purpose of this section, the expression "retirement" means termination of service of a specified landlord otherwise than by resignation.

## **5. Insertion of new Sections 18-A and 18-B in Punjab Act 3 of 1949.**

(1)Every application under section 13-A shall be dealt with in accordance with the procedure specified in this section.(2)After an application under section 13-A is received, the Controller shall issue summons for service on the tenant in the form specified in Schedule II.(3)(a)The summons issued under sub-section (2) shall be served on the tenant as far as may be in accordance with the provisions of Order V of the First Schedule to the Code of Civil Procedure, 1908. The Controller shall in addition direct that a copy of the summons be also simultaneously sent by registered post acknowledgement due addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and that another copy of the summons be affixed at some conspicuous part of the building in respect whereof the application under Section 13-A has been made.(b)When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent has refused to take delivery of the registered article and an endorsement is made by a process server to the effect that a copy of the summons has been affixed as directed by the Controller on a conspicuous part of building and the Controller after such enquiry as he deems fit, is satisfied about the correctness of the endorsement, he may declare that there has been a valid service of the summons on the tenant.(4)The tenant on whom the service of summons has been declared to have been validly made under sub-section (3), shall have no right to contest the prayer for eviction from the residential building or scheduled building and/or non residential building, as the case may be, unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided, and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the specified landlord or, as the case may be, the widow, widower, child, grandchild or the widowed daughter-in-law of such

specified landlord or as the case may be, the widow, widower, child, grandchild or the widowed daughter-in-law of such specified landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction of the tenant.(5)The Controller may give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would desentitle the specified landlord or, as the case may be, the widow, widower, child, grand- child or widowed daughter-in-law of such specified landlord from obtaining an order for the recovery of possession of the residential building or scheduled building, as the case may be, under section 13-A.(6)Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing on a date not later than one month from the date on which the leave granted to the tenant to contest and shall hear the application from day-to-day till the hearing is concluded and application decided.(7)Notwithstanding anything contained in this Act, the Controller shall while holding an inquiry in a proceeding to which this section applies including the recording of evidence, follow the practice and procedure of a Court of Small Causes.(8)No appeal or second appeal shall lie against an order for the recovery of possession of any residential building or scheduled building made by the Controller in accordance with the procedure specified in this Section :Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.(9)Save as otherwise provided in this section, the procedure for the disposal of an application for eviction under section 13-A shall be the same as the procedure for the disposal of applications by the Controller.

## **18.**

-B. Section 18-A to have over-riding effect. - Section 18-A or any rule made for the purpose thereof shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for time being in force."

## **6. Amendment of Section 19 of Punjab Act 3 of 1949.**

- In the principal Act, in Section 19, after sub-section (2), the following sub-section shall be inserted, namely :-(2-A) The specified landlord or the widow, widower, child, grandchild or the widowed daughter-in-law of such landlord, as the case may be, who having evicted a tenant from a residential building or a scheduled building in pursuance of an order made under section 13-A does not occupy it for a continuous period of three months from the date of such eviction, or lets out the whole or any part of such building from which the tenant was evicted to any person other than the tenant in contravention of the provisions of sub- section (4-A) of Section 13, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both."

## **7. Addition of Schedule II in Punjab Act 3 of 1949.**

- In the principal Act, the existing Schedule shall be numbered as Schedule I and after Schedule I as so numbered, the following Schedule shall be added, namely :-

## II

[See sub-section (2) of Section 18-A]Form of summons in a case where recovery of possession of [residential building or scheduled and/or non-residential building is prayed for under section 13-A of the East Punjab Urban Rent Restriction Act, 1949.(Name, description and place of residence of the tenant)Whereas Shri -----has filed an application (a copy of which is annexed for your eviction from------(here insert the particulars of the residential building or scheduled building) under section 13-A of the East Punjab Urban Rent Restriction Act, 1949.Now, therefore, you are hereby summoned to appear before the Controller within fifteen days of the service thereof and to obtain the leave of the Controller to contest the applicant for eviction under section 13-A of the said Act, in default whereof, the application will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said residential building or scheduled building.Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (5) of Section 18-A of the said Act.Given under my hand and seal this.....day of.....19...Controller.".