

# **The U.P. Public Premises (Eviction of Certain Unauthorised Occupants) Rules, 2018**

UTTAR PRADESH

India

## **The U.P. Public Premises (Eviction of Certain Unauthorised Occupants) Rules, 2018**

### **Rule**

### **THE-U-P-PUBLIC-PREMISES-EVICTION-OF-CERTAIN-UNAUTHORISED of 2018**

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R-4685/32-2-2018-16-2018, dated 14.8.2018 and published in the U.P. Gazette, Extraordinary, Part 4, Section (Ka), dated 14.8.2018. pp. 6-9. - In exercise of the powers conferred by Section 11 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010 (U.P. Act 12 of 2010), the Governor is pleased to make the following rules.

### **1. Short title and commencement.**

(1)These rules may be called the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Rules, 2018.(2)They shall come into force with effect from the date of their publication in the Gazette.

### **2. Definitions.**

(1)In these rules unless there is anything repugnant in the subject or context.(a)"Act" means the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010;(b)"Competent Authority" means the Rajya Sampatti Adhikari of the State of Uttar Pradesh;(c)"Form" means a form appended to these rules;(d)"Section" means a section of the Act.(2)Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

### **3. Form of notices and orders (Sections 3, 4 and 8).**

- A notice or order under the Act shall be in one of the appropriate forms appended to these rules.

### **4. Manner of service of notices (Sections 3 and 4).**

(1) In addition to any mode of service specified in the Act, a notice under Section 3 and sub-sections (1) and (2) of Section 4 shall be served by delivering or tendering a copy of the same to the person to whom it is addressed or to any adult member of his family, or by sending it by registered post with acknowledgement due in a letter addressed to that person at his/her usual or last known place or residence or business. (2) Where the copy of 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) Where the person to whom a notice is delivered or tendered under sub-rule (1) or the adult member of the family of such person refuses to take delivery of the notice or 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 or 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 has 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 so done and the names and addresses of two persons of the locality by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed. (4) If a notice or order issued under sub-rule (1) cannot be served in the manner hereinbefore provided, the competent authority may, if it thinks fit, direct that such notice or order shall be published in at least one daily newspaper having circulation in the locality and it may also proclaim the content of the same in the locality by beat of drum.

### **5. Manner of taking possession of public premises (Section 3).**

(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 two articles found in the premises shall be taken in the presence of two witnesses.

### **6. Assessment of damages [Section 4(2)].**

- In assessing damages of 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 authorised occupation;(b)the nature, size and standard of the accommodation available in such premises;(c)the rent that would have been realised if the public premises had been let out on rent for the period of unauthorised occupation to a private person;(d)any damages done to the public premises during the period of unauthorised occupation;(e)any other matter relevant for the purposes of assessing the damages.

Form 'A'(See Rule 3)Notice under Section 3 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010Sri/Srimati/Kumari.....residing at.....District.....Whereas the undersigned is of the opinion, on the grounds specified below, that you are an unauthorised occupants of the public premises described in the Schedule below and that you should vacate the said premises:Grounds(Here mention the grounds)Now, therefore, in exercise of the powers under Section 3 of the abovementioned Act. You are hereby required to vacate the premises, details of which is given in the Schedule below within 15 days from the date of the receipt of the notice, failing which possession will be taken by an officer authorised in this behalf and may for the said purpose use such force as may be necessary.

## Schedule

(Details of premises to be given)Date.....Signature of Competent AuthorityForm 'B'(See Rule 3)Order under Section 3 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010Vide notice..... dated..... which was received/served/affixed on..... Sri/ Srimati/Kumari..... residing premises described in the Schedule below, within 15 days from the date of the receipt of the notice. After the service of the aforesaid notice Sri/Srimati/Kumari.....has failed to vacate the public premises within the stipulated period of the notice.Now, therefore, in exercise of the powers under Section 3 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010. I hereby authorise Sri/Srimati.....to.....take the possession of the public premises or any part thereof from Sri/Srimati/Kumari.....and all other persons concerned and may for the purpose use force as may be necessary in the circumstances.

## Schedule 2

Date.....Signature and seal of the Competent AuthorityForm C(See Rule 3)Notice under sub-section (1) of Section 4 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010To,Sri/Srimati/Kumari.....residing.....at.....district.Whereas, you are/were in occupation of public premises described in the Schedule below;And, whereas, a sum of Rs ..... being the arrear of rent from the date of..... up to the..... date of..... (both days inclusive), in respect of the said public premises is due and payable by you to the State Government.Now, therefore, in pursuance of the provisions of sub-section (1) of Section 4 of the above mentioned Act, I hereby require you to pay the aforesaid amount failing which occupation of the said public premises will be deemed unauthorised.

## **Schedule 3**

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