

The Bihar Displaced Persons Government Premises (Rent Recovery and Eviction) Act, 1954

BIHAR

India

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Act 17 of 1955

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The Bihar Displaced Persons Government Premises (Rent Recovery and Eviction) Act, 1954 Bihar Act 17 of 1955 For Statement of Objects and Reasons, see the Bihar Gazette, Extraordinary of the 8th April, 1954; for Report of the Select Committee, See the Bihar Gazette, of the 8th September, 1954; Part V, pp. 88-94; for proceedings in the Bihar Legislative Assembly see the Assembly Debates, 1954, Volume V, No. 16 pp. 56-10; No. 17, pp. 27-45 and for proceedings in the Bihar Legislative Council see the Council Debates, 1954, Volume IV, No. 24, pp. 43-44, Volume V, No. 3, pp. 13-17, 1955, Volume VII, No.4, pp. 99-103.[President's assent first published in the Bihar Gazette, of the 3rd August, 1955.]An act to provide for collection of rent from persons in occupation of Government premises and for eviction of persons from such premises in certain circumstances.Be it enacted by the legislature of the State of Bihar in the Fifth Year of the Republic of India, as follows :-

1. Short title, extent and commencement.

(1)This Act, may be called the Bihar Displaced Persons Government Premises (Rent Recovery and Eviction) Act, 1954.(2)It extends to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)'allotment' means the grant, orally or in writing, by or on behalf of the State Government, of a right of use and occupation of any Government premises to any person but does not include a grant by way of lease;(b)'competent authority' means any person authorised by the State Government, by notification in the Official Gazette, to perform the function of a competent authority under this Act, for such area as may be specified in the notification;(c)'displaced persons' means a person displaced

after the first day of March, 1947, from the territories now comprised in Pakistan, who is, for the time being, resident in the State of Bihar and has been registered as a displaced person under any Act or order of the State Government;(d)'Government premises' means any premises for displaced persons belonging to, or taken on lease or requisitioned by, the State Government and includes such premises as dharamasalas, or private buildings, occupied by displaced persons-(i)either under the orders of the State Government or any of its officers, or(ii)without such orders or without the permission of the owner of such premises:Provided that the State Government or its officers subsequently undertook to meet the cost of repairs or maintenance of such premises or to pay the rent and taxes thereof;(e)'premises' means any building or part of a building and includes-(i)the garden, grounds and out-houses, if any, appertaining to such building or part of a building;(ii)any furniture supplied by the landlord for use in such building or part of a building; and(iii)any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;(f)'prescribed' means prescribed by Rules made under this Act;(g)'rent' shall have the meaning assigned to it in the Transfer of Property Act, 1882 (IV of 1882) and includes ground rent, municipal tax or any other amount payable by any allottee for use and occupation of premises; and(h)'unauthorised occupation' means the occupation of Government premises by any person either without any allotment or after an allotment has been cancelled under Section 3.

3. Cancellation of allotment.

- Notwithstanding anything contained in any other law for the time being in force, the competent authority may, for reasons to be recorded, cancel any allotment under which any Government premises is held or occupied by a person :Provided that before cancelling the allotment under this Section, the competent authority shall communicate to the person whose allotment is sought to be cancelled the grounds on which it is proposed to take action and require him to show cause within seven days why the allotment should not be cancelled.

4. Power to evict certain persons from Government premises.

- Notwithstanding anything to the contrary contained in any law for the time being in force, if the competent authority is satisfied-(a)that the person authorised to occupy any Government premises has, whether before or after the commencement of this Act,-(i)sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or(ii)committed or is committing such acts of waste as are likely to affect materially the value or utility of the premises, or(iii)otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or(b)that any persons is in unauthorised occupation of any Government premises,the competent authority may order that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate the premises within fifteen days of the date of the service of the notice; and if any person refuses or fails to comply with such order, the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary :Provided that before passing an order under the Section, the competent authority shall communicate to the person concerned the grounds on which it is proposed to pass the order and require him to show-cause within seven days why the order should not be passed.

5. Power to recover damages.

(1)Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served by registered post or otherwise, order that person to pay the damages within such time as may be specified in the notice.(2)Where any person in occupation of any Government premises commits such acts of waste as are likely to affect materially the value or utility of the premises, the competent authority may, by notice served by registered post or otherwise, order that person to pay such damages as may be assessed by such authority within such time as may be specified in the notice.(3)If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

6. Notice of demand for rents not paid.

(1)Where an arrear of rent is payable by any person for occupation of Government premises, the competent authority may at any time after thirty days from the date on which the rent accrued due, serve or cause to be served upon the person, the amount payable by him and the Government premises in respect of which it is due.(2)The notice of demand shall be signed by the competent authority.

7. Recovery of rent.

- If the arrears of rent for which notice of demand has been served are not paid to the competent authority within thirty days from the date of service or such extended period as the competent authority may allow, such arrears with all costs of recovery shall be recoverable as arrears of land revenue and the person liable to pay the same shall, for the purposes of Section 4, be deemed to be in unauthorised occupation of the Government premises concerned

8. Appeal.

(1)Any person aggrieved by an order of the competent authority under this Act, may, within fifteen days of such order, prefer an appeal to the State Government:Provided that the State Government may entertain the appeal after the expiry of the said period of fifteen days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.(2)On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority and after hearing the appellant and making such further inquiry, if any, as may be necessary, pass such orders as may be deemed proper and the orders of the State Government shall be final.(3)Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

9. Retrospective application of the Act, to arrears of rent.

- Notwithstanding anything to the contrary contained in and law for the time being in force, every arrears of rent payable by any person before the commencement of this Act for use and occupation of any Government premises shall, for the purpose of its recovery, be deemed to have accrued due on the date of such commencement and the provisions of this Act, relating to recovery of rent shall apply to such arrear.

10. Bar of jurisdiction of Civil Courts.

- No order made or action taken by the State Government or the competent authority in the exercise of any power conferred by or under this Act, shall be called in question in any Court and no injunction shall be granted by any Court or other authority in respect of any order made or action taken or to be taken in pursuance of any power conferred by or under this Act.

11. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority or any officer subordinate to them in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any Rules or orders made thereunder.

12. Delegation.

- The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable by an officer specially empowered in this behalf by the State Government: Provided that the powers under Section 8 shall not be delegated to an officer below the rank of Additional District Judge.

13. Penalty.

- Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act, or who abets such contravention or obstruction, shall, without prejudice to recovery of damages under Section 5, be punishable with imprisonment which may extend to six months or with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with

14. Power to make Rules.

(1) The State Government may, by notification in the Official Gazette, make Rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters, namely :-(a) the form of notice and the manner in which it may be served; (b) the procedure to be followed in taking possession of

Government premises;(c)the manner in which damages for unauthorised occupation may be assessed;(d)the manner in which appeals may be preferred and the procedure to be followed in appeals;(e)the fees to be paid on petitions and memorandums of appeal; and(f)any other matter which has to be, or may be, prescribed.