

The Punjab Public Premises and Land (Eviction and Rent Recovery) Rules, 1974

PUNJAB

India

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Rule

THE-PUNJAB-PUBLIC-PREMISES-AND-LAND-EVICTION-AND-RENT-R of 1974

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1. Short title.

- These rules may be called the Punjab Public Premises and Land (Eviction and Rent Recovery) Rules, 1974.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1974;(b)"Form" means a Form appended to these rules;(c)Words and expressions used but not defined in these rules shall have the meanings, if any, assigned to them in the Act.

3. Form of notices and orders.

- [Section 17(2)(a)]. - 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. [Substituted vide Punjab Legislative Supplementary Part III, dated 6.10.1976.]

(1) In addition to any mode of service specified in the Act, a notice issued under sub-section (1) of section 4 or sub-section (1) of section 6 or sub-section (3) of section 7 of the Act 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 in a letter addressed to that person at his usual or last known place of residence or business. (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 sub-section (1) of section 6 or sub-section (3) of s. 7 of the Act, where the person or the adult member of the family of such person, refuses so 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 notice shall be returned to the Collector 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 so done 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 sub-section (1) of section 4 or sub-section (3) of section 7 of the Act cannot be served in the manner provided in sub-rule (1), the Collector 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].

5. Holding of inquiries.

- [Section 17(2)(b)] - (1) Where any person on whom a notice or order under this Act has been served desires to be heard through his representative, he should authorise such representative in writing. (2) The Collector shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.

6. Manner of taking possession of public premises.

- [Sections 5(2) and 17(2)(c)] - (1) If any obstruction is offered, or is in the opinion of the Collector likely to be offered to the taking possession of any public premises under the Act, the Collector 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 Collector or any [-] [See Punjab Legislative Supplementary Part III, dated 6.10.1976.] officer duly authorised by him in this behalf may either seal the premises or in the presence of two [independent] [See Punjab Legislative Supplementary Part III, dated 6.10.1976.] 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 prepared in the presence of two [independent] [See Punjab Legislative Supplementary Part III, dated 6.10.1976.] witnesses.

7. Assessment of damages.

- [Sections 7 and 17(2)(d)]. - In assessing damages for unauthorised use and occupation of any public premises, the Collector 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 [location] [See Punjab Legislative Supplementary Part III, dated 6.10.1976.] 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.

8. Procedure in appeals.

- [Sections 9 and 17(2)(e)]. - (1) An appeal preferred under section 9 of the Act, shall be in writing, shall set forth concisely the grounds or 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 pursuing the record of the proceedings before the Collector, the appellate officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the Collector against whose orders the appeal is preferred and to the appellant.

9.

- The Punjab Public Premises and Land (Eviction and Rent Recovery) Rules, 1959, are hereby repealed.Form 'A'Form of notice under sub-section (1) of section 4 of the Punjab Public Premises and Land (Eviction and Recovery) Act, 1973.ToShri/Shrimati/Kumari

_____.Whereas I, the undersigned, am of opinion, on the grounds specified below, that you are in unauthorised occupation of the public premises mentioned in the Schedule below and that you should be evicted from the said premises :-GroundsNow, therefore, in pursuance of sub-section (1) of section 4 of the Act, I hereby call upon you to show cause on or before the *This date should be a date not earlier than ten days from the date of issue of the notice why such an order of eviction should not be made.

Schedule

Date _____Signature and seal of the CollectorForm 'B'Order under sub-section (1), Section 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973.Whereas I, the undersigned, am satisfied for the reasons, recorded below that Shri/Shrimati/Kumari _____ is/are in unauthorised occupation of the public premises specified in the Schedule below.ReasonsNow, therefore, in exercise of the powers

conferred on me by sub-section (1) of section 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, I hereby order the said Shri/Shrimati/Kumari _____ and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within thirty days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Shri/Shrimati/Kumari _____ and all other person concerned are liable to be evicted from the said premises, if need be by the use of such force as may be necessary.

Schedule 2

Date _____ Signature and Seal of the Collector Form 'C' Form of notice under sub-section (1) of section 6 of the Punjab Public Premises and Land (Eviction and Recovery) Act, 1973. Shri/Shrimati/Kumari _____ Whereas on the _____ you were evicted from the public premises described in the Schedule below which was unauthorisedly occupied by you. Now, therefore, in exercise of the powers conferred on me by sub-section (1) of section 6 of the Act, 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 due from you are paid within the said period of fourteen days.

Schedule 3

Date _____ Signature and seal of the Collector Form 'D' Notice under sub-section (3) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 read with sub-section (1) of section 7 thereof. To Shri/Shrimati/Kumari _____ Whereas you are 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 _____ 19 _____ upon the _____ day of _____ 19 _____, in respect of the said premises is due and payable to you to the Government; Now, therefore, as required by sub-section (3) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. 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 4

Date _____ Signature and Seal of the Collector. Form 'E' Form of Order under sub-section (1) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. 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 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 Punjab Public Premises and Rent (Eviction and Rent Recovery) Act, 1973, 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 5

Date _____ Signature and Seal of the Collector*strike out portion and required. Form 'F' Notice under sub-section (3) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 read with sub-section (2) of section 7 thereof. To Shri/Shrimati/Kumari _____ Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Scheduled below; And whereas in exercise of the powers conferred on me by sub-section (2) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, I consider the damages amount to Rs. _____ at the rate of Rs. _____ p.m./p.a. have been caused on account of unauthorised use and occupation of the said premises for the period from _____ to _____. Now therefore, as required by sub-section (3) of section 7 of the Act, I hereby call upon you to show cause on or before the _____, why an order requiring you to pay the said damages should not be made.

Schedule 6

Date _____ Signature and Seal of the Collector Form 'G' Form of order under sub-section (2) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. To Shri/Shrimati/Kumari _____ Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Scheduled 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 objections 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 Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 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 on or before the _____. In the event of your refusal or failure to pay the damages within the said period, the amount will be recovered as an arrear of land revenue.

Schedule 7

Dated _____ Signature and Seal of the Collector *Strike off portion not required.