

Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Rules, 1968

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-PUBLIC-PREMISES-EVICTION-OF-UNAUTHORISED of 1968

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Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Rules, 1968Published vide G.O.Ms.No. 346, Public Works (U-I), dated 22nd March, 1969In exercise of the powers conferred by Section 18 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 (Andhra Pradesh Act XX of 1968), the Governor of Andhra Pradesh hereby makes the following rules.

1. Short title:

- These rules may be called the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Rules, 1968.

2. Definitions:

- In these rules, unless, the context otherwise requires,-(a)the 'Act' means the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 ;(b)'form' means a form appended to these rules ;(c)'section' means a Section of the Act.

3. Form of the show-cause notice under Section 4 and other forms:

(1)A notice under Section 4 shall be in Form A.(2)The forms appended to these rules shall be used with such modifications as may become necessary in the administration of the Act.

4. Manner of service of notices:

- Where a notice is required under Section 4 to be served on a person whose address is known, it shall be served on him personally or through registered post, and when he could not be so served by reason of his absence at the address or of his evading such service, the notice shall be caused to be affixed on a conspicuous part of the building or last known place of business or occupation of such person and a certificate to the effect shall be taken from any adult member available at that place at the time of affixture, and that certificate shall be sufficient to constitute service required by the Section.(2)The estate officer shall also cause a proclamation by beat of-drum to be made of the contents of any notice under sub-section (1) of Section 4 in the locality.

5. Powers and duties of the Estate Officer:

(1)The Estate Officer may permit any party to be represented by advocate or agent who should file an authorisation from the said party in writing.(2)The Estate Officer shall record the summary of the evidence tendered before him as in the case of a Civil Court and the summary and any relevant documents filed before him shall form part of the records of the proceeding.(3)The Estate Officer shall have the powers of Civil Court in adding or striking of parties and legal representations of deceased parties to the proceeding.(4)The Estate Officer causing eviction shall, for the purpose of eviction of an unauthorised occupant from a public premises, have the powers of the officer of a Civil Court executing the order of eviction under the Code of Civil Procedure, 1908.

6. Transfer of proceeding:

(1)The Government may, at any stage, transfer any proceeding pending before one Estate Officer for disposal to any other estate officer competent to dispose of the same.(2)Where any proceeding has been transferred under sub-rule (1), the Estate Officer, to whom it is transferred may, subject to any special directions in the orders of transfer, either start to try the proceeding afresh or proceed from the point at which it was transferred.

7. Manner of taking possession of public premises:

(1)When the person bound by an eviction order passed under sub-section (1) of Section 5 vacates the premises, the Estate Officer or any other person authorised by him may take possession of the premises from him.(2)Where it becomes necessary to use force under sub-section (2) of Section 5, the Estate Officer or other officer authorised in writing by the Estate Officer may require the assistance of police by addressing a letter to the Station House Officer in whose jurisdiction the public premises is situated.(3)Where any public premises of which possession is to be taken under the Act is found locked, the said Estate or other officer, may either cause the premises sealed or in the presence of two or more witnesses break or cause it to be broken open by its door, gate or other barrier and enter the premises :Provided that,-(a)no entry shall be made into, or possession taken of a public premises before sunrise or after sunset.(b)where any public premises is forced open an inventory of the articles found in the premises shall be taken in the presence of two or more

witnesses.

8. Assessment of damages:

- The Estate Officer shall take into consideration the following matters, in assessing the damages for unauthorised use and occupation of any public premises, namely, -(a) the rent that would have reasonably realised if the public premises had been let on rent for the period of unauthorised use or occupation ;(b) the prevailing rates of similar premises in the localities ;(c) the nature, size and standard of the accommodation available;(d) the purpose and the period for which the public premises was in unauthorised use or occupation ;(e) any damage done to the public premises during the period of unauthorised use or occupation ;(f) special inconvenience caused to the public or loss incurred by Government on account of the unauthorised occupation.

9. Procedure in Appeal:

(1) An appeal preferred under Section 9 shall be by a written memorandum containing description of the premises and the name of the authority having control over the public premises and a concise statement of grounds of 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 perusing the record of the proceeding, the Appellate Officer shall appoint a time and place for hearing of the appeal and shall give notice thereof to the officer against whose order the appeal is preferred, to the appellant and to the Head of the Department or authority having control over the public premises. Form 'A' Form of notice under sub-section (1) of Section 4 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 To Shri/Shrimathi/Kumari..... and all other persons to whomsoever this may concern. Whereas I, the undersigned, am of opinion on the grounds specified below viz., Grounds

1.

2.

3.

4.

that Sri/Srimati/Kumari..... is/are in unauthorised occupation of the public premises at..... more fully, prescribed in the Schedule hereto and that he/she they should be evicted from the said public premises. Now, therefore, in pursuance of sub-section (1) of Section 4 of the Act, I hereby issue the notice and hereby, call upon you and all persons who are, or may be in occupation of, or claim interest in the said public premises to show cause, if any, on or before the * This date should be a date not earlier than ten days from the date of the Notice. why an order of eviction should not be made. The Schedule..... Date : Signature and Seal of the Estate Officer Form 'B' Eviction order under sub-section (1) of Section 5 of the Andhra Pradesh Public Premises (Eviction

of Unauthorised Occupants) Act, 1968 Whereas a show cause notice under sub-section (1) of Section 4 of the Act has been issued by me on.....to Sri/Srimati/Kumari.....and to all other persons concerned with the public premises described in the Schedule and the case having been posted for this day for passing final orders, after considering the case shown by the parties, the evidence produced by them in support thereof and upon hearing the arguments of the parties hereto, and after looking into other relevant documents, I am satisfied that the public premises in question are in unauthorised occupation for the reasons contained in the following order.

Order with Reasons

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 5 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968, I hereby direct that the said public premises shall be vacated by Sri/Smt./Kumari..... and all persons who may be in occupation of the said public premises or any part thereof. If any person fails or refuses to comply with this order within thirty days of the date of publication of this order, the said Sri/Smt./Kumari..... and all other persons concerned are liable to be evicted from the said public premises, if need be, by such use of force as may be necessary.

The Schedule.....

Date :Signature and Seal of the Estate Officer

Form 'C'

Form of Notice under sub-section (1) of Section 6 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968

ToShri/Shrimati/Kumari.....

Whereas on the you were evicted from the public premises in the schedule hereto, which has been taken possession from you ;And whereas contain property in remaining on such premises ;Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the Act, I hereby give you notice that in case you desire to take possession of your property you are at liberty to remove the same from the said public premises within fourteen days from the date of the service of this notice on you, or show cause why the property remaining on the said public premises shall not be removed or disposed of by public auction. You will take possession as said above on written authority from the undersigned and on payment of any amount due from you to the Government on account of arrears of rent, damages or costs be paid.

The Schedule.....

Date :Signature and Seal of the Estate Officer

Form 'D'

Notice under sub-section (3) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968

ToShri/Shrimati/Kumari.....

Whereas it has been brought to my notice/I have reason to believe/I am of the opinion.Unauthorised Occupationthat you are/were.....in arrears of rent payable in respect of the public premises described in the Schedule hereto and consequently liable to pay damages on account of the use and occupation of the said public premises.

Now, therefore, in pursuance of sub-section (3) read with sub-section (2) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 (Act 20 of 1968) I call upon you to show cause on or before.....as to why damages should not be determined and recovered from you as you are/were alleged to be an unauthorised occupant/ in arrears of rent payable in respect of premises described in the Schedule.

The Schedule.....

Date :Signature and Seal of the Estate Officer

Form 'E'

Order under sub-section (1) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968

ToShri/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 required to show cause why an order requiring you to pay a sum of Rs..... being the arrears of rent for the premises from.....day of..... 19... up to the day of19.....in respect of the said public premises found due and payable by you to the Government should not be made;And whereas the objection filed and the evidence produced in support, have been considered

;And whereas you have not filed any objection or produced any evidence ;Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968, I hereby, require you to pay the said sum of Rs..... within one month from the date of service of this order in one lumpsum or in equal instalments of Rs.....each*. In case said sum is not paid within the said period or in the said manner, it will be recovered as an arrears of land revenue.The Schedule.....Date :Signature and Seal of theEstate Officer*Strike out expression not required.

Form 'F'Order under sub-section (2) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968ToShri/Shrimati/Kumari.....Whereas, you are were in unauthorised occupation of the public premises described in the Schedule hereto ;And whereas by a written notice, dated.....you were called upon to show cause why an order requiring you to pay damages of Rs.....for use and occupation of the said public premises should not be made ;* Strike out expression not required.

And whereas the objection filed and the evidence produced by you have been considered ;And whereas you have not filed any objection or produced any evidence ;Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968, I hereby assess the damages at Rs.....and direct you to pay the sum of Rs.....as damages on account of use and occupation of the public premises within a period of months from this day in lumpsum or in (.....) equal instalments of Rs.....each.In the event of your refusal or failure to pay the damages or any instalment thereof within the said period or in the manner aforesaid, the amount will be recovered as an arrear of land revenue.The Schedule.....Date :Signature and Seal of theEstate Officer