

## **PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1971**

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## **PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1971**

### PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1971

#### **1. Short title :-**

These rules may be called the Public Premises (Eviction of Unauthorised Occupants) Rules, 1971.

#### **2. Definitions :-**

In these rules unless the context otherwise requires.

(a) 'Act means the public premises (Eviction of unauthorised Occupants) Act, 1971 (40 of 1971):

'(b) "form" means a form appended to these rules;

(c) all other words and expressions used hereinafter but not defined herein shall have the same meaning as respectively assigned to them in the Act

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#### **3. Form of notices and orders :-**

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

#### **4. Manner of service of notice and orders :-**

( 1 ) In addition to any mode of service specified in the Act. <sup>1</sup>[a notice issued under sub-section ( 1 ) of Section 4 or sub-section (2) of Section 5A or sub-section (1) of Section 5B or sub-section (1) or sub-section (1-A) of Section 6 <sup>2</sup>["or an order issued under Section 3-A or sub-section (1) of Section 5"]or sub-section ( 1 ) or sub-section (2) or sub-section (5) of Section 5B or sub-section ( 1 ) or sub-section (2) of Section 5C or sub-section (1) or sub-section (2) of Section 7 of the said Act shall reserved by delivering or tendering a copy of the notice or order, as the case may be] to the person for whom it is intended or to any adult member of his family, or by sending it by registered post acknowledgement due in a letter addressed to that person at his usual or last known place of residence or business.

(2) Where the copy of <sup>3</sup>[the notice or the order, as the case may be] under sub-rule (1) is delivered or tendered the signature of the person to whom the copy is so delivered or tendered should be obtained in token of acknowledgment of the service.

(3) In respect of <sup>4</sup>[a notice issued under sub-section (1) of Section 4 or sub-section (2) of Section 5A or sub-section (1) or sub-section (1-A) of Section 6 <sup>5</sup>["or an order issued under Section 3-A or sub-section (1) or sub-section (3) of Section 5-A"] or sub-section ( 1 ) or sub-section (2) or sub-section (5) of Section 5B or sub-section ( 1 ) or sub-section (2) of Section 5C or sub-section ( 1 ) or sub-section (2) of Section 7 of the said Act] where the person or the adult member of the family of such person refuses to sign the acknowledgment, or where such person cannot be found after using all due and reasonable deligence, and there is no adult member of the family of such person a copy of <sup>6</sup>[the notice or the order, as the case may be] shall be fixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of <sup>7</sup>[the notice or the order, as the case may be], with a report endorsed thereon or annexed thereto stating that copy has been so affixed, the circumstances under which it was done so and the name. <sup>8</sup> [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 under sub-section (1) of Section 4 or sub-section (2) of Section 5A or sub-section (1) or sub-section (1A) of Section 6 or

an order issued under sub-section (1) of Section 5 or sub-section (1) or sub-section (2) or sub-section (5) of Section 5B or sub-section (1) or sub-section (2) of Section 5E or sub-section ( 1 ) or sub-section (2) of Section 7 of the said Act cannot be served in the manner provided in sub-rule (1), the estate officer may, if he thinks fit, direct that such notice or order, as the case may be, shall also be published in at least one newspaper having circulation in the locality and he may also proclaim the contents of any notice or order in the locality by beat of drum.]

1. Subs. by G.S.R. 1114 (E). dated 23rd September, 1986 (w.e.f. 29th September, 1986).
2. Substituted for "or an order issued under sub-section ( 1 ) of Sec. 5 ", vide " THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1971" Dt.2nd January, 1998 Published in Ministry of Urban Affairs and Employment, Noti. No. G.S.R. 3(E), dated December 19, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd January, 1998, pp. 2-3, No. 3 [F. No. 21013/1/97-Pol. I] [L]
3. Subs. for the words "the notice" by G.S.R. 1114 (E). dated 23rd September, 1986 (w.e.f. 29th September, 1986).
4. Subs. by G.S.R. 1114 (E). dated 23rd September, 1986 (w.e.f. 29th September, 1986).
5. Substituted for "or an order issued under sub-section (1) or sub-section (3) of Sec. 5A ", vide " THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1971" Dt.2nd January, 1998 Published in Ministry of Urban Affairs and Employment, Noti. No. G.S.R. 3(E), dated December 19, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd January, 1998, pp. 2-3, No. 3 [F. No. 21013/1/97-Pol. I] [L]
6. Ins by G.S.R.741. dated 4th July, 1981(w.e.f. 8th August, 1981)
7. Subs. by G.S.R. 1114 (E). dated 23rd September, 1986 (w.e.f. 29th September, 1866).
8. Subs. by G.S.R. 1114 (E), dated 23rd September, 1986 (w.e.f. 29th September. 1988).

#### **5. Holding of inquiries :-**

(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 estate officer shall record the summary of the evidence tendered before him. The summary for such evidence and any relevant documents filed before him shall form part of 'the records of the proceedings.

#### **6. Transfer of pending proceedings :-**

(1) On the application of any person to whom a notice under the Act has been served and after hearing him. if he desires to be heard, or of its or his own motion, the Central Government or any Gazetted Officer especially authorised by the Central Government in this behalf by notification in the Official Gazette may at any stage transfer any proceeding pending before an estate officer for disposal of the same.

(2) Where any proceeding has been transferred under sub-rule(1), the estate officer who thereafter is in charge of such proceeding may, subject to any special directions in the order of transfer, either re-start it or proceed from the point at which it was transferred.

### **7. Manner of taking possession of public premises :-**

<sup>1</sup> [(1) If any obstruction is offered, or is in the opinion of the estate officer likely to be offered:-

(a) to the taking possession of any public premises: or

(b) to the sealing of erection or works or of the public premises, under the said Act, the estate officer or any other officer duly authorised by him in this behalf may obtain necessary police assistance :

Provided that no sealing or taking possession of the unauthorised construction shall be made before the sunrise or after sunset.]

1. Subs. by G.S.R. 1114 (E), dated 23rd September, 1986 (w.e.f. 29th September. 1988).

### **8. Assessment of damages :-**

In assessing damages for unauthorised use and occupation of any public premises the estate officer shall take into consideration the following matter, namely:

(a) the purpose and the period for which the public premises were in unauthorised occupation;

(b) the nature, size 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.

**9. Procedure in appeals :-**

( 1 ) An appeal preferred under Section 9 of the Act shall be in writing, shall set forth concisely the 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 proceedings before the estate officer, the appellate officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the estate officer against whose orders the appeal is preferred, to the appellant and to the head of the department or authority in administrative control of the premises.

**10. Repeal :-**

The Public Premises (Eviction of Unauthorised Occupants) Rules, 1958, is hereby repealed.