

Andhra Pradesh Buildings (Lease, Rent and Eviction) Control RULES, 1961

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Andhra Pradesh Buildings (Lease, Rent and Eviction) Control RULES, 1961

In exercise of the powers conferred by sub-sections (1), (2) and (3) of Section 30 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (Andhra Pradesh Act XV of 1960) and in supersession of all the rules on the subject, the Governor of Andhra Pradesh hereby makes the following Rules.

1. Rule :-

These Rules may be called the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Rules, 1961.

2. Rule :-

In these rules, unless the context otherwise requires

(a)"Act" means the Andhra Pradesh Buildings(Lease, Rent and Eviction) Control Act, 1960;

(b)"recognised agent" means

(i) a person holding a power of attorney authorizing him to act on behalf of his principal; or

(ii) an agent empowered by written authority under the hand of his principal;

(c)"section" means a section of the Act;

(d) The expressions used in these rules which have been defined in the Act shall have the same meaning as are assigned to them in the Act.

3. Rule :-

The particulars to be furnished under Section 28 to the Controller or any person authorised by him in that behalf shall be the following :

(1) Donor number of the building and name, if any.

(2) Street and municipal ward or division in which the building is situated.

(3) Name and address of the landlord if the particulars are furnished by the tenant and name of the tenant if the particulars are furnished by the landlord.

(4) Whether the building is residential or non-residential.

(5) Whether any furniture is supplied by the landlord for use in the building.

(6) Details of the accommodation available together with particulars as regards the ground area, garden and out-houses, if any, appurtenant to the building.

(7) If the building is not occupied by the landlord, whether it is occupied by a single tenant or by more than one tenant.

(8) Amenities available in regard to lighting, water, sanitation and the like.

(9) Monthly rent paid by the tenant.

(10) Rental value as entered in the property tax assessment book of the Municipal Council, Zilla Parishad or the Corporation of Hyderabad, and if the building was constructed before the 5th April, 1944, the rental value as aforesaid relating to the twelve months immediately preceding the 5th April, 1944.

(11) Whether fair rent has been fixed under the Act and if so, the amount of such fair rent and the date from which it took effect.

(12) In the case of residential building, the number of persons occupying the same and in the case of non-residential building, the purpose for which the building is used and the number of employees, if any working therein.

(13) The amount of advance paid by the tenant to the landlord.

(14) A copy of the agreement of tenancy entered into between the landlord and the tenant, if any.

4. Rule :-

(1) Every notice under sub-section (1) or sub-section (2) of Section 3 shall contain the particulars mentioned in the Form appended to these rules, and shall be presented to the authorised officer.]

Note :- The notice under sub-section (1) of Section 3 shall be a notice of actual vacancy and not a notice of anticipated vacancy. Even if a landlord gives a notice in anticipation of his building becoming vacant, it is obligatory on him to give within ten days of his building actually becoming vacant a notice of such actual vacancy containing the particulars referred to in this rule.

(2) The intimation to be given by the Government or the authorised officer under sub-section (3) or sub-section (4)(c) of Section 3 shall be served on the landlord concerned

(i) by delivering or tendering it to him; or

(ii) where it is not possible to so deliver or tender, by delivering or tendering it to any agent or employee of such landlord or to any adult member of his family, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the landlord is known to have last resided or carried on business or personally worked for gain; or

(iii) failing service by the aforesaid means, by registered post, acknowledgment due.

(3) An order passed by the Controller under sub-section (3) or sub-section (5) of Section 10 shall be served on the person concerned personally or sent to him by registered post, acknowledgment due.

5. Rule :-

(1) A tenant desirous of depositing the rent under sub-section (5) of Section 8 or Section 9 or Section 11 shall deposit the same, if the building concerned is in the City of Hyderabad, in the State Bank of Hyderabad, and if the building is elsewhere, in the Controller's Office or in the nearest Treasury, whichever is convenient, after obtaining permission for the deposit of the rent from the Controller.

(2) The challan accompanying the deposit of the rent shall be in the Andhra Pradesh Treasury Code, Form No.10 in triplicate and shall specify

(a) the name and address of the tenant by whom or on whose behalf the rent is deposited;

(b) the name and address of the landlord entitled to receive the rent deposited;

(c) the rent at which and the period for which the rent is deposited;

(d) the description of the building in respect of which the rent is deposited;

(e) the provision of the Act including the circumstances under which the rent is deposited; and

(f) the head of account to which the rent is credited, namely "P.II Deposits and Advances - (Deposit and bearing interest) - C. Other Deposit Accounts - Civil Deposits - Personal Deposits - Personal Ledger Account of the Controller or appellate authority, as the case may be."

(3) One copy of the challan for the deposit of rent returned by the State Bank of Hyderabad, Controller's Office or Treasury, as the case may be, after endorsing thereon the receipt of the amount deposited, shall be delivered in the office of the Controller or the appellate authority, as the case may be.

(4) On delivering one copy of the challan, the Controller or the appellate authority, as the case may be, shall acknowledge its receipt on the back of the challan retained by the tenant and take necessary action for the service of the notice of deposit on the person or persons concerned within seven days of the delivery thereof. The notice of deposit shall be served on the person or persons concerned in one or other of the modes specified in Rule 16.

(5) Every Controller and every appellate authority shall cause proper accounts to be maintained in their office for the rents deposited under sub-section (5) of Section 8 or Section 9 or Section 11.

(6) A tenant against whom an application for eviction has been made before the Controller shall deposit all the arrears of rent due by him, if any, in respect of the building within such reasonable time, not exceeding 15 days, as may be specific by the Controller.

6. Rule :-

(1) Any person, who is entitled and who desires to receive the rent deposited under sub-section (5) of Section 8 or Section 9 or Section 11 shall present an application for the purpose to the Controller supported by an affidavit showing how he is entitled to receive the rent deposited : Provided that no affidavit in support of the application shall be required in the case of any order passed by the Controller under sub-section (4)(b) of Section 9 or by a competent Court under sub-section (5) of Section 9, if a copy of the order thereof is attached to the application.

(2) On receipt of the application under sub-rule (1), the Controller shall, if he is satisfied, pass an order directing the payment to the applicant of the rent specified in the application.

(3) On production of the order passed under sub-rule (2) directing the payment to the applicant, the Controller or the appellate authority, as the case may be, shall, after obtaining a stamped receipt from the applicant arrange for the payment of the rent by issuing a cheque in the name of the applicant on the State Bank of Hyderabad or the Treasury in which the rent has been deposited. The applicant shall also acknowledge the receipt of the cheque on the back of its counterfoil.

(4) Every Controller and every appellate authority shall cause

proper accounts to be maintained in their offices for the payments made out of the rents deposited under sub-section (5) of Section 8 or Section 9 or Section 11.

7. Rule :-

(1) Every application under the Act shall in addition to the particulars necessary to support it, contain also the particulars prescribed in Rule 3 so far as they may be applicable and every application for eviction under Section 10 shall also state the grounds on which the application is made, accompanied by the agreement of tenancy, if any, rent receipt and a copy of the notice issued to the tenant.

(2) Every application under the Act shall be accompanied by a spare copy or sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

(3) Every application shall be signed by the applicant or his Counsel and be presented to the Controller by the applicant himself personally or by his recognised agent or by Counsel at any time during office hours on a working day

: [Provided that in the Cities of Hyderabad and Secunderabad where there are more than one Controller, one shall be designated by the High Court as the Principal Controller and every application shall be presented before the Principal Controller, who shall subject to the supervision of the appellate authority either conduct inquiry and dispose of the application himself or assign the application to any one of the Controllers having jurisdiction for enquiry and disposal.]

[x x x x x]

[Provided further that in the other areas of the State where there are more than one Controller, one shall be designed by the High Court as the Principal Controller and every application shall be presented before the Principal Controller who shall subject to the supervision of the appellate authority, either conduct enquiry and dispose of the application himself or assign the application to any of the other Controllers having jurisdiction for enquiry and disposal.

(4) The parties or their Counsel shall produce, at the first hearing of the case, all the documentary evidence of every description in their possession or power on which they intend to rely, and which

has not already been filed, and all documents which the Controller has ordered to be produced, and the Controller shall receive the documents so produced.

(5) No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of sub-rule (4) shall be received at any subsequent stage of the proceedings unless good cause is shown to the satisfaction of the Controller for the non-production thereof; and the Controller receiving any such evidence shall record the reasons for so doing.

(6) The Controller may at any stage of the case reject any document which he considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

(7)

(i) Subject to the provisions of clause (ii), there shall be endorsed on every document which has been admitted in evidence in the case, the following particulars, namely :

(a) the number and title of the case,

(b) the name of the person producing the document,

(c) the date on which it was produced, and

(d) a statement of its having been so admitted; and the endorsement shall be signed or initialled by the Controller.

(ii) Where a document so admitted is an entry in a book, account or record and a copy thereof has been substituted for the original under sub-rule (8), the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed or initialled by the Controller.

(8)

(i) Save insofar as is otherwise provided by the Bankers' Books Evidence Act, 1891, where a document admitted in evidence in the case is an entry in a letter-book or a shop book or other account in current use, the party on whose behalf the book or account is produced, may furnish a copy of the entry.

(ii) Where such a document is an entry in a public record produced from a public office or by a public officer or an entry in a book or

account belonging to a person other than a party on whose behalf the book or account is produced, the Controller may require a copy of the entry to be furnished

(a) where the record book or account is produced on behalf of a party, then by that party, or

(b) where the record book or account is produced in obedience to an order of the Controller acting of his own motion, then by either or any party.

(iii) Where a copy of an entry is furnished under the provisions of clauses (i) and (ii), the Controller shall, after causing the copy to be examined, compared and certified, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

(9) Where a document relied on as evidence by either party is considered by the Controller to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (a), (b) and (c) of clause (i) of sub-rule (7), together with a statement of its having been rejected, and the endorsement shall be signed or initialled by the Controller.

(10)

(i) Every document which has been admitted in evidence or a copy thereof, where a copy has been substituted for the original under sub-rule (8), shall form part of the record of the case.

(ii) Documents not admitted in evidence shall not form part of the record and shall be returned to the persons respectively producing them.

(11) Notwithstanding anything in sub-rule (8) or sub-rule (10), the Controller may, if he sees sufficient cause, direct any document or book produced before him in any case to be impounded and kept in his custody for such period and subject to such conditions as he thinks fit.

(12)

(i) Any person, whether a party to the case or not, desirous of receiving back any document produced by him in the case and placed on the record shall, unless the document is impounded under sub-rule (11), be entitled to receive back the same.

(a) where the case is one in which an appeal is not allowed, when the case has been disposed of, and

(b) where the case is one in which an appeal is allowed, when the Controller is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred, or, if an appeal has been preferred when the appeal has been disposed of :

Provided that a document may be returned at any time earlier than that specified by this sub-rule if the person applying therefor delivers to the Controller a certified copy to be substituted for the original and undertakes to produce the original, if required to do so;

Provided further that no document shall be returned which, by force of the order of the Controller, has become wholly void or useless.

8. Rule :-

(1) When an application under the Act is presented to the Controller he shall fix the date on which and the place at which the inquiry in respect of the application will be held and send notice thereof to the applicant or applicants and the respondent or respondents mentioned in the application and shall also send a copy of the application alongwith the notice to the respondent or respondents :

Provided that in the case of applications for eviction filed under * [xxxx] sub-section (3) of Section 10 in respect of buildings of which the State Government or the Central Government are tenants, he shall not be bound to give such notice unless he considers such notice necessary, regard being had to the averments in the petition or any other material circumstance.

(2) The Controller shall give to the parties a reasonable opportunity to state their case. He shall also record a brief note of the evidence of the parties and witnesses, if any, examined on either side and upon the evidence so recorded and after consideration of any documentary evidence which may be produced by the parties, pass orders on the application.

(3) Where an order is passed ex parte against a tenant or a landlord, or an order of dismissal for default is passed, by the Controller, the party affected may, within thirty days from the date

of the pronouncement of the order in open Court, apply to the Controller by whom the ex parte order or the order of dismissal was passed, for an order to set it aside, and if he satisfies the Controller that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the application was called on for hearing, or that such default was occasioned due to circumstances beyond his control, the Controller shall make an order setting aside the ex parte order or the order of dismissal passed, as the case may be, upon such terms as to costs, payment into Court or otherwise, as the Controller thinks fit, and shall appoint a day for proceeding with the application :

Provided that no order shall be set aside under this sub-rule unless the opposite party has been served with a notice in this regard;

Provided further that the Controller shall, in respect of an application for setting aside an ex-parte order or order of dismissal for default, received under this sub-rule for the first time, and may, in respect of a second or subsequent application, stay all execution proceedings in pursuance of the ex parte order or the order of dismissal for default until the disposal of the application.

9. Rule :-

An appellate authority may transfer a case from the file of one Controller to that of another Controller within his jurisdiction -

(i) if the Controller on whose file the case is pending is personally interested in it and reports the matter to the appellate authority; or

(ii) if on any application for transfer by any party in the case, the appellate authority is satisfied that there are sufficient grounds for the transfer; or

(iii) if the appellate authority considers such transfer proper on administrative grounds.

*[Explanation :- It shall be obligatory on the part of the Controller on whose file a case in which he is personally interested, is pending to report the matter to the appellate authority at the earliest opportunity.]

10. Rule :-

(1) Every appeal against an order of the Controller shall, in addition to the grounds of appeal, specify the date on which the order was received by the appellant. The appeal shall be signed by the

appellant or his Counsel duly stamped and presented to the appellate authority or to such officer as he appoints in this behalf by the appellant himself personally or by his recognised agent or by Counsel at any time during office hours on a working day. The appeal shall be accompanied by a copy of the order of the Controller appealed from.

(2) Every appeal under the Act shall be accompanied by a spare copy of sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.

11. Rule :-

(1) When an appeal under the Act is preferred the appellate authority shall fix a day for hearing the appeal and send notice thereof to the appellant or appellants and the respondent or respondents mentioned in the appeal and shall also send a copy of the appeal along with the notice to the respondent or respondents.

(2) If the appellate authority decides to make further inquiry, he may take additional evidence or require such evidence to be taken by the Controller.

(3) Where an order is passed ex parte against a tenant or a landlord or an order of dismissal for default is passed by the appellate authority, the party affected may, within thirty days from the date of pronouncement of the order in open Court, apply to the appellate authority by whom the ex parte order or the order of dismissal was passed, for an order to set it aside, and if he satisfies the appellate authority that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or that such default was occasioned due to circumstances beyond his control, the appellate authority shall pass an order setting aside the ex parte order or the order of dismissal passed, as the case may be, upon such terms as to costs, payment into court or otherwise as the appellate authority thinks fit, and shall appoint a day for proceeding with the appeal :

Provided that no order shall be set aside under this sub-rule unless the opposite party has been served with a notice in this regard.

12. Rule :-

The High Court may transfer an appeal from the file of the appellate authority,

- (i) if the appellate authority before whom the appeal is pending is personally interested in the appeal and reports the matter to the High Court; or
- (ii) if, on an application for transfer by any party in the appeal, the High Court is satisfied that there are sufficient grounds for such transfer.

13. Rule :-

In cases falling under Section 5 of the Act or in any other case under the Act, the Collector or the appellate authority concerned may, if he thinks fit to do so, personally inspect the building concerned after giving notice to the parties concerned *[and record a note of inspection in brief. Every such note shall form part of the record of the case, a copy of which may be furnished to the party concerned in accordance with these Rules.]

14. Rule :-

(1) No landlord shall, in the case of a building in respect of which a notice of vacancy is to be given under Section 3, cut off or withhold any of the amenities therein at any time until he becomes entitled to let the building to a tenant or occupy it himself under sub-section (5) of Section 3.

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(2) In cases falling under Section 3 the authorised officer or any person authorised by him in that behalf may, if he thinks fit to do so, personally inspect the building concerned and may call for any particulars in respect of the said building from the landlord or tenant or occupant or any previous tenant or occupant thereof, who shall furnish the particulars so called for.

After inspection the officer or person shall record a note of inspection in brief and every such note shall form part of the record of the case. A copy of the note of inspection may be furnished to the party concerned, on application as provided in Rule 18.

The landlord or tenant or any other occupant of the building shall keep the building open for inspection by the authorised officer or any person authorised by him in that behalf and shall not obstruct or cause to obstruct the entry of the said officer or person into the building.

15. Rule :-

Any appearance, application or act in any proceeding before the Controller or the appellate authority may be made or done by the party in person or by his recognized agent or by Counsel :

[Provided that in any such proceeding where the Union of India or the State of Andhra Pradesh or any public servant under the Union or the State in his official capacity, are parties, no Government or other pleader appearing on their behalf shall be required to present any document empowering him to act, but such pleader shall file a memorandum of appearance signed by him and such memorandum of appearance need not be stamped.]

16. Rule :-

(1) All notices under the Act issued by the Controller or the appellate authority and all orders passed by the Controller or the appellate authority if not pronounced in open Court shall be served on the person concerned:

(a) personally by delivering or tendering to him the notice or order; or

(b) if such person is not found, by leaving the notice or order at his last known place of abode or business or by giving or tendering the same to some adult member of his family; or

(c) if such person does not reside in the area within the jurisdiction of the Controller or the appellate authority, by sending the same to him by registered post, acknowledgment due; or

(d) if none of the means of aforesaid is practicable, by affixing the same in some conspicuous part of his last known place of abode or business.

(2) Every interim order passed under sub-section (3) of Section 14 shall be served on the landlord in any one of the manners specified in sub-rule (1) above.

17. Rule :-

(1) In respect of every application filed under the Act the applicant or applicants, as the case may be, in the Court of the Rent Controller, shall pay, whenever the service of any notice or order issued under the Act is directed to be executed through Court in the shape of Court-fee stamps of the value of Rs.8-00 (Rupees eight only) in the case of the first respondent and in the case of

every additional respondent at the rate of Rs.4-00 (Rupees four only) if such additional respondent or respondents are living at the same address.

(2) In respect of every notice or order directed to be served through Court on any respondent or the opposite party in any appeal or proceeding pending in the Appellate Court under the above Act, a sum of Rs.9-00 (Rupees nine only) shall be paid by the party seeking such service in respect of first respondent and Rs.4-50 (Rupees four and paise fifty only) in respect of every additional respondent or respondents or opposite party in the form of Court-fee.

(3) Whenever any order or notice is directed to be served by registered post by any Court under this Act, the party seeking such service shall bring into Court process fee calculated at the current rates of postal charges prescribed by the Postal Department to cover to the cost of sending the same by registered post with acknowledgment due, in respect of each respondent or opposite party and the process fee thus payable may, from time to time, be prescribed by the District Court or in the District of Hyderabad by the Chief Judge, City Small Causes Court taking into account the rates prescribed by the Union of India or the Postal Department thereof.

(4) Court fee payable on vakalath shall be Rs.2-00 (Rupees two only) in any Court.

(5) Court fee payable on an application for execution of orders shall be Rs.1-00 (Rupee one only).

(6) Application for certified copies shall bear Court fee stamp of Rs.0-25 ps. (Twenty five paise only).

(7) Court fee payable towards conveyance charges for inspection at party's instance shall be Rs.0-75 ps. (seventy five paise only) per kilometer calculating the distance to and far from the Court building.

(8) Court fee payable for service of notice of deposit under Rule 5 shall be Rs.1-00 (Rupee one only).]

18. Rule :-

(1) Any person affected by any order passed by the Controller or the appellate authority shall be entitled to be furnished with a copy

thereof and any other connected document duly certified by the Controller or the appellate authority, as the case may be, on application, provided that a certified copy of the document applied for shall be furnished on ordinary white paper supplied by the applicant.

(2) The application shall state whether the applicant has any and what interest in the subject-matter of the document, and purpose for which a copy is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding, and the relevancy of the document to the case of the applicant.

(3) One paper shall be furnished for every 416 words or fraction thereof.

(4) The first 176 words shall be written on the front page and the rest shall be written on the reverse.

(5) *[The copying fee for each page of not more than 175 words shall be 60 paise and shall be paid in the form of court-fee stamps.]

(6) Four figures shall be taken as equivalent to one word, and words in the Indian languages with short suffixes and inflections shall be counted as single words.

(7) The cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Controller or appellate authority, as the case may be, and deposited in the office of the Controller or appellate authority in cash.

19. Rule :-

(1) Every application for making the legal representative or, as the case may be, the legal representatives of a deceased person party to a proceeding under the Act shall be preferred within thirty days from the date of the death of the person concerned.

[Explanation :- For the purpose of this rule (1) 'legal representative' means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character, the person on whom the estate devolves on the death of the party so suing or sued.

(2) An application may be admitted after the period specified in this rule, if the applicant satisfies the Controller or appellate authority that he had sufficient cause for not making the application within such period.

(3) Where a question arises as to whether any person is or is not the legal representative of a deceased person, such question shall be referred to a civil Court for determination.]

20. Rule :-

(1) Every summons issued under Section 25 shall be served on the witness concerned by personally delivering or tendering it to him or by sending it to him by registered post, acknowledgment due.

(2) In respect of every summons issued under Section 25 the person at whose instance the summons is issued shall file before the Court a list in Form No.20 of the Civil Rules of Practice, of person whose attendance is required stating full name and address and whether he is required to give evidence as an expert or otherwise or to produce any documents and also pay into the office of the Controller a fee of Rs.1-37 ps., in the shape of Court-fee stamps for the service of the summons and shall also deposit in the said office the amount of the allowance to which the witness is entitled for travelling and attendance at the Court according to the scale for the time being in force with respect to witnesses in civil Courts in the State.

21. Rule :-

If any person contravenes any of the provisions of *[Rule 4 or Rule 14,] he shall be punishable with fine which may extend to two thousand rupees :

[Provided that before taking action to prosecute the person contravening, he shall be given an opportunity to make representation.]

22. Rule :-

(1) Every summons issued under the Act shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf.

(2) It shall require that the person summoned to appear before the said officer at a stated time and place and shall specify whether his

attendance is required for the purpose of giving evidence, or to produce a document or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(3) Any person may be summoned to produce a document without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced through an authorised agent instead of attending personally to produce the same.

(4) The service of summons under the Act on the person shall be effected in any of the following ways :

(a) by giving or tendering it to such person; or

(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or

(c) if the address of such person is known to the Controller, the appellate authority or other authorised person, by sending it to him by registered post; or

(d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

(5) Where the serving officer delivers or tenders copy of the summons to the respondent personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

(6) The serving officer shall in all cases in which the summons has been served under sub-rule (5) endorse or annex, or cause to be endorsed or annexed on or to the original summons a return stating the time when and the manner in which the summons was served, the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the summons.

(7) The Controller or the appellate authority, as the case may be, shall have power to administer oaths, to require the attendance of all parties concerned and of witnesses and require the production of all books and documents relating to the matter of the dispute.

(8) The Controller or the appellate authority deciding the dispute shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded and after consideration of any documentary evidence produced by the parties, a decision shall be given in accordance with justice, equity and good conscience by the Controller or appellate authority. The decision given shall be reduced to writing. If any party duly summoned to attend, does not attend, the dispute may be decided ex parte :

[Provided that in the matter of summoning witnesses and compelling production of documents, in the Controller shall so far as may be, follow the procedure laid down in that behalf in the Code of Civil Procedure, 1908, with such modifications as the circumstances may require.]

23. Rule :-

(1) Every application for the execution of order passed under this Act shall be in writing, signed and certified by the decree holder and filed before the Controller within six months from the date of the order accompanied by a certified copy of the order concerned together with the necessary process fee : [Provided that an application may be admitted after the specified period, if the applicant satisfies the Controller that he has sufficient cause for not preferring the application within such period.]

(2) On receipt of an application for the execution of orders as provided by sub-rule (1), the Controller shall ascertain whether all the requirements have been complied, and if they have not been complied, the Controller may reject the application or may allow the defect to be remedied within the time to be fixed by him.

(3) Where the application is admitted, the Controller shall enter in the proper register a note of the application, of the date on which it was made and shall subject to the provisions herein after contained allow execution of orders.

(4) Where the application for execution is made by or against the legal representative of a party to the order, the Controller shall issue a notice to the person or persons concerned directing him to show-cause as to why the application should not be complied with.

(5) An order of eviction passed under Sections 10, 12 and 13 shall be executed by evicting the person against whom the order was

passed or any other person bound by the said order and by delivering the vacant possession of the building in regard to which the order was passed either to the person in whose favour the order was passed or to such person as he may appoint to take delivery on his behalf.

(6) Where possession of any building is to be delivered and the person in possession, being bound by the order of eviction does not afford free access, the Controller or through his subordinates may after giving reasonable warning and facility for withdrawing any woman, who according to custom, does not appear in public, remove or open any lock or bolt or break open any door or do any other act necessary for putting any person entitled for possession in pursuance of the order of eviction.

(7) If such execution is resisted and obstructed by any person other than the person against whom order of eviction was passed, the Controller may hold a summary enquiry into the facts of the case and if he is satisfied that the resistance or obstruction was without any just cause and that such resistance and obstruction still continues shall issue a warrant to evict the said person by force and deliver the possession of the building to the person entitled for possession in pursuance of the order of eviction and if he is satisfied that the resistance or the obstruction was occasioned by any person other than the person against whom order of eviction was passed claiming in good faith to be in the possession of the building on his own account or on account of some person other than the person against whom order of eviction was passed, he shall make an order disallowing the execution against such person.

(8) If an order passed under Section 14 or Section 21 has not been obeyed by the party concerned, the same may be enforced by the attachment of his property or by detention in civil prison or by both or by any other manner suitable in the opinion of the Controller.

24. Rule :-

(1) If any articles are found in a building at the time of an execution of an eviction order and if the person to whom such articles belong does not take possession of such articles, then they will be taken into the custody of the Controller after causing the preparation of an inventory of the same in the presence of Panchas.

(2) The Controller thereafter shall cause the publication of a proclamation affixing copies of the same both on the notice board

of his office premises as well as on the building concerned directing the person or persons to whom such articles belong to appear before him within thirty days from the date of the said proclamation, and to satisfy the Controller that he is entitled to receive such articles. If the Controller is satisfied he shall deliver such articles to such person subject to the payment of necessary charges for removal, transport and safe custody of such articles.

(3) In case no person appears within the time specified in the proclamation, the Controller may take necessary action to dispose of the articles by public auction and credit the amount in his Personal Deposit Account after deducting the charges if any incurred in this connection.

25. Rule :-

Every party shall, within seven days from the date of pronouncement of an order, furnish to the office of the Controller or the appellate authority, as the case may be, a statement of the costs and expenses incurred by him in the relevant form prescribed in the civil Courts, under his or his Advocate's signature, which may include therein the costs of preparation of service of process, the cost of production of any public record or witnesses, of making and getting copies of pleadings, affidavits and other proceedings, which by the rules are required to be served on the opposite party, of search for encumbrances and of obtaining encumbrance certificate whenever such certificates are required to be produced, of any adjournments or interlocutory application allowed to him and of the fees paid by him to his lawyer and shall state the total amount claimed by him. The said statement shall be checked by the officer of the Court, who shall note thereon the sums, if any disallowed and the total amount allowed by him and shall sign the same. If any party makes default in filing the said statement, the officer of the Court shall be at liberty to allow such costs as he may deem fit.

26. Rule :-

All proceedings commenced and action taken under the Madras Buildings (Lease and Rent Control) Rules, 1951, or the Hyderabad Houses (Rent, Eviction and Lease) Control Rules, 1954 shall be continued and, so far as may be, deemed to have been commenced or taken under these rules.