

Meghalaya Public Premises (Eviction Of Unauthorised Occupants) Act, 1980

15 of 1980

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Meghalaya Public Premises (Eviction Of Unauthorised Occupants) Act, 1980

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An Act to provide an effective machinery for eviction of unauthorised occupants from public premises and certain incidental matters Be it enacted by the Legislature of Meghalaya in the Thirty-first year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act, may be called the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980.
- (2) It extends to the whole of the Meghalaya.
- (3) It shall come into force at once.

2. Definitions :-

In this Act unless the context otherwise requires,--

(a) "Board of Revenue" means the Meghalaya Board of Revenue constituted under the Meghalaya Board of Revenue Act (Assam Act No. XXI of 1962 as adapted by Meghalaya);

(b) "corporate authority means--

(i) any company as defined in section 3 of the Companies Act, 1956 (1 of 1956) in which not less than fifty-one per cent. of the paid-up share capital is held by the State Government,

(ii) any corporation, board, public undertaking, institution, or any other authority, whether statutory or not, owned, controlled or sponsored by the State Government,

(iii) a municipal corporation, municipality or town committee constituted or established by or under any State Act,

(iv) the Meghalaya State Electricity Board,

(v) the Meghalaya Transport Corporation,

(vi) the Meghalaya Co-operative Apex Bank Ltd.

(c) "Deputy Commissioner" includes the Additional Deputy Commissioner and the Sub-Divisional Officer within their respective jurisdiction;

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for more beneficial enjoyment thereof;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "public premises" means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the State Government and includes any premises belonging to, or taken on lease by, or on behalf of, a corporate authority.

(g) "rent" in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises, and includes,--

(i) any charge for electricity, water or any other services in connection with the occupation of the premises,

(ii) any tax (by whatever name called) payable in respect of the premises; where such charge or tax is payable by the State Government or the corporate authority;

(h) "State Government" means the State Government of Meghalaya;

(i) "unauthorised occupation" in relation to any public premises means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in

occupation, by any person of the public premises, after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

3. Issue Of Notice To Show Cause Against Order Of Eviction

:-

(1) If the Deputy Commissioner is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the Deputy Commissioner shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall--

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in the public premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

(3) The Deputy Commissioner shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Estate Officer knows or has reason to believe that any person is in occupation of the public premises, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

4. Eviction Of Unauthorised Occupants :-

(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 3 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Deputy Commissioner is satisfied that the public premises are in unauthorised occupation, the Deputy Commissioner may make an order of eviction, for reasons to be recorded, therein, directing that the public premises shall be

vacated by such date, not being earlier than fifteen days from the date of its service, as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction under sub-section (1), the Deputy Commissioner or any other officer duly authorised by the Deputy Commissioner in this behalf may evict that person from, and take possession of, the public premises and, may, for that purpose, use such force as may be necessary.

5. Disposal Of Property Left On Public Premises By Unauthorised Occupants :-

(1) Where any person has been evicted from any public premises under section 4, the Deputy Commissioner, may, after giving fourteen days notice to the person from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property left by such person and remaining on such premises.

(2) Where any property is sold under sub-section (1), the sale proceeds shall, after deducting the expenses of the sale and the amount, if any, due to the State Government or the corporate authority on account of arrears of rent or damages, or costs, be paid to such person or persons as may appear to the Deputy Commissioner to be entitled to the same:

Provided that where the Deputy Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the Court thereon shall be final.

6. Power To Require Payment Of Rent Or Damages In Respect Of Public Premises :-

(1) Where any person is in arrears of rent payable in respect of any public premises, the Deputy Commissioner, may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been in unauthorised occupation of any public premises, the Deputy Commissioner, may,

having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and, may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the order or notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, having been considered by the Deputy Commissioner.

7. Powers Of The Deputy Commissioner :-

The Deputy Commissioner shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), when trying a suit in respect of the following matters, namely:--

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) any other matter which may be prescribed.

8. Appeals :-

(1) An appeal shall lie from every order of the Deputy Commissioner made in respect of any public premises under section 4 or section 6 to the Board of Revenue.

(2) An appeal under sub-section (1) shall be preferred within fifteen days from the date on which the order is communicated to the appellant:

Provided that the Board of Revenue may entertain the appeal after the expiry of the said period of fifteen days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Deputy Commissioner, the Board of Revenue may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the Board of Revenue as expeditiously as possible.

(5) The cost of any appeal under this section shall be in the

discretion of the Board of Revenue.

9. Finality Of Orders :-

Save as otherwise expressly provided in this Act, every order made by a Deputy Commissioner or the Board of Revenue under this Act, shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

10. Offences And Penalties :-

(1) If any person who has been evicted from any public premises under this Act, again occupies the premises without authority for such occupation, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for convicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

11. Power To Obtain Information :-

If the Deputy Commissioner has reason to believe that any persons are in unauthorised occupation of any public premises, the Deputy Commissioner or any other officer authorised by him in this behalf may require those persons or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

12. Liability Of Heirs And Legal Representatives :-

(1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of the damages is to be or has been taken dies before the proceeding is taken or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the State Government or the corporate authority from any person whether by way of arrears of rent or

damages or costs shall, after the death of the person, be payable by his heirs or legal representatives but their liability shall be limited to the extent of the assets of the deceased in their hands.

13. Recovery Of Rent, Etc., As An Arrear Of Land Revenue :-

If any person refuses to pay the arrears of rent payable under sub-section (1) of section 6 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 8 or any portion of such rent, damages or costs, within the time, if any or specified therefor in the order relating thereto, the Deputy Commissioner, may, issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue.

14. Bar Of Jurisdiction :-

No court shall have jurisdiction to entertain, any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any public premises, or the recovery of the arrears of rent payable under sub-section (1) of section 6, or damages payable under sub-section (2) of section 6, sub-section (3) of that section or costs awarded to the State Government or the corporate authority under sub section (5) of section 8, any portion of such rent, damages or costs.

15. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the State Government or the corporate authority or the Board of Revenue or the Deputy Commissioner or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

16. 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 any notice required or authorised to be given under

this Act and the manner in which it may be served;

(b) the holding of inquiries under this Act;

(c) the distribution and allocation of work to Deputy Commissioner and the transfer of any proceeding pending before the Deputy Commissioner to another Deputy Commissioner;

(d) the procedure to be followed in taking possession of public premises;

(e) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;

(f) the manner in which appeals may be preferred and fees thereof;

(g) any other matter which has to be prescribed.