

MIZORAM URBAN AREAS RENT CONTROL ACT, 1974

9 of 1974

[26th November, 1974]

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An Act to fix fair rents of houses situated within the local limits of urban areas in Mizoram and for matters connected therewith Be it enacted by the Legislative Assembly of Mizoram in the Twenty-fifth year of the Republic of India as follows:

1. Short title, extent and commencement :-

(1) This Act may be called the Mizoram Urban Areas Rent Control Act, 1974.

(3) It shall be deemed to have come into force on such date as may be notified by the Administrator in the official Gazette of Mizoram.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context

(a) "Court" means the Court of ordinary civil jurisdiction in the area

in which a house or tenement is situated which would be competent to pass a decree for the eviction of a tenant from such house or tenement;

(c) "Landlord" means any person who is, for the time being receiving or entitled to receive rent in respect of any house whether on his own account or on account, or on behalf of any other person, or as a trustee, guardian or receiver for any other person and includes in respect of his sub-tenant, a tenant who has sub-let any house and includes every person not being a tenant who from time to time derives title under a landlord;

(f) "tenant" means any person by whom or on whose behalf rent is payable for any house and includes every person who from time to time derives title under a tenant;

(g) "urban area" means any area declared as such by the Administrator;

(h) "Administrator" means the Administrator of the Union territory of Mizoram appointed by the President under Art. 239 of the Constitution.

3. Fair rent :-

(1) Subject to the provisions of this Act and notwithstanding any contract to the contrary, no landlord shall be entitled to charge rent for any house at a figure higher than the standard rent.

(2) If at any time after the standard rent is fixed under the provisions of the Act, by addition, improvement or alteration (not being repairs within the meaning of the provisions of S. 6) is affected at the landlord's expense which was not taken into consideration in fixing the standard rent, then the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth of twelve per cent per annum of the cost of such addition, improvement or alteration with effect from the date on which the addition, improvement or alteration was completed.

4. Procedure for determination of fair rent :-

(1) If any dispute arises regarding the rent payable in respect of any house, it shall be determined by the Court.

(2) The Court shall, on application made by either the landlord or the tenant, issue notice on both the parties, and after making such

enquiry as it thinks fit, determine the monthly rent for the house in accordance with the provisions of S. 3 and the rent so determined shall be binding on both the parties.

5. Bar against passing and execution of decree and orders for ejection :-

(2) The transfer of the interest of the landlord in the house shall not affect the right of the tenant provided the tenant pays rent allowable under this Act to the transferee.

(3) Where the landlord recovers possession of a house from a tenant on the ground that the house is bonafide required by him for purpose of repairs or rebuilding or for his own occupation or for the occupation of any person for whose benefit the house is held, and repairs or the rebuilding of the house is not commenced or the house is not occupied by the landlord or such person within thirty days of the date of vacation of the house by such tenant or the house having been so occupied is within six months of the said date re-let to or allowed to be possessed by any other person, the Court may, on the application of the evicted tenant made within seven months of his vacating the house, direct the landlord to put the evicted tenant in possession of the house within such period as the Court may fix and to pay him such compensation as appears to the Court to be reasonable and proper. Such a direction shall be deemed to be a decree under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and to be capable of execution as such under the provisions of that Code as applicable to the Union territory of Mizoram.

(4) Where the landlord refuses to accept the lawful rent offered by his tenant, the tenant may within 15 days of its becoming due, deposit in Court the amount of such rent together with process fees for service of notice upon the landlord, and on receiving such deposit, the Court shall cause a notice to be served on the landlord and the amount of the deposit may thereafter be withdrawn by the landlord on application made by him to the court in that behalf. A tenant who has made such deposit shall not be treated as a defaulter under Cl. (d) of the proviso to sub-S. (1) of this section.

6. Duties of landlord :-

Every landlord shall be bound to keep windproof and water proof any house which is in occupation of a tenant and to carry out other repairs which he is bound to make by law, contract or custom and

also to maintain the existing essential supplies and services such as sanitary arrangement, water supply, supply of electricity or drainage service in respect of the house.

Explanation. 'Repair' includes annual white-washing and re-colouring.

7. Notice on landlord to perform duties :-

(1) If the landlord neglects to make such repairs or to maintain such existing essential supplies and services as he is bound to do under the provisions of S. 6, the Court may, on the application of the tenant, direct the landlord by notice to appear before it and to show cause against the application of the tenant.

(2) If the landlord fails to show sufficient cause, the Court may direct him to make such repairs or as the case may be, to take such measures for the restoration of the essential supplies and services as contemplated in S. 6 within a period fixed by the Court.

(3) If the landlord fails or neglects to make such repairs or take such measures within the period fixed by the Court, the Court may on application of the tenant permit him to make such repairs or take such measures, as the case may be, at a cost not exceeding the amount determined by the Court after taking such evidence as it may consider necessary; and it shall be thereafter lawful for the tenant to make such repairs or take such measures and to deduct the cost thereof from the rent or to recover the amount from the landlord through the Court by execution, and for the purpose of this sub-section the order of the Court shall be deemed to be decree under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and to be capable of execution as such under the provisions of that Code as applicable to the Union territory of Mizoram.

8. Appeals :-

A landlord or a tenant aggrieved by any decision or order of the Court under the provisions of S. 4, sub- Ss. (3) and (4) of S. 5 and sub-S. (2) of S. 7 of this Act shall have a right of appeal against the same as if such decision or order were a decree in a suit for ejectment of the tenant from the house and such decision of the Appellate Court shall be final.

9. Power to make rules :-

The Administrator may, by notification in the official Gazette, make rules prescribing the Court-fees to be paid on applications made to

the Court under the provisions of this Act, and also for the purpose of carrying out the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Mizoram while it is in session for a total period of seven days which may comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly of Mizoram decide that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Savings :-

Anything done or any action taken following the principles of the Assam Urban Areas Rent Control Act, 1966, in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under this Act.