

Gujarat Panchayats (Unauthorised Occupation of Panchayat Premises and Property) Rules, 1995

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Whereas certain draft rules framing the Gujarat Panchayats (Unauthorised Occupation of Panchayat Premises and Property) Rules, 1995 were published as required by sub-section (5) of Sec. 274, read with Sec. 269 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993) at pages 149-1 and 149-2 of Gujarat Government Gazette, Part I-A dated the 29th July, 1995 under the Government Notification, Panchayats and Rules Housing Department No. KP/120 of 1995/PRN- 1094/1512-J, dated the 29th July, 1995 inviting objections and suggestions from all persons likely to be affected thereby till the 27th August, 1995; And, whereas no objections and suggestions were received with respect to the said draft rules by the Government; Now, therefore, in exercise of the powers conferred by sub- section (1) of Sec. 274 read with Sec. 269 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993), the Government of Gujarat hereby makes the following rules, namely :

1. Short title :-

These rules may be called the Gujarat Panchayats (Unauthorised Occupation of Panchayat Premises and Property) Rules, 1995.

2. Definition :-

In these rules, unless the context otherwise requires :

(i) "Act" means the Gujarat Panchayats Act, 1993.

(ii) "panchayat" means a village panchayat, a taluka panchayat or a district panchayat, as the case may be;

(iii) "section" means section of the Act.

3. RULE :-

In assessing the sum payable under sub-section (2) of Sec. 269, the panchayat shall take into account,

(i) the period for which the premises were in unauthorised occupation of the person,

(ii) the amount of rent which would have been payable to the panchayat for the period referred to in sub-rule (1), had the premises been let by the panchayat, and

(iii) damages, if any, caused to the premises during the said period.

4. RULE :-

(i) The sum payable under sub-section (1) of Sec. 269 shall be determined after giving a notice in Form 'A' to the person liable to pay the sum under the said sub-section (1) and giving him an opportunity of being heard.

(ii) If the person liable to pay the sum does not remain present, the panchayat shall determined the same in his absence.

5. RULE :-

The person liable to pay the sum so determined under Rule 4 fails to pay the sum, the panchayat shall take necessary action according to the provisions of Sec. 215 of the Act for recovery of the said sum.

6. Repeal and Saving :-

The Gujarat Panchayats (Unauthorised Occupation of Panchayat Premises and Property) Rules, 1964, are hereby repealed. Such repeal shall not affect anything done or any action taken under the rules so repealed.