

GUJARAT PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1974

CONTENTS

1. Short title
2. Definitions.
3. Form of notice under sub section (1) of section 4.
4. Service of notice in other manner under sub-section (3) of section 4
5. Form of order under subsection (1) of section 5.
6. Entry into premises for taking possession.
7. Form of Notice under sub-section (1) of section 7
8. Principles for assessment of damages under sub-section (2) of section 7
9. Form of Notice under sub-section (3) of section 7
10. Form of order under sub-section (2) of section 7

GUJARAT PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1974

Whereas the Gujarat Public Premises (Eviction of Unauthorised Occupants) Rules, 1973 were published as required by sub-section (1) of section 18 of the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (Guj. 12 of 1973) at pages 218 to 225 of the Government of Gujarat Gazette, Extraordinary, Part IV-B, dated the 20th December, 1973 under the Government Notification, Public Works Department, No. GH/J/24/73/EVC/1173/A-I, dated the 14th December, 1975 inviting objects and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication; And whereas no objections and suggestions were received; Now, therefore, in exercise of the powers conferred by section 18 of the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (Guj. 12 of 1973), the Government of Gujarat hereby makes the following rules, namely :-

1. Short title :-

These rules may be called the Gujarat Public Premises (Eviction of Unauthorised Occupants) Rules, 1974.

2. Definitions. :-

(1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Gujarat Public Premises (Eviction of Unauthorised Occupants), Act, 1972;

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

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

(2) words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. Form of notice under sub section (1) of section 4. :-

The notice under sub-section (1) of section 4 shall as far as may be in Form A.

4. Service of notice in other manner under sub-section (3) of section 4 :-

The competent officer shall, in addition to the manner specified in sub-section (3) of section 4, cause a proclamation of the notice to be affixed in the colony office or in the office of the Mamlatdar within whose jurisdiction the concerned premises are situated or in the local office where the concerned person is working.]

5. Form of order under subsection (1) of section 5. :-

The order under sub-section (1) of section 5 shall as far as may be in Form B.

6. Entry into premises for taking possession. :-

For the purpose of taking possession of the public premises under sub-section (2) of section 5, the Competent Officer or any Officer or servant authorised by him in this behalf may enter the premises at any time after sunrise and before sunset.

7. Form of Notice under sub-section (1) of section 7 :-

The notice under sub-section (1) of section 7 shall as far as may be in Form C.

8. Principles for assessment of damages under sub-section (2) of section 7 :-

For the purpose of assessing damages for unauthorised use and occupation of any public premises under sub-section (2) of section 7, the competent Officer shall take into consideration the following matters 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 on such premises;

(c) the rent that would have been realised if the premises had been let on the rent for the period of unauthorised occupation;

(d) any damage done to the premises during the period of unauthorised occupation;

(e) any other matter which in the opinion of the competent officer is relevant for the purpose of assessing the damages.

9. Form of Notice under sub-section (3) of section 7 :-

The notice under sub-section (3) of section 7 shall as far as may be in Form D.

10. Form of order under sub-section (2) of section 7 :-

The order under sub-section (2) of section 7 shall as far as may be in Form E.