

## **KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1980**

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## **KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) RULES, 1980**

In exercise of the powers conferred by Section 18 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), the Government of Karnataka hereby makes the following rules, namely:-

### **1. Title and commencement :-**

- (1) These rules may be called the Karnataka Public Premises (Eviction of Unauthorised Occupants) Rules, 1980.
- (2) They shall come into force at once.

### **2. Definitions :-**

- (1) In these rules unless the context otherwise requires.-
  - (i) "Act" means the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 ;
  - (ii) "Form" means a form appended to these rules;
- (2) Words and expressions used but not defined in these rules shall have the same meaning, if any, assigned to them in the Act.

### **3. Form of notices and orders :-**

- (1) A notice under sub-section (1) of Section 4 OF THE Karnataka

Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall be in Form A and the order shall be in Form B.

(2) A notice under sub-section (1) of Section 6 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall be in Form C.

(3) An order under sub-section (1) of Section 7 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall be in Form D.

(4) A notice under sub-section (2) of Section 7 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall be in Form E.

(5) An order under sub-section (2) of Section 7 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall be in Form F.

#### **4. Manner of service of notices and orders :-**

(1) Where the person on whom a notice under sub-section (1) of Section 4 OF THE Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 , or sub-section (1) of Section 6 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 is to be served, cannot be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult member of his family.

(2) The competent officer may also proclaim the contents of any notice in the locality by beat of drum.

#### **5. Holding of inquiries :-**

(1) Where any person on whom a notice or order under this Act has been served, desires to be heard through his representative, he should authorise such representative in writing.

(2) The competent officer shall record the summary of the evidence and any relevant documents filed before him shall form part of the records of the proceedings.

#### **6. Manner of taking possession of public premises :-**

(1) If any obstruction is offered, or is in the opinion of the

competent officer likely to be offered in taking possession of any public premises under the Act, the competent officer or any other officer duly authorised by him in this behalf may obtain necessary police assistance.

(2) Where any public premises of which possession is to be taken under the Act is found locked, the competent officer or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of three witnesses break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises: Provided that.-

(1) no entry shall be made into, or possession taken of a public premises before sunrise or after sunset;

(2) where any public premises is forced open immediately an inventory of the articles found in the premises shall be taken in the presence of two witnesses;

(3) where any property remains on the premises taken possession of under sub-rules (1) and (2) of Rule 6, it shall be held in the custody of the competent officer or any other officer duly authorised by him in this behalf and be disposed of after giving due publication as may be felt necessary by him.

## **7. Assessment of damages :-**

In assessing damages for unauthorised use and occupation of any public premises, 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 standards of the accommodation available in such premises;

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

(d) the material damage done to the premises during the period of unauthorised occupation as ascertained from the Public Works Department;

(e) any other matter relevant for the purpose of assessing the damages.

## **8. Procedure in appeals :-**

(1) An appeal preferred under Section 10 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 shall be in writing, shall set forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a copy of such order.

(2) On receipt of the appeal and after calling for and perusing the records of the proceedings before the competent officer, the appellate officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the competent officer against whose orders the appeal is preferred and to the appellant.

## **9. The prescribed officer under Section 13 :-**

The competent officer for the purpose of the Act, shall be as follows, namely.-

(1) The Assistant Executive Engineer, Public Works Department, in respect of public premises belonging to the State Government.

(2) The Chief Officer of Town Municipality in respect of public premises belonging to the municipality.

(3) The Municipal Commissioner in respect of public premises belonging to the City Municipal Council.

(4) The Commissioner in respect of public premises belonging to the City Corporation.

(5) The Tahsildar in charge of the concerned Muzrai or religious or charitable institution in respect of public premises belonging to such institutions under the management of the State Government.