

Kerala Public Buildings (Eviction Of Unauthorised Occupants) Rules, 1969

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Kerala Public Buildings (Eviction Of Unauthorised Occupants) Rules, 1969

SRO. No. 63/69, - In exercise of the powers conferred by S. 18 of the Kerala Public Buildings (Eviction of Unauthorised occupants) Act, 1968, (Act 25 of 1968) the Government of Kerala hereby make the following rules for carrying out the purpose of the Act, namely:

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1. Rules 1 :-

(a) These Rules shall be called the Kerala Public Buildings (Eviction of Unauthorised Occupants) Rules, 1969 and shall come into force at once.

(b) These rule extend to the whole of the State of Kerala.

2. In These Rules, Unless The Context Otherwise Requires :-

(a) The Act means the Kerala Public Buildings (Eviction of Unauthorised Occupants), Act, 1968.

(b) "Section" means a section of the Act.

3. Payments Towards Arrears Of Rent And Damages Shall Be Made Into The Nearest Treasury :-

The head of account to which the amount is to be debited will be

notified in each case by the Estate Officer.

4. Rules 4 :-

Every Estate Officer shall cause proper accounts to be maintained in their office for the rent or damages.

5. Every Application Under The Act Shall Have Court Fee Stamps Affixed Thereon In Each Case At The Rates Shown Below :-

- (i) To the Estate Officer 50 P.
- (ii) To the appellate authority Re. 1

6. Rules 6 :-

In respect of every application filed under the Act, the applicant or applicants, as the case may be, and in respect of every appeal preferred under the Act, the appellant or appellants, as the case may be shall pay for the service of all notices and orders issued, whether in the first instance or subsequently, fees in the shape of court fee stamps of the value specified below:-

- (a) to a single applicant, respondent or appellant 50 Ps.
- (c) to every additional applicant, respondent or appellant residing within the same town or village if the notice or order is to be served at the same time 25 Ps.

7. Rules 7 :-

(1) Any person affected by any order passed by the Estate Officer or the Appellate Authority shall be entitled to be furnished with a copy thereof and any other 1 connected document duly certified by the Estate Officer or the Appellate Authority, as the case may be, on application provided that a certified copy of the document applied for shall be furnished on ordinary white paper supplied by the applicant.

(2) The application under sub-rule (1) shall state the nature of the applicants interest, if any, in the subject matter of the document, the purpose for which a copy is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and relevancy of the document to the case of the applicant.

(3) Copying fee shall be at the same rates as that levied in Civil Courts.

(4) The cost of copying maps, the plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by

the estate officer or Appellate Authority, as the case may be, and deposited in the Office of the Estate Officer or Appellate Authority in cash.

8. Rules 8 :-

(1) Every summons or notice issued under the Act shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by the estate officer or the Appellate authority, as the case may be.

(2) It shall require the person summoned to appear before the said officer at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document or for both purpose; and any particular document the production of which is required shall be described in the summons with reasonable accuracy.

(3) Any person may be summoned to produce a document without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(4) The service of notice under the Act on any person may be effected in any of the following ways:-

(a) By giving or tendering it to such person; or

(b) If such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or

(c) If the address of such person is known to the estate officer or the Appellate Authority by sending it to him by post registered; or

(d) If none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

(5) Where the serving officer delivers or tenders a copy of the summons to the respondent personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original summons or notice as the case may be.

(6) The serving officer shall, in all cases in which the summons or notice has been served under sub-rule (5), endorse or annex or cause to be endorsed or annexed on or to the original summons a return stating the time when and the manner in which the summons or notice was served, the name and address of the

person, if any, identifying the person served and witnessing the delivery or tender of the summons or notice.

(7) The estate officer or the Appellate Authority as the case may be, shall have power to administer oaths, to require the attendance of all parties concerned and of witnesses and require the production of all books and documents relating to the matter of dispute.

(8) The estate officer or the Appellate Authority deciding the dispute shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded, and after consideration of any documentary evidence produced by the parties, a decision shall be given by the Estate Officer or Appellate Authority, in writing. In the absence of any party duly summoned to attend, the dispute may be decided *ex parte*.

(9) Government may, by notification in the Gazette transfer a case from the file of one Estate Officer to that of another Estate Officer.

(i) if the Estate Officer, on whose file the case is pending, is personally interested in it or

(ii) if, on an application for transfer by any party in the case, the Government are satisfied that there are sufficient grounds for the transfer.

(10) (1) Every appeal against an order of the Estate Officer shall in addition to the grounds of appeal, specify the date on which the order was received by the Appellant. The appeal shall be signed by the appellant or appellants or his/or their counsel and presented to the Appellate Authority or to such officer as he appoints in this behalf by the appellant himself or one of the appellants personally or by his or their recognized agent or by counsel at any time during office hours on a working day. The appeal shall be accompanied by a copy of the order appealed against. (2) When an appeal under the Act is preferred, the Appellate Authority shall fix a day for hearing the appeal and send notice thereof to the appellant or appellants and the respondent or respondents mentioned in the appeal and shall also send a copy of the appeal along with the notice to the respondent or respondents.

(3) If Appellate Authority decides to make further enquiry, he may take additional evidence or require such evidence to be taken by the Estate Officer.

(4) The Government may transfer an appeal from the file of the Appellate authority before whom the appeal is pending to that of any other Appellate Authority:-

(i) if the Appellate Authority before whom the appeal is pending is personally interested in the appeal and reports the matter to the

Government; or

(ii) if, on an application for transfer by any party in the appeal the Government are satisfied that there are sufficient grounds for such transfer.