

Hyderabad Houses (Rent Eviction And Lease) Control Act, 1954

20 of 1954

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PREAMBLE

An Act to make provision for the better control of rent of houses and to prevent unreasonable eviction of tenants therefrom and for regulation of the leasing of houses in certain areas of the State of Hyderabad.

Whereas it is expedient to make provision for the better control of the rent of houses and to prevent unreasonable eviction of tenants therefrom and to regulate the leasing of houses in certain areas of the State of Hyderabad.

NOTES

Preamble, Meaning.-This Act is a special Law. The Preamble of the Act makes it clear that it is intended to provide "for the better control of rent of houses and to prevent unreasonable eviction of tenants therefrom and for regulation of the leasing of houses in certain areas". It is narrow and restricted to the particular cases between landlord and tenant. On the other hand, Civil Procedure Code has general application and is not general law. *Bhagwan Ganpatrao Godsay v. Kachrulal Bastimal Samdariya*, 1987 (2) Bom. C.R. 153.

1. Short Title, Commencement And Extent :-

(1) This Act may be called the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954.

(2) It shall come into force at once.

(3) It shall apply to the areas specified in the Schedule and to such

other areas as the Government may, by notification, from time to time, direct.

2. Definitions :-

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

NOTES

When a mortgagor takes possession of mortgage property, the tenant of the mortgaged property are bound to pay the rent to him along and not to mortgagor. Azamat Khan s/o Rasul Khan v. Hussain Khan s/o Hayat Khan & another, 1976 U. C. R. (Bom.) 174.

(a) "Controller" means any person appointed by Government to perform the functions of a Controller under this Act;

NOTES

Controller.- The Rent Controller who is appointed under the Rent Act is not a Court. His appointment flows from the special Statute and he is invested with certain powers. Jainabee Ahmed Sahib v. Mohd. Ibrahim, 1986 Mah. L.R. 42.

(b) "House" means any building or hut or part of a building or hut let or to be let separately for residential or nonresidential purpose and includes, -

(i) the garden, grounds, garages, and outhouses, if any, appurtenant to such building or hut or part of such building or hut and or to let or to be let along with such building or hut or part thereof;

(ii) any furniture supplied or any fittings affixed by the landlord for use in such building or hut provided that expression does not include a room in a hotel or boarding house;

(c) "Landlord" includes a person who is receiving or is entitled to receive rent of a house, whether on his own account or on behalf of or for the benefit of another person or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive rent or be entitled to receive rent if the house were let to tenant;