
MAHARASHTRA SLUM AREAS (IMPROVEMENT, CLEARANCE AND REDEVELOPMENT) PROTECTION OF TENANTS IN SLUM AREAS FROM EVICTION RULES, 1971

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In exercise of the powers conferred by Sub-Section (2) and clause (c) of Sub-Section (4) of Section 22, Sub-Sections (1), (2) (3) and (4) of Section 24 and Sub-Section (3) and clause (b) of Sub-Section (5) of Section 25 read with Sub-Section (1) of Section 46 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah.XXVIII of 1971), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by Sub-Section (1) of the said Section 46, namely

1. Short title :-

These rules may be called the MAHARASHTRA SLUM AREAS

(IMPROVEMENT, CLEARANCE AND REDEVELOPMENT) PROTECTION OF TENANTS IN SLUM AREAS FROM EVICTION RULES, 1971 .

2. Definition :-

In these rules, unless the context otherwise requires,

(j)"Act" means the Maharashtra Slum Areas(Improvement, Clearance and Redevelopment) Act, 1971 ;

(jj) "section" means a section of the Act.

(2) Words and expressions used in these rules and defined in the Act shall have the meanings respectively assigned to them under the Act.

3. Form of Application for seeking permission for Eviction of an Occupier :-

Any person desiring to institute any suit or proceeding referred to in clause (a) or to execute any decree or order referred to in clause (b) of Sub-Section (1) of Section 22 shall make an application to the Competent Authority in the Form appended to these rules.

4. Other Factors to be considered :-

In considering the application under Sub-Section (3) of Section 22 for eviction of an occupier, the Competent Authority shall also take into account the factor whether in proposing to institute the suit or proceeding or in the obtaining of the decree or order against the occupier, the applicant has acted out of malice, or personal feud or with a view to deliberately preventing the occupier from claiming accommodation in the building which may be proposed to be re-erected.

5. Limitation for filing Declaration under Section 24(1) :-

The time within which a tenant, desiring to be replaced in occupation of the building after the re-erection thereof may file a declaration with the Competent Authority under Section 24 , shall be thirty days from the date of his vacating the building, or as the case may be, his eviction therefrom.

6. Period for furnishing particulars by Owner under Section 24(2) :-

The time within which the Competent Authority shall by order require the owner of the building to furnish to it the particulars referred to in Sub-Section (2) of Section 24 of the Act, shall be sixty days from the date of receipt of such order by the owner

7. Manner of communicating Provisional Rent under Section 24(3) :-

The rent provisionally determined under Sub-Section (2) of Section 24 shall be communicated to the tenant and the owner in the same manner in which a notice, order or direction issued under the Act is served under Section 36.

8. Time-limit for Tenant to communicate His Willingness to pay Rent under Section 24(4) :-

The time within which a tenant shall communicate in writing to the Competent Authority under Sub-Section (4) of Section 24 that he would pay to the owner the rent provisionally determined, shall be thirty days from the date of receipt of the communication referred to in Sub-Section (3) of Section 24, by the tenant.

9. Amount of Subsidised Rent :-

Where a landlord has the standard rent fixed under any law relating to the control of rents at a rate higher than the annual rent referred to in Sub-Section (3) of Section 25, the State Government shall pay to the owner 80 per cent of the amount of the difference between the standard rent and such annual rent, by way of subsidy.

10. Submission of Certain Particulars to Government for determining Subsidised Rent :-

Where in any case the State Government is required to pay any amount by way of subsidised rent under rule 9, the Competent Authority shall, within a period of thirty days from the date of the fixation of standard rent by the Court, submit proposal to the State Government for determination of the amount of such subsidized rent, containing the following particulars, namely :-

- (i) The name of the tenant and the owner of the building;
- (ii) The date on which the tenant occupied the new building;
- (iii) The annual rent fixed with the provisions of Sub-Section (3) of Section 25 of the Act;
- (iv) The standard rent fixed for the building;
- (v) The amount of subsidy payable to the owner in accordance with these rules.

11. Mode of Payment of Subsidised Rent :-

The amount payable by Government by way of subsidized rent

under Sub-Section (3) of Section 25 shall be placed at the disposal of the Competent Authority concerned by the State Government sufficiently in advance of the date on which it becomes payable. The Competent Authority shall pay the amount of subsidy on a date to be determined by it and intimated to the owner of the building, every quarter of the year after ascertaining that the tenant in respect of whom the subsidy has been sanctioned was actually in occupation of the building. The payment of subsidy shall cease on the termination of the tenancy in respect of which the subsidy is given.

12. Authority for determining rent under Section 25(5)(b)

:-

Where in any area there is no general law relating to the control of rent in force, the authority to which the application for determination of rent referred to in Sub-Section (4) of Section 25 of the Act by the owner or the tenant of any building in such area shall be made, shall be the Court of Civil Judge (Junior Division) having jurisdiction in such area or, if there is no such Civil Judge, the Court of Civil Judge (Senior Division) having ordinary jurisdiction.

13. Procedure to be followed by Authority for Determination of Rent under Section 25(5)(b) :-

(1) For the purpose of determining the rent of the buildings under Section 25, the authority referred to in rule 12 may if it deems fit take into consideration the cost of land, the cost of construction of the building, the rateable value of the building, allowance for depreciation, its location, facilities of a market, transport, education, medical attention and other like facilities.

(2) In all inquiries and proceedings, commenced on the presentation of the application for determination of rent, the authority shall follow as far as may be and with the necessary modifications the procedure prescribed for a court of first instance the Code of Civil Procedure, 1908 .

14. Appeals :-

(1) An appeal against the order of the authority made under rule 13 shall lie to the District Court and such appeal shall be made within thirty days from the date of the order:

Provided that, in computing the period for appeal the provisions of

Sections 4, 5 and 12 of the Limitation Act, 1963, shall apply to the filing of such appeals.

(2) In the appeals under this rule a District Court shall, as far as may be and with necessary modifications, follow the practice and procedure prescribed for appeals from original decrees by or under the Code of Civil Procedure, 1908 .

15. Court-fees :-

The Court-fees leviable in applications mentioned in rule 12 shall be fifty paise and the Court-fees leviable in appeals under Rule 14 shall be one rupee.