

Punjab Religious Premises And Land (Eviction And Rent Recovery) Act, 1997

04 of 1998

[25 January 1998]

CONTENTS

1. Short Title And Commencement
2. Definitions
3. Unauthorised Occupation Of Religious Premises
4. Issue Of Notice To Show Cause Against Order Of Eviction
5. Eviction Of Unauthorised Persons
6. Power To Recover Damages In Respect Of Religious Premises As Arrears Of Land Revenue
7. Power Of Collector
8. Appeals
9. Finality Of Orders
10. Liability Of Heirs And Legal Representatives
11. Recovery Of Rent As Arrears Of Land Revenue
12. Bar Of Jurisdiction
13. Protection Of Action Taken In Good Faith

Punjab Religious Premises And Land (Eviction And Rent Recovery) Act, 1997

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An Act to provide for the eviction of unauthorised occupants from religious premises and for certain incidental matters. Be it enacted by the Legislature of the State of Punjab in the Forty-eighth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997.
- (2) It shall come into force at once.

2. Definitions :-

In this Act unless the context otherwise requires,--

(a) "Collector" means the Collector of the District and includes any other officer appointed by the State Government for performing the functions of the Collector under this Act;

(b) "Commissioner" means the Commissioner of a Division;

(c) "estate" means any area--

(i) for which a separate record-of-rights has been made; or

(ii) which has been separately assessed to land revenue, or would have been so assessed if the land revenue had not been released, compounded for or redeemed; or

(iii) which the State Government may, by general rule or special order, declare to be an estate;

(d) "Religious Institution" means any gurdwara, temple, church, mosque, temple of Jains or Budhas - which is registered under the provisions of the Societies Registration Act, 1860 (Central Act No. XXI of 1860) or is established under any statute and includes any other place of worship by whatever name, it may be called, which is registered as aforesaid or is established under any statute;

(e) "religious premises" means any land whether used for agricultural or non-agricultural purposes, or any building or part of a building belonging to a Religious Institution and includes,--

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(f) "rent" in relation to any religious premises, means the consideration, payable periodically for the authorised occupation of the religious premises and includes--

(i) any charge for electricity, water or any other services in connection with the occupation of the premises;

(ii) any tax (by whatever name called) payable in respect of the religious premises; where such charge or tax is payable by the Religious Institution.

3. Unauthorised Occupation Of Religious Premises :-

For the purposes of this Act, a person shall be deemed to be in unauthorised occupation of any religious premises--

(a) where he has, whether before or after the commencement of this Act, entered into possession thereof otherwise than under an instrument in pursuance of any allotment, lease or grant; or

(b) where he, being an allottee, lessee or grantee has, by reason of

the determination or cancellation of his allotment, lease or grant in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such religious premises; or

(c) where any person authorised to occupy any religious premises has, whether before or after the commencement of this Act,--

(i) sub-let, in contravention of the terms of allotment, lease or grant, without the permission of the Religious Institution, the whole or any part of such religious premises; or

(ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such religious premises.

Explanation.- For the purpose of clause (a), a person shall not merely by reason of the fact that he has paid, any rent be deemed to have entered into possession as allottee, lessee or grantee.

4. Issue Of Notice To Show Cause Against Order Of Eviction :-

(1) On an application made by a Religious Institution, if the Collector is of opinion that any persons are in unauthorised occupation of any religious premises situate within his jurisdiction and that they should be evicted, the Collector shall issue in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall -

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the religious premises to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than ten days from the date of issue thereof.

(3) The Collector shall cause the notice to be sent through a registered post and also affixed on the outdoor or some other conspicuous part of the religious premises, or of the estate in which the religious premises are situated whereupon the notice shall be deemed to have been duly given to all persons concerned.

5. Eviction Of Unauthorised Persons :-

(1) If, after considering the cause, if any, shown by any person in

pursuance of a notice under Section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the religious premises are in unauthorised occupation the Collector may make an order of eviction, for reasons to be recorded therein, directing that religious premises shall be vacated, on such date not being the date beyond the period of forty-five days from the date of receipt of application by him under Section 4 and as may be specified in the order by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outdoor or some other conspicuous part of the religious premises or of the estate in which the religious premises are situated.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of order made under sub-section (1), the Collector or any other officer duly authorised by him in this behalf may evict that person from, and deliver the possession of the religious premises to the concerned Religious Institution and, may for that purpose, use such force as may be necessary.

6. Power To Recover Damages In Respect Of Religious Premises As Arrears Of Land Revenue :-

(1) Where any person is in arrears of rent payable in respect of any religious premises the Collector may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been in unauthorised occupation of any religious premises the Collector may, having regard to reasonable principles of assessment of damages, assess the damages on account of the use and occupation of such premises and may by order, require that person to pay the damages within such time and in instalments as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice, in writing, to the person calling upon him to show cause within such time as may be specified in the notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Collector.

7. Power Of Collector :-

The Collector shall for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matter namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which he may consider necessary.

8. Appeals :-

(1) An appeal shall lie from every order of the Collector made in respect of any religious premises under Section 5 or Section 6 to the Commissioner.

(2) An appeal under sub-section (1) shall be preferred-

- (a) in the case of an appeal from an order under Section 5, within thirty days from the date of the order; and
- (b) in the case of an appeal from an order under Section 6, within thirty days from the date on which the order is communicated to the appellant:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Collector, the Commissioner may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the Commissioner as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the Commissioner.

9. Finality Of Orders :-

Every order made by the Commissioner and subject to the orders of the Commissioner the order made by the Collector under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

10. Liability Of Heirs And Legal Representatives :-

(1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken under Section 6 dies before the proceeding is taken or during the pendency thereof, legal proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the Religious Institution from any person whether by way of arrears of rent or damages or costs shall after the death of the person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

11. Recovery Of Rent As Arrears Of Land Revenue :-

If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 6 or the damages payable under sub-section (2) of that section or the costs awarded to the Religious Institution under sub-section (5) of section 8 or any portion of such rent, damages or costs, within the time, if any, specified thereof in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue.

12. Bar Of Jurisdiction :-

No Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any religious premises or the recovery of the arrears of rent payable under sub-section (1) of section 6 or the damages payable under sub-section (2) of that section or the costs awarded to the Religious Institution under sub-section (5) of section 8 or any portion of such rent, damages or costs.

13. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the Commissioner, the Collector or any other person authorised by him in respect of anything which is in good faith done or intended to be done in pursuance of this Act or orders made thereunder.