

Punjab Requisitioning And Acquisition Of Immovable Property Rules, 1954

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Punjab Requisitioning And Acquisition Of Immovable Property Rules, 1954

1. Short Title :-

These rules may be called the Punjab Requisitioning and Acquisition of Immovable Property Rules, 1954.

2. Definitions :-

In these rules,-

- (a) Act means the Punjab Requisitioning and Acquisition of Immovable Property Act 1953.
- (b) Form means a form appended to these rules.
- (c) Section and sub-section mean respectively a section or sub-section of the Act.

3. Procedure To Be Followed By Competent Authority For Purpose Of Section-3 (1) :-

A notice under clause (a) of sub-section (1) and order under clause

(b) of sub-section (1) of section 3 of the Act shall be in Form A.

4. Order Of Requisitioning :-

The order of requisition under sub-section (2) of section 3 of the Act, and the notice under sub-section (1) of section 4 of the Act shall be issued in Form E.

5. Breaking Open Of Locks On Requisitioned Property :-

Where the possession of a requisitioned property is not handed over in compliance with an order issued under sub-section (1) of section 4 of the Act and the premises are found locked, the competent authority or any other person authorised by it in writing in this behalf may break open the lock in the presence of two witnesses [of the locality] and take possession of the property.

Provided that :-

- (i) before any such action is taken the competent authority shall satisfy itself that the order under sub-section (1) of section 4 has been duly served on the party concerned and that the party is evading compliance with the order ;
- (ii) the powers under this rule shall not be exercised at any time after sunset or before sunrise ; and
- (iii) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witnesses [of the locality] and such articles shall be stored in safe custody.

6. Repairs To Requisitioned Premises :-

A notice under sub-section (2) of section 5 of the Act shall be in Form F. The time for execution of repairs to be specified in the notice shall be such as the competent authority may deem reasonable having regard to the nature of repairs and other circumstances of the case.

7. Procedure To Be Followed In Releasing The Property :-

(1) For the purpose of sub-section (2) of section 6 the competent authority, may, if it considers it necessary so to do, make or cause to be made by an officer empowered in this behalf by it, an enquiry to obtain information in respect of the following matters, namely :-

- (i) the name and address of the person from whom the property was requisitioned;
- (ii) the name and address of the person in possession of the property at the time the property was requisitioned ;
- (iii) the name of the person who has been receiving compensation ;
- (iv) whether any alternative accommodation was provided to the occupant when the property was requisitioned or whether any compensation was paid to him for vacating the property, or whether the occupants, if any, relinquished the claims for reoccupation of the property;
- (v) whether the occupant was a bona fide tenant of the property or was an unauthorised occupant or has no claim in law for the restitution of the property ;
- (vi) whether the owner of the property on whom the requisitioning order was first served, has sold the property and if so, to whom ;
- (vii) in case the property has been sold whether the owner has sold all rights in respect of the property ;
- (viii) whether there is any objection to the property being derequisitioned in favour of the owner from whom the property was requisitioned ;
- (ix) the state of repairs of property at the time of enquiry ;
- (x) whether any structure or articles belonging to Government have been erected or installed in the property and their value ;
- (xi) the condition of the property at the time of requisition and whether the property is in as good a condition as it was when possession thereof was taken subject to change caused by reasonable wear and tear or irresistible force;
- (xii) the estimated cost of restoration ; and
- (xiii) any other matter that the competent authority may consider necessary for the purpose of specifying the person to whom possession of the property may be given.

(2) An order under sub-section (2) of section 6 shall be issued in Form G.

(3) A notice under sub-section (4) of section 6 shall be in Form H.

8. Acquisition Of Requisitioned Property :-

A notice under sub-section (1) of section 7 of the Act calling upon the owner or any other person interested in a requisitioned property to show cause why the property should not be acquired,

shall be in Form I. A notice of actual acquisition shall be in Form J.

9. Arbitration :-

An arbitrator appointed under clause (b) of sub-section (1) of section 8 shall complete the arbitration proceedings and give his award within four months. The State Government may, if it thinks fit whether the time for making the award has expired or not and whether the award has been made or not, enlarge from time to time, the time for making the award.

(2) An arbitrator shall take down the evidence of witness, not ordinarily in the form of question and answer, but in that of a narrative and shall sign it.

(3) Where before an arbitrator is able to finish the arbitration proceeding and make his award, a new arbitrator is appointed, the new arbitrator may deal with the evidence taken down by his predecessor as if such evidence had been taken down by him and proceed with the arbitration proceedings from the stage at which his predecessor left it.

(4) The costs of arbitration and award shall be in discretion of the arbitrator who may direct to and whom, and in what manner, they or any part thereof shall be paid, and in case an appeal is preferred to the High Court, such costs and the costs of the appeal shall be in the discretion of the High court, who may direct to, and by whom and in what manner, they or any part thereof shall be paid.

10. Appeals :-

(1) Appeals under section 10 [or 10-A] shall be addressed to the Secretary to the Punjab Government in the Home Department.

(2) Every appeal shall contain the grounds of appeal and shall be accompanied by a copy of the order against which the appeal is preferred.

11. Summoning Of Persons And Witnesses And Production Of Documents :-

An order under section 12 of the Act summoning and enforcing the attendance of any person and examining him on oath or requiring

the discovery and production of any document shall be issued in Form B. An order requisitioning public records from any court or office shall be issued in Form C, while an order issuing commissions for examination of witnesses shall be in Form D.

12. Inspection Of Premises :-

The competent authority or any officer, empowered in this behalf by such authority, by general or special order, shall not in exercise of the powers conferred by section 14, enter upon any property after sunset or before sunrise.