

## **Uttar Pradesh Public Premises (Eviction Of Unauthorised Occupants) Rules, 1973**

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## **Uttar Pradesh Public Premises (Eviction Of Unauthorised Occupants) Rules, 1973**

In exercise of the powers under Section 18 of the U. P. Public

Premises (Eviction of Unauthorised Occupants) Act, 1972 (U. P. Act 22 of 1972), read with Section 21 of the U. P. General Clauses Act, 1904 (U. P. Act 1 of 1904), the Governor is pleased to make the following rules:

**1. Short title and commencement :-**

(1) These rules may be called the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Rules, 1973. (2) They shall come into force at once.

**2. Definitions :-**

In these rules, unless there is anything repugnant in the subject or context: (a) "Act" means, the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972; (b) "Form" means a form appended to these rules; (c) "Section" means a section of the Act; and (d) Words and expressions used in the Act and not defined to those rules shall have the meaning assigned to them in the Act.

**3. Form of notices and orders :-**

Sections 4, 5 and 18 (2) (a).--A notice or order under the Act shall be in one of the appropriate form appended to these rules.

**4. Manner of service of notices and orders: Sections 4 and 18 (2)-(a) :-**

(1) In addition to any mode of service specified in the Act, a notice or order issued under sub-section (1) of Section 4, or sub-section (1) of Section 6, or sub-section (1) or sub-section (2) or sub-section (3) of Section 7, or Section 12, or sub-section (1) of Section 13 shall be served by delivering or tendering a copy of the same to the person to whom it is addressed or to any adult member of his family, or by sending it by registered, post acknowledgment due in a letter addressed to that person at his usual or last known place of residence or business. (2) Where the copy of the notice or order under sub-rule (1) is delivered or tendered, the signature of the person to whom the copy is so delivered or tendered shall be obtained in token of acknowledgment of the service. (3) Where the person to whom a notice or order is delivered or tendered under sub-rule (1) or the adult member of the family of such person refused to take delivery of the notice or order or refuses to sign the acknowledgment or where such person cannot be found after using all due and reasonable diligence, and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary

residence or usual place of business of such person and the original shall be returned to the prescribed authority who issued the notice with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was so done and the names, and addressed of two persons of the locality by whom the ordinary residence or used place of business was identified and in whose presence the copy was affixed. (4) If a notice or order issued under sub-rule (1) cannot be served in the manner hereinbefore provided, the prescribed authority may, if it thinks fit, direct that such notice or order shall be published in at least one newspaper having circulation in the locality and it may also proclaim the contents of the same in the locality by beat of drum.

#### **5. Holding of inquiries :-**

Section 5 and Section 18(2)(b) (1) Where any person on whom a notice or order under the Act has been served desires to be heard through his representative, he should authorise such representative in writing. (2) The prescribed authority shall record the summary of the evidence and any relevant documents filed before him shall form part of the records of the proceedings.

#### **6. Transfer of proceedings from one prescribed authority to another prescribed authority :-**

Section 18(2)(c) (1) On the application of any of the parties, and after notice to the other parties, and after hearing such of them, as desire to be heard, or of his own motion, without such notice, the District Judge may, at any stage, withdraw any proceeding pending before the prescribed authority competent to dispose of the same within his jurisdiction. (2) Where any proceeding has been transferred under sub-rule (1), the prescribed authority, who thereafter disposes of such proceeding may, subject to any special directions in the order of transfer, either re-try it or proceed from the point at which it was transferred.

#### **7. Manner of taking possession of public premises: Section 5 and Section 18 (2)(d) :-**

(1) If any obstruction is offered or is in the opinion of the prescribed authority, likely to be offered to the taking possession of any public premises under the Act, the prescribed authority or any other officer duly authorised by him in this behalf may obtain necessary police assistance. (2) Where any public premises of which possession is to be taken under the Act is found locked, the

prescribed authority or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises: Provided that: (1) no entry into, or possession of, a public premises shall be made or taken before sunrise or after sunset; (2) where any public premises is forced open, an inventory of the articles found in the premises shall be taken in the presence of two witnesses.

**8. Assessment of damages: Section 7 (2) and Section 18 (2) (e) :-**

In assessing damages for unauthorised use and occupation of any public premises, the prescribed authority shall take into consideration the following matters namely: (a) the purpose and the period for which the public premises were in unauthorised occupation; (b) the nature, size, and standard of the accommodation available in such premises; (c) the rent that would have been realised if the public premises had been let out on rent for the period of unauthorised occupation to a private person; (d) any damage done to the public premises during the period of unauthorised occupation; (e) the expenditure, if any, incurred in litigation for eviction, including lawyers fees; and (f) any other matter relevant for the purpose of assessing the damages.

**9. Procedure of appeals: Sections 9 and 18 (2) (f) :-**

An appeal under Section 9 may be preferred by any person aggrieved by an order under Section 5 or Section 7. (2) The appeal shall be preferred in the form of a memorandum signed by the appellant or his representative and be presented either in person or through such representative to the District Judge or to the munsarim of his Court. (3) Every such memorandum shall be accompanied by a copy of the order appealed against and shall set forth concisely and under distinct heads the grounds of objection and such grounds shall be numbered consecutively. (4) On receipt of the appeal and after calling for and perusing the record of the proceedings before the prescribed authority, the appellate officer shall fix a date for the hearing of the appeal and shall give notice thereof to the prescribed authority against whose orders the appeal is preferred, as well as to the appellant.

**10. Power under the Code of Civil Procedure, 1908: Section 8 (c) :-**

The prescribed authority of the appellate officer shall for the

purpose of holding an inquiry or hearing any appeal under the Act, shall have the same powers as vested in the civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely: (a) the power to dismiss an application or appeal for default and to restore it for sufficient cause; (b) the power to proceed ex parte and set aside, for sufficient cause, an order passed, ex parte; (c) the power to order attachment before judgment; (d) the power referred to in Section 151 of the Code of Civil Procedure, 1908 to make an order for the ends of justice or to prevent the abuse of process of the authority concerned; and (e) the power to accept affidavits in proceedings pending before him and to issue commissions in suitable cases.]

**11. Application for setting aside ex parte orders and for restoration: Section 18 :-**

The prescribed authority or the appellate officer, as the case may be, may for sufficient cause: (a) set aside an ex parte order made in proceedings under Section 5 or Section 7; (b) restore an appeal arising out of the proceeding referred to in clause (a) where such appeal has been dismissed for default of appearance of the appellant or his counsel.

**12. Limitation for application under Rule 10: Section 18 :-**

(1) An application under Rule 10 to set aside an order deciding an appeal or proceeding ex parte shall be made within thirty days from the date of such order or where the notice of such appeal or proceeding was not duly served, when the applicant or appellant, as the case may be had knowledge of that order. (2) An application under Rule 10 to restore an appeal or proceeding dismissed for default shall be made within thirty days from the date of such dismissal. Footnotes: 1. Subs. by Note No. 90-1/2-7(1)-78, dated 4.7.1978.

SCHEDULE 1

Form A

[See Rule 3]

Notice under sub-section (1) of Section 4 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari..... residing at ..... District

Whereas I, the undersigned, am of opinion, on the grounds specified below, that you are unauthorised occupation of the public premises described in the Schedule

below and that you should be evicted from the said premises:

Grounds

(Here mention the grounds)

Now, therefore, in exercise of the powers under sub-section (1) of Section 4 of the Act, I, hereby call upon you to show-cause on or before the\*..... why an order of eviction should not be made.

Schedule

(Details of premises to be given)

Date.....

Signature and Seal of the Prescribed Authority.

This date should be a date not earlier than ten days from the date of issue of the notice.

## SCHEDULE 2

Form B

[See Rule 3]

Order under sub-section (1) of Section 5 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

Whereas I, the undersigned, am satisfied for the reasons recorded below that Sri/Srimati/Kumari ..... residing at .....

District is/are in unauthorised occupation of the public premises described in the Schedule below.

Reasons

Now, therefore, in exercise of the powers under sub-section (1) of Section 5 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972, I hereby order the said Sri/Srimati/ Kumari ..... as well as ..... who is/are in occupation of the said public premises or any part thereof to vacate said public premises within thirty days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, said Sri/Srimati/Kumari ..... and all other persons concerned are liable to be evicted from the said public premises. If need be, by the use of such force as may be necessary.

Schedule

Date .....

Signature and Seal of the Prescribed Authority. Form C

## SCHEDULE 3

Form C

[See Rule 3]

Notice under sub-section (1) of Section 6 of the Uttar Pradesh, Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at .....District

Whereas, on the .....you were evicted from the public premises described In the Schedule below which was unauthorisedly occupied by you:

Now, therefore, in exercise of the powers under sub-section (1) of Section 6 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972, I hereby give you notice that after expiration of fourteen days from the date of the service of this notice on you, and property remaining on the said premises will be liable to be removed or disposed of by public auction. In case you desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent/damages/costs due from you are paid within the said period of fourteen days.

Schedule

Date .....

Signature and Seal of the Prescribed Authority.

SCHEDULE 4

Form D

[See Rule 3]

Notice under sub-section (3) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at ..... District

Whereas, you are/were in occupation of the public premises described in the Schedule below:

And whereas, a sum of Rs ..... being the arrears of rent from the date ..... 19 ..... up to the ..... day of .....19 ..... (both days Inclusive, in respect of the said public premises is due and possible by you to the State Government/Corporate Authority\*.

Now, therefore, in pursuance of the provisions of sub-section (3) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act 1972, I hereby call upon you to show cause on or before the ..... why an order requiring you to pay the said arrears of rent should not be made.

Schedule

Date .....

Signature and Seal of the Prescribed Authority.

\* Here mention the name of Company. Local Authority, Corporation or Society as

the case may be.

## SCHEDULE 5

### Form E

(See Rule 3)

Order under sub-section (1) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at .....District.

Whereas, you are/were in occupation of the public premises described in the Schedule below:

And whereas by a written notice dated ..... you were called upon to show-cause on or before ..... why an order requiring you to pay a sum of Rs. .... being the rent payable in respect of the said public premises should not be made:

1And whereas, I have considered your objections and/or the evidence produced by you:

2And, whereas, you have not made any objections or produced any, evidence before the said date:

Now, therefore, in exercise of the powers under sub-section (1) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972, I hereby required you to pay the sum of Rs ..... in the following manner:

In the case the said sum is not paid within the period prescribed above or in the manner so specified the same with all costs of recovery will be recovered as an arrear of land revenue in accordance with the provisions of Section 14 of the said Act.

Schedule

Date .....

Signature and Seal of the Prescribed Authority.

Footnotes:

1. Either of the two should be written according to the circumstances of the case not both.
2. Same as above.

## SCHEDULE 6

### Form F

[See Rule 3]

Notice under sub-section (3) of Section 7 of the Uttar Pradesh Public Premises



(Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at ..... District

Whereas, I the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises described in Schedule I below:

And whereas in exercise of the powers under sub-section (2) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972, I consider the damages amounting to Rs ..... are due for the period(s) and at the rate(s) shown in Schedule II below on account of unauthorised use and occupation of the said public premises;

Now, therefore, in pursuance of the provisions of sub-section (3) of Section 7 of the Act, I hereby call upon you to show-cause on or before the ..... why an order requiring you to pay the said damages should not be made.

Schedule I

Schedule II

Date .....

Signature and Seal of the Prescribed Authority.

#### SCHEDULE 7

Form G

[See Rule 3]

Order under sub-section (2) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at ..... District

Whereas, I the undersigned, am satisfied that you are /were in unauthorised occupation of the public premises mentioned in Schedule I below:

And whereas by a written notice dated ..... you were called upon to show-cause on or before ..... why an order requiring you to pay damages amounting to Rs ..... for unauthorised use and occupation of the said public premises should not be made:

1And, whereas, I have considered your objections and/or the evidence produced by you:

Or

2And, whereas, you have not made any objections or produced any, evidence before the said date:

Now, therefore, in exercise of the powers under sub-section (2) of Section 7 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972,

I hereby required you by this order to pay the sum of Rs ..... assessed by me as damages on account of your unauthorised occupation of the said public premises within ..... months in equal installments of Rs .....

In the event of your refusal or failure to pay the amount of damages or any instalment thereof within the period specified above or in the manner so specified that amount with all costs of recovery will be recovery as an arrear of land revenue.

Schedule

Date .....

Signature and Seal of the Prescribed Authority.

Footnotes:

1. Either of the two should be written according to the circumstances of the case.
2. Same as above.

#### SCHEDULE 8

Form H

Order under Section 12 of the Uttar Pradesh Public Premises

(Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at ..... District

Whereas, there are reasons to believe that certain persons are in unauthorised occupation of the public premises described in the Schedule below:

Now, therefore, in exercise of the powers under Section 12 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 read with the notification of the Prescribed Authority ..... I, hereby require you to furnish the information in the form specified in Schedule II below on or before.

Schedule I

Schedule II

Date .....

Signature and Seal of the Prescribed Officer or the Signature of the Officer

Authorised by the Prescribed Authority.

#### SCHEDULE 9

Form I

[See Rule 3]

Certificate under Section 14 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972 from the Prescribed Authority to the Collector  
.....

This is to certify that the amount of Rs ..... is due to the State Government<sup>1</sup> Corporate Authority from Sri ..... resident of ..... on account of rent/damages/costs of appeal.

In pursuance of the provisions of Section 14 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972, I ..... the Prescribed Authority request you to proceed to recover the same as an arrear of land revenue.

Schedule

Date .....

Signature and Seal of the Prescribed Authority.

Footnote:

1. Here mention the name of the Company. Local Authority, Corporation or Society as the case may be.

#### SCHEDULE 10

Form J

Notice under sub-section (2) of Section 13 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

To,

Sri/Srimati/Kumari ..... residing at ..... District

Whereas Sri ..... (now deceased) was in occupation/unauthorised occupation of the public premises described in the Schedule below:

And whereas, the amount of Rs ..... being arrear of rent/damages from the day of ..... 19 ..... up to the ..... day of 19 ..... in respect of the said public premises had become due and payable by the said Sri ..... to the State Government<sup>1</sup> Corporation Authority.

And, whereas, you are the heir/legal representative of the deceased.

Sri .....

Now, wherefore, in pursuance of the provisions of sub-section (2) of Section 13 of the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972,<sup>1</sup> hereby call upon you to show-cause on or before the ..... why an order requiring you to pay the said arrears of rent/damages should not be made against you.

Schedule

Date

Signature and Seal of the Prescribed Authority.

Footnote:

1. Here mention the name of the Company. Local Authority, Corporation or Society as the case may be.