

**PUBLIC PREMISES AND LAND
(EVICTION & RENT RECOVERY)**

ACT, 1972/1973

APPLICABLE TO PUNJAB AND HARYANA

[Received the assent of the President of India on the 29th June" 1973, and was first published for general information in the *Punjab Government Gazette (Extraordinary)*, dated the 6th July, 1973].

An Act to provide for the eviction of unauthorized occupants from public premises and for certain incidental matters.

Be it enacted by the Legislatures. of ,Haryana/Punjab in the [Twenty-third]¹
[Twenty-fourth]² Year of the Republic of India as follows :-

1. SHORT TITLE, EXTENT AND COMMENCEMENT :-(1) This Act may be called the
[Haryana¹] [Punjab²] public Premises and Land (Eviction and Rent Recovery) Act, 1972¹/1973².

(2) It extends to the whole of the,State of Haryana/Punjab .

(3) It shall be deemed to have come into force on the [10th day of August, 1959-in Hr.] [27 day of November, 1959-in Pb.] except Sections 11, 18, and 19 -which shall come into force at once.

CASE LAW

Subsequent application filed by Gram Panchayat for eviction of the respondents was held to have attracted the doctrine of resjudicata-proceedings under the 1973 Act are' summary-Authority under the 1973 has no power to decide question of title of land-Questions of title and possession are to be looked into only to the extent of deciding case of eviction-As held by Apex Court in 1997(4) ALL INDIA LAND LAWS REPORTER 401, doctrine of resjudicata is not applicable to summary proceedings unless the statute expressly applies to such matters-Authorities are not civil courts nor is the petition a plaint-Doctrine of RESJUDICATA is not applicable-Second application is maintainable-Civil procedure Code, 1908-S. 11; Gram Panchayat Surewala v. Commissioner, Ferozepur, 1998(2) **ALL INDIA LAND LAWS REPORTER (P&H) 46.**

Writ Petition is filed for issuance of writ in the nature of prohibition directing respondents, authorities and restraining them from demolishing the religious place--Quashing of order is sought as no opportunity of being heard was given to the petitioner, orders are ultra vires to the provisions of the Act-During the pendency of petition a large number of documents have been filed to prove the lands as not "Public Premises"--Impugned notice/orders are set aside-Matter referred back to Estate Officer to decide afresh if the -land falls within the ambit Of public premises after taking into consideration the additional evidence produced and hearing the parties-Public Premises (Eviction of Unauthorised Occupants) Act, 1971-S. 5-B(1); Mandir of Pir Sultan Mohammed Khan, Village Devi Nagar, District Panchkula v. Additional District Judge, Ambala and others .

2000(1) ALL INDIA LAND LAWS REPORTER (PB&HRY.) 24.

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Public Premises (Eviction of Unauthorised Occupants) Act, 1971--Ss. 4 and 5-premises were ordered to be resumed-Tenants and owner were to ejected under noticed or were given no opportunity of hearing-Complete denial or principles of natural justice-Such pleas was raised in the lower appellate Court also that was brushed aside-Appeals allowed-Matter remanded back to competent authority for proceedings as per law-Constitution of India, Article 226-Capital of Punjab(Development & regulation Act, 1952, S. 8-A; *Dr. Mohinder verma v. Chandigarh Administration*; **1999(1) ALL INDIA LAND LAWS REPORTER (P.&H.) D.B. 479.**

Nine allottees out of a total of 169, were given notice under Public Premises (Eviction of Unauthorised Occupants) Act, 1971-Petitioners allege discrimination and pray for injunction, denied by High Court-Held-Since the injunction, a discretionary order, has been denied by the High Court, learned Judge and the Division bench it is not deemed expedient under Art. 136 of the constitution to upset the orders of the High Court-Civil Procedure Code, 1908-0. 39, Rs. 1 and 2; *lumbinin Nagar Cop. Housing Society ltd. and others v. Union of India and others*; **1995(2) ALL INDIA LAND LAWS REPORTER VOL 42 (S. t.) 514.**

Eviction-Apex Court had set up a High Power Committee to deal with and settle dispute of major and fiscal nature between Public Section undertakings to cut short the time consumed in litigation as also to avoid prassion on the courts-Petitioner sought a reference in the eviction case to be made to the High Power Committee Such petty disputes like eviction, are not directed to be deal with by High level officers whose duty and time is of very important nature; *Steel Authority of India Ltd. v LIC of India*; **1997(2) ALL INDIA LAND LAWS ,REPORTER VOL 42 (S. C.) 226**

FOR CENTRAL ACT COMMENTARY

Writ Petition is filed for issuance of writ in the-nature of prohibition directing respondents, authorities and restraining them from demolishing the religious place Quashing of order is sought as no opportunity of being heard. was given to petitioner, orders are ultra vires to the provisions of the Act-During the pendency of petition a large number of documents have been filed to prove the lands as not "Public Premises"--Impugned notice/orders are set aside-Matter referred back to Estate Officer to decide afresh if the land falls within the ambit of public premises after taking into consideration the additional evidence produced and hearing the parties-Public Premises (Eviction of Unauthorised Occupants) Act, 1971—S.5-B(1); *Mandir of Pir Sultan Mohammed, Khan, Village Devi Nagar, District Panchkula v.Additional District Judge, Ambala and others.*

2000(1) ALL INDIA LAND LAWS REPORTER (PB&HRY.) 24.

Eviction-Apex Court had set up a High Power Committee to deal with and settle dispute of major and fiscal nature between Public Section undertakings to cut short the time consumed in litigation as also to avoid prassion on the courts --petitioner sought a reference in the eviction case to be made to the High power committee- such petty disputes like eviction, are not directed to be deal with by High level officers whose duty and time is of very important nature; *Steel authority of India Ltd. v LIC of India.* **1997(2) ALL INDIA LAND LAVVS REPORTER VOL.42(S.C) 226.**

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FOR PUNJAB

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 Collector under this Act;

(b) "Corporate authority" means-

(i) any local authority referred to in sub-clause (i), or

(ii) any company or Corporation referred to it in sub-clause (ii) and (iii), of clause (e) .

(c) Estate has the meaning assigned to it in the Punjab Land Revenue Act, 1827;

(d) "premises" means any land, whether used for agricultural or non-agricultural purposes, or any building or part of building 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;

(e) "public premises" means' any premises belonging to, or taken on lease or requisitioned *by*, 'or on behalf of the State-Government and includes any premises belonging to, or taken on lease by or on behalf of--'

(i) *any* Municipal Committee Notified Area Committee, Zila Parishad, Panchayat Samiti Panchayat or Improvement Trust;

(ii) *any* company as defined in Section 3 of the Companies Act, 1956 (1 of 1956), in which not less than fifty one percent of the paid up share capital is held by the State Government; and .

(iii) any Corporation [not being a company, as defined in Section 3 of the . Companies Act, 1956 (1 of 1.956), or a local authority established by or under a Central Act as defined in clause- (7)of Section 3 of General Clause Act, 1897, or a Punjab Act and owned or controlled by the state Government;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "rent" In relation to any public premises, means, the consideration *payable* periodically for the authorized occupation of the 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 premises; where such charge or tax is payable by the State Government or the Corporate authority .

COMMENTARY

-Sections 2(a) and 4-Collector-Eviction proceedings initiated by the Sub-Divisional Officer-objection that Sub-Divisional Officer is neither a Collector not power. of the Collector has been conferred upon him negated on the ground that all Sub Divisional Officers in the State of Punjab act as Collectors.

1983(1) ALLINDIA LAND LAWS REPORTER 276.

-Section 2(d) and 2(c)-Petitioner ordered to be evicted from Public Premises "in appeal challenges the land to be public premises-Held-"Premises "means any 'land, building or part of building and if it belongs to the Government in any manner or

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through any agency, it becomes public premises-Disputed premise belong to the State Government and as such are public premises-Petition fails.

1993(2) ALL INDIA LAND LAWS REPORTER 41.

FOR HARYANA

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 Collector under this Act;

(b) Estate has the meaning assigned to it in the Punjab Land Revenue Act, 1887

(c) “premises” means any land, whether used for agricultural or non-agricultural purposes, or any building or part of a building and includes—

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

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

(d) “prescribed” means by rules made under this Act;

(e) “public premises” means any premises belonging to or taken on lease or requisitioned by , or on behalf of the State Government, Requisitioning and Acquisition of Immovable property Act, 1954, and includes any premises belonging to any local authority [of District Soldiers and Airman’s Board] [as any University established by law.]

(f) “rent” in relation to any public premises, means the consideration payable periodically for the authorized occupation of the 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 premises; where such charge or tax is payable by the State Government or the corporate authority.

COMMENTARY

Section 2(d) (as amended in 1969)- Bank (Patiala Central Co-operative Bank Patiala) leasing premises –such leased premises are public premises as State Government has more than 51% share in the Bank-Bank premises covered by the definition of the word public premises.

1983(1) ALL INDIA LAND LAWS REPORTER 276.

-Notification issued for acquisition of Land for public purpose- In the mean time State launched proceeding for eviction of the petitioner from the land unauthorisedly occupied by him- Land in dispute had vested in State Government-Eviction ordered-Both eviction and notification issued for acquisition challenged by the Petitioner-Eviction order upheld in appeal-No scope for interference in High Court-Acquisition notification also held right-Land Acquisition Act, 1894, Ss.4 and 6.

1991(1) ALL INDIA LAND LAWS REPORTER 18.

As per central act—public Premises (Eviction of Unauthorised Occupants) Act, 1971.

(a) Section 2(c)(i)-Premises belonging to or taken on lease or requisitioned by or on behalf of Central Government as well as premises placed by that Government under the control of either house of Parliament for providing residential accommodation to members of the staff of the Secretariat of either House of Parliament.

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(b) Section 2(e)(ii)-Premises belonging to or taken on lease by or on behalf of various kinds of bodies such as Universities, Institute of technology Board of Trustees of Major Port Trusts and the Bhakra Management Board-Belonging to or: taken on lease by or on behalf of a Government Company or its subsidiary-Of any corporation established by' or under a Central Act and owned by, or controlled by the Central Government in the present case.

(c)Section 2(e)(iii)--.Premises belonging to certain local authorities in the- Un ion Territory of Delhi.-

COMMENTARY

-Public Premises (Eviction of Unauthorised Occupants) Act, Preamble-Provison of this act would prevail upon those of state Acts-**VOL. 23 SUPP. ALL INDIA LAND LAWS REPORTER 505.**

-Ss. 2(g), 4, 5 and 9-Site allotted to Chuni lal resume by the Estate Officer Chandigarh for having violated conditions of allotment-Proceedings against tenants for eviction as unauthorised occupants--Tenant Respondents file wit petitions against the orders-Tenants have no right to continue in Possession when allottees have been dispossessed-Superstructure built on the site belonged to allottees and they are to manage its removal or make some settlement with the administration-Tenants have no better rights than the landlords.

VOL. 26 ALL INDIA LAND LAWS REPORTER 599.

-S.2(d) and 2(c)-Petitioner ordered to be evicted from premises in appeal challenges the land to be public premises-Held "premises" means any manner or through any agency, it becomes public premises-Disputed premises belong to the State Government and as such are public Premises-Petition fails;

1993(2) ALL INDIA LAND LAWS REPORTER41.

FOR PUNJAB AND HARYANA

3. UNAUTHORISED OCCUPATION OF PUBLIC PREMISES.-For the purposes of this Act, a person shall be deemed to be in unauthorised occupation of any public premises-

(a) where he has, whether before or after the commencement of this Act entered into possession thereof otherwise than under and 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 public premises; or

(c) where any person authorised to occupy any public 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 State Government or of any other authority' competent to permit such sub-letting, the whole or any part of such public premises; or

(ii) otherwise acted in contravention of any of the terns, express or implied, under which he is authorised to occupy such public 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 possion as allottee, lessee or grantee.

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COMMENTARY

-Section 3-Notice sent not on the prescribed form-Proceedings are not vitiated unless prejudice is alleged to have been caused to the petitioner.

1983(1) ALL INDIA LAWS REPORTER 276 .

--Section 3(b)-Person continuing to be in possession after the lease has been determined becomes an unauthorised occupant.

1983(1) ALL INDIA LAND LAWS REPORTER 276.

"Sections 3 and 5- Tenancy created for the fixed period-Possession cannot be said to be unauthorised from Inception-Relationship of landlord and tenant in the revenue record as tenant on payment of rent fails within the definition of a tenant holding- Tenant cannot be said to be an unauthorised occupant without invoking the provision Transfer of Property Act.

1986(1) ALL INDIA LAND LAWS REPORTER 467.

PUNJAB PUBLIC PREMISES**(EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971**

Section 3-A--Under challenge is the order passed by the District Judge-Upholding on appeal the order of eviction under Punjab Public Premises Act-Under the capital of Punjab Act, the site was allotted for construction of a building for residential purposes-On construction transferee let out the building for running a school In contravention of the allotment terms-Site and building were resumed by Estate Officer-under Punjab Public Premises Act, a show cause notice was issued to the *tenant* as well as allottee-Site and building resumed under Section 3-A of Punjab Public Premises Act-Once resumed the site and building become public premises-Contractual relations between the allottee and Estate Officer came to an end-Occupants become unauthorised Occupants, and possession can be recovered by the Estate Officer without being driven to file a suit a civil Court-No infirmity is found in the order of tile Estate Officer, \Vlich stands confirmed by the District Judge-Capital of Punjab-(Development and Regulation) Act, 1952, **S.8A; H.K.L. Vijan v. Chandigarh Administration. & ors..**

1997(2) ALL INDIA LANDLAVUS REPORTER (P.&H.) 553 ..

Sections 2 and 3-Petitioner having been declared as unauthorised occupant of public premises, Is In appeal..-petitioner had taken the public premises (belonging to Gram Panchayat) on rent irregularly paid the rent-Premises later on passed over to Municipal Committee ,and thus, continued to be public premises-Failure to pay rent i.e. failure to comply with the terms of the lease, rendered the petitioner as . unauthorised occupant-NO ground to interfere in exercise of writ jurisdiction; **Dr. Paul alias**

Mahabir Singh v. Municipal Commissioner, Naranund;

1996(2) ALL INDIA LAND LAWS REPORTER (P&H) 423 •

-Sections 2(d), (e), 3 and 5 read with S. 7-Punjab Gram Panchayat Act, 1953, S. 4(2) and (3)- Land In dispute. shown as property of custodian-Later passed over to Gram Panchayat- Thereafter by notification vested in the Municipality-Gram Panchayat was abolished-Municipality gave the land on thekha-A relation of landlord tenant was created-Accepted by appellants-Premises given on theka satisfied the definition given In S. 2(d)-Since it belongs to local authority, it acquires the status or public premises-The Thekedar in the capacity or allottee, lessee or grantee, by reason of determination of such allotment, lease or grant would become

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an unauthorized occupant-By force of S.5 read with s. 7~Municipality gets-a right to file petition for ejection-Appeals devoid of merit, are dismissed. **Charan Singh v. municipal Committee, Rania; 1996(2)ALL INDIA LAND LAWS REPORTER (P&H) 387.**

S: 3:-Lessee where lease has expired and who continues to be in possession can be ejected either by filing a suit OR under the provisions of the Public Premises Act-In case of tenancy for fixed term, tenancy stands automatically determined by efflux of time- it is tenants duty to handover possession - in not doing that becomes an unauthorized occupant - No action on the part of the landlord by way of notice etc. is necessary Can be ejected under Public Premises Act- Transfer of Property Act, 1852, S.108(g).

1999(2) ALL INDIA LAND LAW REPORTER(P&H)280.

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4. ISSUE OF NOTICE TO SHOW CAUSE AGAINST ORDER OF EVICTION.-(1) If the Collector is of opinion that any persons are in unauthorized occupation of any public premises situate, within his jurisdiction and they should be evicted, the collector shall issue in the manner hereinafter provided a notice in writing calling upon all person 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 public 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 affixed on the outer door or some other conspicuous part of the public premises or the estate. in which the public premises are situate, and in such other manner as may be prescribed whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Collector knows or has reasons to believe that any persons are in occupation of the public premises, then without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

COMMENTARY

-Sections 4 and 5-Collector is to issue notice to all persons who are in unauthorized possession of public premises against order of eviction-issue of notice to one only who is also not a partner but attends to business, is not enough Specific provisions of Section 4 have not been followed-Case remanded to the Collector for deciding the matter &afresh.

1991(2) ALL INDIA LAND LAWS REPORTER 533.

-Composite notice under Sections 4 and 7(3)-Notice against eviction and payment of damages is a valid notice-Separate notice need not be issued after passing eviction order. Mohan Lall v. The Commissioner, Hissar Division and others.

1981 ALL INDIA LAND LAWS REPORTER 24.

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-Notice need not contain the Historical background of the public premises of the manner in which the encroachment was made. *Jetha Nand v.. State of Haryana and others.*

1981 ALL INDIA LAND LAWS REPORTER 528.

-Section 4-Additional land allotted to ex-Servicemen to augment income, possession given-Order allowing additional land cancelled, ex-servicemen directed to surrender the land-Purpose is to settle more exservicemen-Eviction order passed by the Collector, appeal dismissed by High Court in limine by speaking order-By special leave judgment challenged In Supreme Court-Held-Appellants have been in' possession for over 2 decades-; -Respondents case is more families are to be settled and no additional land available-Directed 3 acre out of 5 to be surrendered to accommodate 17 more exservicemen families.

1993(2) ALL INDIA LAND LAWS REPORTER 1.

-Sections 4 and 9-Jamabandi-Earlier entries show the land in dispute in possession of proprietors of village but later it is shown as belonging to *Gram Panchayat*-Petitioner challenges the orders of the Collector thus declaring him in unauthorised Possession-Definite findings have to be given recording reasons how the subsequent entries in jamabandi were chaged--In the absence of such findings, orders of the appellate authority, quashed.

1993(1) ALL INDIA LAND LAVVS REPORTER410.

Sections 4 and 5-Can a tenant of the resumed site (and building) be evicted under Public Premises Act as unauthorised occupation-when site is resumed and the building is automatically resumed unless demolished by the, Owner, site and building is automatically resumed unless demolished by the Owner, site and building become public premises- Tenant of this public premises if inducted by the erstwhile' Owner, who has lost his title the State becomes an unauthorised occupation-Can this be evicted under the Public Premises Act-Capital of Punjab (Development and Regulation) Act, 1952-S. 8A; *H.KL Vijan v. Chandigarh Administration and others;*

1997(2) ALLINDIA LAND LAWS REPORTER (P.&H.) 474.

Sections 4, 7 and 15--Company and the firm are lessees on the land Owned by Railways-Railways enhanced the licence fee arbitrarily and the lessees stopped paying it-Action under Public Premises Act Initiated by the Railways Firm and Company file applications under S. 20 Of Arb. Act for appointment Of arbitrator as per terms of the lease-Held-Proceedings under P.P.Act already initiated, petition under S. 20 of Arb. Act is not maintainable as the arbitrator will have no jurisdiction in the matter of disputes failing under S.15 of the P.P. Act-Application dismissed-Arbitration

Act, 1940-S. 20; *Kesar Enterprlses Ltd. -Union of India;*

1996(3) ALL INDIA LAND LAWS REPORTER (DELHI) 313.

S.4(1)-Capital of Punjab (Development and Regulation) Act, 1952-Ss. 9 and ,10-Notice issued to the petitioner under Public Premises Act for eviction-Prayer is for issuance of a Wit of mandamus for regularisation of the construction made bu petitioner on, disputed site-order Of resumption passed cannot be set aside and this leads to the Conclusion of illegality of the construction made thereon - construction, ' .. : _ , , ' •

Made after. passing of the resumption order and dismissal of appeal and revision cannot be regularized-petitioner cannot be allowed to take advantage of his own wrong-writ petition without substance is liable to be rejected- Taking into a account , substantial amount Of money spent on construction, Court would like to give one

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more opportunity to petitioner to retain possession by filing an application for reallocation of the plot in accordance with conditions laid down by administration --Administration thereafter. to sanction the building plan as per rules and regulations, to regularise the construction-Failure to apply for reallocation would result in compliance of resumption orders; ***Gram Panchayat Surewala v. Commissioner, -Ferozepur, . 1998(2) ALL INDIA LAND LAWS REPORTER (P&H) 212.***

Ss. 5 and 4-Houses resumed, petitioners evicted from the premises without notice and without following procedure-Claim to be tenants, under the owner on room No. 2 and 3 of second floor-Resumption was on account of misuse by the tenant on the ground floor and the owner--Held-it is difficult to hold if the petitioners were tenants under the Owner or were in occupation of the second floor when the house was resumed To entertain the claim, Estate Officer is directed to hold enquiry If petitioners were occupying the premises as tenants-In case they are found to be not in occupation, wit petition Would be deemed to have been dismissed-In case they are found to be in occupation when the house was sealed, orders que them quashed -Capital of Punjab(Development and Regulation) Act-S. SA; ***Piara Singh, v. Chandigarh Administration and others;***

1996(1) ALL INDIA LAND LAWS REPORTER (P.&H.) 147 •

. Ss.4 and 7-Respondent was ordered to be evicted but Ld. Single Judge accepted his petition - Appeal by Gram Panchayat -Respondent claims to be in Cultivating possession of land for 30 years, isa co-sharer and Bisweddar in the . village - Land is entered in revenue record as "MUSHTARKA MALKAN" Gram Panchayat says land was taken by him on lease in 1975- Panchayat is Owner of the land since 1956- On expiry of lease respondent became unauthorised occupant:-Hence the proceedings- Panchayat has decided to use it for School, a public purpose Respondent has not been able to prove possession for 30 Years or payment of lease money after 1975-76 - Thus unauthorised occupant-No equity in his favour-Eviction by trial Court upheld; ***Gram Panchayat Hindole v. Kanshi Ram •***

. **1998 (2) ALL INDIA LAND LAWS REPORTER(P&H)401.**

Sections 4 and 7-Gram Panchayat seeks eviction of respondent, Who took land in dispute on lease in 1975 from Gram Panchayat-No new lease entered or old one renewed, no rent or lease money Paid, respondent was in unauthorised occupation-Respondent claims to be a co-sharer In cultivating possession for more than 30 years-Possession for 30 years is disputed-Not supported by evidence Whatsoever- Respondent has not produced any evidence to Show that he paid any lease money to Gram Panchayat after 1975-76-Thus in occupation Without payment-Unauthorised . possession-Appeal allowed; ***Gram Panchayat, Hindole v. Kanshi Ram •***

. **2000(1) ALL INDIA LAND LAWS REPORTER (PB. &HRY.) 166.**

FOR PUNJAB AND HARYANA

5. EVICTION OF UNAUTHORISED PERSONS :-(1) If, after considering the cause if any, Show 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 public premises are its • unauthorised occupation, the Collector may make an order of eviction for person to recorded therein, directing that the public premises are in unauthorised Occupation, the Collector may make an order of eviction for person to recorded therein,

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directing that the public premises shall be vacated on such date 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 affirmed on the outer door or some other conspicuous part of the public premises or of the estate in which the public premises are situate.

(2) If any person refuse or fails to comply with the order of eviction within thirty days of its publication under sub-section (1), the collector or any other officer duly authorised by him in this behalf may evict that person form and take possession of the public and may, for that purpose, use such force as may be necessary.

COMMENTARY

-Section5- Bungalow was granted to a person whose son later came to occupy it-This was under Government Grants-Later the old grant of the present occupier, the son, was resumed-Respondent having been inducted by the son as tenant has no right to continue in possession which is wholly unauthorised –Government Grants Act, 1895- Sec. 5. 1992(2) **ALL INDIA LAND LAWS REPORTER 13.**

-S.5(1)-Land owned by Government, held in grant by a person and subsequently by his son—During this period son inducted a tenant, the respondent here—Grant resumed—Tenant ordered to vacate by Estate officer-Order set aside by Trial Court-Union of India in appeal Held-Property proved to be public Premises –Rights of tenant, if any, extinguished with the rights of the persons having the Grant, after the public premises were resumed-Possession of the tenants, Respondents cannot be held as legal.

1992(2)ALL INDIA LAND LAWS REPORTER 564.

-S.5-Notification issued for acquisition of Land for public purpose-In the meantime State launched proceeding for eviction of the petitioner from the land unauthorisedly occupied by him-Land in dispute had vacated in State Government-Eviction ordered-Both eviction and notification issue for acquisition challenged by the Petitioner-Eviction order upheld in appeal-No scope for interference in High Court-Acquisition notification also held right-Land Acquisition Act, 1894, Ss. 4 and 60.

1991(1) ALL INDIA LAND LAWS REPORTER 18

-Section 5 and 4-Punjab Gram Panchayat Common Purposes Land (Eviction and Rent Recovery) Act, 1976, Section 3 and 2(a)-Land after imposing cut on Landowner during Consolidation kept as Mustarka Malkan as per revenue records-Is not Shamilat-deh-Does not vest in Gram Panchayat-Gram Panchayat has no locus standi to initiate eviction proceedings.

1986(1) ALL INDIA LAND LAWS REPORTER 16.

Ss. 4,5 and 7-Factum of taking land on lease on Chakota from Gram Panchayat admitted by the petitioner before trial Court-Title of land as of the landowner cannot be denied by the lessee-After expiry of lease period, petitioner should have surrendered possession-Not done, becomes unauthorised-Deserves to be thrown out of this land-Transfer of Property Act, 1882-S.111; **Jarnail Singh v. The joint Development Commissioner (I.R.D.)Punjab; 1995(4) ALL INDIA LAND LAWS REPORTER (P&H)43**

Section5-Punjab Gram Panchayat (Common Purposes Land Eviction and Rent Recovery) Act, 1976-Section 3-Gram Panchayat files suit for eviction of respondents/defendants from the land meant for raising income for Gram

SECTION-5

Panchayat i.e. belonging to Gram Panchayat i.e. public premises-Suits were dismissed on one count or the other upto Joint Director-In appeal Single Judge observed that the Supreme Court ruling under the consolidation scheme no land could be reserved for income of Gram Panchayat-Gram Panchayat in appeal, by revenue record some of the lands if not all of them had been leased out by the Gram Panchayat-Held-Some- portion of land has been leased out but some of its continues to be in possession of petitioners-Joint Director would re-examine the entire matter and give finding within 6 months-Status quo regarding possession continues till then; ***Gram Panchayat Khiala v. Joint Director, Panchayat (Commissioner), Punjab;***

1995(1) ALL INDIA LAND LAWS REPORTER (P&H) 55.

S. S-B{ 1)-Writ petition is filed for issuance of writ in the nature of prohibition directing respondents, authorities and restraining them from demolishing the religious place-Quashing of order is sought as no opportunity of being heard was given to the petitioners orders are ultra vires to the provisions of the Act-During the pendency of petition a large number of documents have been filed to prove the lands as not Public Premises-Impugned notice/orders are set aside-Matter referred back to Estate Officer to decide afresh if the land falls within the ambit of public premises after taking into consideration the additional evidence produced and hearing the parties; ***Mandir of Pir Sultan Mohammed Khan, Village Devi Nagar, District Panchkula v. Additional District Judge, Ambala and others.***

2000(1) ALL INDIA LAND LAWS REPORTER (PB&HRY.) 24.

Ss. 5 and 7-With the nationalisation of the Insurance Companies, the premises belonging to a constituent company took the shape of public premises- "This building had a tenant since 1944, who had further indicted the appellant herein as sub-tenant-L.I. C. filed suit for eviction of both under the Unauthorised Occupants Act and the damages for the. use of public premises-Estate Officer passed an order of eviction. , as also for damages against the appellant company -At one stage lower court negated the claim for damages but when the High Court ordered remand to Estate Officer, L.I.C: pleaded its case for damagesalso to be included-About the damages part of it the appellant are. in apex Court by special leave petition-Held-When the occupation of the premises in question was a factor in continuation, the liability to apy for the use and occupation thereof, be it in the form of rent or of damages was also a continuing factor-Both these questions be viewed interdependently; ***Shangrila Food Products Ltd. & Anr. v. Life Insurance Corporation of India and another;***

1997(3) ALL INDIA LAND LAWS REPORTER (SUPREME COURT) 328.

Sections 5 and 7-Petitioner challenged. eviction orders on the ground that. most of the land vested in Central Government and rest in Gram Panchayat-Suit by Municipal Committee is not maintainable-Held, it has been proved that ultimately Municipality has stepped into the shoes of the Central Government as well the Gram further Panchayat-Held-None of the documents produced Shown that the land owner, may be Gram Panchayat and Central Government and lastly the Municipal Committee, have accepted any rent from the petitioner-Petitioner is in unauthorised occupation of the land after expiry of the lease; ***Pritam Singh v. Municipal : Committee Rania;*** **1995(4) ALL INDIA LAND LAWS REPORTER (P&H) 573 •**

Sections 5 and 7-A person is possession of land after the expiry of lease of one year and having held the possession by virtue of litigation. Without payment of

SECTION- 5, 6 and 7

any rent, is not a lessee-Unauthorised possession is not entitled to invoke the discretionary jurisdiction under Constitution Of India, Article 226; *Pritam Singh v. Municipal Committee Rania;*

1995(4) ALL INDIA LAND LAWS REPORTER (P&H) 573.

Sections 5 and 7-order of eviction from public premises under the Haryana Act 1972 or impugned-Petitioner is a tenant on payment of annual rent of Rs. 80/per acre-Ground of challenge that Trial Court had erred in treating the land as belonging to Municipal Committee whereas as per mutation entries most of the land belonged to Gram Panchayat and rest to Central Government-As per respondents share of the Gram Panchayat was transferred to Municipality and hence the maintainability of the eviction petition-Held-After expiry of the. annual lease, Panchayat or the Committee never accepted any rent-Petitioner cannot be held to be in authorised occupation of the land-He continued in possession without paying rent because of litigation-Such a person is not entitled to invoke the discretionary powers of the Court; *Pritam Singh v. Municipal Committee Rania & ors.***1995(2) ALL IN DIA LAND LAWS REPORTER VOL. 42 (P&H) 591.**

FOR PUNJAB AND HARYANA .

6. DISPOSAL OF PROPERTY LEFT ON PUBUC PREMISES BY UNAUTHORISED OCCUPANTS-(1) Where any persons have been evicted from any public premise under Section 5. the Collector may, after giving fourteen days notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or sell by public auction any property remaining on . such premises.

(2) Where any property is Sold under sub-section (1), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, If any due to the State Government or the [local-in.Hr.], [corporate-In Pb.] authority on account of arrears -of. rent or damages or costs be paid to such person or persons as may appear to the Collector to be entitled to the same :

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, the may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be limit.

For Punjab and Haryana ...

7. POWER TO RECOVER [RENT OR-IN HR. ONLY], DAMAGES IN RESPECT OF PUBLIC PREMISES AS ARREARS OF LAND REVENUE- (1) Where any person is in arrears of rent payable in respect of any public 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 public premises the Collector may having regard to Such principles of assessment of damages as may be prescribed, 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 such 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 by the person calling upon him

SECTION- 7

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.

COMMENTARY

1. For authorised occupation of public premises or land no recovery of rent can be made under Sectlon,7 of the Act, 1975 PLJ 204.

2. Power of Collector and Assistant Collector to evict-Authority under the Act statutory provision are ultravires. **1982 ALL INDIA LAND LAWS REPORTER 210,GRAM PANCHAYAT VILLAGE KAILA BANDAR VS.COMMISSIONER PTL. DIVISION PATIALA.**

3. Lessee of the Panchayat cannot avail of the special procedure :- The provisions of Section 7 of the—Punjab village Common Land (Regulations) Act, 1969 are meant to safeguard the Interest of panchayats and to put them into possession, the Panchayat may take action under Section 7, but the person in possession if dispossessed by a third person cannot resort to the provisions of Section 7,1964Cur.LJ375-66PLR959.

4. Power to get back possession, when the premises transferred.- Where the premises are transferred by way of a sale then the provisions of Section 7 cannot be resorted to get the possession back. ILR 1965(1) Pb. 245

. 5.Giving notice of a period less than prescribed by law.-Where notice of a period less than that prescribed by law is given than the notice is not bad. AIR 1963 Pb. 290 ..

6. Requirement to give show cause notice is mandatory.- The person against whom proceeding are taken should be given notice and the ground on which it is proposed to take action should be communicated-Where the grounds are not disclosed then the order Cannot be sustained. 1962 PLR 977.

7. Default in appearance; Its effect.-VWhere the Panchayat does not appear then the petition can be dismissed in default by the Collector-Collector how- ever has inherent powers to restore the petition dismissed in default. 1968 PLR 163.

8. Petition for ejection and recovery of rents.-A petition for recovery of rent would for maintainable even if the prayer for recovery of possession is held to be ultravires. It was held that the the petition for arrears of rent Would still be maintainable as otherwise Section 10 will preclude the Panchayat from establishing its title in a court of law. AIR 1968 Pb. 163.

9. Special remedy, provision are not ultravires.- The procedure for getting possession provided under section 7 is not ultra vires because it is essential to have a speedy remedy- In this connection the observation made by the Supreme Court in the case of M. Chagan Lal v. *Greater Bombay Municipality*, AIR 1974 SC 2009 may be seen. In this case the earliest decision of the Supreme Court in Northern India Caterers (Pvt.)Ltd. v. *state of Punjab*, AIR 1967 SC 1381 was held to be bad law and was over ruled. It was observed as under:-

“where a statute providing for a more drastice procedure different from the ordinary procedure covers the whole field covered by ordinary procedure, as in Anwar AliSakar's case, AIR 1952 SC 75 and Suraj MallMohtaj case, AIR 1954 SC545 without any guidelines as to the class of cases in which either procedure is to be resorted to the statute will be hit by Article 14. Even there as

SECTION- 7

mentioned in Suraj Mall Mohtaj's case, a provision for appeal may cure the defect. Further in such case if from the preamble and surrounding circumstances, as well as the 12 provisions of the statute themselves explained and appeal filed by affidavits, necessary, guidelines could be inferred as in Saurashtra case AIR 1855 sc 123 and Jyoti Parshad's case. AIR 1961 SC 1962 the statute will not be hit by Article 14. Then again where the statute itself covers only a class as in Haldal case, AIR 1953 SC 404 the statute will not be bad. The fact that in such case the executive will choose which cases are to be tried under the special procedure will not effect the validity to the statute, Therefore, the content on that the mere availability of two procedures will vitiate one of them, that is the special procedure, is not supported by reason of authority. The further observations made that the act is not bad because two remedies have been provided was considered and rejected with these observations : "merely because one procedure provides the forum of a civil court while the other provides the forum of an administrative tribunal, it cannot be said that the latter is necessarily more drastic and onerous. To attract the inhibition of Article 14 there must be substantial and qualitative differences between the two procedures so that one is really and substantially more drastic and prejudicial. Superfine differences are bound to exist when two procedures are prescribed.

10. Officer issuing notice is not party to the lis- Merely because a notice is issued by the estate officer, it cannot be said that he is a party to the lis and that there is violation of the principle of natural justice, AIR 1967 Delhi 86, See also ILR 1961 Bom.671 Bom. 671 Bom AIR 1970 Punjab 407.

11. Rent includes license fee.- A licence fee included in the definition of rent and can be legitimately recovered as arrears of land revenue. 67 P.L.R. 1120.

12. Opportunity should be given.- An action taken without giving show cause notice cannot be sustained. Wirenetting stores v. Delhi Development Authority. 1966. 3 SCC 415.

13. Revision under Section 115 C.P.C against the order of appellate - authority.- Where an appeal lies to District Judge against the order of eviction then no revision can be entertained under section 115 of the Code of Civil procedure. AIR 1966 MP 7, See also 1969 Punjab 304 and AIR 1972 Tripura 1 ..

14. Power of civil court to decide question of title.- Where it is claimed that the premises in question are owned by a person then the civil courts can go into the question of title. The civil courts is not precluded from deciding such a question. 1968 All. L.J. 493.

15. Cancellation of lease.- Where lease is cancelled or is varied then it has to be accompanied by payment of compensation. This is so provided in section 10 (a) of the Act. Mansha Singh v Commissioner, Ambala Division, AIR 1974 PLR 21.

16. Tenancy cannot be terminated by passing a mere resolution- The Gram Panchayat has to establish that the tenant has contravened any of the terms of the grant. The Gram Panchayat cannot by passing a mere resolution terminate a tenancy which has been lawfully constituted. 1974 PLR 21.

17. Power of resumption.- Once land is given to a person on grant loan the same cannot be resumption proceedings initiated by the authorities under the Public Permisses (Eviction of Occupants Act), 1971 are not maintainable. 1972 Rent C R. 718.

SECTION-7

18. Agricultural and Included In the definition of premises:- The Permisses would include even agricultural land. See AIR 1972 SC,2205, AIR 1964 Pb, 304.

19. Possession when becomes unauthorised.-- The possession would. become unauthorised after the expiry of notice-AIR 1968 Ca!. 1. But where a person transfers his possession to another then the occupation would become unauthorised from the date of transfer and not from the date of Issue of notice. 1965 (69) CaI.W.N. 1035.

20. Appointment of office.- where powers' are conferred on a person by virtue of his office then the appointment would be valid by reason of Section 15 of the General Clauses. Act1897, AIR 1964 Tripura 9

21. Private knowledge on the part of the authority eviction.- The fact that the authority ordering eviction has personal knowledge in respect of the question whether the premises have been occupied in an unauthorised manner or not would not vitiate the final order. AIR 1964 Delhi 86.

22. Notice should specify the premises correctly.- The description of the premises should be correctly given in the notice otherwise the proceedings would be bad.-This defect cannot be cured at a stage. AIR 1964 Tripura 9.

23. Recovery of time barred rent.- The provision of section 7 merely create a remedy and does not confer a new right.- Thus a time barred rent cannot be recovered. 1965 PLR 1190.

24. Appellate authority should give a regular hearing.- The appellate authority is supposed to give a regular hearing. AIR 1961 Pb. 98.

25. Additional evidence can be taken in appeal.- There is nothing in law which prevents the appellate authority from recording additional evidence in appeal. AIR 1962 Patna 476

26. Second Appeal not competent.- The right of second appeal has been taken away both in states of the Punjab and Haryana by amendments made by both the States, 1976 PLR 388 .

27. Year means Calender Year.- Where the lease of Panchayat land is granted for one year. then the term 'Year' would mean a Calender year. Hardev Singh vs. Executive Magistrate, 1976 PLR 35.

28. Possession of land without payment of rent.- A person in possession of land of Panchayat without paying any rent is not a tenant-Hazara Singh v. B.S. Malik 1967 Cur. LJ137. Sec also Darbara Singh v. State 1976 PLJ 47.

29. Person paying lease money but not taking possession.-A person paying instalment of lease money but not taking possession of the land is not a lessee. Karta Ram v. state 1956 PLR 1143.

30. Person entered as Gair Morosi is not a tenant.- A person who is entered in Khasra Girdawri as Gair Marsoi is not a tenant unless some other evidence is brought on the record to suggest otherwise. ILR1967 Punjab 846.

31. Payment of arrears of Rent after the decree of eviction, is no reason to get an ad interim stay against eviction-Action does not give a tenant a status of holdingover-As for rent arrears, these had to be paid-Civil Procedure Code 1908, O. 39, Rr 1 and 2-**1992 (1) ALL INDIA LAND LAWS REPORTER_134**

32 ss. 4 and 7-Respondent No.3 who has been granted eviction of tenant by the lower Court, is not shown in the record of rights as owner of the land-Presumption .

SECTION- 7 and 8

of truth is attached to record of rights- Order of eviction quashed.

1992(1)ALL INDIA LAND LAWS REPORTER 239 .

33.-Sections 4 and 7- Occupant is prayed to be evicted by Gram Panchayat after expiry of Jamabandi entries in the record of rights-Land does not vest in the Gram Panchayat-Impugned order of the lower Courts cannot be sustained-Order of eviction quashed-**1991 (1) All INDIA LAND LAWS. REPORTER 508 •**

34.-Section 7-Municipality maintains a record of the property belonging to it- No such record produced-Questions Of ownership of public premises cannot be decided in summary trial under writ jurisdiction-Constitution of India Art. 226 and 227. **1992. (1) All INDIA LAND LAWS" REPORTER 238**

35. The conclusion arrived at by the prescribed authority holding .that a Sarpanch of the Gram Panchayat is not a tenant cannot be interfered with under Article 226 of the Constitution. This is a question basically one of fact and would not be interfered with under Article 226. *Mahan Singh v. Resident Magistrate* 1965 Cur. LJ 37, 1965 PLR 161.

--Section 7-Expiry of term of lease-Gram Panchayat can dispossess by taking action U/S. 7 or under any other provision of law available to them

1998 (1)All INDIA LAND LAWS REPORTER 609.

Section 7-Limitation Act, 1963-Articles 112 and 113-Petitioner denies having been in possession of public premises and further resents the recovery of rent as time barred-Once it is held that petitioner remained in occupation of Government land, he cannot resist the recovery Of rent/damages as barred by limitation--As held in 1983(1) ALL INDIA LAND LAWS REPORTER 572, Limitation was 30 years under Article 117--Article 113 would not be applicable; *Gajjan Singh v. State of Punjab*; **1997(2) All INDIA LAND LAWS REPORTER (P&H) 121.**

Ss. 7 and 10-On expiry of tenure of service an employee of the L.I.C. was required to vacate the Premises owned and possessed by L.I.C. -Old not-Clause shown by respondent-employee did not appeal to the L.I. C .and hence an order of eviction-Unsuccessfully challenged before the City Civil court and was not entertained, by the appellate court-In writ jurisdiction the respondent whereas could not demolish the grounds of eviction, clung to plea of despair that *in* case he went to Small Cause Court, *in* view of S.10 of the Act; his possession during the pendency of the suit would not remain protected-High Court ordered (i) matter may be taken up before a court of competent authority and (ii) directed the orders of the Estate Officer to be stayed for that period L.I.C. is in appeal-Apex Court held (i) Respondent would give an undertaking to Vacate the premises within 6 months, quantum of rent and damage to be sympathetically decided by L.I.C. (ii) Retiral dues to be cleared within two months, to enable respondent to seek alternative accommodation; *Life Insurance Corporation of India V. Shiva. Prasad Tripathi* ;

**1996(1) ALL INDIA LAND LAWS REPORTER (SUPREME COURT) 533.
FOR PUNJAB AND HARYANA**

8. POWER OF COLLECTOR :- The collector shall, for the purpose of holding an enquiry under this Act, have the same power 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 :-

SECTION-9 to 11

- (a) summoning and enforcing the attend of any person and examining him on oath :
- (b) requiring the discovery and production of document :
- (c) any other matter which may be prescribed.

FOR PUNJAB AND HARYANA

9. APPEALS :- (1) An appeal shall lie from every of Collector made in respect of any public premises under Section 5 or Section 7 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 publication of the order under sub-section (1) of that section; and

(b) in the case of an appeal from an order under section 7, within thirty days from the days 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 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.

COMMENTARY

S. 9-Grounds-Occupant of Municipal shop did not appear on notice.-Evicted by ex parte order by Collector on grounds of unauthorised possession and non payment of rent-Appeal before Commissioner contending an attorney had been engaged who had failed to appear-dismissed In limine on above grounds-Question in dispute is could the commissioner dismiss the appeal without issuing notice to the Collector-High Court appeal could not be dismissed on merits because of non compliance of the said rules-Case remanded to Commissioner for decision.

1991(2) ALL INDIA LAND LAWS REPORTER 438.

FOR PUNJAB AND HARYANA

10. FINALITY OF ORDER.-Save as otherwise expressly provided in this Act, every order made by the Collector or Commissioner 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.

COMMENTARY

-Section 10 order passed by Commissioner under Section 9-Revision before Financial commissioner not maintainable-Order of Commissioner is final .

1986(1) ALL INDIA LAND LAWS REPORTER 111.

FOR PUNJAB AND HARYANA

11. OFFENCES AND PENALTY :-(1) If any person who has been evicted from any public premises under this Act again occupies the premises without authority for such occupation he shall (on conviction by an Executive Magistrate-in Pb. only) be punishable with imprisonment for a term which may extend to one year or with fine

SECTION- 11 and 16

Which may extend to one thousand rupees, or with both.

(2) Any Executive Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

FOR PUNJAB AND HARYANA

12. POWER TO OBTAIN INFORMATION :-(1) If the Collector has reason to believe that any persons are in unauthorised occupation of any public premises, the Collector or any other officer authorised by him in this behalf may require those persons or any other person to furnish information relating to names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information of possession!

FOR PUNJAB AND HARYANA

13. LIABILITY OF HEIRS AND LEGAL REPRESENTATIVES.-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 dies before the proceeding is taken or during the pendency thereof. The (-in Hr.) (Iegal- in Pb.) 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 State Government or the (local -in Hr.) (corporate -in Pb.) authorised from any person whether by way of rent or damages or costs shall, after the death of the persons" 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.

FOR PUNJAB AND HARYANA,

14. RECOVERY OF RENT ETC. AS ARREARS OF LAND REVENUE.-If any person refuses or fails to pay the arrears of rent payable under sub-section (1) or Section 7 or the damages payable under sub-section (2) of sub-section or the costs awarded to the State Government or the (local-in Hr.) (corporate -in Pb.) authority under sub-section (5) of Section 9 or any portion of such rent, damages or costs, within the time, if any, specified therefore in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue.

FOR PUNJAB AND HARYANA

15. BAR OF JURISDICTION.-No court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person Who in unauthorised occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of Section 7 or the damages payable under sub-section (2) of that section other costs awarded to the State Government, or the (local-in, Hr.) (corporate -in Pb.) authority under sub-section (5) of Section 09 or any portion of such rent, damages or costs.

FOR PUNJAB AND HARYANA

16. PROTECTION OF ACTION TAKEN IN GOOD FAITH.-No suit, prosecution or other legal proceeding shall lie against the State Government or the (Local-in Hr.) (corporate -in Pb)authority or the Commissioner or the Collector in respect of any-thing which is in good faith done or intended to be done in pursuance of this Act of any rules or orders made thereunder.

SECTION- 17and 18 .

FOR PUNJAB AND HARYANA

17. POWER TO MAKE RULES.-(1) The-state Government may, by notification, make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the form of any notice required or authorised to be given under this Act and the manner in which it may be served;
- (b) the holding of enquiries under this Act;
- (c) the procedure to be followed in taking possession of public premises;
- (d) the manner in which damages .for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;
- (e) the manner in which appeals may be preferred and the procedure to be followed in appeals;
- (f) any other matter which has to be or may be prescribed.

(3) Every rule made under section shall be laid as soon as may be, after it is made, before the (House of the-in Hr.) State Legislature while it is in session for a total period of ten days which .may be comprised in one session or in two or more successive session, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made the rule shall thereafter have effect only In such modified form or be of no effect, as the case may be; so ,however, that any ,such modification- or annulment shall be without prejudice to the validity of anything previously done under that rule.

FOR PUNJAB AND HARYANA

18. REPEAL.- The punjab Public Premises and Land (Eviction and Rent Re-covey} .Act,1959, is hereby repealed:

FOR PUNJAB AND HARYANA

19. VALIDATION.- Notwithstanding any judgment, decree or order of any court, anything done or any action (including or orders made notice issued, eviction ordered, rents or damages or costs recovered and proceedings initiated) or purported to have been done or taken under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959(hereinafter in this section referred to as the 1959 Act) shall be deemed to be as valid and effective as if such thing or action was done or taken under the corresponding provisions of this Act which, under sub-section (3) of section 1 shall be deemed to have come into force on the (10th day of August 1959-in Hry.) (27th day of November,1959, in Pb.) and accordingly- _

- (a) no suit or other legal proceeding shall maintained or continued in any court .for the refund of any rent or damages or cost recovered under the 1959 Act where such refund has been claimed .merely on the ground that said Act has been declared to be unconstitutional and void; and
- (b) no court shall enforce decree or order directing the refund of any rent or damages or costs recovered under the 1959 Act merely on the ground the said Act has been declared to be unconstitutional and void.

**THE PUNJAB/HARYANA PUBLIC PREMISES AND LAND
EVICTON,AND RENT RECOVERY) RULES, 1974/1973**

1. **SHORT TITLE.**-These rules may be called the Punjab/Haryana Public Premises and Land (Eviction and Rent Recovery) Rules [1974-in Pb.], [1973 in Hr.].

2. **DEFINITIONS**-In these rules[. unless the context otherwise requires in Pb. Only].

(a) "Act means the Punjab/Haryana Public Premises and Land (Eviction and Rent recovery) Act,1973/72.

(b) "Form" means a form appended to these rules;

(c) Words and expressions used but not defined in these rules shall have the meaning, if any, assigned to them in the Act.

3. **FORM OF NOTICES AND ORDERS.** [Section 17(2)(a)--. in Pb.], [Section 7 -n Hr.] A notice or order under the Act shall be in one of the appropriate Forms appended to these rules.

Rule 4 as in Punjab

14. **MANNER OF SERVICE OF NOTICES** .-- (1) In addition to any mode of service specified in the Act, a notice issued under sub-section (1) of Section 4 Of sub-section (1) of Section 6 or sub-section (3)- of on 7 of the Act shall be served by delivering or tendering a copy of the notice to the person for whom it is intended or to any adult member of his family, or by sending it by registered post 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 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 acknowledgement of the service.

(3) In respect of a notice issued under sub-section (1) of Section 6 or subsection (3) of Section 7 of the Act, where the person or the adult member of the family of such person refuses to sign the acknowledgement, 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 that ordinary residence or usual place of business of such person and the original notice shall be returned to the Collector who issued the notice with a report endorsed thereon or annexed thereto stating that copy has been so affixed the circumstances under which it was so done and the name and address of the person, if *any*, by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed.

(4) If a notice issued under sub-section (1) of Section 4 and sub-section (3) of Section 7 of the Act cannot be served in the manner provided in sub-rule (1), the Collector may, if he thinks fit, direct such notice shall also be published in at least

RULES –4

one newspaper having circulation in the locality and he may also proclaim the contents of any notice in the locality by beat of drum.]

(Substituted by FG notn. No. GSR 122/PA. 31/73 Amd (1)/76 dated 5-10-6,]

Rule 4 as in Haryana

4. MANNER OF SERVICES OF NOTICE [SECTIONS 4 AND 6].-(1) Where the person on whom a notice under sub-section (1) of section 4, or sub-section (1) of section 6 of the Act is to be found, a copy of such notice shall, in addition to any other manner of service specified in the Act, be affixed in a conspicuous part of the last known place of business of such person [in the presence of two witnesses preferably of the locality in which the public premises are situated] or be delivered to some adult member of his family.

[(2) The Collector may also cause the contents of any notice proclaimed in the locality by beat of drum]

Rule 6 of Punjab and rule 5 of Haryana

6/5. Manner of taking possession of public premises: [Sections 5 (2) & 17(2)(e)-in Pb.] [Section 5 (2) in Hr.](1) if any obstruction is offered, or is in the opinion of the Collector likely to be offered, to the taking possession of any public premises under the Act, the Collector 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 Collector or any [1] officer duly authorised by him in this behalf may either seal the premises or in the presence of two [independent-in Pb.] witnesses [preferably of the locality in which the public premises are situated-in Hr.] break open the locks or open or cause to be opened any door, gate or other barrier and enter the premises :

Provided that-

(1)(a) no entry shall be made into, or possession taken of a public premises before sunrise or after sunset;

(2)(b) where any public premises is forced open an inventory of the articles found in the premises shall be prepared in the presence of two [independent-in Pb.] witnesses [preferably of the locality in which the public premises is situated-in Hr. only].

Rule 7 of Punjab and Rule 6 of Haryana

7.6. Assessment of damages [Section 7 & 17 (2)(d)-Pb.] [Section 7]. In assessing damages for unauthorised use and occupation of any public premises, the Collector shall take into consideration the following matters, namely:

(a) the purpose and the period for which the public premises, the Collector shall take into consideration the following matters, namely:

(a) the purpose and the period for which the public premises were in un-authorised occupation;

(b) the nature, size [location--in Pb.] [Inserted by ibid] and standard of the accommodation available in such premises;

(c) the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation to private person;

(e) any other matter relevant for the purpose of assessing damages.

Rule 5 of Punjab and Rule 7 of Haryana

5.7. Holding of inquiries [Section.17(2)(d)-in Pb.] [Section 8-in Hr.] (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 Collector shall record the summary of the evidence [tendered-in Pb.] [produced - in Hr.] before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceedings.

8. Procedure in appeal, [Sections 9 and 17(2)(a)-in Pb.] [S.11(2)(e)-in Hr.] (1) An appeal preferred under Section 9 of the Act shall be in writing, shall set forth concisely the grounds of objection to the order appealed against and shall be accompanied by a copy of such order.

(2) On receipt of the appeal and after calling for and perusing the record of the proceedings before the Collector, the appellate officer shall (appoint-in Pb.) [fix-in Hr.] a time and place for the hearing of the appeal and shall give notice thereof to the Collector against whose orders the appeal is preferred and to the appellant. '

9. Repeal.- The Punjab Public Premises and Land (Eviction and Rent Recovery) Rules, 1959, are hereby repealed.

Form A

Form of notice under sub-section (1) of Section 4 of the Punjab/Hr. Public Premises and Land (Eviction and Rent Recovery) Act, [1973/1972].

To

Shri/Shrimati/Kumari . [son/daughter of-in Hr.](Address-in Hr.)

Whereas I, the undersigned, am of opinion, on the grounds specified below, that you are in unauthorised occupation of the public premises mentioned in the Schedule below and that you should be evicted from the said premises:-

GROUND

Now, therefore, in pursuance of sub-section (1) of Section 4 of the Act, I hereby call upon you to show cause on or before the ****

SCHEDULE

Date

Signature and seal of the Collector

FORM B

Order under sub-section (1) of Section. 5 of the [Punjab] [Haryana Public Premises and Land (Eviction and Rent Recovery) Act, [1973][1972].

Whereas I, the undersigned, am satisfied for the reasons recorded before that Shri/Shrimati/Kumari, [son/wife/daughter ofaddress ... in Hr.] is/ are in unauthorised occupation of the public premises specified in the Schedule below:

REASONS

Now therefore, in exercise of the powers conferred on me by 'sub-section (1) of Section 5 of the [Punjab] [Haryana] Public Premises and Land (Eviction and Rent Recovery) Act, 1973/1972, I hereby order the said Shri/Shrimati/Kumari and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within thirty days of the date of publication of this order. In

[This date should be a date not earlier than ten days from the date of issue of the notice] why such an order of eviction should not be made.

FORM- A, B, C and D

the even of refusal or failure to comply with this order within the period specified above, the said Shri/Shrimati/Kumari..... and all other persons concerned are liable to be evicted from the said premises, if need be, by the use of such force as may be necessary. –

SCHEDULE

Date.....

Signature and seal of the Collector

FORM C

FORM OF NOTICE/ORDER UNDER SUB-SECTION (1) OF SECTION 6 OF THE

PUNJAB/HARYANA

Public Premises and Land (Eviction and Rent Recovery) Act, [1973] [1972].

To

Shri/Shrimati/Kumari.....[son/daughter of-in Hr.].....[Address-in Hr.].....

Whereas on theyou were evicted from the public premises described in the Schedule below which was unauthorisedly occupied by you;

Now, therefore, in exercise of the powers conferred on me by sub-sec. (1) of Section 6 of the Act, I hereby give you notice that after fourteen days of the service of this notice on you, any 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 undersigned; provided any arrears of (rent) [Refers to Punjab] [damages] [refers to Haryana] due from you are paid within the said period of fourteen days.

SCHEDULE

Date.....

Signature and seal of the Collector

Form D (As in Punjab)

Notice under sub-section (3) of Section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 read with sub-section (1) of section 7 thereof.

To

Shri/Shrimati/Kumari

Whereas you are in occupation of the public premises described in the Schedule below; AND whereas a sum of rupees.....being the arrears of rent from the.....day of19.....upto theday of19.....in respect of the said premises is due and payable by you to the Government.

Now, therefore, as required by sub-section(3) of Section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery)Act, 1973, I hereby call upon you to show cause on or before the.....why an order requiring you to pay the said arrears should not be made.

SCHEDULE

Date.....

Signature and seal of the Collector

FORM D (As in Haryana Rules)

Order under sub-section(1) if Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

FORM- E AND F

To

Shri/Shrimati/Kumari[son/wife/daughter of
address].

. Whereas you are/were in occupation of the premises described in the Schedule below:-

AND whereas by a written notice dated you were called upon to show cause on or before the why an order requiring you to pay arrears of rent amounting to Rs..... for occupation of the said premises, should not be made;

AND whereas I have considered your objection and evidence produced by you; [Strike off portion not required].

AND whereas you have not made any objection or produced any evidence before the said date; [Strike off portion not required].

Now, therefore in exercise of the powers conferred on me by sub-section (1) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, I hereby require you to pay the said sum within.....months in equal installments of Rspayable.....In case the said sum is not paid within the said period, it will be recovered as an arrear of land revenue.

SCHEDULE

Date.....

Signature and seal of the Collector**FORM E (As Punjab Rules)****Form of order under sub-section (1) of Section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973.**

Shri/Shrimati/Kumari

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

AND whereas by a written notice dated you were called upon to show cause on or before the why an order requiring you to pay a sum of rupees being the rent payable in respect of the said premises, should not be made;

AND, whereas, I have considered your objection and/or the evidence produced by you; [Strike off portion not required].

AND whereas you have not made any objection or produced any evidence before the said date; [Strike off portion not required] ..

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the Haryana public Premises and Land (Eviction and Rent Recovery) Act 1973, I hereby require you to pay the sum of Rs.....(Rupees) as follows:-

SCHEDULE

Date.....

Signature and seal of the Collector**FORM E (As Haryana Rules)****Form of order under sub-section (1) of Section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1972.**

FORM-E TO F

To

Shri/Shrimati/Kumari.....son/wife/daughter of.....

Address.....

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

AND whereas by a written notice, dated you were called upon to show cause on or before thewhy an order requiring you to pay damages of Rs for unauthorised use and occupation of the said premises, should not be made;

AND whereas I have considered your objection and /or the evidence produced by you; [Strike off portion not required].

AND whereas you have not made any objection or produced any evidence before the.said date; [Strike off portion not required].

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, I hereby order you to the sum of Rs.....assessed by me as damages on account of your unauthorised occupation of the said premises within.....months in equal instalments of Rspayable

In the event of your refusal or failure to pay the damages within the said period the amount will be recovered as an arrear of land revenue.

•

SCHEDULE

Date

Signature and seal of the Collector

FORM F (As Punjab Rules)

Notice under sub-section (3) of Section 7 of the Punjab Public ,Premises and, Land (Eviction and Rent Recovery) Act, 1973, read with sub-section (2) of Section 7 thereof.

To

Shri/Shrimati/Kumari.....

.....

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

And, whereas in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, I consider the damages amounting to Rs ...at the rate of Rsp.m./p.a. have been caused on account of unauthorised use and occupation of the said premises for the period from to .

Now therefore, as required by sub-section (2) of Section 7 of the Act, I hereby call/upon you to showcause on or before thewhy an order requiring you to pay the said damages should not be made.

SCHEDULE

Date

Signature and seal of the Collector

FORM F(As in Haryana Rules)

Notice under sub-section (3) of Section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

To

Shri/Shrimati/Kumari son/wife/daughter of.....

Address

Whereas I, the undersigned, am satisfied that you are/were in occupation/ unauthorised occupation (Strike off portion not required) of the public premises mentioned in. the Schedule below:-

And, whereas in exercise of the powers conferred at me by sub-section (1) of Section 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act. 1972. I consider that the arrears of rent per mensem/per annum are due from you for the period from....to...

And whereas in exercise of the powers conferred at me by sub-section(2) of Section 7 of the Punjab Public Premises and land (Eviction and Rent Recovery) Act. 1972. I consider the damages amounting to Rs. at the rate of Rs..... Per mensem/ per annum have been caused on account of unauthorised use and occupation of the said premises for the period from...to

Now, therefore. under the provisions of sub-section (3) of Section 7 of the Act,I hereby call upon you to show cause on or before thewhy an order requiring you to pay the said arrears of rent damages [Strike off portion not required) should not be made.

SCHEDULE

Date

Signature and seal of the Collector

FORM G (As in Punjab only)

Form of order under sub-section (2) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973.

To

Shri/Shrimati/Kumari.....

.....

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

And, whereas by a written notice dated.....you were called upon to show cause on or before the.....why an order requiring you to pay damages of Rs.....together with simple interest for unauthorised use and occupation of the said premises, should not be made;

And, whereas I have considered your objections and /or the evidence produced by you.....[Strike off portion not required]

And, whereas you have not made objections or produced any evidence before the said date; [Strike off portion not required]

Now, therefore, in exercise of the powers conferred on me by sub-section(2) of section 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 I hereby order you to pay the sum of Rs.....assessed by me as damages on account of your occupation of the said premises on or before the.....

In the event of your refusal or failure to pay the damages within the said period, the amount will be recovered as an arrear of land revenue.

SCHEDULE

Date

Signature and seal of the Collector

**Punjab Gram Panchayat (Common Purposes Land)
Eviction and Rent Recovery Act, 1976**

APPENDIX F

**THE PUNJAB GRAM PANCHAYAT (COMMON PURPOSES LAND)
EVICTION AND RENT RECOVERY ACT, 1976
(PUNJAB ACT NO. 20 OF 1976)**

An Act to provide for the eviction of unauthorised occupants from land reserved for common purposes under East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, the management and control whereof vests in the Gram Panchayat and for certain incidental matters.

CONTENTS

1. *Short title and commencement*
2. *Definitions*
3. *Application of the - Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 to common purposes land.*
4. *Appeal.*

Be it enacted by the Legislature of the State of Punjab in the Twenty seventh Year of the Republic of India as follows : _

1 SHORT TITLE AND COMMENCEMENT.-(1) This Act may be called the Punjab Gram Panchayat (Common Purposes Land) Eviction and Rent Recovery Act, 1976.

(2) It shall come into force at once

2. Definitions.-In this Act, unless the context otherwise requires,-

(a) "common purposes land " means land reserved for the common purposes of a village under Section 18 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, the management and control whereof vests in the Gram Panchayat under Section 23-A of the aforesaid Act;

(b) "Government" means the Government of the State of Punjab

3. APPLICATION OF THE PUNJAB PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1973 TO COMMON PURPOSES LAND.-Notwithstanding anything contained in any law for the time being in force, the Punjab Public Premises land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as the principal Act) shall apply to common purposes land which shall be deemed to be public premises for the purposes of the principal Act.

4. APPEAL.-Notwithstanding anything in the principal Act, an appeal under Section 9 of that Act in relation to common purposes land shall lie to an officer not below the rank of a Joint Director of Panchayats appointed by the Government for the said purpose who shall be deemed to be the Commissioner under the principal Act.

The Haryana Common Purposes Land Eviction and Rent
Recovery Act, 1985

APPENDIX G

**THE HARYANA COMMON PURPOSES LAND
EVICTION AND RENT RECOVERY ACT, 1985**

HARYANA ACT NO. 15 OF 1985

An Act to provide for eviction of unauthorised occupants from land reserved for
**common purposes under the East Punjab Holdings (Consolidation and Prevention
of Fragmentation)Act, 1948.**

CONTENTS

1. Short title.
2. Definitions
3. Application of Haryana Act 24 of 1972 to common purposes land.

**Be it enacted by the Legislature of the State of Haryana in the Thirty-sixth Year
of the Republic of India as follows:-**

1.SHORT TITLE- (1) This Act may be called the Haryana Common Purposes Land
Eviction and Rent Recovery Act, 1985.

2. DEFINITIONS:-- In this Act, unless the context otherwise requires, “common
purposes land” means the land reserved for the common purposes of a village under
Section 18 of the East Punjab Holdings(Consolidation and Prevention of
Fragmentation)Act, 1948, the management and control whereof vests in the State
Government or the Gram Panchayat under Section 23-A if the aforesaid Act.

**3. APPLICATION OF HARYANA ACT 24 OF 1972 TO COMMON
PURPOSES LAND—**Notwithstanding anything contained in any law for the time
being in force, the provisions of the Haryana Public Premises and Land (Eviction and
Rent Recovery) Act, 1972, shall apply to common purposes land which shall be
deemed to be public premises for the purpose of the said Act.

THE PUNJAB, RELIGIOUS PREMISES

AND LAND (EVICTION AND RENT RECOVERY) ACT, 1997

Received the assent of the governor of Punjab on the 25th January; 1998 and was published in the Punjab Gazette. (Extra), Legislative Supplement Part 1, dated January 29, 1998/Magha9,1919.

PUNJAB ACT NO 4 OF 1998

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 authorized 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 named called) payable in respect of the religious

The Punjab Religious premises and Land
(Eviction And Rent Recovery) Act, 1997

premises; where such charge or tax is payable by the Religious Institution.

3. UNAUTHORISED OCCUPATION OF RELIGIOUS PREMISES - For the purpose 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 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 religious premises; or

(e) 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) ,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 outer door 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 person concerned.

5. EVICTION OF UNAUTHORISED PERSONS:- (1) If, after considering the cause, if any, shown 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 unauthorized occupation the Collector 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 any part thereof, and cause a copy of the order to be affixed on the outerdoor or some other conspicuous part of the religious premises or of the estate in which the religious premises are situated.

(2) If any persons 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 installments 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 damage within such time and in installments 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 I 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 the 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 representative 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 be 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.