

# The Housing Board, Chandigarh (Eviction from Board Premises) Rules, 1979

*Notification dated 22nd January, 1979*

*(See Chandigarh Administration Gaz. (Extra) Dated 22.1.1979 Page 35-38)*

**No. 6919 UTFI(2) 78/1321.**—With reference to Chandigarh Administration, Finance Department notification No. 6919-UTP(2)-78/19007, dated the 9th November, 1978, and in exercise of the powers conferred by sub-section [1] of section 73 of Haryana Housing Board Act, 1971, as extended to the Union Territory, of Chandigarh, is pleased to make the following rules namely :—

**1. Short title.** - These rules may be called the Housing Board, Chandigarh (Eviction from Board Premises) Rules, 1979.

\*\*\*

**2. Definitions.** - In these rules unless the context otherwise requires:—

- (1) 'Act' means the Haryana Housing Board Act, 1971, as extended to the Union Territory of Chandigarh ;
- (2) 'Form' means a form appended to these rules ;
- (3) 'Section' means a section of the Act ;
- (4) All other words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

\*\*\*

**3. Forms of Notice, Sections 51 and 52.** - The notices shall be served under sections 51 and 52 in the following forms, namely :—

- (a) under the proviso to sub-section (1) of section 51, as in form A;
- (b) under sub-section (1) of section 52, as in form B ;
- (c) under sub-section(1) of section 52, as in form C ;
- (d) under sub-section (2) of section 52, as in form D.

\*\*\*

**4. Mode of Service of Notice, Sections 51 and 52.** - (1) A notice under sections 51 and 52 shall be served in any or all of the following manners, namely :—

- (i) By delivering or tendering the notice to be served to the person to whom it is addressed and if such person is not found, to some other adult member or agent of his family and signatures of such person or family member or agent to whom the notice is delivered or tendered shall be obtained in token of acknowledgement of the service and such signatures shall be deemed to be the prima facie proof of service.
- (ii) By registered post, acknowledgement due, addressed to the person or his agent empowered to accept service, at the place where the person or his agent ordinarily resides or comes on business or personally works for gain; and the acknowledgement purporting to be signed by the

person or his agent or the postal article containing the notice is received back with an endorsement purporting to have been made by a postal employee to the effect that the person or his agent, as the case may be has refused to take delivery shall be deemed to be the prima facie proof of service.

(iii) By affixing a copy of notice on the outer door or some other conspicuous part of the premises from which the person is sought to be evicted, in the presence of two persons of the locality and the report of the person affixing the notice that he has so affixed the notice in presence of two persons shall be deemed to be the prima facie proof of service.

(2) The notice under sub-rule (1) of rule 4, may be served by any person in the service of the Board, or by any other person so authorised by the competent authority in this behalf, either by general or special order.

\*\*\*

**5. Manner of taking possession, Section 51 (2).** - (1) For the purpose of taking possession of the premises under sub-section (2) of section 51, the competent authority or any officer or official empowered by him in this behalf may enter the premises at any time except before sunrise and after sunset.

(2) If any obstruction is offered or in the opinion of the competent authority is likely to be offered, to the taking of possession of any premises, the competent authority may obtain necessary police assistance.

(3) Where any premises, the possession of which is to be taken under this rule is found locked, the competent authority or any officer or official empowered by him in this behalf may either seal the premises, or in the premises, or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier, and enter the premises, provided where any premises are forced open an inventory of the articles found in the premises shall be taken in the presence of the two witnesses.

\*\*\*

**6. Assessment of damages for un-authorized occupation, section 52.** -

(1) In assessing damages for unauthorised use and occupation of any of the Board premises the competent authority shall take into consideration the following matters, namely ;—

(a) the purpose and the period for which the Board premises were in unauthorised occupation ;

(b) the nature, size of the premises and standard of the accommodation available on such premises ;

(c) the market rent of the premises for the period of unauthorised occupation, such rent being calculated in accordance with the rules of the Chandigarh Administration or the formula, if any, decided by the Administrator from time to time ;

(d) any damage done to the premises during the period of unauthorised occupation ;

(e) any other matter which, in the opinion of the competent authority, is relevant for the purpose of assessing the damages.

(2) Before assessing the damages, the competent authority shall give the person in unauthorised occupation a reasonable opportunity of being heard.

\*\*\*\*

**7. Procedure of appeal, section 54.** - (1) An appeal preferred under section 54 shall be in the form of a memorandum signed by the appellant shall set forth concisely the grounds of appeal and shall be accompanied unless the Appellate Authority dispenses with by a copy of the order appealed against.

(2) On receipt of the appeal and after calling for and perusing the records of the proceedings before the competent authority, the appellate Authority shall fix a time and place for the hearing of the appeal and shall give notice thereof to the appellant and the Board

(3) The notice to be served on the respondent shall be accompanied by a copy of the memorandum of appeal.

(4) On the day fixed or on any other day to which the hearing may be adjourned, the Appellate authority shall hear the Appellant and then the Respondent and the Appellate Authority shall have power to call for such further information from the parties as he may consider necessary.

(5) (i) Where on the day fixed or on any other day to which the hearing may be adjourned the appellant does not appear when the appeal is called on for hearing, the Appellate Authority may make an order that the appeal be dismissed provided the Authority is satisfied that the Appellant does not appear wailfully.

(ii) Where the appellant appears and the respondent does not appear the appeal may be heard ex parte.

(6) Where an appeal is dismissed under sub-rule (1) of rule 5 or is heard ex parte under sub-rule (2) of rule 5, the appellant or the respondent, as the case may be, may apply to the Appellate Authority for the re-admission of the appeal ; and where it is proved that the appellant or respondent, as the case may be, was prevented by any sufficient cause from appearing when the appeal was called on for the hearing, the Appellate Authority shall readmit the appeal on such terms and conditions as he considers fit.

(7) The Appellate authority shall dispose of the appeal as expeditiously as possible and his findings shall be in writing and be communicated to the appellant, and a copy of it shall be sent to the Board.

\*\*\*

### FORM "A"

To

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

resident of .....

Whereas I, the undersigned, am satisfied that—

\* (i) You have not paid rent lawfully due from you for more than two months, commencing from \_\_\_\_\_ in respect of the premises described in the Schedule appended hereto ;

\* (ii) You have sublet without the permission of the Board, the whole part of the premises described in the schedule appended hereto ;

\* (iii) You have (default to be specified) \_\_\_\_\_ and thereby have acted in contravention of the terms under which you were authorised to occupy and use the premises described in the Schedule appended hereto ;

\* (iv) You are in unauthorised occupation of the premises described in the Schedule appended hereto with effect from \_\_\_\_\_

And Whereas in exercise of the powers conferred on me by sub-section (1) of section 5 of the Haryana Housing Board Act, 1971 as extended to the Union

\* Any of the alternatives which is relevant to be specified

Territory of Chandigarh, I propose to order you (as well as \_\_\_\_\_ who is/are in occupation of the whole/a part of the said premises) to vacate the said premises within one month from the date of notice under sub-section (1) of section 51 of the Act, on the grounds aforesaid (hereinafter referred to as the proposed order)

Now, therefore, as required by the provisions of the proviso to sub section (1) of section 51, I call upon you to tender an explanation and produce evidence if any, and show cause within fourteen days, from the date of the service of this notice why the proposed orders should not be made.

### SCHEDULE

Full particulars of the premises

Date \_\_\_\_\_

Signature of the Competent Authority

\*\*\*\*

### FORM "B"

To

Shri/shrimati/Kumari \_\_\_\_\_  
Son/daughter/wife of \_\_\_\_\_ resident of \_\_\_\_\_

Whereas I, the undersigned, am satisfied

\* (i) that you have not paid rents lawfully due from you for a period of more than two months in respect of the premises described in the Schedule appended hereto;

\* (ii) that you have sublet without the permission of the Board the whole or part of the premises described in the Schedule appended hereto ;

\* (iii) that you have (default to be specified). \_\_\_\_\_ and thereby have acted in contravention of the terms-under which you were authorised to occupy and use the premises described in the Schedule appended hereto :

\* (iv) that you are in unauthorised occupation of the premises described in the Schedules appended hereto with effect from \_\_\_\_\_

Now, therefore, in exercise of the power conferred on me by sub-section (1) of section 51 of the Haryana Housing Board Act, 1971, as extended to the Union Territory of Chandigarh. I hereby order you (as well as \_\_\_\_\_ who is/are in occupation of the whole/a part of said premises); to vacate the said premises within one month of the date of the service of this notice, failing which you may ;be evicted forcibly unless you pay to the Board the rent in areas or carry out or otherwise comply with, to my satisfaction, the terms contravened by you.

### SCHEDULE

Full particulars of the premises

Date \_\_\_\_\_

Signature of the Competent Authority.

\*\*\*\*

**FORM "C"**

To

Shri/Smt/Kumari \_\_\_\_\_ residing at \_\_\_\_\_  
Whereas you are in occupation of premises described in the  
Schedule hereto appended ;

And whereas a sum of Rs. \_\_\_\_\_ being the arrears of rent from \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_ 199 , in respect of the said premises is  
due and payable by you to the Board ;

Now, therefore, in exercise of the powers conferred on me by sub- section  
(1) of section 52 of the Haryana Housing Board Act, 1971, as extended to the  
Union Territory of Chandigarh, I hereby order you to pay the said sum within a  
period of \_\_\_\_\_ (not less than 30 days) from the date of this notice  
failing which the said sum will be recovered as arrears of land revenue.

**SCHEDULE**

Date \_\_\_\_\_

Signature of the competent  
Authority

\*\*\*\*

**FORM "D"**

To

Shri/Shrimati/Kumari \_\_\_\_\_ residing at \_\_\_\_\_  
\_\_\_\_\_

Whereas you are in unauthorised occupation of the Board premises de-  
scribed in the Schedule appended hereto with effect from.

And whereas in exercise of the powers conferred upon me by sub- section  
(2) of section 52 of the Haryana Housing Board Act, 1971, as extended to the  
Union Territory of Chandigarh, I have assessed Rs \_\_\_\_\_ as  
damages payable by you on account of the use and occupation of the said pre-  
mises. I hereby order you to pay the said amount of damages within a period of \_\_\_\_\_  
\_\_\_\_\_ (not less than 30 days) from the date of the service of this notice. If  
the said amount is not paid within the period specified above, it will be recovered  
as arrears of land revenue.

**SCHEDULE**

Date \_\_\_\_\_

Signatures of the Competent  
Authority

\*\*\*\*