

[1]

The 12th July 1982

No.GA.145/79/83.- In exercise of the powers conferred by Section 16 (1) of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 (Meghalaya Act No.15 of 1980), the Governor of Meghalaya is pleased to make the following rules, namely:-

- 1.*Short title.*- These Rules may be called the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Rules, 1981.
- 2.*Definitions.*- In these Rules –
 - (a)“Act” means the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 (Meghalaya Act 15 of 1980).
 - (b)“Form” means a form appended to these Rules.
 - (c)“Rules” means the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Rules, 1981.
 - (d)Words and expressions used but not defined in these Rules shall have the meanings if any, assigned to these Rules.
- 3.*Forms of Notices and Orders.*- A notice or order under Act shall be in one of the appropriate forms appended to these Rules.
- 4.*Manner of service of Notices and Order.*- (1) Where the person on whom a notice under sub-section (1) of Section 3 or an eviction order under sub-section (1) of Section 4 of the Act is to be served cannot be found, a copy of such notice or order shall in addition to any other manner specified in the Act, be affixed in a conspicuous part of the last known place of business of such person or be delivered to some adult members of his family.
(2) The Deputy Commissioner may also proclaim the contents of the notice or order in the locality by beat of drum.
- 5.*Holding of Inquiries.*- (1)Where any person on whom a notice or order under this Act has been served desires to be heard through his representative he should authorise such representative in writing.

[2]

- (2) The Deputy Commissioner shall record the summary of the evidence tendered before him and such evidence and any relevant documents filed shall form part of the records of the proceedings.
- 6.*Transfer of pending proceeding.*- The Government of Meghalaya or any officer specially authorised in this behalf may, on its own motion or on the application of any person on whom a notice or order under these Rules has been served and after hearing him in person if he desires to be so heard, transfer any proceeding pending before the Deputy Commissioner at any stage to another Deputy Commissioner at any stage to another Commissioner may subject to any special direction in the order of transfer, either to start the proceeding afresh or continue it from the stage at which it was transferred.
- 7.*Manner of taking possession of the Public Premises under the Act.*- (1) If any obstruction to the taking possession of any public premises is offered or, in the opinion of the Deputy Commissioner, is likely to be offered the Deputy Commissioner or any other officer duly authorised by him in this behalf may obtain necessary assistance of the Police.
(2) Where any public premises of which possession is to be taken is found locked the Deputy Commissioner or any other officer duly authorised by him in this behalf may either seal the premises or in the presence of two respectable witnesses break open the lock or

open or cause to be opened any door, gate or other barrier and enter the premises provided that –

- (a) no entry shall be made into or possession taken of a public premises before sunrise or after sunset; and
- (b) where any public premises is forced open an inventory of the articles found in the premises shall be taken in the presence of the two witnesses.

8. *Assessment of damages.* - In assessing the damages for unauthorised use and occupation of any public premises the Deputy Commissioner shall take into consideration the following namely:-

[3]

- (a) the purpose and the period for which the public premises had been in unauthorised occupation;
- (b) the nature size and standard of accommodation available in such premises;
- (c) the rent that would have been realised had the premises been let out on rent;
- (d) any damage done to the premises during the period of unauthorised occupation; and
- (e) any other matter relevant for the purpose of assessing the damages.

9. *Procedure in appeals.* - (1) An appeal preferred under Section 8 of the Act shall be in writing, shall set forth concisely the grounds of appeal and shall be accompanied 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 Deputy Commissioner or Deputy Commissioner the appellate authority shall appoint a time and place for the hearing of the appeal and shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the Deputy Commissioner or as the case may be, the said officer to the appellant and to the head of the Department or Authority in the administrative control of the premises.

[4]

FORM 'A'

[*Notice under sub-section (1) of Section 3 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 read with Rule 3*]

To

Shri/Smti./Kumari.....

Whereas I, the undersigned am of opinion that you are in unauthorised occupation of the public premises mentioned in the Schedule below and that for the grounds stated hereunder you should be evicted from the said premises.

Grounds

Now, therefore, in pursuance of sub-section (1) of Section 3 of the act, I hereby call upon you to show cause on or before the *
why such an order of eviction should not be made.

SCHEDULE

Date.....

Signature and Seal of the Deputy Commissioner.

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

[5]

FORM 'B'

[Order under sub-section (1) of Section 4 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 read with Rule 3.]

Whereas, I the undersigned after due consideration of the show cause and evidence tendered am satisfied that Shri/Smti./Kumari.....
is/are in unauthorised occupation of the public premises specified in the Schedule below;

And now, therefore, in exercise of the powers conferred on men under sub-section (1) of Section 3 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980. I for reasons stated hereunder hereby order the said Shri/Smti./Kumari.....and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of service of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Shri/Smti./Kumari.....and all other persons concerned shall be liable to be evicted from the said premises, if need be, by the use of such force as may be reasonably necessary.

SCHEDULE

Reasons

Date.....

[6]

FORM 'C'

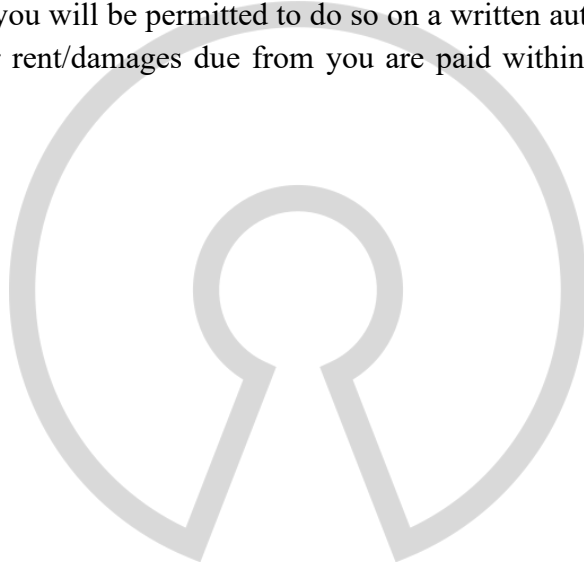
[Notice under sub-section (1) of Section 5 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 read with Rule 3]

To

Shri/Smti./Kumari.....

Whereas on the your were evicted from the public premises described in the Schedule below which was unauthorised by occupied by you.

Now, therefore in exercise of the powers conferred on me by sub-section (1) of Section 5 of the Act 1 hereby give you notice that after fourteen days of the service of this notice on you, the following properties found remaining on the said premises shall 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 a written authority from the undersigned provided any arrears or rent/damages due from you are paid within the said period of fourteen days.



SCHEDULE

Reasons

Date.....

[7]

FORM 'D'

[Order under sub-section (3) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980]

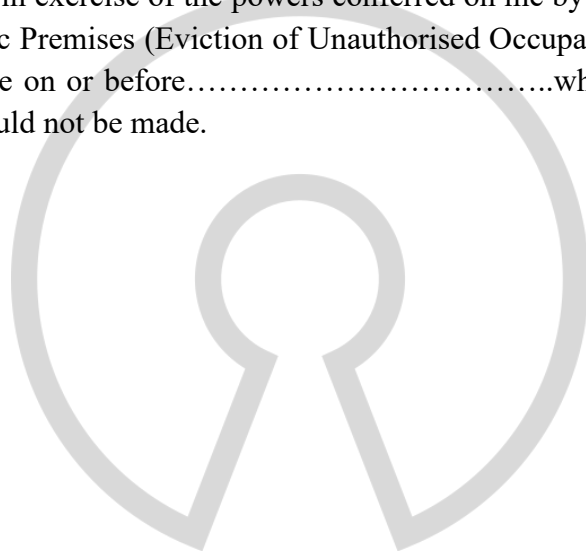
To

Shri/Smti./Kumari.....

Whereas you are in occupation of the public premises mentioned in the schedule below:

And, whereas , a sum of Rs..... being the
arrears of rent for the period from to
..... upto the day of.....
..... in respect of the said premises is due and payable by you
to the;

Now, therefore, in exercise of the powers conferred on me by sub-section (3) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980. I hereby call upon you to show cause on or before.....why an order requiring you to pay the said arrears should not be made.



SCHEDULE

Reasons

Date.....

[8]

FORM 'E'

[Order under sub-section (1) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980]

To

Shri/Smti./Kumari.....

Whereas you are in occupation of the public premises mentioned in the schedule below:

And, whereas, a sum of Rs..... being the arrears of rent from the day of 20.....upto the day of 20..... in respect of the said premises is due and payable by you to the you to the effect *vide* letter.....

.....and a notice had been served on objections and/or duly considered;

Now, therefore, in exercise of the powers conferred on me by sub-section (1) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980, I hereby require you to pay the said sum within.....months in equal installments of Rs.....each/* within one month of the date of service of this order. In case the said sum is not paid within the said period or in the said manner the same shall be recovered as an arrear of land revenue.

SCHEDULE

Date.....

Signature and Seal of the Deputy Commissioner.

*Strike out expressions not required.

[9]

FORM 'F'

[Notice under sub-section (3) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 read with Rule 3]

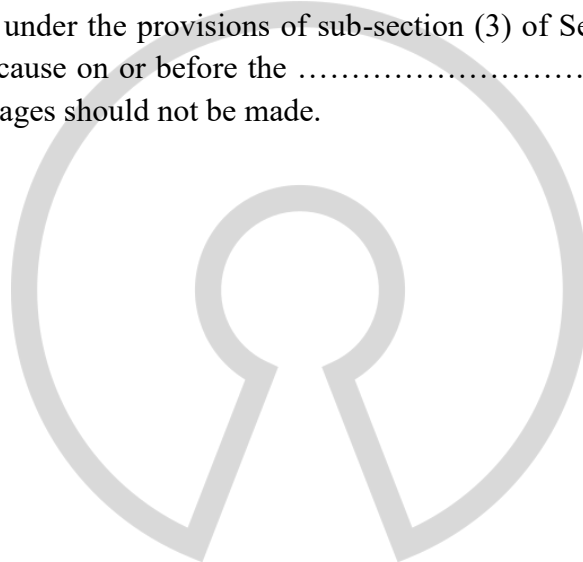
To

Shri/Smti./Kumari.....

Whereas, I , the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the schedule below for the period from.....to.....;

And, whereas, I have assessed that damages amounting to the use and occupation of the said premises;

Now, therefore, under the provisions of sub-section (3) of Section 6 of the Act, I hereby call upon you to show cause on or before the why an order requiring you to pay the said damages should not be made.



SCHEDULE

Date.....

[10]

FORM 'G'

[Order under sub-section (2) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980 read with Rule 3]

To

Shri/Smti./Kumari.....

Whereas, I , the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the schedule below for the period from.....to.....;

And whereas, by a written notice No.....dated..... you were called upon to show cause on or before the why an order requiring you to pay damages of Rs.....for use and occupation of the said premises should not be made;

*And whereas I have considered your objection and/or evidence produced by you;

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of Section 6 of the Meghalaya Public Premises (Eviction of Unauthorised Occupants) Act, 1980, I hereby order you to pay the sum of Rs.....assessed by me as damages on account of the use and occupation of the said premises within..... Months in equal installments of Rs.....each.

In the event of you refusal or failure to pay the damages or any installment thereof within the said period or in the manner aforesaid the same shall be recovered as an arrear of land revenue.

SCHEDULE

Date.....

Signature and Seal of the Deputy Commissioner.

*Strike out expressions not required.

R.V.LYNGDOH

Special Secy. to the Govt. of Meghalaya
General Administration Department and
Addl. Chief Secretary to the Govt. of
Meghalaya

