

TRIPURA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1982

Published in the EXTRAORDINARY ISSUE OF TRIPURA GAZETTE Agar/alil. Monday, March 21, '83 A, 1). Phalguna 30, 1904 S. .E, PART-tti.— Acts: 01" the Tripura Legiilature Government Tripura Depart:netit. Duttd, Agartåla, the I ft]' March, 1983. the 27:h January, 1983 and is 71±rehy published for 2 OCCUPANIS) ACT, 1982. AN ACT In provide for t,'e eviction Of occupants from incidental it by Republic or India follows Tripura Ael NO. I premises and certain Year 01' Short and This Act be called 'IRTPURA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1982. (2) It extends to the whole of Tripura. (3) It shall come into force at once

2. In this Act, unless euntext (a) "estate officer" means -an ollicer appointed as such by Section 3 , (b) or Or part Of a includes.(i) The garden, grounds •and outhouse, if any, appertaining to such buiid•ng or part Of a building. and (ii) any fittings allixed to such building Or part oc a building for the beneficial enjoyment thereof (c) • 'prescribed" means prescribed by rules made under this het ; premises" aneans any pccmi%CS belonging 10 or taken on I ease or requisitioned by, or on 'hchalt• of tli•.• Sta.e Government and includes any premises belonging or taken on lease by, or 011 behalf Of— (i) any company as defined in See:iGn or the Companies Act, 1956 in which not less than fiftyone per or the paid-up share caipital is held by the State : ur (ii) any Corporation (not being a co:apany.as defined in Sectio.1 3 of the Act. 1956 or a local authority established by o: under a Central Or Act and owned by the Stüte Govern- or Author: any under Panchayat • Issue show order 3 (c) to any lhc consideration payable periodically for the authorised or lhc premises, and includes— (i) any charge cicc[ricity, water or any other serviees in connection With the occupation or the premises, (ii) any lax (by Whatever called) payable in respect Of the premises, where such charge or tax is payable, by the State Government or the statutory authority ; (D "statutory authority" means åny authority referred to in (d) Of Ihis section , occuvation". in to any occnp:uion by any person of the publiic premises without authority for occu iaticnr, and includes the continuance in occupation by any person or the pub ic after the (wh:ther by of any other mode Of whiclt he was to the premises has expired Or determined ror any reason 3. -Tlic State Government inay, by notification in the Ollicial Gazette,— (a) persons. Feing gazetted oflicers Vt' of equivalent rank of authority, as it thinks io be estate far purposes or this Act : provided oliicer Of a corporate Of stalutory authority shall be appointed, in consultation With authorily, as an estate oflicccc in respect or onw premises which by that authority ; and (b) A deruié the limits within which. or the categories Of public premises in respect of which. the oflicieers shall ex:rcise the pawers conferred, and perform the duties imposed, on estate officers ty or under this Act, (1) •If Ille is ol•opinion any persons are in unauthorised occupation any public premises and that ih:y he evicted, t;'e estate officer issue in lhc manner hereinafter provided a notice in writing culling upon concesned Io show cause why an of eviction sholtld nor • be muüié•.• The • notice (a) speei(y the grounds which lhc order of eviction is proposed to be made : and (b) require ail is 10 say, persons / or may be, in occupation of, or claim interest in, the pubic premis:s (il to show if any. against the proposed ord.:r on or before such date as is specified in notice. being date days front the date issue thereof, aud (iij to appeal before the estate oflicier On the dale specified in the notice along which they to preducc in support of the cause shown. aud also ror personal •uch hearing i' desired. Eviction or unauthorised occupants. remove nuctions etc. 01 demoliüion Of 4 The estate shall cause lhc Ä•érved by it ap,ixed 011 the dour nr some OLllet• conspicuous part or the' public Plentiscs, and in tis [nay bc prescribed, whereupon the notice shåli be dectned have been duly riven to persons concerned. by any person 11', after considering if hny. pursuance ot' a notice under Section 4 and any produced by him i support or the sarne and after personal hearing, it' any, given under clause of sub-section (2) of Section 4, the estate is satisfied tuat the public pre- an order Of revo_rded- therein, pfenuses Lli such dalc may be spec'll cd i taetcof, -'dad cause a copy or the order to be affixed on the outer 'dose pr 0 C the premises.e• (2) ff any person recuses or rails to comply with lhc order eviction Estate officer 0! ma after the ex ir ot' the period afcres]itl, evict that person from, force as be necessariy. 6. (1) • NO person place or raise any building Ot' Other strueturg ur fixture : bring Or keep any cattle or other (c) display or spread any goadg, on, or or in rronL of any iblic premises except in accordance With the Ly way any other mode under he allowed IO such has erected Witetc any@uilding o! other sr.ructu:c In •ullEpretni.•es in contlevention or Siifi•• the estate serve uDOn tliöperson building or requiring to goods the public -premises, cause Why Ile shall er other animal from war, or ixLure, the prentisæyiLJ_LiLléuch

pyg_igd. less seven he ntay, s in Lhe notice, and either h building 01' or fixure. or asll•c s IOW or Lo remove tnuy bc, Such goods or cattle or wthcr e.néü::! puhiic premises, or, the cause showh is not in the opinion or estate recover person " I land revenue. (1) W Ilcre LIIC bail ling or any pel- CCI! is being carried On, completed, on preinises by ;iny person in or public premises 'Inder attr. Disposal o" left pre— mises by Occupants. 5 rily (whether by way Oi• Other Vt' such erec- tion buildint% ur, or not authorised by, such authority, • the estate oflieer 'nay, iimu.ldiliun any other action may be taken this Act, pr in accp"dance With the lerm.s of the autho- rity aforesaid; make ap' older, reasons go be therein, directing tlzat such erection or work be flic. person at whose instance the erection or work freep is being .carried on, Of hus been corn- p!cted, or within such peyiod, may be specified in the order, not being less than seven diiys, or r,lorc than fifteen days, front the date ofpublication or the order under sub-sectiOii(3) Provided no order this unless the per- Son concerned has been given, by nueans,nf a. notice'. served 'in the prescribed manner, a reasonable opportunity o! showing cause order should not (2) Where the eregion or work has not been completed, the estate officer may, by the same order or by a separate order; Whether at the tilllc Of the Of the nolicc ander thc proviso to sub-section O) or at any Other lime, direct the person at whose the commenced or is >eing carried Stop or worl: the "Npil•y the within which an section (3) 'The (l i, or the ease 'flay sub-u•clion a(iixed thc door, pzrl, Where no appeal has been a:'.ainsl the order o' l' demolition made by the estate officer under stib-section (') or where an order or demo- lition made by the estate officer under has been confirmed on appeal, whether With or without pemon aguilst whom the order has been made shall contpty,witli' order within the perind specified therein, or, as case may be, Within •the period, any, Jixed by the appellate ollicer on appeal, and, an the failure of the person LO 1:01nply Willi Ille order within such period, (he estate or any other dilly by estate oliicet in this behalf, 'nay cause the erection or 05k to Which the order relates to be demolished. (5) Where work 'femolished, the estate officer may by order, require the person concerned to pay expenses of such demo- lition within such time,- and in such number ot instalments, may be specified in the order. (1) Where any perQ)ns have bCen evicted from any public preniscs under section S or where any buildin g Or athet has been lcd under section-7, the estate uotlicer may, after giving fourteen days' notice to t e person* possession 01 (he public premises been taken and publishing the notice in one newspaper having circut•jtiull in loc•aiily, re:nove or cause to be rentaved •or dispose of by public auction any property left by (2) Where any inatctia!g, cutlic or have bCen . removed flun any public Tite.luises under section G, the csiate ofliecr Play, ancr giving fourteen days' '101 icc to persons owning nutlerials, cattle or other Power to damages io or public powers Of estate and publishing thc notice ili One newspaper having luti01i in the locality, dispose 01', by public auction, Auch materials, cattle or other ani:ual. (3) NotwiLhsLunding anyLhing contained in sub-sections (I) the givin• or publication Of any notice relterred to shall not be necessary in respect or any properly which iti Subject 10 speedy and natural and the estate ollicer nuty, after reentqng such evidence as he may think fit, eausz such property to be sold or otheiwis•e disposed it', Such manner as he may think fit. (4) Where any property is sold under sub-section (1), the sale proceeds thereof shall, after deduction of the expenses or-the sale and the antount, any, due to the State Government or the corporate authority on account of arrears or rent or damages or costs, be paid to such person or-persons as may appear to the estate ollicer to be entitled to the . Provided that where the estate oflicer is unable to decide as to the person or persons to whom the balance of the antount is payable or as to the appor- tionment or the same, he may refer sucly dispute to the Civil Court eom- petent jurisdiction and the decision or Court lhereotl Shull be final. (5) The expression 'costs', referred to in sub•section (4) shall include the cost of removal recoverable under section' 6 and the expenses or demolition recoverable under Section 7

9. Where any is in arrears or rectlt payable in respect any public prentise:., the estate may, by Order, require iiiiit person to pay the same within such in "s i'ny be in the order. (2) Where person is, or at any titnc been, in unauthorised pation of ,any public prenlises, thc estate Officer may,] laving regard to principles Ot' assessment Of damages as may bc' prescribed, assess the damages on account 01' thc and occupation such premises and may, by order, require that person to pay' the damages within such time and in Such instal— merits as may be specified in the Order. (3) While making-an order under sub-seclior. (1) or sub-section (2), the shall be payable together with simple interest at such rate may be prescribed, g rate exceeding the cutrent rule or interest within the meaning of not the Interest Act, 197S. (4) No order under sub-section or sub-section (2) shall be made against any person until after the issue ora notice in writing to the person calling upon him to show cause within such tillic as may be Gpeciieed notice, why such order

should not be made, and until his objections, any, and any evidence he may produce in support of the same, have been considered by the estate. 10. An estate officer shall, the purpose of holding any inquiry under this Act, have the powers which are vested in a Civil Court under the Code of Civil Procedure, when trying a suit, in the following namely (a) Q. any and him on, appeal. Finality of Orders and 7. (b) requiring the discovery and production of documents; any other matter, which may be prescribed. 11. 'An appeal shall lie from every order of the estate officer made in respect of any public premises under section 5 or section 7 or section 9 to an appellate officer who shall be the District Collector of the district in which the premises are situate. (1) An appeal shall be preferred,— (a) in the case of an order under section 5 or section 7 or section 9 to an appellate officer who shall be the District Collector of the district in which the premises are situate, within fifteen days from the date of publication of the order under sub-section (1) of that section; and in the case of an order under section 7 or section 9 within fifteen days from the date on which the order is communicated to the appellant: Provided that the appellate officer may entertain the appeal after the expiry of the said period of fifteen 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 or the estate officer, the appellate officer may stay the enforcement of that order on such conditions as he deems fit. Provided that where construction of any building or other structure or execution of other work was not completed on the day on which an order was made under section 7 for the demolition or removal of such building or other structure, the stay of the enforcement of the order, as may be sufficient in the opinion of the appellate officer, has been given by the appellant or not completed, or work pending the disposal of the appeal, every appeal under this section shall be disposed of by the appellate officer expeditiously. (5) The costs of any appeal under this section shall be in the discretion of the appellate officer." (6) The State Government may call for and examine the record of any case pending before or disposed of by any appellate officer for the purpose of satisfying itself as to the legality or propriety of any decision made or order passed by that officer and may make such order in the case as it thinks fit. 12. . Save as otherwise expressly provided in this Act; every order made by an estate officer shall be final and shall not be called in question in any suit or execution proceeding and no injunction shall be granted by any other authority in respect of any action taken, or to be taken in pursuance of any power conferred by or under this Act. It shall be an offence for any person to obstruct or hinder in any way the exercise of any power conferred by or under this Act for such offence shall be punishable with imprisonment for term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. power to Liability of heirs and representatives. Recovery of rent, etc. as an or land revenue. or jurisdiction (2) Any magistrate convicting a person under sub-section (1) may make an order evicting the person and he shall be liable to eviction without prejudice to any other action which may be taken against him under this Act.

14. The estate officer, has reason, to believe that any persons are in un- authorised occupation or any public premises, the estate officer or any other person by in this behalf require those persons or any other person to furnish information relating to the names and other particulars of the persons in of -public every person so required shall be bound to furnish possession. 15. (1) Where any person, against whom any proceeding for the determination of arrears of rent or for the assessment of damages or for the determination of the amount payable by way of interest on arrears of rent or damages, or for the recovery of any cost under sub-section (2) of section 6 or any expenses under sub-section (5) of section 7 is to be taken, or has been taken, dies before the proceeding is during the pendency thereof, the proceeding may be taken or, as the case may be, continued against his heirs or legal representatives of that person. (2) Any amount due to State Government or the Statutory authority from any person whether by way of arrears of rent or damages or costs of removal referred to in section 6 or of demolition referred to in section 7 or interest referred to in sub-section (3) of section 9 or any other cost shall, after the death of the person, be paid by his heirs or legal representatives, but their liability shall limit to the extent of the property of the deceased in their hands. 16. Any person to pay the expenses of demolition payable under sub-section (5) of section 7 or the arrears of rent payable under sub-section (1) or section 9 or the damages payable under sub-section (2) or the interest determined under sub-section (3) or that or costs awarded to the, State Government or the authority under sub-section (5) of 11 or any portion of such rent, damages, expenses, interest or costs, within the time, if any, specified therein in the order relating thereto, the estate officer may issue certificate for the amount due to the person who shall proceed to recover the same as an arrear of land revenue, and jurisdiction to entertain any suit or proceeding in respect of, - (a) the eviction of any person

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(Eviction or Unauthorised Occupation), shall not be made. and to the on. _ your iC alongwith any, and also for it is Take notice that in your • s' directed herein above, decision will be taken in your absence. Given under my hand and seal the this day the. th day Of SCHEDULE ESTATE OFFICER. *Strike out which is applicable. Tripura Gazette, Extraordinary Issue, August 12, 1983 A. D. GOVERNMENT OF TRIPURA REVENUE DEPARTMENT Agartala, 30th July, 1983. NOTIFICATION In exercise of the powers by Section 20 of the Tripura Public premises (Eviction or Unauthorised Occupants) Act, 1982 (Tripura Act NO. 1 Of 1983) and all Other powers in this behalf, the Governor of Tripura is pleased to make the following namely . Short & Definitions. Forms Of NO licence. Forms Of Order Furni or Notice authorised or order unauthorised (1) These rules may be called the Tripura Public Pre- (Eviction or Occupants) Rules, (2) They shall come into effect. 2, in these rules, unless there is anything repugnant in the subject or context (a) "Act" the Tripura Public Premises (Eviction of Unauthorised Occupants) Act, 1982. (b) 'form' any or the given in the Appendix to the translation thereof in Bengali language published under the authority of the State Government, 3. (1) A notice required to be issued under Sub-Section (1) or Section 4 of the Act, shall be in form at Appendix—A. (2) Besides the manner provided in Sub-Section (3) of Section 4, Such notice may also be served (n) On the person to Whom it is or his recognised agent or any member of his family residing With 4. An eviction Order under (1) or Section 5 be served in the laid down in 5. A SLih•Section (1) of the Act shall be in form Appendix. , _ B



6. A notice pravi50 to Sub-section (l) or Section 7 or the be in at Appendix—C. Ily order or the Governor, R. N, Gupt,l, Commissioner & Secretary. or Tripura. Tripura Gazette, Extraordinary Issue, August 12. 1983 A. D. APPENDIX—B. T.P.P.A.



Form 2 (See rule 5) Notice under Sub-Section (2) of Section 6 Of the (Eviction Unauthorised Occupants) :
 Act., 1982. GOVERNMENT OF TRIPURA OFFICE OF THE ESTATE OFFICER NOTICE To
 Shri/Shrimati WHEREAS it appears that you have erected a building/a structure/fixture/...in the
 •Public: Premises 'brought described in schedule below in contravention of the provisions of Sub-Section (1) or Section 6 Of the Tripura Public Premises (Eviction Of Unauthorised Occupants) Act, ; you ARE
 HEREBY to remove the within seven days of the service this notice or to show cause by... (date) as to
 why you shall not remove the said. Take notice that in default of your showing cause, as directed herein
 above, decision Will be taken in your absence, Given under my hand and seal Of the Office, this day . day
 of... SCHEDULE E of the Act, (Date the Order is issued) 6 Tripura Gazette, Extraordinary Issue, August 12,
 1983 A. D. APPENDIX C. T.P.P. Form 3 (See rule 6) •Order under Section 7 (Eviction of
 Unauthorised occupants) Act, 1982. GOVERNMENT OF TRIPURA OFFICE OF ESTATE OFFICER
 NOTICE Shri/Shrimati WHEREAS it appears that you in the public Premises schedule. •in , Contravention
 of the provisions _ cause • why an order is issued to demolish the said... , (date) as to Take notice
 that in default of your showing cause, as directed herein above, decision 'will be taken in your absence. Given under my
 hand' and • seal of the office, this day the, . SCHEDULE E of the Act. •. Date of issue of the Order. Printed at the Tripura
 Government of Tripura.

