

UTTAR PRADESH PUBLIC PREMISES (EVICTION OF CERTAIN UNAUTHORISED OCCUPANTS) RULES, 2018

6 14 2018 IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Government notification no. R-4685/XXXII-2- 2018-16-2008, dated August 20 18: No. 11-4685/XXXII-2 2018-16-2008 Dated Lucknow, August 14, 2018 IN exercise the powers conferred by section 1J of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010 (U.P. Act no. 12 of 2010), the Governor is pleased to make the following rules. Short title and commencement Delimuons Form of notices and orders (sections 3, 4 and 8) Manner of service THE UTTAR PRADESH PUBLIC PREMISES (EVICTION OF CERTAIN UNAUTHORISED OCCUPANTS) RULES, 2018 1. (1) These rules may be called the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Rules, 2018. (2) They shall come into force with effect from the date of their publication in the Gazette. 2, (1) In these rules unless there is anything repugnant in the subject or context,- (a) "Act" means the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010; (b) "Competent Authority" means the Rajya Sampratti Adhikari of the State of Uttar Pradesh; (c) "Form" means a form appended to these rules; (d) "Section" means a section of the Act. (2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act

3. A notice or order under the Act shall be in one of the appropriate appended to these rules. 4. (1) In addition to any mode of service specified in the Act, a notice under 01 notices section 3 and sub-sections (1) and (2) of section 4 shall be served by delivering or (seeuons 3 and 4) tendering a copy of the same to the person to whom it is addressed or to any adult member of his family, or by sending it by registered post with acknowledgement due in a letter addressed to that person at his/her usual or last known place or residence or business. (2) Where the copy of 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 acknowledgement of the service. (3) Where the person to whom a notice is delivered or tendered under sub-rule (1) or the adult member of the family of such person refuses to take delivery or the notice or refuses to sign the acknowledgement or where such person cannot be found after 11Sing all due and reasonable diligence, and there is no adult member of the family or such person, a copy the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original shall be returned to the competent authority (1) has issued the notice with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was so done and the names and addresses 01' (two persons of the locality by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed. 216 RPH premises-2018 1)ata 6t., Vid Fol 2018 Scanned by CamScanner 14 '2010 (d) IC a notice or issued under sub-rule (J) cannot be served in the manner hereinbefore provided, the competent authority may, if it thinks fit, direct that such notice or order shall be published in at least one daily newspaper having circulation in the locality and it also proclitilli the contents 01' IIC same in the locality by beat of drum), 5. (1) 11' any is offered or is in the opinion of the competent authority'. likely to be offered to the local, possession of any public under the Act, the competent authority or any of its officer duly authorised by it in this behalf may obtain necessary police assistance, (2) Where any public premises or which possession is to be taken under the in this behalf may either seal the premises or in the presence of two witnesses break open the locks or open or cause to be opened any door, gate or other barrier, and enter the premises: Provided that, (1) no entry shall be made into, or possession taken of, a public premises before sunrise or after sunset: (2) where any public premises is broken open, an inventory of two articles found in the premises shall be taken in the presence of two witnesses

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

purposes of assessing the damages. 7 Manner 01 taking of public premises Assessment 01 damages Section Bv order, S. P. GOYAL, Pruthi Sachiv. Form 'A' (See rule 3) Notice under section 3 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010 Sri/Srimati/Kumari *residing at, District Whereas (the undersigned is of the opinion, on the grounds specified below, that you are an unauthorised occupant of the public premises described in the Schedule below and that you should vacate the said premises: GROUNDS (I here mention the grounds) Now, therefore, I exercise or (the powers under section 3 of the above mentioned Act, You are hereby required to vacate the premises, details of which is given in the Schedule below within 15 days from the date of the receipt of the notice, failing which possession will be taken by an officer authorised in this behalf and may (Or the said purpose use such as may be necessary. Dated. Schedule (Details of premises to be given) Signature of the Competent Authority 2 RPII Vid .h't. 2018 Scanned by CamScanner 14 2018 Form (See rule 3) Order under section 3 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, Vide notice no which was received/served/affixed on -dated Sri Srinati Kumar residing premises described in the Schedule below, 15 days from the date of the receipt of the notice. After the service of the aforesaid notice has failed to vacate the public premises within the Sri Srinati Kumar stipulated period of the notice, in exercise of the powers under section 3 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010, I hereby authorise Sri/Srimati to take the possession of the public premises or any part thereof from Sri/Srimati/Kumari and all other persons concerned and may for the purpose use force as may be necessary in the circumstances. Dated Schedule Signature and seal of the Competent Authority. Form 'C' (See rule 3) Notice under subsection (1) of section 4 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010 Sri/Srimati/Kumari . district. .residing at Whereas, you are/were in occupation of public premises described in the Schedule below; being the arrear of rent from the date of And, whereas, a sum of Rs (both days inclusive), date of up to the in respect of the said public premises is due and payable by you to the State Government. Now, therefore, in pursuance of the provisions of sub-section (1) of section 4 of the above mentioned Act, I hereby require you to pay the aforesaid amount failing which occupation of the said public premises will be deemed unauthorised. Dated 216 D-da6E Fol 2018 Schedule Signature and seal of the Competent Authority. A; Scanned by CamScanner 14 2018 Form 'D' (See rule 3) Under sub-section (2) of section 4 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010 Sri/Srimati/Kumari residing at 9 .district Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in Schedule below; And, whereas, in exercise of the powers under sub-section (2) of section 4 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010, I considered the damages are due for the period and at the rate shown in Schedule-II on amounting to Rs. account of unauthorised use and occupation of the said premises. Now, therefore, in pursuance of the provisions of sub-section (2) of section 4 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010, I hereby require you by this as damages on account of your unauthorised use and notice to pay the sum of Rs months in equal occupation of the said public premises within days/ installements of Rs from the date of the receipt of the notice. In the event of your refusal or failure to pay the amount of damages or any installements thereof within the period specified above the amount -with all cost or recovery will be recovered as an arrear of land revenue under the provisions of section 8 of the Act. Dated Schedule-I Schedule-II Signature of the Competent Authority. Form 'E' (See rule 3) Certificate under section 8 of the Uttar Pradesh Public Premises (Eviction of Certain Unauthorised Occupants) Act, 2010 from the Rajya Sampatti Adhikari to the Collector THIS IS TO CERTIFY that the amount of Rs is due to the State Government resident of on account of rent/damages. from Sri In pursuance of the provisions of section 8 of the Uttar Pradesh Public Premises (Eviction of the Rajya Sampatti Certain Unauthorised Occupants) Act, 2010, I Adhikari, request you to proceed to recover the same as an arrear of land revenue. Dated Signature and Seal Of the Competent Authority. 216 I 216 Data 6E Vid 2018 Scanned by CamScanner