(273) 167 (123)

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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI

the 15 December, 1986.

NOTIFICATION

No. G.S.R. 1287 In exercise of the powers conferred by section 87 of the Punjab Re-organisation Act, 1966(31 of 1966), the Central Government hereby extends to the Union territory of Chandigarh, the East Punjab Urban Rent Restriction (Amendment) Act, 1985 (Punjab Act No. 2 of 1985), as in force in the State of Punjab at the date of this notification, subject to the following modifications, namely:-

MODIFICATIONS

1. Throughout the Act, for the words "the East Punjab Urban Rent Restriction Act, 1949", wherever they occur, the words "the Punjab Urban Rent Restriction Act, 1949" shall be substituted.

2. In Section 13-A as substituted by section 4, -

(a) in the opening paragraph, for the words, figures and brackets "commencement of the East Punjab Urban Rent Restriction (Amendment) Act, 1985", the words, figures and brackets "extension of the East Punjab Urban Rent Restriction(Amendment) Act, 1985 to the Union territory of Chandigarh" shall be substituted;

(b) in the first proviso, for clause(a), the following clause shall be substituted, namely:-

"(a) in the case of death of such specified landlord, before the extension of the East Punjab Urban Rent Restriction (Amendment) Act, 1985 to the Union territory of Chandigarh within one year of such extension;".

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ANNEXURE

THE EAST PUNJAB URBAN RENT RESTRICTION (AMENDMENT) ACT, 1985
(Punjab Act 2 of 1985)

AN

ACT

to amend the East Punjab Urban Rent Restriction Act, 1949.

BE it enacted by the Legislature of the State of Punjab in the Thirty sixth Year of the Republic of India as follows:-

Short title.

1. This Act may be called the East Punjab Urban Rent Restriction (Amendment) Act, 1985.

Amendment of section2 of Punjab Act 3 of 1949.

2. In the Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the principal Act) in section 2, -

(a) in clause (h), for the words "the Schedule", the word and figure "Scheduled" shall be substituted; and

(b) after clause(h), the following clause shall be inserted, namely:-

"(hh) 'specified landlord' means a person who is entitled to receive rent in respect of a building on his own account and who is holding or has held an appointment in a public service or post in connection with the affairs of the Union or of a State."

Amendment of section 13 of Punjab Act 3 of 1949.

3. In the principal Act, in section 13, after sub-section(4), the following sub-section shall be inserted, namely:-

'(4-A) Where a tenant is evicted from a residential building or scheduled building in pursuance of an order made under section 13-A and the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law of such specified landlord,-

(a) does not occupy it for a continuous period of three months from the date of such eviction; or

(b) within a period of three years from the date of such eviction of the tenant, lets out the whole or any part of such building, from which the nenant was evicted, to any person other than the tenant;

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Such evicted tenant may apply to the Controller, for an order directing that the possession of the building shall b restored to him and the Controller shall make an order accordingly."

Insertion of new section 13-A in Punjab Act 3 of 1949.

4. In the principal Act, after section 13, the following section shall be inserted, namely:-

"13-A. Where a specified landlord at any time, within one year prior to or within one year after the date of his retirement or after his retirement but within one year of the date of extension of the East Punjab Urban Rent, restriction (Amendment) Act, 1985, whichever is later, applies to the Controller alongwith a certificate from the authority competent to remove him from service indicating the date of his retirement and his affidavit to the effect that he does not own and possess any other suitable accommodation in the local area in which he intends to reside to recover possession of his residential building or scheduled building, as the case may be, for his own occupation, there shall accrue on and from the date of such application to such specified landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether expressed or implied), custom or usage to the contrary, a right to recover immediately the possession of such residential building if it is let out in part or parts:

Right to recover immediate possession of residential or scheduled building to accrue to certain persons.

/or scheduled building or any part or parts of such building

Provided that in case of death of the specified landlord, the widow of widower of such specified landlord and in the case of death of such widow or widower, a child or a grandchild or a widowed daughter-in-law who was dependent upon such specified landlord at the time of his death shall be entitled to make an application under this section to the Controller,-

(a) in the case of death of such specified landlord, before the extension of the East Punjab Urban Rent Restriction(Amendment) Act, 1985 to the Union territory of Chandigarh within one year of such extension;

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(b) in the case of death of such specified landlord, after such commencement, but before the death of his retirement, within one year of the date of his death;

(c) in the case of death of such specified landlord after such commencement and the date of his retirement, within one year of the date of such retirement;

and on the date of such application the right to recover the possession of the residential building or scheduled building, as the case may be, which belonged to such specified landlord at the time of his death shall accrue to the applicant:

Provided further that nothing in this section shall be so construed as conferring a right, on any person to recover possession of more than one residential or scheduled building inclusive of any part or parts thereof, if it is let out in part or parts:

Provided further that the Controller may give the tenant a reasonable period for putting the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed daughter-in-law in pssession of the residential building or scheduled building, as the case may be, and may extend such time so as not to exceed three months in the aggregate.

Explanation.- For the purposes of this section, the expression "retirement" means termination of service of a specified landlord otherwise than by resignation."

Insertion of new sections 18-A and 18-B in Punjab Act 3 of 1949.

5. In the principal Act, after section 18, the following section shall be inserted, namely:-

Special proce-dure for disposal of applications under section 13-A.

"18-A. (1) Every application under section 13-A shall be dealt with in accordance with the procedure specified in this section.

(2) After an application under section 13-A is received, the Controller shall issue summons for service on the tenant in the form specified in Schedule II.

(3) (a) The summons issued under sub-section(2) shall be served on the tenant as far as may be, in accordance with

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the provisions of Order V of the First Schedule to the Code of Civil Procedure, 1908. The Controller shall in addition direct that a copy of the summons be also simultaneously sent by registered post acknowledgement due addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and that another copy of the summons be affixed at some conspicuous part of the building in respect whereof the application under section 13-A has been made.

(b) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent has refused to take delivery of the registered article and an endorsement is made by a process server to the effect that a copy of the summmons has been affixed as directed by the Controller on a conspicuous part of the building and the controller after such enquiry as he deems fit, is satisfied about the correctness of the endorsement, he may declare that there has been a valid service of the summons on the tenant.

(4) The tenant on whom the service of summons has been decalred to have been validly made under sub-section (3), shall have no right to contest the prayer for eviction from the residential building or scheduled building, as the case may, unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided, and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the specified landlord or, as the case may be, the widow, widower, child, grandchild or the widowed daughter-in-law of such specified landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction of the tenant.

(5) The Controller may give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the specified landlord or, as the case may be, the widow, widower, child, grandchild or widowed dauthter-in-law of such specified landlord from obtaining an order for the recovery of possession of the residential building or scheduled building, as the case may be, under section 13-A.

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(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing on a date not later than one month from the date on which the leave is granted to the tenant to contest and shall hear the application from day to day till the hearing is concluded and application decided.

(7) Notwithstanding anything contained in this Act, the Controller shall while holding an inquiry in a proceeding to which this section applies including the recording of evidence, follow the practice and procedure of a Court of Small Causes.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any residential building or scheduled building made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(9) Save as otherwise provided in this section the procedure for the disposal of an application for eviction under section 13-A shall be the same as the procedure for the disposal of applications by the Controller.

18-B Section 18-A or any rule made for the purpose thereof shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for the time being in force."

Section 18-A to have over-riding effect.

Amendment of Sec.19 of Punjab Act 3 of 1949.

6. In the principal Act, in section 19, after sub-section (2), the following sub-section shall be inserted namely:-

"(2-A) The specified landlord or the widow, widower, child, or widowed daughter-in-law of such landlord, as the case may be, who having evicted a tenant from a residential building or a scheduled building in pursuance of an order made under section 13-A does not occupy it for a continuous period of three months from the date of such eviction or lets out the whole or any part of such building from which the

grand child

contd..6/-

tenant was evicted to any person other than the tenant in contravention of the provisions of such-section (4-A) of section 13, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both."

Addition of schedule II in Punjab Act 3 of 1949.

7. In the principal Act, the existing Schedule shall be numbered as Schedule I and after Schedule I as so numbered, the following Schedule shall be added, namely:-

" SCHEDULE II

[See sub-section(2) of section18-A]

Form of summons in a case where recovery of possession of residential building or scheduled building is prayed for under section 13-A of the Punjab Urban Rent Restriction Act, 1949.

(Name, description and place of residence of the tenant)

Whereas Shri _____ has filed an application (a copy of which is annexed) for your eviction from _____ (here insert the particulars of the residential building or scheduled building) under section 13-A of the Punjab Urban Rent Restriction Act, 1949;

Now, therefore, you are hereby summoned to appear before the Controller within fifteen days of the service thereof and to obtain the leave of the Controller to contest the application for eviction under section 13-A of the said Act, in default whereof, the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said residential building or scheduled building.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (5) of section 18-A of the said Act.

Given under my hand and seal this day of

Controller".

[U-11015/1/86-UTL(167)]

(ASHOK NATH)
JOINT SECRETARY TO THE GOVT. OF INDIA.

To

The Manager,
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