

**THE HOUSING BOARD, CHANDIGARH (EVICTION FROM  
BOARD PREMISES) RULES, 1979**

Notification dated 22<sup>nd</sup> 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 9<sup>th</sup> 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:-

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 acknowledgment 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 authorized by the competent authority in this behalf, either by general or special order.

5. Manner o 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 unauthorized use and occupation of any of the Board premises the competent authority shall taken into consideration the following matters, namely;-

- (a) the purpose and the period for which the Board premises were in unauthorized 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 unauthorized 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 unauthorized 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 unauthorized 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 wail fully.

(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 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.