

# **UP Avas evam Vikas Parishad (Provisions Regarding Tenants in Area Comprised in Malin Basti Sudhar aur Nipatan Yojna) Rules, 1968**

[Vide Noti. No. 0-293-H/XXXVII-29(HB)-65, dated June 26, 1968,  
Published in U.P. Government Gazette, Part 1-ka dated July 6<sup>th</sup>, 1968]

In exercise of the powers under clauses (k) and (o) of sub-section (2) of Section 94, read with sub-sections (2), (4), (5), (6) and (7) of Section 37 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 (U.P. Act No. I of 1966), the Governor is pleased to make the following rules regarding Tenants in Area Comprised in Malin Basti Sudhar aur Nipatan Yojna.

**1. Short title and commencement.-** (1) These rules may be called the U.P. Avas Evam Vikas Parishad (Provisions Regarding Tenants in Area Comprised in Malin Basti Sudhar aur Nipatan Yojna) Rules, 1968.

(2) They shall come into force with effect from the date of their publication in the Gazette.

**2. Definition.-** In these rules unless there is anything repugnant in the subject or the context-

(1) 'Act' means the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965;

(2) 'Prescribed Authority' means any authority appointed by the State Government by notification in the Gazette, to perform all or any of the functions of a Prescribed Authority under the Act.

**3. Procedure,-** (1) Every person desirous of instituting any suit or proceeding for obtaining any decree of order for eviction of a tenant from any building or land in the area comprised in a Malin Basti Sudhar aur Nipatan Yojna or of executing any, decree of order for eviction of a tenant from any building or land in such area, shall submit an application for the previous permission in writing to the Prescribed Authority in terms of sub-section (1) Section 37 of the Act.

(2) Every application for permission under clause (a) of sub-section (1) of Section 37 shall be in Form 'A' appended to these rules, and shall be accompanied by certified copies of the decree/order. Every application for permission under clause (b) of sub-section (1) of Section 37 shall be in Form 'B' appended to these rules and shall be accompanied by certified copies of such documents as the applicant may like to submit in support of his application.

(3) On receipt of such application the Prescribed Authority shall make such inquiries into the circumstances of the case as it thinks fit and shall as, may be, pass final orders granting or refusing to grant the permission under sub-section (1) of Section 37 within ninety days from the date of receipt of the application.

**4. Period for filing declaration, plans and estimates etc.-** The following period is prescribed for filing declaration, plans and estimates, etc. under sub-sections (4), (5) and (7) of Section 37 of the Act:

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|-----|---|---|
| (a) | Period for filing, declaration by a tenant desirous of being replaced in occupation of a building after the completion of the work of improvement or re-erection of the building, as the case maybe, [Section 37(4)]. | Fifteen days from the date of vacation or from the date of service of notice of eviction from the building. |
| (b) | Period for furnishing the plans, estimates, and other particulars, regarding the work of improvement or re-erection of the building [Section 37 (5)]  | Thirty days from the date of communication of this order.   |
| (c) | Period within which the tenant shall intimate his consent to pay the provisional rent fixed by the Prescribe Authority. [Section 37 (7)].   | Fifteen days from the date of communication of the order  |

**5. Manner of communication.**- The rent provisionally determined under sub-section (5) of section 37 shall be communicated to the tenant and the owner in the following manner. The other orders mentioned in the foregoing rules shall also be communicated in the same manner:

- (1) If the tenant or the owner is present at the time of the making the order, either personally or through any duly authorized agent, the order shall be read out to him then and there and his signatures obtained. It shall thereafter be sent to the parties concerned by ordinary post.
- (2) If the above is not possible, the order shall be sent to him by Registered Acknowledgment Due post at the last known address.
- (3) If the registered cover is receive back undelivered, copy of the order may be affixed at the outer door of his last known residence in the presence of two local witnesses and it would be deemed to have been communicated to him on the date it is affixed.

From 'A'

To,  
The Prescribed Authority,

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Dear sir,

I/We hereby apply for permission to institute a suit/proceeding for obtaining a decree/order for eviction of the following tenant/tenants from the building/land mentioned below:

Name of the tenant	Rent	House No.	Plot No.
(1)			
(2)			

2. The grounds on which this permission is sought are as follows:

(1)

(2)

Address:

Date:

Note.- Strike out portions not applicable.

*Yours Faithfully,  
Signature of applicant*

FORM 'B'

To,  
The Prescribed Authority,  
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Dear sir,

I/We hereby apply for permission to execute the decree/order for eviction of the following tenant/tenants from the building/land mentioned below:

Name of the tenant	Rent	House No.	Plot No.
(1)			
(2)			

2. The grounds on which this permission is sought are as follows:

(1)

(2)

3. Certified copies of decree/Order are enclosed.

Address:

Date:

Note.- Strike out portions not applicable.

*Your faithfully,  
Signature of applicant*