

THE MAHARASHTRA GOVERNMENT PREMISES (EVICTION) ACT

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Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

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7. Amended by Mah. 1 of 2008 (27-08-2008)⁶
8. Amended by Mah. 24 of 2012 (22-08-2012)⁷

¹ Section 6 of Mah. 12 of 1969 reads as follows :-

“6. Application of Government Premises Act to existing premises taken on behalf of Government on the basis of tenancy or other like relationship.— Notwithstanding anything contained in any judgment, decree or order of any Court or in any contract, the provisions of the Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956), shall apply to all premises which have been taken on behalf of the State Government on the basis of tenancy or other like relationship by, or in the name of, any officer subordinate to the State Government authorised in this behalf, and which, immediately before the 19th day of November 1968, were in the possession of this State Government or used or occupied by an officer or ex-officer of that Government or for any purpose of the State.”.

² Section 3 of Mah. 46 of 1976 reads as follows :-

“**3. Non-application of Rent control Acts to premises of Corporation.**— The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947). or any other law corresponding thereto for the time being in force, in any part of the State-

(a) shall not apply to any premises belonging to, or vesting in, any company as defined in section 3 of the Companies Act, 1956 (I of 1956), in which not less than fifty-one per cent., of the paid-up share capital is held by the State Government, or any Corporation (not being any such company or a local authority) established by or under any Central or State Act and owned, or controlled fully or partly by the State Government (hereinafter collectively referred to as “the said Corporation”);

(b) shall not apply as against the said Corporation to any tenancy, licence or other like relationship created by the said Corporation in respect of any such premises;

(c) but shall apply in respect of any premises let, or given on licence, to the said Corporation.”.

³ Maharashtra Ordinance No. XXIII of 1996 was repealed by Mah. 16 of 1997, s. 8.

⁴ Maharashtra Ordinance No. XX of 1997 was repealed by Mah. 14 of 1998, s. 7.

⁵ Section 6 of Mah. 14 of 1998 reads as follows :-

“**6. Removal of doubt.**— For the removal of doubt it is hereby declared that the conferral of tenancy rights on Government allottee under the provisions of the principal Act as amended by this Act shall not have the effect of setting aside the decision of a court *inter partes* to which effect has already been given or in any way affect the undertaking given by or on behalf of any Government allottee in the Court.”.

⁶ Mah. 1 of 2008 came into force w.e.f. 27/08/2008, by G.N., Housing Department, No. MBK-2000/CR 89/ENP, dated 27/08/2008.

BOMBAY ACT No. II OF 1956¹[THE MAHARASHTRA GOVERNMENT PREMISES (EVICTION) ACT.]²

[Received the assent of the President on the 12th day of January 1956; assent was first published in the *Bombay Government Gazette*, Part IV, on the 19th day of January 1956.]

An Act to provide for the eviction of certain persons from Government Premises and for certain matters connected therewith.

WHEREAS, it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. Short Title.— This Act may be called ³[the Maharashtra Government Premises (Eviction) Act].

1A. [Application.] Deleted by Bom. 62 of 1959, s.3.

2. Definitions.— In this Act, unless the context otherwise requires :—

(a) “Competent authority” means an officer appointed as the competent authority under section 3;

⁴[(b) “Government premises” means any premises belonging to, ⁵* * * or taken on lease by the State Government, and includes ⁶[the premises requisitioned or continued under requisition under ⁷the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948). and allotted by the State Government for any non-residential purpose to any department or office of the State Government or Central Government or any public sector undertaking or corporation owned or controlled fully or partly by the State Government or any cooperative society registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961). or any foreign consulate, by whatever name called, and on the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Mah. XVI of 1997), ⁸[are in their occupation or possession;] and] any premises taken on behalf of the State Government on the basis of tenancy or other like relationship by, or in the name of, any officer subordinate to the State Government authorised in this behalf ⁹[and also includes any premises belonging to, or taken on lease or held by, or on behalf of—

(i) any company as defined in section 3 of the Companies Act, 1956 (I of 1956), in which not less than fifty-one per cent., of the paid-up share capital is held by the State Government;

(ii) any Corporation (not being any such company or a local authority) established by or under any Central or State Act and owned or controlled fully or partly by the State Government];

¹⁰[(iii) a Waqf, registered with the Maharashtra State Board of Waqfs;]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 148.

² This Act was extended to and by such extension shall be in force in, the remaining part of the State of Bombay vide (Bom. 62 of 1959, s. 2).

³ This Short Title of the Act was amended by Mah. 24 of 2012, Sch., entry 59, w.e.f. 1-5-1960,

⁴ Clause (b) was deemed always to have been substituted by Mah. 12 of 1969, s. 2.

⁵ The words “or requisitioned” were deleted by Mah. 35 of 1981, s. 6.

⁶ This portion was inserted by Mah. 16 of 1997, s. 7.

⁷ Now, the short title of this Act was amended as “in Maharashtra Land Requisition Act” vide Mah. 24 of 2012, Sch., entry 32, w.e.f. 1-5-1960.

⁸ These words were substituted with effect from the 7th December 1996 for the words “are allowed by the State Government to remain in their occupation and possession.”, by Mah. 14 of 1998, s. 5.

⁹ This was added by Mah. 46 of 1976, s. 2.

¹⁰ Sub-clause (iii) was added by Mah. 1 of 2008, s. 2.

(c) “land” includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;

(d) “premises” means any land or building or part of a building and includes—

(i) the garden, grounds, and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(e) “prescribed” means prescribed by rules made under this Act.

3. Appointment of competent authorities.— The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority for carrying out the purposes of this Act ¹[in such area, or in respect of such premises or class of premises in any area, as may be specified in the notification, and more than one officer may be appointed as competent authority in the same area in respect of different premises or different classes of premises].

4. Power to evict.— (1) If the competent authority is satisfied—

(a) that the person authorised to occupy any Government premises, has whether before or after the commencement of this Act,—

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

²[(ii) sub-let the whole or any part of such premises, without the permission of the State Government, or the competent authority, or the officer who has or in whose name the premises are taken on behalf of the State Government, or any other officer designated by the State Government in this behalf, or]

³[(iii) committed, or is committing, such acts of waste as are likely to diminish materially the value, or impair substantially the utility, of the premises, or]

(iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(b) that any person is in unauthorised occupation of any Government premises, or

(c) that any Government premises named are required for any other Government purposes

the competent authority may, ⁴* * * * * by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

⁵[(2) Before an order under sub-section (1) is made against any person the competent authority shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

The notice shall—

(a) specify the ground on which the order of eviction is proposed to be made; and

¹ These words were substituted for the words “in such area as may be specified in the notification”, by Bom. 62 of 1959, s. 4.

² Paragraph (ii) was substituted for the original by Mah. 12 of 1969, s. 3 (a).

³ Sub-clause (iii) was inserted by Bom. 62 of 1959, s. 5 (a).

⁴ The words “notwithstanding anything contained in any law for the time being in force” were deleted by Mah. 12 of 1969, s. 3 (b).

⁵ Sub-section (2) was substituted for the original by Bom. 62 of 1959, s. 5 (b).

(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the Government premises, to show cause, if any, against the proposed order, on or before such date as is specified in the notice.

If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such terms as to payment and recovery of the amount claimed in the notice, as deems fit.

Any written statement put in by any person and documents produced in pursuance of the notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate, attorney or pleader.

The notice to be served under this sub-section shall be served by having it affixed on the outer door or on some conspicuous part of the premises, and in such manner as may be prescribed; and thereupon the notice shall be deemed to have been duly given to all persons concerned.]

(3) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

(4) The ¹[competent authority] may, after giving fourteen clear days' notice to the person from whom possession of the Government premises has been taken under sub-section (3) and after publishing such notice in the *Official Gazette* and in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for service of notice under sub-section (1).

(5) Where the property is sold under sub-section (4), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the ²[competent authority] to be entitled to the same :

³[Provided that where the competent authority is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a civil court of competent jurisdiction, and the decision of the court thereon shall be final.]

(6) If a person who has been ordered to vacate any Government premises for the reasons specified in sub-clause (i) or (iii) of clause (a) of sub-section (1) within one month of the date of service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall in lieu of evicting such person under sub-section (3), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Explanation :— For the purposes of this section and section 5, the expression “unauthorised occupation” in relation to any person authorised to occupy any Government premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

5. Power to recover rent or damages as arrears of land revenue.— (1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any Government premises, the competent authority may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

¹ These words were substituted for the words “State Government” by Bom. 62 of 1959, s. 5 (c) and (d).

² These words were substituted for the words “State Government” by Bom. 62 of 1959, s. 5 (c) and (d).

³ This proviso was inserted, *ibid*, s. 5 (d).

(2) Where any person is in unauthorised occupation of any Government premises, the competent authority may, ¹[in the manner and having regard to the principles of assessment of damages, prescribed], assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

(3) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the competent authority.

²**6. Rent to be recovered by deduction from salary or wages of employee.**— (1) Without prejudice to the provisions of section 4, where any person to whom Government premises have been allotted, is—

(a) an employee of the State Government, or

(b) an employee of a local authority, who has executed an agreement as provided in sub-section (2),

and is in arrears of rent payable in respect of such Government premises the amount of rent due in respect of such premises, shall on a requisition in writing made in that behalf by the competent authority be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the head of the Government department or office under whom such person is employed, or, as the case may be, the local authority shall deduct from the salary or wages payable to such person the amount specified in the requisition, and pay the amount so deducted to the competent authority in satisfaction of the amount due as aforesaid.

(2) An employee of a local authority who is allotted Government premises may execute an agreement in favour of the State government providing that the local authority by or under whom he is employed shall be competent to deduct from time to time from the salary or wages payable to him, such amount as is specified in the agreement, and to pay the amount so deducted to the competent authority in satisfaction of any amounts due by him in respect of any Government premises allotted to him.

6A. Power of competent authorities.— A competent authority shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), when trying a suit, in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) any other matter which may be prescribed.

7. Appeals.— (1) An appeal shall lie from every order of the competent authority, made in respect of any Government premises, under section 4 or section 5 to an appellate officer who shall be the District Judge of the district in which the Government premises are situate, or such other judicial officer in that district, being, a judicial officer of not less than ten years' standing, as the District Judge may designate in this behalf.

(2) An appeal under sub-section (1) shall be preferred—

(a) in the case of an appeal from an order under section 4, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section; and

¹ These words were substituted for the words "in the prescribed manner" by Bom. 62 of 1959, s. 6.

² Sections 6, 6A, 7 and 8 were substituted for sections 6, 7 and 8, *ibid*, s. 7.

(b) in the case of an appeal from an order under section 5, within thirty days from the date of the service of the notice relating to the order under sub-section (1) or (2) of that section, as the case may be :

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty 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 of the competent authority, the appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

(5) For the purposes of this section, ¹[Brihan Mumbai] shall be deemed to be a district and the Principal Judge of the City Civil Court, Bombay shall be deemed to be the District Judge of the district.

8. Finality of orders.— Save as otherwise expressly provided in this Act, every order made by a competent authority or appellate officer under this Act shall be final, and shall not be called in question in any original suit, application or execution proceeding.]

²[**8A. Bar of jurisdiction.**— No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person from any Government premises on any of the grounds specified in section 4 or the recovery of the arrears of rent or the damages payable for use or occupation of such premises.]

9. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

10. [Delegation.] Deleted by Bom. 62 of 1959, s. 8.

11. Penalty.— Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punished with fine which may extend to one thousand rupees.

12. Rules.— (1) The State Government may, by notification in the *Official Gazette*, make rules carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the forms of notices and the other manner in which they may be served ;

³[(aa) the holding of inquiries under this Act;]

(b) the procedure to be followed in taking possession of Government premises ;

(c) the manner in which damages for unauthorised occupation may be assessed ⁴[and the principles which may be taken into account in assessing such damages] ;

(d) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(e) any other matter which has to be or may be prescribed.

⁵[(3) All rules made under this section shall be laid for not less than thirty days before each House of the Legislature as soon as possible after they are made, and shall be subject to such modifications, as the Legislature may make during the session in which they are so laid, or the session immediately following.]

¹ The words reference of the “Greater Bombay” was construed as “Mumbai” by Mah. 24 of 2012, s. 4.

² Section 8A was inserted by Mah. 12 of 1969, s. 4.

³ Clause (aa) was inserted by Bom. 62 of 1959, s. 9 (a).

⁴ These words were added, *ibid.*

⁵ Sub-section (3) was inserted, *ibid.*, s. 9 (b).