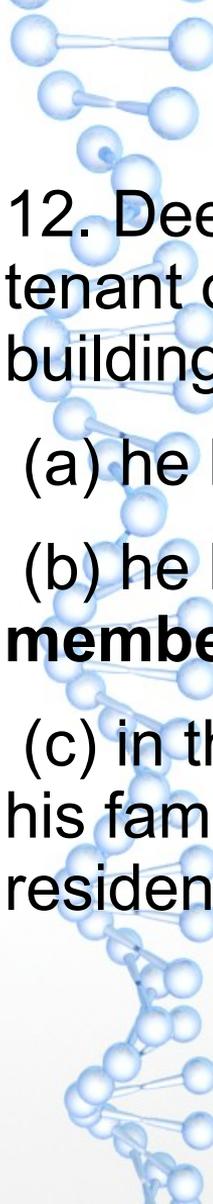


**A
PRESENTATION
ON
DEEMED VACANCY**

**SECTION 12, U.P. Urban Buildings
(Regulation of Letting, Rent and Eviction)
Act, 1972**

Beenu Gulyani



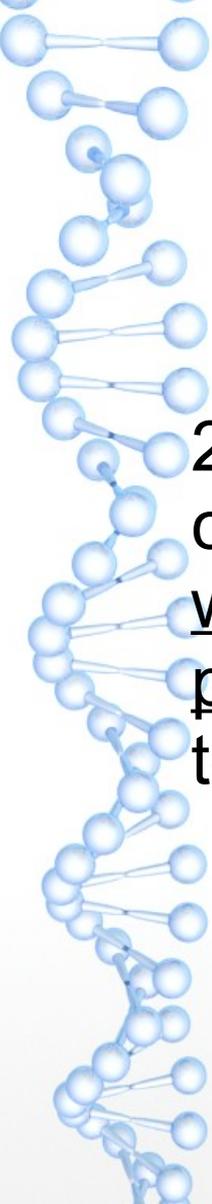
REGULATION OF LETTING

12. Deemed vacancy of building in certain cases-(1) A landlord or tenant of a building shall be deemed to have ceased to occupy the building or a part thereof if

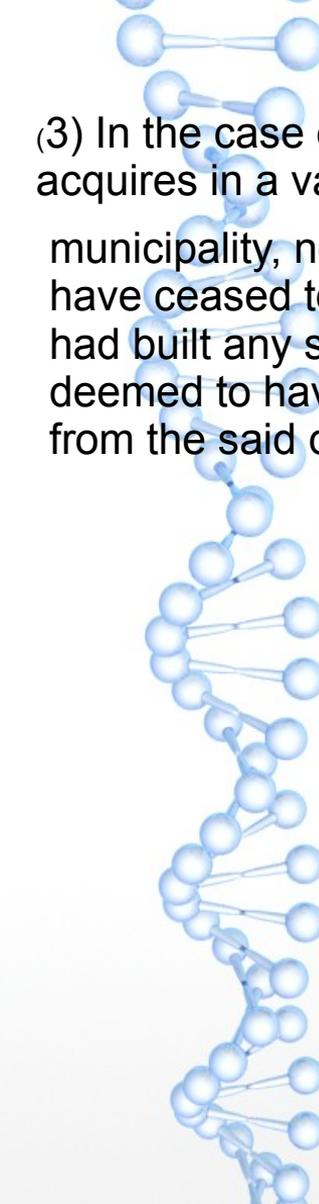
(a) he has substantially **removed his effects therefrom**, or

(b) he has allowed it to be **occupied by any person who is not a member of his family**, or

(c) in the case of a **residential building**, he as well as members of his family have **taken up residence**, not being temporary residence, elsewhere.

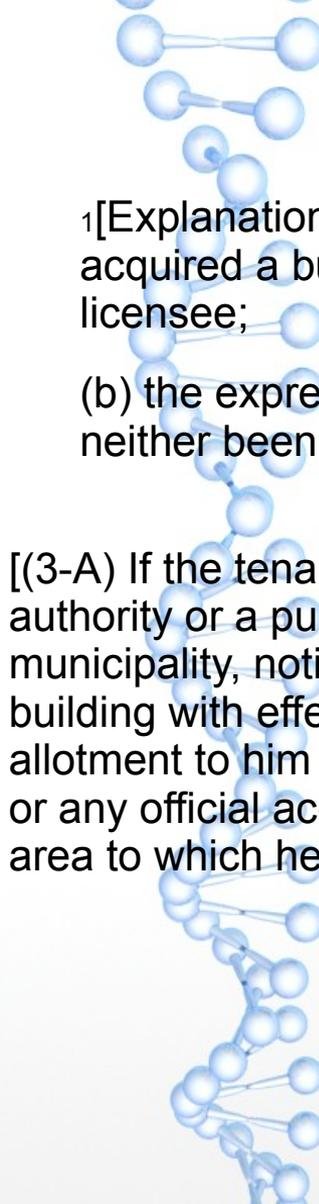


2) In the case of non-residential building, where a tenant carrying on business in the building admits a person who is not a member of his family as a partner or a new partner, as the case may be, the tenant shall be deemed to have ceased to occupy the building.



(3) In the case of a **residential building**, if the tenant or any member of his family builds or otherwise acquires in a vacant state or gets vacated a residential building in the same city,

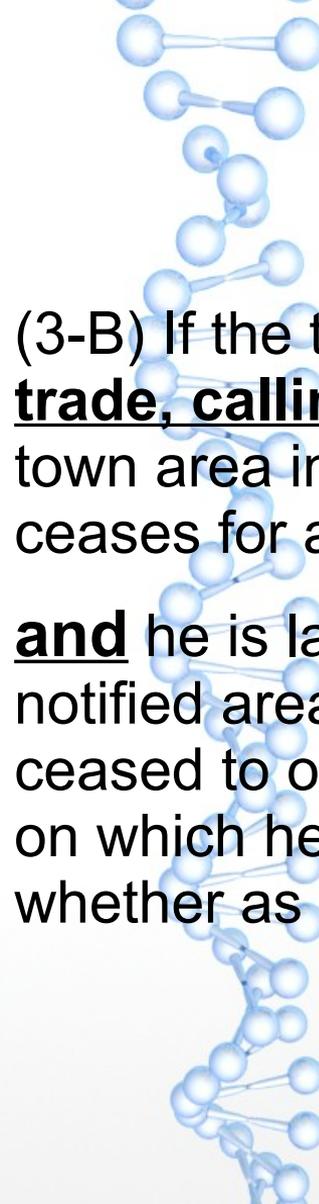
municipality, notified area or town area in which the building under tenancy is situate, he shall be deemed to have ceased to occupy the building under his tenancy: Provided that if the tenant or any member of his family had built any such residential building before the date of commencement of this Act, then such tenant shall be deemed to have ceased to occupy the building under his tenancy upon the expiration of a period of one year from the said date



¹[Explanation. For the purposes of this sub-section (a) a person shall be deemed to have otherwise acquired a building, if he is occupying a public building for residential purposes as a tenant, allottee or licensee;

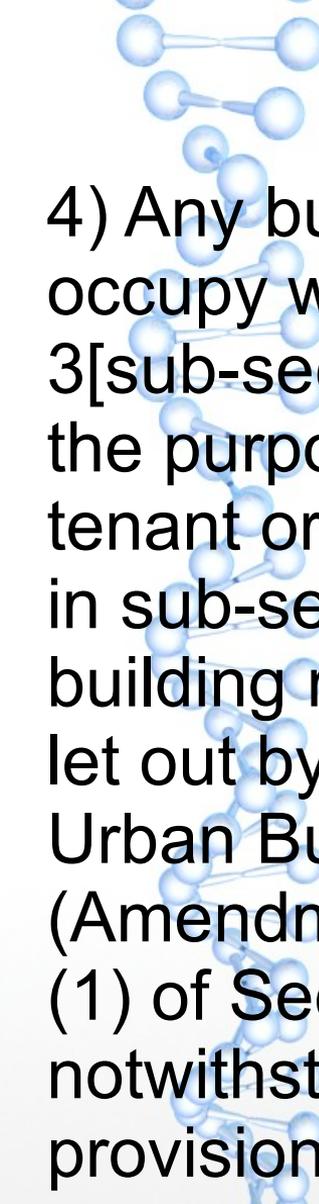
(b) the expression any member of family , in relation to a tenant, shall not include a person who has neither been normally residing with nor is wholly dependent on such tenant.]

[(3-A) If the tenant of a residential building holding a **transferable post** under any Government or local authority or a public sector corporation or under any other employer has been transferred to some other city, municipality, notified area or town area, then such tenant shall be deemed to have ceased to occupy such building with effect from the **thirtieth day of June** following the date of such transfer or from the date of allotment to him of any residential accommodation (whether any accommodation be allotted under this Act or any official accommodation is provided by the employer) in the city, municipality, notified area or town area to which he has been so transferred, whichever is later.

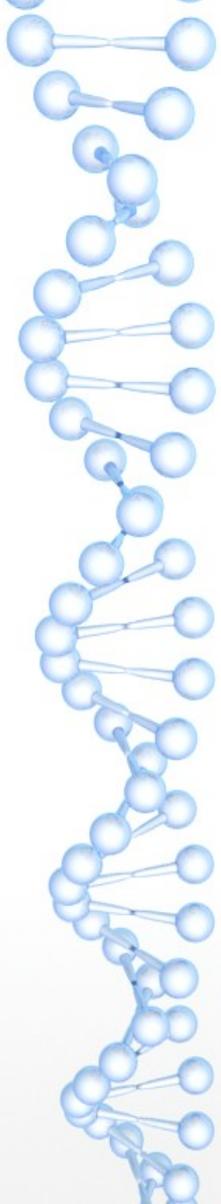


(3-B) If the tenant of a residential building is engaged in any **profession, trade, calling or employment in any city,** municipality, notified area or town area in which the said building is situate, and such engagement ceases for any reason whatsoever,

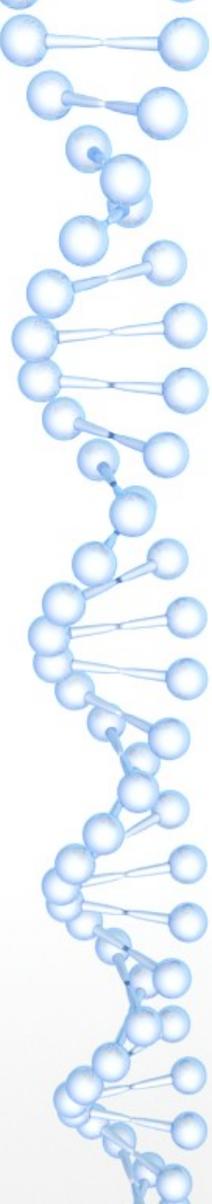
and he is landlord of any other building in any other city, municipality, notified area or town area, then such tenant shall be deemed to have ceased to occupy the first-mentioned building with effect from the date on which he obtains vacant possession of the last-mentioned building whether as a result of proceedings under Section 21 or otherwise.]



4) Any building or part which a landlord or tenant has ceased to occupy within the meaning of sub-section (1), or sub-section (2), or 3[sub-section (3), sub-section (3-A) or sub-section (3-B)], shall, for the purposes of this Chapter, be deemed to be vacant. 4[(5) A tenant or, as the case may be, a member of his family, referred to in sub-section (3) shall, have a right, as landlord of any residential building referred to in the said sub-section which may have been let out by him before the commencement of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Act, 1976 to apply under clause (a) of sub-section (1) of Section 21 for the eviction of his tenant from such building, notwithstanding that such building is one to which the remaining provisions of this Act do not apply.]



Case Study



IN THE HIGH COURT OF
UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 316 of 2009

Sri Ram Pal Singh

Vs

Sri Moti Lal

Hon'ble Sudhanshu Dhulia, J. (Oral)

Citation;AIR 2014(NOC)531 (UTR)