

**THE KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED  
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**STATEMENT OF OBJECTS AND REASONS****I**

**Act 32 of 1974.-** The Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (Mysore Act 3 of 1962) was enacted to provide for a speedy remedy for the eviction of unauthorised occupants from public premises.

In Northern India Caterers Private Ltd, Vs. The state of Punjab (A.I.R. 1967, S.C. 1581, the Supreme Court declared section 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959 (31 of 1959), void on the ground that the section is discriminatory and violative of Article 14 of the Constitution, in as much in it conferred an additional remedy over and above the usual remedy by way of suit and provided two alternative remedies to the Government, leaving it to the unguided discretion of the Collector to resort to one or the other of the procedures. The object and procedure prescribed by the Public Premises (Eviction of Unauthorised Occupants) Act 1958 the Central Act being similar to those in the Punjab Act and in order to avoid a risk of the Central Act also being struck down by the Supreme Court, if challenged, on similar grounds of discrimination, Central Act of 1958 was suitably amended by the Public Premises (Eviction of Unauthorised Occupants) (Amendment) Act, 1968 (Central Act) in order to overcome the decrees of the Court . By the amendment Act civil courts were precluded from entertaining any suit or proceeding in respect of the eviction of persons who are in unauthorised occupation of public premises and in respect of the recovery the arrears of rent or damages from such persons.

The vires of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, as amended by the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968 (Central Act ) was again recently challenged by way of writ petitions in the Delhi High Court and certain other High Courts. By a majority judgement, the Delhi High Court in P.L.Mehra Vs D.R. Khanna (AIR 1972 Delhi 1) have held the whole of the Act as void under Article 13(2) of the Constitution as it was found to contravene Article 14 thereof. The Court also observed that as the Act of 1958 (Central Act) was void, the amending Act of 1968 (Central Act) was also ineffective, Similar views have also been held by the High Court of Allahabad (in AIR 1971 All, 268). Since the court decisions referred to above created serious difficulties for the Government in as much as the proceedings taken by the competent officers appointed under the Act either for the eviction of persons who are in unauthorised occupation of public premises or for the recovery of rent or damages from such persons having been found to be null and void the Central Act of 1958 was reenacted as central Act 40 of 1971, to restore a speedy remedy for the eviction of persons who are in unauthorised occupation of public premises keeping in view at the same time the

necessity of complying with the provisions of the Constitution and the judicial pronouncements, referred to above.

The Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (Mysore Act 3 of 1962) is also on the lines of the Central Act of 1958. Further this Act was also amended Mysore Act 32 of 1969 on the lines of the Central Amendment Act of 1968. The provisions of this Act are therefore vulnerable like those the Central Act.

In view of the position explained above it is necessary and safe to re-enact the Mysore Act also and accordingly, it is proposed to re-enact the Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961 as amended from time to time. The law proposed to be re-enacted is to be given retrospective effect from 18th January 1962 the date on which the 1961 Act came into force. It is also proposed to make a suitable validating provision providing that anything done or any action taken or purported to have been done or taken under the 1961 Act shall be deemed to be as valid and effective as if such thing or action was taken or done under the corresponding provisions of the proposed law.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) dated 12-3-1973, Part IV-2A, as No. 250 at page 13.)

## II

**Amending Act 1 of 1977.-** The Karnataka State Road Transport Corporation authorities are experiencing the difficulty of evicting the occupants of their buildings and premises unauthorisedly occupied i.e. occupied either after the employees to whom the quarters have been allotted ceased to be the employees of the Corporation, or the occupants of their buildings given for running refreshment rooms, tea stalls and allied catering establishments on lease and licence basis, refuse to vacate the premises after the period of the lease and licence had expired.

2. Provision exists in the Karnataka Public premises (Eviction of Unauthorised Occupants) Act, 1974 to evict such unauthorised occupants by the competent officer appointed for the purpose in respect of public premises which also includes corporations established by or under a State Act and owned or controlled by the State Government.

3. The Karnataka State Road Transport Corporation has been established under a Central enactment and hence the provisions of the

Karnataka Public Premises (Eviction of Unauthorised occupants) Act, 1974 are not applicable to this Corporation.

4. In the circumstances it has become necessary to amend section 2 of the said Act to bring the Karnataka State Road Transport Corporation within the purview of the said Act.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, as No. 4468 dated 13-11- 1976 at page 2-3.)

### III

**Amending Act 28 of 1981.-** The Thungabhadra Board and the Karnataka Wakf Board have requested the State Government to suitably amend the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 so that the unauthorised occupation of the properties under the management of the Tungabhadra Board or belonging to a wakf under the management of the Wakf Board, could be dealt with effectively.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A as No. 95 dated 3-2-1981 at page 4.)

### IV

**Amending Act 49 of 1986.-** Item (i) of clause (a) of section 3 of the Karnataka Public Premises (Eviction of unauthorised occupants) Act, 1974 empowers the State Government to appoint officers not below the rank of a Class I Officer of the State Civil Services, as competent officers in respect of premises belonging to State Government.

However, it is found from past experience that the said officers are overburdened with duties and therefore it is proposed to make a provision in the said Act to appoint officers not below the rank of Group 'B' Officers as competent Officers.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, as No.658 dated 29-8- 1986 at page 3.)

### V

**Amending Act 16 of 1991.- Note.-** By this Act the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and some other Acts have been amended. Some consequential amendments are made to the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974

extending the provisions of the Act to premises of market committees. Which is extracted below.

"xx                    xx                    xx                    xx"

(25) To amend the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act 1974 to extend the provisions of the Act to premises of market committees.

xx                    xx                    xx                    xx"

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 26-3-1991, No.137.)

## VI

**Amending Act 4 of 1993.-** It was considered necessary to include the premises belonging to, and taken on lease by or on behalf of the Universities within the meaning of the term "public premises" and to include Improvement Boards, Zilla Parishads, Mandal Panchayats, Bangalore Development Authority and Urban Development Authorities within the meaning of the term 'local authority' by amending the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

Accordingly the Karnataka Public Premises (Eviction of Unauthorised Occupants) (Amendment), Ordinance, 1992 was promulgated.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

(Obtained from LA Bill No. 32 of 1992, file No. LAW 74 LGN 92.)

## VII

**Amending Act 15 of 1995.-** Section 2 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974, is proposed to be amended to bring it in consonance with the Karnataka Panchayat Raj Act, 1993.

Hence the Bill.

(Obtained from LA Bill No. 10 of 1995, file No. LAW 57 LGN 94.)

## VIII

**Amending Act 22 of 1999.-** It is considered necessary to bring all the Wakf Institutions registered with the Karnataka State Board of Wakfs within the purview of Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974, by amending the said Act.

Hence the Bill.

(Obtained from LC Bill No. 1 of 1999, file No. DPAL 4 LGN 99.)

**IX**

**Amending Act 14 of 2000.-** In the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974, the definition of Public Premises, among others, includes "any company as defined in section 3 of the Companies Act, 1955 (Central Act 1 of 1956) in which less than fifty one percent of the paid up share capital is held by the State Government.

However it does not include a company which is a subsidiary of a Government Company. In the absence of inclusion of a subsidiary company in the definition, certain practical difficulties are encountered in implementing the Act. The Companies Act and the Central Public Premises (Eviction of Unauthorised Occupants) Act, 1971, specifically refer to subsidiary company of Government company also.

Therefore to make it more clear it is considered necessary to include a subsidiary company of a Government Company in sub-clause (ii) of Clause (e) of section 2 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

Hence the Bill.

(Obtained from L.A. Bill No. 4 of 2000.)

**X**

**Amending Act 33 of 2001.-** There has been before the State Government, a long standing public demand to bring about a uniform law to provide for the regulation of all Charitable Endowments and Hindu Religious Institutions in the State. Which are now regulated under different enactments, having local application in different parts of the State, namely:-

- (1) The Karnataka Religious and Charitable Institutions Act, 1927;
- (2) The Madras Hindu Religious and Charitable Endowment Act, 1951;
- (3) The Bombay Public Trust Act, 1950;
- (4) The Hyderabad Endowment Act, Regulations, 2349F; and
- (5) The Coorg Temple Funds Management Act, 1956.

It is therefore proposed to enact a new law to replace the several local Acts to bring about uniformity in the matter of regulating, by law, the various Charitable Endowment and Hindu Religious Institutions, especially.

(1) To make the law applicable generally to all Charitable Endowments and Hindu Religious Institutions, which on the date of commencement of the Act were managed by or receiving annuity, taldik or other grants from the State Government, and to other Hindu Religious Institutions which though not under the management of the State Government, require by reason of mismanagement, to be regulated by the State Government after notifying them as Declared Institutions.

(2) to provide that the Charitable Institution and Trusts registered under the Karnataka Societies Registration Act, 1960 or under the Indian Trust Act, 1882 and which are not under the management of the Government shall continue to be autonomous;

(3) to create Common Pool Fund out of surplus funds of the Notified Religious Institutions, donations etc., for the maintenance and improvement of needy institutions, managed by an independent committee;

(4) to provide for the founder trustees or their lineal descendants to be nominated to the managing committee as Chairman, in keeping with the decision of the Supreme Court of India.

(5) to regulate improper alienation or disposal of property belonging to a notified or declared institution by nullifying unlawful transfers and providing for expeditious eviction of unauthorised occupants of property belonging to such institutions; and

(6) to make certain other regulations necessary in the local conditions.  
Hence the Bill.

(L.C. Bill No. 4 of 1997 - File No. LAW 112 LGN 1981)

## XI

**Amending Act 21 of 2002.-** Certain other consequential amendments are also proposed.

The Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) is also proposed to be amended to include the Board in the definition of ``Public Premises``.

Hence the Bill.

(Vide File No. SAMVYASHAE 17 SHASANA 2001 dated. 11.9.2002)

## XII

**Amending Act 20 of 2004.-** The Institute for social and economic change is a registered society under the Karnataka Societies Registration Act, 1960 and is funded by Central Government and the State Government. The Institute for social and economic change holds 40 acres of land granted

to it on long term lease by the Bangalore University as per the direction of the Government of Karnataka. In order to protect the land from the unauthorized occupation it is considered necessary to include the Institute for social and economic change, Bangalore in the definition of public premises appearing in clause (e) of section 2 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

Hence the Bill.

(LA Bill No. 25 of 2003)

(Entries 18 and 35 of List II of the Seventh Schedule to the Constitution of India)

### XIII

**Amending Act 18 of 2005.-** Sub-clause (vii) of clause (e) of section 2 defines public premises as a University Established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) or the University of Agricultural Sciences Act, 1963 (Karnataka Act 22 of 1963). The Karnataka State Universities Act, 1976, has been repealed in the Karnataka State Universities Act, 2000 (Karnataka Act 29 of 2001). Many new Universities have also been established. It is considered necessary to bring all the Universities established or deemed to have been established by or under any law of the State Legislature within the definition of public premises.

Hence the Bill.

(LC Bill 5 of 2005)

### IX

**Amending Act 15 of 2006.-** It is considered necessary to extend the provisions of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 to Co-operative Societies and Federations of Co-operative Societies established by law in the State in which Government Property or Share is involved.

Hence the Bill.

(L.C. Bill No.8 of 2005)

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**KARNATAKA ACT No. 32 OF 1974**

*(First published in the Karnataka Gazette Extraordinary on the Seventh day of October, 1974)*

**THE KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1974**

*(Received the assent of the President on the First day of October, 1974)*

(As Amended by Acts 1 of 1977, 28 of 1981, 49 of 1986, 16 of 1991, 4 of 1993, 15 of 1995, 22 of 1999 and 14 of 2000, 33 of 2001, 21 of 2002, 20 of 2004, 18 of 2005 and 15 of 2006)

An Act to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters.

WHEREAS it is expedient to provide for the eviction of unauthorised occupants from public premises and for matters connected therewith or incidental thereto;

BE it enacted by the Karnataka State Legislature in the Twenty-fifth Year of the Republic of India as follows :-

**1. Short title, extent and commencement.-** (1) This Act may be called the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

(2) It extends to the whole of the State of Karnataka.

(3) It shall be deemed to have come into force on the 18th January, 1962 except sections 12 and 19 which shall come into force at once.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

(a) "competent officer" means an officer appointed as such by the State Government under section 3;

(b) "corporate authority" means, any company or corporation referred to in sub-clauses (ii) and (iii) of clause (e) of this section;

(c) "premises" means any land or any building or hut or part of a building or hut and includes,-

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

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

(d) "prescribed" means prescribed by rules made under this Act;

(e) "public premises" means any premises belonging to or allotted to State Government or taken on lease or requisitioned by or on behalf of the State Government and includes any premises belonging to or taken on lease by or on behalf of,-

- (i) a local authority;
- (ii) any company as defined in section 3 of the Companies Act, 1955 (Central Act 1 of 1956) in which not less than fifty one percent of the paid up share capital is held by the State Government;<sup>1</sup>[or any company which is a subsidiary (within the meaning of the said Act) of the first mentioned company"]<sup>1</sup>;

1. Inserted by Act 14 of 2000 w.e.f. 27.4.2000

(iii) any corporation (not being a company as defined in section 3 of the Companies, Act, 1956) established by or under <sup>1</sup>[a Central Act or]<sup>1</sup> a State Act and owned or controlled by the State Government; and

1. Inserted by Act 1 of 1977 w.e.f. 21.2.1977

<sup>1</sup>[(iii-a) the Institute for social and economic change, Bangalore.]<sup>1</sup>

1. Inserted by Act 20 of 2004 w.e.f. 19.3.2004.

<sup>1</sup>[(iv) a Notified Institution or Declared Institution under the Karnataka Hindu Religious Institutions and Charitable Endowments Act 1997.]<sup>1</sup>

1. Substituted by Act 33 of 2001 w.e.f. 1.5.2003 by Notification. Text of the Notification is at the end of the Act.

<sup>1</sup><sup>2</sup>[(v) a wakf registered with the Karnataka State Board of Wakfs;]<sup>2</sup>

(vi) the State Government and the Government of Andhra Pradesh jointly, and under the management or administrative control of the Tungabhadra Board constituted by the Government of India under sub-section (4) of section 66 of the Andhra State Act, 1953 (Central Act 30 of 1953).]<sup>1</sup>

1. Inserted by Act 28 of 1981 w.e.f. 30.9.1980

2. Substituted by Act 22 of 1999 w.e.f. 4.8.1999

<sup>1</sup>[(vii) a University established or deemed to have been established by or under any law of the State Legislature]<sup>1</sup>

1. Inserted by Act 4 of 1993 w.e.f. 8.10.1991 and again Substituted by Act 18 of 2005 w.e.f. 27.5.2005.

<sup>1</sup>[(viii) A Co-operative Society or a Federation of Co-operative Societies established under any law in force in the State in which the Government Property or share is involved.]<sup>1</sup>

1. Inserted by Act 15 of 2006 w.e.f. 02.8.2006

**Explanation.-** For the purposes of this clause 'local authority' means,-

- (a) a municipal corporation;
- (b) a town or city municipal council;

<sup>1</sup>[(bb) a market committee established under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966);]<sup>1</sup>

1. Inserted by Act 16 of 1991 w.e.f. 1.8.1991

<sup>1</sup>[(c)an Improvement Board established under the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976);

1. Substituted by Act 4 of 1993 w.e.f. 8.10.1992

<sup>1</sup>[(d) a Zilla Panchayat or Taluk Panchayat or a Grama Panchayat established under the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993).]<sup>1</sup>

1. Substituted by Act 15 of 1995 w.e.f. 15.5.1995

(e) the Bangalore Development Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

(f) an Urban Development Authority constituted under the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987).]<sup>1</sup>

1. Clause (c) to (f) Inserted by Act 4 of 1993 w.e.f. 8.10.1992

<sup>1</sup>[(g) the Karnataka Slum Clearance Board established under the Karnataka Slum Areas (Improvement and Clearance) Act, 1973]<sup>1</sup>

1. Inserted by Act 21 of 2002 w.e.f. 17.11.2001

(f) "rent" in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises and includes,-

(i) any charge for electricity, water or any other services in connection with the occupation of the premises.

(ii) any tax (by whatever name called) payable in respect of the premises,

where such charge or tax is payable by the State Government, local authority or the corporate authority;

(g) "unauthorised occupation", in relation to any public premises, means the occupation by any person of the public premises, without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

**3. Appointment of competent officers.**-The State Government may, by notification,-

(a) appoint,-

(i) in respect of its premises such officers, not below the rank of a <sup>1</sup>[Group B]<sup>1</sup> officer of the State Civil Services;

1. Substituted by Act 49 of 1986 w.e.f. 30.12.1986

(ii) in respect of any premises of a local authority such officers of the local authority <sup>1</sup>[x x x]<sup>1</sup> <sup>2</sup>[or such officer not below the rank of Group "B" officer of the State Civil Services.]<sup>2</sup>

1. Omitted by Act 28 of 1981 w.e.f. 30.9.1980

2. Inserted by Act 4 of 1993 w.e.f. 8.10.1992

(iii) in respect of any premises of a corporate authority, such officers of the corporate authority <sup>1</sup>[; and]<sup>1</sup>

1. Inserted by Act 28 of 1981 w.e.f. 30.9.1980

<sup>1</sup>[(iv) in respect of any other premises, an officer of the State Civil services or of any other authority;]<sup>1</sup>

as it thinks fit to be competent officers for the purpose of this Act; and

1. Inserted by Act 28 of 1981 w.e.f. 30.9.1980

(b) define the local limits within which or the categories of public premises in respect of which the competent officers shall exercise the powers conferred and perform the duties imposed, on competent officers by or under this Act

**4. Issue of notice to show cause against order of eviction.**-(1) If the competent officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the competent officer 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.

(2) The notice shall,-

- (a) specify the grounds on which the order of eviction is proposed to be made; and
- (b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of or claim interest in the public premises to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

(3) The competent officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the competent officer shows or has reason to believe that any persons are in occupation of the public premises then, without prejudice to the provisions of sub-section (3) he shall cause a copy of the notice to be served on every such person by registered post or by delivering or tendering it to that person or failing service by the means aforesaid in such other manner as may be prescribed.

**5. Eviction of unauthorised occupants.**-(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the competent officer is satisfied that the public premises are in unauthorised occupation, the competent officer may on a date to be fixed for the purpose, make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction within forty-five days from the date of affixture of the order under sub-section (1), the competent officer or any, other officer duly authorised by the competent officer in this behalf may evict that person from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

**6. Disposal of property left on public premises by unauthorised occupants.**-(1) Where any persons have been evicted from any public premises under section 5, the competent officer may, after giving fourteen

days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality and after proclaiming the contents of the notice in the locality by beat of drum, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

(2) Where any property is sold under sub-section (1) the sale proceeds shall, after deducting the expenses of the sale and the amount, if any, due to the State Government or a local authority or a corporate authority on account of arrears of rent, damages or costs, be paid to such person or persons, as may appear to the competent officer to be entitled to the same:

Provided that where the competent officer 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 may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

**7. Power to recover rent or damages in respect of public premises as arrears of land revenue.**-(1) Where any person is in arrears of rent payable to the State Government or a local authority or a corporate authority in respect of any public premises, the competent officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been, in unauthorised occupation of any public premises, the competent officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the 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 officer.

**8. Rent to be recovered by deduction from salary or wages of employee.**- Without prejudice to the provisions of section 7, where any person to whom public premises have been allotted is an employee of the State Government, or a local authority or a corporate authority and is in

arrears of rent payable in respect of such public premises allotted to him, the amount of rent due in respect of such premises shall on a requisition in writing in that behalf by the competent officer 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 officer under whom such person is employed or the officer of a local authority or a corporate authority disbursing the salary of such person, as the case may be, 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 officer in satisfaction of the amount due by him.

**9. Powers of competent officers.-** A competent officer 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 (Central Act 5 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.

**10. Appeals.-** (1) An appeal shall lie from every order of the competent officer made in respect of any public premises under section 5 or section 7 to an appellate officer who shall be the District Judge, having jurisdiction over the area.

- (2) An appeal under sub-section (1) shall be preferred,-
  - (i) in the case of an appeal from an order under section 5 within thirty days from the date of affixture of the order under sub-section (1) of that section; and
  - (ii) in the case of an appeal from an order under section 7 within thirty days from the date on which the order is communicated to the appellant:

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 officer, 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) The cost of any appeal under this section shall be in the discretion of the appellate officer.

**11. Finality of orders.-** Save as otherwise expressly provided in this Act, every order made by a competent officer or appellate officer under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

**12. Offences and penalty.-** (1) If any person who has been evicted from any public premises under this Act again occupies the premises without authority for such occupation, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Any magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

**13. Power to obtain information.-** If the prescribed officer has reason to believe that any person or persons are in unauthorised occupation of any public premises, he or any other officer authorised by him in this behalf may require those persons or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

**14. Liability of heirs and legal representatives.-** (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken dies before the proceeding is taken or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the State Government or the local authority or the corporate authority from any person whether by way of arrears of rent or damages or costs shall, after the death of the person, be payable by his



heirs or legal representatives but their liability shall be limited to the extent of the assets of the deceased in their hands.

**15. Recovery of rent, etc. as an arrear of land revenue.-** If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the cost awarded to the State Government or the local authority or the corporate authority under sub-section (5) of section 10 or any portion of such rent, damages or costs within the time, if any, specified therefor in the order relating thereto, the competent officer may issue a certificate for the amount due to the Deputy Commissioner who shall proceed to recover the same as an arrear of land revenue.

**16. Bar of jurisdiction.-** No court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the local authority or the corporate authority under sub-section (5) of section 10 or any portion of such rent, damages or costs.

**17. Protection of action taken in good faith.-** No suit, prosecution or other legal proceeding shall lie against the State Government or the local authority or the corporate authority or the appellate officer or the competent officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

**18. Power to make rules.-** (1) The State Government may, by notification make rules for 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 form of any notice required or authorised to be given under this Act and the manner in which it may be served;
- (b) the holding of inquiries under this Act;
- (c) the procedure to be followed in taking possession of public premises;
- (d) the manner in which and the principles according to which damages for unauthorised occupation may be assessed;

- (e) the manner in which appeals may be preferred and the procedure to be followed in appeals;
- (f) any other matter which has to be or may be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**19. Repeal and savings.**-The Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (Karnataka Act 3 of 1962) is hereby repealed :

Provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of the repeal of the said enactment and sections 8 and 24 of the said Act shall be applicable as if the said enactment had been repealed and re-enacted by this Act.

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**REVENUE SECRETARIAT  
NOTIFICATION**

**No. RD/172/Musevi/2001, Bangalore, dated 30th April, 2003**

In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 2001), the Government of Karnataka hereby appoints the First May 2003 to be the date on which all the provisions of the Act shall come into force in respect of all clauses of Hindu Religious Institutions and Charitable Endowments.

By Order and in the name of the  
Governor of Karnataka,

**B.M. Sannalingannavar**  
Under Secretary to Government,  
Revenue Department (Muzarai).

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 464 dated 1-5-2003)

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**THE KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED  
OCCUPANTS) (AMENDMENT) BILL, 2005****(L.C. Bill No.5 of 2005)****STATEMENT OF OBJECTS AND REASONS**

Sub-clause (vii) of clause (e) of section 2 defines public premises as a University Established under the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) or the University of Agricultural Sciences Act, 1963 (Karnataka Act 22 of 1963). The Karnataka State Universities Act, 1976, has been repealed in the Karnataka State Universities Act, 2000 (Karnataka Act 29 of 2001). Many new Universities have also been established. It is considered necessary to bring all the Universities established or deemed to have been established by or under any law of the State Legislature within the definition of public premises.

Hence the Bill.

**THE KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED  
OCCUPANTS) (AMENDMENT) BILL, 2005****(L.C. Bill No.5 of 2005)**

A Bill further to amend the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

Whereas it is expedient further to amend the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-sixth year of the Republic of India, as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Public Premises (Eviction of Unauthorised Occupants) (Amendment) Act, 2005.

(2) It shall come into force at once.

**2. Amendment of Section 2.-** In section 2, in clause (e), for sub-clause (vii) of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), the following shall be substituted, namely:-

“(vii) University established or deemed to have been established by or under any law of the State Legislature.”