

Part-III
HARYANA GOVERNMENT
HOUSING DEPARTMENT
NOTIFICATION

The 14th March, 1975

No. G.S.R. 26 / H.A. 20 / 71 / S. 73 / 75. In exercise of the powers conferred by sub-section (1) of section 73 of the Haryana Housing Board Act, 1971, and with reference to Haryana Government, Housing Department notification No. G.S.R. 143 / H.A. 20 / 71 S. 73 / 74 dated the 15th November, 1975, the Governor of Haryana hereby makes the following rules, namely:

1. These rules may be called the Housing Board Haryana (Disposal of Property, Betterment Charges, Eviction, Assessment of Damages and Manner of Appeal) Rules, 1975.
2. In these rules unless the context otherwise requires:-
 - (1) 'Act' means the Haryana Housing Board Act, 1971;
 - (2) 'Form' means a form appended to these rules;
 - (3) 'Government' means the Government of the State of Haryana in the Housing Department;
 - (4) 'Section' means a section of the Act.
3.
 - (1) Any land vesting in the Board may with the previous concurrence of the Government be transferred by the Board to the Government and when such transfer is made, the loans advanced by the Government to the Board shall be reduced to the extent of the purchase value of the land so transferred plus the charges incurred on the establishment for its maintenance and on its development.
 - (2) Any building vesting in the Board may, with the previous concurrence of the Government, be transferred by the Board to the Government and when such transfer is made, the loans advanced by the Government to the Board shall be reduced to the extent of the cost of the building so transferred plus the charges incurred on the establishment for its maintenance but less a reasonable amount to be deducted on account of depreciation.
 - (3) Subject to the provisions of sub-rule (1) and (2) the Board shall not lease, sell, exchange or otherwise dispose of any immovable property vesting in it and situate in the area comprised in any housing scheme sanctioned under the Act, without the prior approval of the Government.

Such Transfer shall be subject to such terms and conditions as the Government may determine in each case in that behalf :

Provided that no such approval shall be required for:-

 - (a) Allotment and sale of tenements, premises and residential / commercial plots according to the regulations made by the Board in that behalf.
 - (b) Leasing any vacant land for a period not exceeding two years at a time; and
 - (c) Sale or demolition of any building or structure, which is in a dangerous condition or beyond repair.
4. The notice proposing assessment and levy of betterment charges under section 41 shall be in form A.

5. The rate of interest chargeable in respect of betterment charges under sub-section (1) of section 42 shall be seven and half percent per annum.
6. (1) Every reference in respect of matters mentioned in section 47 shall be made by the Government to the Tribunal by means of an application. Such application shall be accompanied by as many copies thereof as may be required for service on the parties concerned.
- (2) Whenever any application in respect of any such matter is made to the Tribunal, it shall endorse on the original application the date of receipt and cause it to be registered in a register kept for that purpose.
- (3) The Tribunal shall thereupon cause a notice together with a copy of the application, if available, to be delivered or sent by registered post to the parties concerned and whenever necessary by affixing it at the site giving intimation of the application and where no copy of the application is available, appointing the time and place for inspecting the same and specifying a date for submitting a written statement in reply, if any and for serving copies on the other parties and calling up on them to appear before the Tribunal at the time and on the date specified in the notice. The notice shall also state that, if the parties, concerned do not appear before the Tribunal either in person or through his solicitor, or pleader or the other authorized agent on the date specified in the notice or any subsequent date to which the hearing may be adjourned, the Tribunal shall hear and decide the matter ex-parte.
- (4) If on the date fixed for hearing or any other subsequent date to which the hearing may be adjourned, the applicant does not appear either in person or through his Solicitor, Advocate, pleader or other authorized agent when the application is called for hearing, the Tribunal may dismiss the application or may decide it on merits, after hearing the party present or his Solicitor, Advocate, pleader or other authorized agent, if present.
- (5) If on the date fixed for hearing or any other subsequent date to which the hearing may be adjourned, any other person who has been served with a notice under sub-rule (3), does not appear in person or through his Solicitor, Advocate, pleader or other authorized agent when the application is called for hearing the Tribunal may decide the same on merits after hearing the applicant, his Solicitor, Advocate, pleader or authorized agent.
- (6) If any of the person referred to the sub-rule (5) was absent at the date of hearing, either preliminary or final, and the application was heard and decided ex-parte, the party concerned may within a period of thirty days apply for restoration of the application and if the party satisfies the Tribunal that he had no notice of the date of hearing or that he was prevented by any sufficient cause from appearing when the applicant was called for hearing, the Tribunal may restore the application to its file; provided that where the other party had appeared, such party shall be given notice and an opportunity of being heard before the order for restoration of application is made.
- (7) When the hearing of an application is complete, the Tribunal shall pronounce its decision.
- (8) Every decision of the Tribunal shall be in writing and an authenticated copy thereof shall be furnished to the Board. The Tribunal shall, in its decision, state at the end whether the application is dismissed or allowed wholly or in part and mention the relief, if any granted to the applicant or the parties concerned.
- (9) A copy of every decision of the Tribunal under this rule shall be transmitted to the Board for being forwarded to the concerned Revenue Officer. Every such decision, in so far as it creates or modifies any right in respect of land, shall be recorded in the Record of Rights.
- (10) The Tribunal shall hold its sittings at such time and place as it may determine.

(11) The Tribunal may, if sufficient cause is shown, at any stage of the hearing of the application, grant time to the parties, or to any of them and may from time to time adjourn the hearing of the application.

7. The notices to be served under section 51, 52 and 53A shall be in the following forms, namely:-

- (a) Under the proviso to sub-section (1) of section 51, in form B,
- (b) Under sub-section (1) of section 51, in form C,
- (c) Under sub-section (1) of section 52, in form D,
- (d) Under sub-section (2) of section 52, in form E,
- (e) Under sub-section (1) of section 53A, in form F and
- (f) Under sub-section (1) of section 53A, in form G.

8. (1) A notice under sub-section (1) and the Proviso to sub-section (1) of section 51 and sub-section (1) and (2) of section 52 and sub-section (1) of section 53A may be served by any officer or servant authorized in this behalf by the Board:-

- (a) By giving or tendering it to the person to whom it is addressed;
- (b) If such person is not found, by giving or tendering it to some other adult member of the family of the concerned person;
- (c) Where the person to whom it is addressed or some other adult members of the family of the concerned person refuses to receive the notice or where the serving officer after using all due and reasonable diligence cannot find the person and there is no agent, empowered to accept service of notice on his behalf, nor any other person to whom service can be made, the serving officer shall affix a copy of the notice on the outer door or some other conspicuous part of the house in which the person ordinarily resides or carries on business or personally work for gain;
- (d) Where for any reason whatsoever the notice is returned unserved the serving officer may, either in lieu of or in addition to, direct the notice to be served by registered post addressed to the person or his agent empowered to accept service at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

2. An acknowledgement purporting to be signed by the person or the agent or any endorsement by a postal employee that the person or the agent refused to take delivery may be deemed to be prima facie proof of service.

9. For the purpose of taking possession of the premises under subsection (2) of section 51, the competent authority or any officer or servant empowered by him in this behalf may enter the premises at any time except before sunrise and after sunset.

10. (1) In assessing damages for unauthorized use and occupation of any of the Board premises, the competent authority shall take into consideration the following matter, namely:-

- a) The purpose and the period for which the Board premises, were in unauthorized occupation;
- b) The nature, size and standard of the accommodation available on such premises;
- c) The economic rent of the premises for the period of unauthorized occupation, such rent being calculated in accordance with the formula decided by the Government 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 an opportunity of being heard.
- 11. (1) On receipt of the appeal and after receipt of the report from the competent authority, which shall be sent by the competent authority as expeditiously as possible, the appellate authority shall fix a date and time for hearing the appeal and give intimation in writing of such hearing to the appellant and the competent authority.
- (2) The appellant may, on the appointed date and on subsequent hearing appear either in person or through a representative duly authorized by him in writing in this behalf.
- (3) The competent authority or his representative may likewise attend the hearing of the appeal.
- (4) The appellant authority shall have power to elicit further information from the appellant and the respondent to facilitate the disposal of the appeal.
- (5) The findings of the appellant authority shall be in writing and be communicated to the appellant. A copy of it shall be sent to the competent authority.