

The Andhra Pradesh Government Lands and Buildings (Termination of Leases) Act, 1986

Act 18 of 1986

Keyword(s):

Demised Premises, Estate Officer, Government Land or Building, Lease

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THE ANDHRA PRADESH GOVERNMENT
LANDS AND BUILDINGS (TERMINATION
OF LEASES) ACT, 1986.*

ACT No. 18 OF 1986.

[25th July, 1986]

An Act to provide for the determination of leases relating to lands and buildings belonging to Government and to provide for matters connected therewith or incidental thereto.

Whereas certain buildings and lands belonging to the Government have been leased out to private parties for long periods;

And whereas due to increasing developmental activities there has been a phenomenal expansion of Government offices and establishments;

And whereas the Government have been finding it extremely difficult to secure land and buildings for public purposes due to acute shortage of lands and buildings;

And whereas the Government have been forced to take private accommodation at exorbitant rents for public purposes;

And whereas in the circumstances, it is considered expedient to empower the Government to terminate the existing leases of lands and buildings and resume them wherever any such land or building is required for public purpose;

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Government Lands and Buildings (Termination of Leases) Act, 1986.

Short title
extent and
commencement.

* Received the assent of the President on the 20th July, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV-A, Extraordinary, dated the 25th September, 1985, at page 8.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification in the *Andhra Pradesh Gazette*, appoint.

Definitions.

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

(a) “appointed date” means a date appointed under sub-section (3) of section 1;

(b) “demised premises” means any land or building belonging to the Government which has been leased out to any person or in respect of which there is any arrangement with any person ;

(c) “estate officer” means an officer appointed as such under section 3 of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 ;

(d) “Government” means the State Government of Andhra Pradesh ;

(e) “notification” means a notification published in the *Andhra Pradesh Gazette* ;

(f) “person” includes a firm or a branch thereof, a body corporate or a branch thereof or an association or a Joint Hindu family or a Company ;

(g) “prescribed” means prescribed by rules, made under the Act.

Termination
of leases.
Central Act
IX of 1872.
Central Act
IV of 1882.

3. Notwithstanding anything contained in the Indian Contract Act, 1872 and the Transfer of Property Act, 1882, it shall be lawful for the Government to terminate any lease or other arrangements entered into or made before or after the appointed date between the Government and any person, in respect of any demised premises, where any such demised premises is required for a public purpose, after giving such period of notice and in such manner as may be prescribed to such person and thereupon the rights and liabilities as between the parties to the lease or other arrangement shall cease and determine; but any amount due to the Government from the aforesaid

person under the lease or other arrangement so terminated shall be recovered as an arrear of land revenue.

4. Where a lease or other arrangement with regard to a demised premises stands terminated under section 3, the person in occupation of such premises shall within such period as may be prescribed not exceeding one hundred and eighty days, vacate the demised premises and deliver possession thereof to the Estate Officer if it is a building, and to the Mandal Revenue Officer in whose jurisdiction the land is situated if it is a land.

5. (1) Where any person fails or refuses to vacate and deliver possession of the demised premises under section 4, the Estate Officer in case of a building, and the Mandal Revenue Officer in case of a land shall serve an order of eviction in the manner prescribed on the person in occupation of the demised premises or on his agent requiring him to vacate and deliver possession thereof within such time as may be specified in such order and after the receipt of such order the person in occupation of the demised premises shall vacate the same and deliver possession thereof to the Estate Officer or as the case may be to the Mandal Revenue Officer within such time as may be specified in such order.

(2) Where the person in occupation of the demised premises fails to vacate the premises within the time specified in sub-section (1) the Estate Officer, or as the case may be the Mandal Revenue Officer, may take possession of the demised premises from the person in occupation thereof and where any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of a Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

(3) Where the demised premises is a building of which possession is to be taken under this Act and the same is found locked, the Estate Officer may

either cause the premises sealed or in the presence of two or more witnesses break or cause it to be broken open by its door, gate or other barriers and enter the premises ;

Provided that—

(a) no entry shall be made into or possession taken of a building before sunrise or after sunset ;

(b) Where any building is forced open an inventory of the articles found in the premises shall be taken in the presence of two or more witnesses.

Solatium
payable
the lessee.

6. (1) Where a lease is terminated under section 3, the Government shall pay to the lessee an amount of solatium—

(a) equivalent to four months rent for every year of unexpired period of lease where such unexpired period is five years or less ; or

(b) equivalent to three months rent for every year of unexpired period of lease where such unexpired period is more than five years but does not exceed ten years subject to a minimum amount equivalent to twenty months' rent ; or

(c) equivalent to two months rent for every unexpired period is more than ten years subject to a minimum amount equivalent to thirty months rent.

Explanation :—For the purpose of computation of the years of unexpired period of lease under this sub-section any period not exceeding six months shall be ignored and any period exceeding six months shall be computed as one year.

(2) The amount payable under sub-section (1) shall be paid to the lessee in such manner and within such time as may be prescribed.

Punishment
for disobey-
ing eviction
order.

7. Without prejudice to any action that may be taken under section 5, any person continuing in occupation of a demised premises after the expiry of the period specified in the order of eviction shall be punishable with imprisonment of either description which may extend to one year or with fine which may extend to one thousand rupees or with both.

8. (1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company every person who at the time the offence was committed was in-charge of, and was responsible to the company for the conduct of business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offence by
Companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything in sub-section (1) where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :-For the purpose of this section,—

(a) "company" means any body corporate and includes a firm, a society or other association of individuals, and

(b) "director" in relation to—

(i) a firm, means a partner in the firm ;

(ii) a society or other association of individuals means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association as the case may be.

9. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

Savings.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or by anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

Bar of jurisdiction.

10. No Court shall have jurisdiction to entertain any suit or proceeding in respect of an eviction order served under section 5 on any person who is in unauthorised occupation of any demised premises or the recovery of the amounts under section 3.

Act to override other laws.

11. The provisions of this Act and the rules made thereunder shall have effect, notwithstanding anything inconsistent therewith in any other law for the time being in force, or any custom, usage or agreement, or decree or order of a Court, tribunal or other authority.

Power to make rules.

12. (1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be, comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, 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.