# THE ANDHRA PRADESH REQUISITIONING OF BUILDINGS ACT, 1954.

## ACT No. XI of 1954

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# [1]THE ANDHRA PRADESH REQUISITIONING OF BUILDINGS ACT, 1954

ACT No. XI of 1954

[30th June, 1954]

AN ACT TO PROVIDE FOR THE REQUISITIONING OF BUILDINGS.

WHEREAS it is expedient to provide for the requisitioning of buildings in certain areas in the [2][State of Andhra Pradesh]; It is hereby enacted as follows:-

1. Short title, extent and commencement - (1) This Act may be called [3][the Andhra Pradesh Requisitioning of Buildings Act, 1954].

(2) It extends to the whole of the [4][State of Andhra Pradesh].

(3) It shall come into force at once in the municipality of Guntur and in the area within a distance of five miles from the limits of that municipality; and it shall come into force in any other [5][specified area] in the State on such date as the State Government may, by notification in the [6][Andhra Pradesh Gazette], appoint.

2. Definitions - In this Act, unless there is anything repugnant in the subject or context—

(a) "area" means any area in which the provisions of this Act are in force for the time being;

[7][(aa) "building" means any house or hut or part of a house or hut, let or to be let separately for residential or non-residential purposes and includes-

(i) the garden, grounds, garages and out-houses, if any, appurtenant to such house, hut or part of such house or hut and let or to be let along with such house or hut or part of such house or hut,

(ii) any furniture supplied or any fittings installed by the landlord for use in such house or hut or part of a house or hut,

but does not include a room in a hotel or boarding house;]

(b) "competent authority" means the officer authorised by the State Government by notification in the [6][Andhra Pradesh Gazette], to perform the functions of the competent authority under this Act;

[8][(bb) "landlord" includes any person who is receiving or is entitled to receive the rent of a building, whether on his own account or on

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[1]. For Statement of Objects and Reasons, see Andhra Gazette, Extraordinary dated the 12th May, 1954, Part IV-A, Pages 165-167.

It was extended to transferred territories (Telangana Area) by section 3 of the Andhra Pradesh Requisitioning of Buildings (Extension and Amendment) Act, 1960 (Andhra Pradesh Act XII of 1960).

[2]. Substituted for the words "State of Andhra" by section 4 ibid.

[3]. Substituted for the original short title by the First Schedule to the Andhra Pradesh Laws (Amendment of Short Titles) Act, 1961 (Andhra Pradesh Act IX of 1961).

[4]. Substituted for the words "State of Andhra" by section 5(a) of the Andhra Pradesh Requisitioning of Buildings (Extension and Amendment) Act, 1960 (Andhra Pradesh Act XII of 1960).

[5]. Substituted for the words "Municipality or specified area" by section 5(b) ibid.

[6]. Substituted for the words "Andhra Gazette" by Andhra Pradesh Adaptation of Laws Order of 1957.

[7]. Inserted by the Section 6(a) of the Andhra Pradesh Requisitioning of Buildings (Extension and Amendment) Act, 1960 (Andhra Pradesh Act XII of 1960).

[8]. Inserted by the Act No.XII of 1960, S.6(b).

behalf of another or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant;]

[1][(c) "public purpose" means any purpose relating to the provision of accommodation for the offices and officers of the Government of Andhra Pradesh or for persons whose houses are requisitioned under this Act and includes any other purpose connected with that Government;]

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

(e) "requisition" means requisition for a public purpose;

(f) "requisitioned building" means a building in respect of which an order of requisition has been made by the competent authority under section 3 or section 4;

(g) [2][XXX]

3. Requisitioning of vacant buildings - The competent authority may, for a public purpose, by order in writing served on the landlord, requisition—

(1) a building newly constructed which has not been occupied;

(2) a building reconstructed which has not been occupied, subsequent to such reconstruction; or

(3) a building which is, or becomes vacant by the landlord or the tenant ceasing to occupy it or otherwise.

Explanation I.— A building may be requisitioned under this section notwithstanding that it is subject to an agreement of lease.

Explanation II.— A building that is not in continuous use for a residential or non-residential purpose shall be deemed to be vacant or unoccupied notwithstanding that it is kept locked or is subject to casual, inconsequential or temporary use for storage of goods or for the stay of persons.

Explanation III. — Nothing contained in this section or in section 4 shall be deemed to authorise the requisitioning of any building used exclusively for purposes of religious worship.

4. Requisitioning of occupied buildings - (1) Where a landlord is in possession or is entitled to immediate possession of more buildings, than one in the same area, and the competent authority is of the opinion that, having regard to the landlord's calling, standard of living, nature and extent of business and other material facts, the landlord's, residential or non-residential requirements, as the case may be, would be adequately served allotting to him one or more of the said buildings and that the other building or buildings are needed for a public purpose, the competent authority may, by order in writing served, on the landlord, allot to him for his residential or non-residential purposes, as the case may be, such one or more buildings and requisition the other building or buildings.

(2) Where a landlord is in occupation of a portion of a building and the competent authority is of the opinion that the said portion should be requisitioned in order that the said portion may, with the rest of the building, be used as a single unit for a public purpose, the competent authority may, by order in writing served on the landlord, allot to him for his occupation another building whether belonging to the landlord or requisitioned from any other person and requisition the portion of the building of which the landlord is in occupation.

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[1]. Substituted for the original clause (c) by the Act No. XII of 1960, S.6(c).
[2]. Omitted by the Act No. XII of 1960, S.6(d).

(3) Where one building belonging to a landlord is in his occupation and another building belonging to him is in the occupation of another person as the landlord's tenant or licensee, and the competent authority is of the opinion that the building in the occupation of the landlord is needed for a public purpose, and the building in the occupation of the tenant or the licensee is suitable for the landlord's occupation, the competent authority may, subject to the provisions of sub-section (5), by order in writing served on the landlord and the tenant or the licensee, requisition the building in the occupation of the landlord and allot to the landlord for his occupation the building in the occupation of the tenant or the licensee.

(4) Where a building is in the occupation of a tenant or a licensee, the competent authority may, subject to the provisions of sub-section (5), by order in writing served on the landlord and the tenant or the licensee, requisition the building.

(5) The tenant or the licensee in the occupation of a building against whom any order requisitioning a building has been issued under sub-section (3) or sub-section (4) shall be paid compensation equal to the amount of rent payable by him for the building for a period of four months plus reasonable expenses incurred on account of vacating the building and re-occupying another building, or in lieu of such compensation and expenses, shall be given two months notice to vacate the building:

Provided that it shall not be necessary to pay any such compensation and expenses or to give any such notice as aforesaid, if the competent authority allots to the tenant or licensee for his occupation another building either belonging to the landlord or the tenant or the licensee or requisitioned from some other person and which, in the opinion of the competent authority, is suitable.

(6) Occupation by a person to whom a requisitioned building is allotted by the competent authority shall be subject to such conditions as may be prescribed.

5. Procedure to be followed before issuing order of requisition - (1) Before issuing any order requisitioning a building under section 3 or section 4, the competent authority—

(a) shall call upon the landlord or any other person who may be in possession of the building by notice in writing to show cause, within fifteen days from the date of the service of such notice on him, why the building should not be requisitioned; and

(b) may, by order direct that neither the landlord nor any other person shall, without the permission of the competent authority, dispose of or structurally alter the building or let it out to a tenant until the expiry of such period, not exceeding two months, as may be specified in the order.

(2) If, after considering the cause, if any, shown by the landlord or other person in possession of the building, the competent authority is satisfied that it is necessary or expedient so to do, he may, by order in writing, requisition the building and may make such further orders as appear to him to be necessary or expedient in connection with the requisitioning.

6. Manner of service of the order of requisition - (1) An order of requisition shall be served on the landlord, the tenant or the licensee—

(a) by delivering or tendering a copy of the order to the landlord or the tenant or the licensee and, if such delivery or tender is not immediately practicable, by affixing a copy of the order on the

outer door or other conspicuous part of the building requisitioned; and

(b) by sending by registered post a copy of the order of requisition addressed to the landlord or the tenant or the licensee at his usual place of residence.

(2) An order of requisition shall be deemed to be served on the landlord or the tenant or the licensee, as the case may be, on the date on which the copy sent by registered post will, in the usual course of post, be received by the addressee. Such date is hereafter in this Act referred to as the date of service of the order.

7. Contents of the order of requisition - Every order of requisition shall be in writing and shall specify—

(a) the period of requisition which shall be [1][five years] or any lesser period;

(b) the officer to whom possession of the building should be delivered (hereafter in this Act referred to as the authorised officer); and

(c) the date on which such possession should be delivered, the said date not being earlier than three days from the date of service of the order.

[2][7-A. Power to extend period of requisition where it is less than five years - Where the period of requisition specified in an order of requisition is less than five years, the competent authority may, from time to time, by order in writing served on the landlord in the manner laid down in section 6, extend the period of requisition, after giving the landlord a reasonable opportunity of making his representations; but in no case shall the total period of requisition exceed five years.]

8. Rights over requisitioned building - (1) With effect from the date of service of the order of requisition, the State Government shall be deemed to be the tenant of the landlord and, save as otherwise provided by this Act, their rights and liabilities shall be governed by the Transfer of Property Act, 1882 (Central Act 4 of 1882).

(2) With effect from the date specified under section 7, clause (c), and for the period of requisition, the right to possession of the requisitioned building shall vest on behalf of the State Government, in the competent authority as against the landlord, his tenant or licensee, if any, and every other person having an interest in the building.

(3) The person in occupation or control of the requisitioned building shall deliver possession of the said building to the authorised officer on or before the date mentioned in the order of requisition; in default, the competent authority or the authorised officer may take possession of the building breaking open locks, if any, and using such force with such police assistance

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[1]. For the words “one year” , the words “two years” were substituted by section 2 of the Andhra Pradesh Requisitioning of Buildings (Amendment) Act, 1955 (President’s Act 3 of 1955) and for the words “two years”, these words were substituted by section 2 of the Andhra Pradesh Requisitioning of Buildings (Second Amendment) Act, 1955 (Act XIX of 1955).

[2]. Original section 7-A was inserted by the Andhra Pradesh Requisitioning of Buildings (Amendment) Act, 1955 (President’s Act 3 of 1955) and this section was substituted for the original section by the Andhra Pradesh Requisitioning of Buildings (Second Amendment) Act, 1955 (Act XIX of 1955).

as may be required for evicting any person who refuses to vacate and for removing any obstruction or resistance to the taking of such possession.

(4) The rent payable by the State Government to the landlord for a requisitioned building shall be paid by the competent authority or the licensee and shall be such rent as may be agreed between the landlord and the competent authority or the licensee, as the case may be, or in default of agreement, shall be the fair rent fixed under section 9:

[1][XXX]

9. Fixation of fair rent - (1) The landlord or the competent authority or the licensee may apply to the Court of the District Munsif having jurisdiction over the area in which the requisitioned building is situated for fixing the fair rent of the building for the period of the requisition.

[2][Explanation - A Munsif appointed under [3][the Andhra Pradesh (Telangana Area) Civil Courts Act, 1954 (Act No. XXXVI of 1954)] in the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), shall be deemed to be a District Munsif for the purposes of this section.]

(2) The fair rent shall be—

(a) a monthly payment in respect of the period of requisition of a sum equal to the rent which would have been payable for the use and occupation of the building, if it had been taken on lease for that period; and

(b) such sum or sums, if any, as may be found necessary to compensate the landlord for all or any of the following matters, namely:--

(i) pecuniary loss due to requisitioning;

(ii)expenses on account of vacating the requisitioned building;

(iii) expenses on account of reoccupying the building upon release from requisition; and

(iv) damages (other than normal wear and tear) caused to the building during the period of requisition, including the expenses that may have to be incurred for restoring the building to the condition in which it was at the time of requisition.

(3) Against an order passed by the District Munsif's Court fixing the fair rent, the landlord or the competent authority or the licensee may, within fifteen days from the date of such order, prefer an appeal to the Subordinate Judge's Court having jurisdiction over the area in which the building is situated or if there is no such Court, to the District Court; and the decision of the Subordinate Judge's Court or the District Court, as the case may be, on such appeal shall be final and shall not be liable to review or revision.

[4] [(4) When this Act comes into force in any area in the cities of Hyderabad and Secunderabad, applications for fixation of fair rent under sub-

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[1]. Proviso omitted by Section 7 of the Andhra Pradesh Requisitioning of Buildings (Extension and Amendment) Act, 1960 (Andhra Pradesh Act XII of 1960).
[2]. Added by section 8(i) ibid.
[3]. Substituted for the original short title by the Andhra Pradesh Laws (Amendment of short Titles) Act, 1961 (Andhra Pradesh Act IX of 1961).
[4]. Added by the Act No. XII of 1960, S.8(ii).

section (1) in respect of requisitioned buildings situated in such area shall lie to the Additional Judge of the City Civil Court, Hyderabad and appeals under sub-section (3) from any order passed by such Additional Judge shall lie to the Chief Judge of that Court.]

10. Improvements - The competent authority shall have power to make or authorize the making of additions or alterations to the requisitioned building without the consent of the landlord and without any liability to enhancement of rent by reason of such additions or alterations:

Provided that, on the expiry of the period of requisition or at the time of the surrender of the building to the landlord by mutual agreement, the landlord shall be entitled to take the building with the additions and alterations of a permanent nature, but without any liability to pay compensation for such additions and alterations, or to have such additions and alterations removed and to have the building restored, at the expense of the State Government, to its condition at the time of the requisition, subject to changes caused by reasonable wear and tear.

11. Appeals from orders of requisition - (1) Any person aggrieved by an order of requisition made by the competent authority under section 3 or section 4 may, within fifteen days from the date of service of the order, prefer an appeal to the State Government.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority and after making such further inquiry, if any, as may be necessary, pass such orders as they think fit and the order of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as they think fit.

12. Power to obtain information - (1) The competent authority may, by order, require any landlord, tenant or other person to furnish such information and in such manner and at such time as may be specified in the order relating to a building which is requisitioned or intended to be requisitioned under this Act.

(2) Whoever being required by an order of the competent authority under sub-section (1) to furnish any information, wilfully omits to furnish such information in the manner and at the time required in the order, or furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with fine which may extend to one thousand rupees.

13. Power to enter and inspect any building - The competent authority or any officer empowered in this behalf by such authority, by general or special order, may enter and inspect any building for the purpose of determining whether, and if so, in what manner, an order under this Act should be made in relation to such building, or with a view to securing compliance with an order made under this Act.

14. Easement not to be disturbed - The landlord of a building requisitioned under this Act or other person in possession thereof shall not, without the previous written consent of the competent authority or except for the purposes of effecting repairs or complying with a municipal requirement, wilfully disturb any convenience or easement attached to such building or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the building.

15. Bar of certain proceedings - (1) No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority or the authorised officer or any other officer or servant of the State Government, or any other person acting under the supervision or direction of an officer of the State Government in respect of any order passed or act done or purporting or intended to be done in good faith under this Act.

(2) The opinion of the competent authority that a building is needed for a public purpose or that a building is vacant or unoccupied or that the residential or nonresidential requirements of a person would be adequately served by allotting to him any particular building or buildings shall be final and shall not be liable to be questioned in a Court of Law.

16. Power to make rules - (1) The State Government may, by notification in the [1][Andhra Pradesh Gazette], make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than fourteen days before [2][both the Houses of the State Legislature] as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as [3][the State Legislature] may make during the session in which they are so laid.

17. Act to override contracts and other laws - (1) The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law or in any contract.

[4][(2) When this Act comes into force in any area in the territories which immediately before the 1st November, 1956, were comprised in the State of Andhra, or in the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), the provisions of [5][the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949)] in the former case and the [1][Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954 (Hyderabad Act XX of 1954)] in the latter case, shall have effect subject to the provisions of this Act.]

18. Saving in respect of buildings already requisitioned - Notwithstanding anything contained in section 1 (3) all buildings requisitioned by the Government under the Requisitioning of Buildings (Andhra Area) Ordinance, 1953 (Madras Ordinance I of 1953), while that Ordinance was in operation in the Kurnool and Nandyal Municipalities, shall be deemed to have been requisitioned under this Act as if such requisitions were made by a competent authority under this Act after it had been brought into force in the said municipalities under section 1 (3) of this Act; but nothing contained herein shall be construed as authorising the making of any fresh requisitions in the said municipalities unless this Act is brought into force therein by a notification under section 1 (3).

[6][19. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order notified in the Andhra Pradesh Gazette, make such provisions or give such directions as appear to them to be necessary for the removal of the difficulty.

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[1]. Substituted for the words “Andhra Gazette” by Andhra Pradesh Adaptation of Laws Order of 1957.

[2]. Substituted for the words “the Andhra Pradesh Legislative Assembly” by section 9 of the Andhra Pradesh Requisitioning of Buildings (Extension and Amendment) Act, 1960 (Andhra Pradesh Act XII of 1960).

[3]. Substituted for the words “that Assembly” by ibid.

[4] . Substituted for the original sub-section (2) by Section 10, ibid.

[5]. See now the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 (Andhra Pradesh Act XV of 1960).

[6]. Sections 19 to 21 were added by the Act No. XII of 1960, Section 11.

20. Repeal of Hyderabad Regulation II of 1357 Fasli - The Hyderabad Requisitioning of Immovable Property (Temporary Powers) Regulation, 1357 Fasli (Hyderabad Regulation II of 1357 Fasli), is hereby repealed.

21. Act not to apply to buildings newly constructed - The provisions of this Act shall not apply to any building constructed after the commencement of [1][the Andhra Pradesh Requisitioning of Buildings (Extension and Amendment) Act, 1960,] for a period of five years from the date of such construction.]

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[1]. Substituted for the original short title by the first schedule to the Andhra Pradesh Laws (Amendment of short Titles) Act, 1961, (Andhra Pradesh Act IX of 1961).