# The Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960

Act Act No. XV of 1960. 38 sections. Bare Act with the official footnotes.

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## Section 1. Short title and application

(1) This Act may be called the [1]Telangana Buildings (Lease, Rent and Eviction) Control Act, 1960.

(2) (a) This Act, except sub-section (2) of section 3, shall apply to the cities of Hyderabad and Secunderabad, [2][Visakhapatnam and Vijayawada] Municipal Corporations [3][and to all municipal corporations and municipalities in the State of [1]Telangana].

(b) sub-section (2) of section 3, shall apply to the cities of Hyderabad and Secunderabad, [2][Visakhapatnam and Vijayawada] and [3][to any municipal corporation or municipality in the State of [1]Telangana], if the State Government, by notification in the Telangana Gazette so direct.

(c) the State Government may, by notification in the Telangana Gazette, apply all or any of the provisions of this Act except sub-section (2) of section 3 to any other area in the State of Telangana with effect from such date as may be specified in the notification, and may cancel or modify any such notification.

[1] Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.
[2] Inserted by Act No.22 of 1985.
[3] Substituted by Act No.27 of 1997.

## Section 2. Definitions

In this Act, unless the context otherwise requires-

(i) 'Andhra area' means the territories which immediately before the 1st November 1956, were comprised in the State of Andhra;

(ii) 'authorised officer' means any officer authorised by the Government under sub-section (1) of section 3;

(iii) '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-

(a) the gardens, 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;

(b) any furniture supplied or any fittings affixed 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;

(iv) 'Controller' means any person not below the rank of a Tahsildar appointed by the Government to perform the functions of a Controller under this Act;

(v) 'Government' means the State Government;

(vi) 'landlord' means the owner of a building and includes a person who is receiving or is entitled to receive the rent of a building whether on his own account or on behalf of another person 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 a tenant;

Explanation.- A tenant who sub-lets a building shall be deemed to be a landlord within the meaning of this Act in relation to the sub-tenant;

(vii) 'prescribed' means prescribed by rules made under this Act;

(viii) 'Telangana area' means the territories specified in sub-section (1) of section 3.of the States Reorganization Act, 1956 (Central Act 37 of 1956);

(ix) 'tenant' means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son or daughter, of a deceased tenant who had been living with the tenant in the building as a member of the tenant's family up to the death of the tenant and a person continuing in possession after the

termination of the tenancy in his favour,

but does not include a person placed in occupation of a building, by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been framed out or leased by a local authority.

### Section 3. Notice of vacancy

(1) (a) Every landlord shall, within ten days after the building becomes vacant by his ceasing to occupy it, or by the termination of a tenancy, or by the eviction of the tenant or by release from requisition or otherwise, give notice of the vacancy in writing to the officer authorised in that behalf by the Government.

Explanation.- A landlord who, having obtained possession of a building under sub-section (3) of section 10 lets the whole or part of it to a tenant shall be deemed to have failed to give notice under this section.

(b) Every notice given under clause (a) shall contain such particulars as may be prescribed.

(2) [1][In any Municipal Corporation or in any Municipality] (including the cities of Hyderabad and Secunderabad, [2][Visakhapatnam and Vijayawada]) to which this sub-section has been applied under clause (b) of sub-section (2) of section 1, where the tenant of a building puts another person in occupation thereof and does not re-occupy it within a period of three months, then, on the expiry of such period, the tenancy shall be deemed to have terminated and it shall be the duty of the tenant, and also of the landlord if he is aware of such terminaiion, to give notice thereof in writing to the authorised officer within seven days of such termination:

Provided that where the tenant obtains written permission from the authorised officer to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein a period of six months were substituted.

Explanation.- This sub-section shall not apply where the building has been sub-let by a tenant entitled to do so, after giving due notice to the authorised officer under sub-section (1) and in conformity with the provisions of this section.

(3) If, within fifteen days of the receipt by the authorised officer of a notice under sub-section (1) or sub-section (2), the Government or the authorised officer does not intimate to the landlord in writing that the building is required for the purposes of the State Government or the Central Government or of any local authority or of any public institution under the control of any such Government or for the occupation of any officer of such Government, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

(4) (a) The authorised officer may, on receipt of an application from the landlord, or on receipt of a direction from the Government in pursuance of an application made to them by the landlord, release a building for the occupation of the landlord.

(b) A landlord who has obtained possession of a building in pursuance of an order under clause (a) shall occupy it himself and if he does not himself occupy it but proposes either to let out or keep vacant the whole or any part of the building for a period exceeding that permitted by the authorised officer by order in writing, he shall give notice as required under sub-section (1) as if the building has fallen vacant.

(c) Where a landlord fails to give intimation to the authorised officer as required under clause (b), the Government or the authorised officer shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3), to give intimation to the landlord that the building is so required and thereupon the provisions of sub-sections (6) and (8) shall apply to the building.

(5) The landlord shall not let the building to a tenant or occupy it himself, before the expiry of the period of fifteen days specified in sub-section (3), unless in the meantime he has received intimation that the building is not required for the purposes, or for occupation by any of the officers, specified in that sub-section.

(6) If the building is required for any of the purposes or for occupation by any of the officers specified in sub-section (3), the landlord shall deliver possession of the building to the authorised officer or to the allottee, named by the authorised officer, as the case may be, and the Government shall be deemed to be the tenant of the landlord, with retrospective effect from the date on which the authorised officer received notice under sub-section (1) or sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant and in default of an agreement, as may be determined by the Controller:

Provided that-

(i) where the landlord fails to deliver possession of the building to the authorised officer, within forty-eight hours of the receipt of the intimation that the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) or within such further time as the authorised officer may by order in writing allow, the Government shall be deemed to be the tenant of the landlord only from the date on which he delivers

possession;

(ii) where owing to any ommission or act or obstructive or preventive tactics on the part of the landlord there has been delay in coming to a decision whether or not the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3), the Government shall be deemed to be the tenant of the landlord only from such later date as may be fixed by the authorised officer having regard to the circumstances of each case;

(iii) the rent payable shall be the fair rent, if any, fixed for the building under the provisions of this Act; and if no fair rent has been so fixed, such reasonable rent as the authorised officer may determine;

(iv) the reasonable rent fixed by the authorised officer under the foregoing proviso shall be subject to such fair rent as may be determined by the Controller;

(v) if the building is a residential building, it shall not be converted into a non-residential building unless the premission in writing of the Controller is obtained under section 18;

(vi) no structural alterations shall be made in the building, unless the consent of the landlord is also obtained therefor.

(7) In cases not falling under sub-section (6) where the landlord, without having occupied the building himself, lets it to any tenant after a notice is given to the authorised officer under sub-section (1) or sub-section (2), the tenancy shall be deemed to have been ante-dated by the number of days during which the landlord was prohibited from letting the building to any tenant by virtue of sub-section (5) and the tenant shall be liable to pay for those days also.

(8) (a) Any officer empowered by the Government in this behalf may summarily dispossess-

(i) any landlord, tenant or other person occupying any building in contravention of the provisions of this section or any landlord who fails to deliver to the Government possession of any building in respect of which they are deemed to be the tenant by virtue of this section, or

(ii) any officer, local authority or public institution continuing to occupy, or failing to deliver possession of, any building in respect of which the Government are deemed to be the tenant by virtue of this section, after the termination of his or its licence to occupy such building,

and take possession of the building including any portion thereof which may have been sub-let.

Explanation.- The provisions of this clause shall apply also to cases which, arose before the date of the commencement of this Act.

(b) If free access to the building is not afforded to the officer empowered under clause (a) he may after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(c) Any landlord, tenant or other person or any officer, local authority or public institution, liable to be summarily dispossessed under clause (a), shall pay to the Goverment-

(i) the fair rent payable for the building under the provisions of this Act for the period of his or its occupation or possession thereof as described in that clause; and

(ii) the expenses, if any, incurred by the Government in effecting such summary dispossession, as determined by them.

(9) Nothing in this section shall apply-

(a) to a residential building the monthly rent of which does not exceed twenty-five rupees; or

(b) to a non-residential building the monthly rent of which, does not exceed fifty rupees; or

(c) to any building or buildings in the same city, town or village owned by any company, association or firm, whether incorporated or not, and bona fide intended solely for the occupation of its officers, servants or agents.

[1] Inserted by Act No.27 of 1997.

[2] Inserted by Act No.22 of 1985.

### Section 4. Determination of fair rent

(1) The Controller shall, on application by the tenant or landlord of a building fix the fair rent for such building after holding such inquiry as the Controller thinks fit.

(2) In fixing the fair rent under this section the Controller shall have due regard-

(a) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 5th April 1944;

(b) to the rental value as entered in the property tax assessment book of the concerned local authority relating to the period mentioned in clause (a);

(c) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the 5th April 1944;

(3) In fixing the fair rent of residential buildings, the Controller may allow-

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed twenty-five rupees per mensem, an increase not exceeding 1212 per cent on such rate or rental value;

(ii) if the rate of rent or rental value exceeds twenty-five rupees per mensem but does not exceed fifty rupees per mensem, an increase not exceeding 18 34 per cent on such rate or rental value;

(iii) if the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding 3712 per cent on such rate or rental value:

Provided that in the case of a residential building which has been constructed after the 5th April 1944, the percentage of increase shall not exceed 3712, 5614 and 75 respectively.

(4) In fixing the fair rent of non-residential building, the Controller may allow-

(i) if the rate of rent or rental value referred to in sub-section (2) does not exceed fifty rupees per mensem an increase not exceeding 56 14 per cent on such rate or rental value;

(ii) if the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding 75 per cent on such rate or rental value:

Provided that in the case of a non-residential building which has been constructed after the 5th Aprll 1944, the percentage of increase shall not exceed 75 and 150 respectively.

(5) In the case of a building for which the fair rent has been fixed before the commencement of this Act, the Controller shall, on the application of the landlord, allow such increase in the fair rent as in the opinion of the Controller the landlord is entitled to under this section.

### Section 5. Increase in fair rent in what cases admissible

(1) When the fair rent of a building has been fixed under this Act no further increase in such fair rent shall be permissible except in cases where some addition, improvemment or alteration has been carried out at the landlord's expense and if the building is then in the occupation of a tenant, at his request:

Provided that the increase shall be calculated at a rate per annum not exceeding six per cent of the cost of such addition, improvement or alteration carried out and the fair rent as increased under this sub-section shall not exceed the fair rent payable under this Act for a similar building in the same locality, with such addition, improvement or alteration:

Provided further that any dispute between the landlord and the tenant in regard to any increase claimed under this sub-section shall be decided by the Controller.

(2) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed:

Provided that any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Controller.

### Section 6. Increase of rent in certain cases

(1) Where the amount of taxes and cesses payable by the landlord in respect of any building to a local authority is enhanced after the fixation of the fair rent under section 4 the landlord shall be entitled to claim half of such excess from the tenant in addition to the rent payable for the building under this Act:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Controller.

### Section 7. Landlord not to claim or receive any thing in excess of fair rent or agreed rent

(1) Where the Controller has fixed the fair rent of a building-

(a) the landlord shall not claim, receive or stipulate for the payment of (i) any premium or other like sum in addition to such fair rent, or (ii) save as provided in section 5 or section 6, anything in excess of such fair rent:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding one month's rent, by way of advance;

(b) save as provided in clause (a), any premium or other like sum or any rent paid in addition to, or in excess of, such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord:

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of six months prior to the date of application by the tenant or the landlord under sub-section (1) of section 4 for fixing the fair rent.

(2) Where the fair rent of a building has not been so fixed-

(a) the landlord shall not, after the commencement of this Act claim, receive or stipulate for the payment of any premium or other like sum in addition to the agreed rent:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding one month's rent by way of advance;

(b) save as provided in clause (a), any sum paid in excess of the agreed rent whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.

## Section 8. Right of tenant paying rent or advance to receipt

(1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt for the amount paid duly signed by the landlord or his authorised agent.

(2) Where a landlord refuses to accept, or evades the receipt of, any rent lawfully payable to him by a, tenant in respect of any building, the tenant may, by notice in writing, require the landlord to specify within ten days from the date of receipt of the notice by him, a bank into which the rent may be deposited by the tenant to the credit of the landlord:

Provided that such bank shall be one situated in the city, town or village in which the building is situated or if there is no such bank in such city, town or village within three miles of the limits thereof.

Explanation.- It shall be open to the landlord to specify from time to time by a written notice to the tenant and subject to the proviso aforesaid, a bank different from the one already specified by him under this sub-section.

(3) If the landlord specifies a bank as aforesaid the tenant shall deposit the rent in the bank and shall continue to deposit in it any rent which may subsequently become due in respect of the building.

(4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited in accordance with the provisions of sub-section (2).

(5) If the landlord refuses to receive the rent remitted by money order under sub-section (4), the tenant may deposit the rent before such authority and in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building, before the same authority and in the same manner; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the person held by the controller, to be entitled to the amount on application made by such person to the controller in that behalf.

## Section 9. Right of tenant to deposit rent in certain cases

(1) Where the address of the landlord or his authorised agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building, before such authority and in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building, before the same authority and in the same manner until the address of the landlord or his authorised agent becomes known to the tenant.

(2) The amount deposited under sub-section (1) may, subject to such conditions as may be prescribed, be withdrawn by the person held by the controller to be entitled to the amount on application made by such person to the Controller in that behalf.

(3) Where any bona fide doubt or dispute arises as to the person who is entitled to receive the rent for any building the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Controller the circumstances under which such deposit was made by him, and may continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decision of a competent Court or by a settlement between the parties or until the Controller makes an order under clause (b) of sub-section (4), as the case may be.

(4) (a) The Controller to whom a report is made under sub-section (3) shall, if satisfied that a bona fide doubt or dispute exists in the matter, direct that, pending removal of the doubt or settlement of the dispute as aforesaid, the deposit be held by the authority concerned.

(b) If the Controller is not so satisfied, he shall forthwith order payment of the amount deposited to the landlord.

(5) Where the Controller passes an order under clause (a) of sub-section (4) any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent Court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties, only by the person who is held by the Controller to be entitled to the amount or amounts in accordance with such settlement.

### Section 10. Eviction of tenants

(1) A tenant shall not be evicted whether in execution of a decree or otherwise except in accordance with the provisions of this section or sections 12 and 13:

Provided that where the tenant denies the title of the landlord or claims right of permanent tenancy, the Controller shall decide whether the denial or claim is bona fide and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in the said sections, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied-

(i) that the tenant has not paid or tendered the rent due by him in respect of the building within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or

(ii) that the tenant has, in the Andhra area, after the 23rd October, 1945, and in the Telangana area after commencement of the Hyderabad Houses Rent Control Order of 1353 Fasli, without the written consent of the landlord-

(a) transferred his right under the lease or sub-let the entire building or any portion thereof if the lease does not confer on him any right to do so, or

(b) used the building for a purpose other than that for which it was leased, or

(iii) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the building, or

(iv) that the tenant has been guilty of such acts and conduct which are a nuisance to the occupiers of other portions in the same building or of buildings in the neighbourhood, or

(v) that the tenant has secured alternative building or ceased to occupy the building for a, continuous period of four months without reasonable cause, or

(vi) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not bona fide,

the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that in any case falling under clause (i), if the Controller is satisfied that the tenant's default to pay or tender rent was not wilful, he may notwithstanding anything in section 11, give the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by bim to the landlord up to the date of such payment or tender and on such payment or tender, the application shall be rejected.

(3) (a) A landlord may, subject to the provisions of clause (d), apply to the Controller for an order directing the tenant to put the landlord in possession of the building-

(i) in case it is a residential building-

(a) if the landlord is not occupying a residential building of his own in the city, town or village concerned and he

requires it for his own occupation;

(b) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bona fide requires another building instead, for his own occupation;

(ii) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building in the city, town or village concerned which is his own or the possession of which he is entitled whether under this Act or otherwise;

(iii) in case it is any other non-residential building, if the landlord is not occupying a non-residential building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise-

(a) for the purpose of a business which he is carrying on, on the date of the application, or

(b) for the purpose of a business which in the opinion of the Controller, the landlord bona fide proposes to commence:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument inter vivos shall not be entitled to apply under this clause before the expiry of three months from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this clause he shall not be entitled to apply again under this clause-

(i) in case he has obtained possession of a residential building, for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.

(b) Where the landlord of a building, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of clause (d), for an order directing the tenant to put the institution in possession of the building.

(c) A landlord who is occupying only a part of a building whether residential or non-residential, may, not withstanding anything in clause (a), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for residential purposes or for the purpose of a, business, which he is carrying on, as the case may be.

(d) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period.

(e) The Controller shall, if he is satisfied that the claim of the landlord is bona fide make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that, in the case of an application under clause (c), the Controller shall reject the application if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord:

Provided further that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

(4) No order for eviction shall be passed under sub-section (3) -

(i) against any tenant who is engaged in any employment or class of employment notified by the Government as an essential service for the purposes of this sub-section unless the landlord is himself engaged in any employment or class of employment which has been so notified; or

(ii) in respect of any building which has been left for use as an educational institution and is actually being used as such; provided that the institution has been recognized by the Government or any authority empowered by them in this behalf, so long as such recognition continues.

(5) (a) Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) does not himself occupy it and for the purpose specified in the order within one month of the date of obtaining possession, or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly notwithstanding anything in section 3.

(b) Where a tenant who is entitled to apply for possession under clause (a) fails to do so within one month from the date on which the right to make the application accrued to him, the Government or the authorised officer shall have power, if the building is required for any of the purposes, or for occupation by any of the officers specified in sub-section (3) of that section, to give intimation to the landlord that the building is so required, and thereupon the provisions of sub-sections (6) and (8) of section 3 shall apply to the building:

Provided that this clause shall not apply to a residential building the monthly rent of which does not exceed twenty-five rupees or to a non-residential building the monthly rent of which does not exceed fifty rupees.

(6) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation, not exceeding fifty rupees be paid by such landlord to the tenant.

(7) Where an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the Controller, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in sub-section (2) or sub-section (3).

(8) Notwithstanding anything in this section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.

## Section 10-A. Right to recover immediate possession of premises to accrue to members of the armed forces etc

[1][(1) Where the landlord,-

(a) is a released or retired person from any armed forces and the premises let out by him, spouse or his dependent son or daughter are required for his own use; or

(b) is dependant of a member of any armed forces who had been killed in action and the premises let out by such member are required for the use of the family of such member, such person, his spouse or his dependant son or daughter, as the case may be, may within one year from the date of his release or retirement from such armed forces or, as the case may be the date of death of such member, or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering the immediate possession of such premises.

(2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependant son or daughter are required for his own use after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependant son or daughter to make an application under that sub-section in respect of only one of the premises chosen by him.

Explanation: For the purpose of this section, "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force as defined under the [2]Telangana Members of Police Force (Regulation of Transfers) Act, 1985.

[1] Sections 10-A, 10-B and 10-C with marginal headings, added by Act No.17 of 2005.

[2] Adapted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

## Section 10-B. Right to recover immediate possession to accrue to employee of State or Central Government

(1) Where the landlord is a retired employee of the State or Central Government, and the premises let out by him, his spouse or his dependant son or daughter are required for his own use, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Court for recovering immediate possession of such premises.

(2) Where the landlord is an employee of the State or Central Government and has a period of less than one year preceding the date of his retirment and the premises let out by him, his spouse or his dependant son or daughter are required by him for his own use after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Court for recovering immediate possession of such premises.

(3) Where the landlord, his spouse or his dependant son or daughter referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependant son or daughter, as the case

may be, to make an application under that sub-section in respect of only one of the premises chosen by him.

### Section 10-C. Right to recover immediate possession of premises to accrue to a widow

(1) Where the landlord is,-

(a) a widow and the premises let out by her, or by her husband;

(b) a handicapped person and the premises let out by him;

(c) a person who is of the age of sixty-five years or more and the premises let out by him, or her;

is required for use by him or her or for his or her family or for any one ordinarily living with him or her as the case may be for use he or she may apply to the Court for recovery of immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of any one reisdential and one non-residential premises each chosen by him.

Explanation-I:- For the purposes of this section, "handicapped person" shall mean a person who is as if being an assessee entitled for the time being to the benefits of deduction under section 80-U of the Income-tax Act, 1961.

Explanation-II:- The right to recover possession under this section shall be exercisable only once in respect of each for residential and for non-residential use.]

### Section 11. Payment or deposit of rent during the pendency of proceedings for eviction

(1) No tenant against whom an application for eviction has been made by a landlord under section 10, shall be entitled to contest the application before the Controller under that section, or to prefer any appeal under section 20 against any order made by the Controller on the application, unless he has paid to the landlord, or deposits with the Controller or the appellate authority, as the case may be, all arrears of rent due in respect of the building up to the date of payment or deposit and continues to pay or deposit any rent which may subsequently become due in respect of the building, until the termination of the proceedings before the Controller or the appellate authority, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed.

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the Controller or the appellate authority, as the case may be, shall on application made to him either by the tenant or by the landlord, and after making such inquiry as he deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possesion of the building.

(5) The amount deposited under sub-section (1) may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him in that behalf to the Controller or the appellate authority, as the case may be.

### Section 12. Recovery of possession by landlord for repairs, alterations or additions or for reconstruction

(1) Notwithstanding anything in this Act, on an application made by a landlord, the Controller may, if he is satisfied-

(a) that the building is reasonably and bona fide-required by the landlord for carrying out repairs, alterations or additions which cannot be carried out without the building being vacated; or

(b) that the building consists of not more than two floors and is reasonably and bona fide required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished, pass an order directing the tenant to deliver possession of the building to the landlord before a specified date.

(2) No order for recovery of possession under this section shall be passed unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions or the new building on its completion will be offered to the tenant, who delivered possession in pursuance or an order under sub-section (1), for his re-occupation before the expiry of such period as may be specified by the Controller in this behalf.

(3) In case the tenant, to whom the building or the new building, as the case may be, is offered under sub-section (2) by the landlord does not want to occupy it the landlord shall give notice of vacancy in writing to the authorised officer under sub-section (1) of section 3.

(4) Nothing in this section shall entitle the landlord, who has recovered possession of the building for repairs, alterations or additions or for reconstruction to convert a residential building into a non-residential building or a non-residential building into a residential building unless such conversion is permitted by the Controller at the time of passing an order under sub-section (1).

### Section 13. Recovery of possession by landlord for repairs, alterations or additions or for reconstruction of building in respect of which the Government shall be deemed to be the tenant

(1) Notwithstanding anything in this Act, on an application made by a landlord of a building in respect of which the Government shall be deemed to be the tenant, the authorised officer may, if he is satisfied-

(a) that the building is reasonably and bona fide required by the landlord for carrying out repairs, alterations or additions which cannot be carried out without the building being vacated; or

(b) that the building consists of not more than two floors and is reasonably and bona fide required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished, pass an order directing the allottee to deliver possession of the building to the landlord before a specified date.

(2) No order for recovery of possession under this section shall be passed unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions or the new building on its completion will be offered to the authorised officer before the expiry of such period as may be specified by the authorised officer in this behalf for re-allotment to any person named by the authorised officer.

(3) Nothing in this section shall entitle the landlord, who has recovered possession of the building for repairs, alterations or additions or for reconstruction to convert a residential building into a non-residential building or a non-residential building into a residential building unless such conversion is permitted by the authorised officer at the time of passing an order under sub-section (1).

### Section 14. Landlord not to interfere with amenities enjoyed by the tenant

(1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

(3) If the tenant satisfies the Controller that the amenities were cut off or withheld without just or sufficient cause, the Controller may pass an interim order, directing the landlord, to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.- An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

(5) If any of the amenities enjoyed by the tenant are stopped by any person other than the landlord by reason of the landlord's failure to pay taxes or other charges, the tenant may pay such taxes or other charges and have the amenities restored and deduct from the rent the amounts so paid by him towards such taxes or other charges.

(6) The Controller may in his discretion direct that compensation not exceeding fifty rupees-

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord has cut off or withheld the amenities frivolously or vexatiously.

Explanation.- In this section the expression 'amenities' include supply of water, electricity, passages, staircases, light, lavatories, lifts and conservancy or sanitary services.

### Section 15. Execution of orders

Every order made under section 10, section 12, section 13 or section 14 and every order passed on appeal under section 20, or on revision under section 22 and every order as to costs under section 21 shall be executed by the Controller:

Provided that an order passed in execution under this section shall not be subject to an appeal, but shall be subject to revision under section 22.

### Section 16. Decisions which have become final not to be reopened

The Controller shall summarily reject any application under sub-section (2), or sub-section (3) of section 10 or under section 12 which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided or as purport to have been finally decided, in a former proceeding under this Act or under any law corresponding thereto in force at the relevant time prior to the commencement of this Act.

### Section 17. Orders of Controller, appellate and revisional authority to be pronounced in open court

Every order passed by a Controller or an appellate or revisional authority under this Act shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

### Section 18. Conversion into non-residential building

No residential building shall be converted into a non-residential building except with the permission in writing of the Controller.

### Section 19. Failure by landlord to make necessary repairs

If a landlord fails to make necessary repairs to the building within a reasonable time after notice is given-

(a) by the authorised officer in respect of a building of which the Government shall be deemed to be the tenant under sub-section (6) of section 3;

(b) by the tenant in respect of any other building;

the authorised officer aforesaid may, in the case referred to in clause (a), make such repairs or have them made by the allottee and deduct the cost thereof from the rent payable for the building or ask the allottee to make such a deduction from the rent payable; and the Controller may, in the case referred to in clause (b), direct, on application by the tenant, that such repairs may be made by the tenant and that the cost thereof may be deducted by the tenant from the rent payable for the building:

Provided that the cost of repairs, and the deduction thereof which the authorised officer or the Controller, as the case may be, may authorise shall not exceed in any one year one-twelfth of the rent payable in respect of the building for that year.

### Section 20. Appeal

(1) Any person aggrieved by an order passed by the Controller may, within thirty days, from the date of such order, prefer an appeal in writing to the Chief Judge, Small Causes Court in the cities of Hyderabad and Secunderabad and elsewhere to the Subordinate Judge, or if there are more than one Subordinate Judge, to the Principal Subordinate Judge having original jurisdiction over the area aforesaid. In computing the said period of thirty days, the time taken to obtain a certified copy of the order appealed against shall be excluded.

(2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(3) The appellate authority shall send for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

Explanation.- The appellate authority may, while confirming the order of eviction passed by the Controller grant an extension of time to the tenant for putting the landlord in possession of the building.

(4) The decision of the appellate authority and subject to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of law, except as provided in section 22.

### Section 21. Costs

Subject to such conditions and limitations, if any as may be prescribed, the costs of and incident to all proceedings before the Controller or the appellate authority referred to in section 20 shall be in the discertion of the Controller or the appellate authority, who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.- The appellate authority may set aside or vary any order passed by the Controller in regard to the costs of and incident to the proceedings before him.

### Section 22. Revision

(1) The High Court may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceeding taken under this Act by the Controller in execution under section 15 or by the appellate authority on appeal under section 20, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding, and may pass such order in reference thereto as it thinks fit.

(2) The costs of and incident to all proceedings before the High Court under sub-section (1) shall be in its discretion.

### Section 23. Order under this Act to be binding on sub-tenants

Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants under such tenant whether they were parties to the proceeding or not tenant and whether they became sub-tenants before or after the date of the application for eviction, provided that such order was not obtained by fraud or collusion.

### Section 24. Proceedings by or against legal representatives

(1) Any application made, appeal preferred or proceeding taken under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceeding could have been made, preferred or taken, under this Act by or against any person, such application, appeal or other proceeding, may in the event of his death, be made, preferred or taken by or against his legal representatives.

### Section 25. Summons to witnesses

Subject to such conditions and limitations as may be prescribed, the Controller may, in his discretion, issue summons to witnesses requiring them to attend in person to give evidence or to produce documents in their custody in connection with any proceedings before him.

### Section 26. Exemptions

Notwithstanding anything in this Act, the Government may by notification in the Telangana Gazette, exempt, subject to such conditions and terms, if any, as they may specify in the notification, any building or class of buildings from all or any of the provisions of this Act.

### Section 27. Executive authorities of local bodies to furnish certified extracts from property tax assessment books

The Executive authority of the concerned local authority shall, on application made in this behalf and on payment of such fee as may, from time to time, be fixed by the Government by notification in the Telangana Gazette, grant to the applicant a certified copy of the extract from the property tax assessment book of the local authority, showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

### Section 28. Landlord and tenant to furnish particulars

Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the building as may be prescribed by rules made under this Act.

### Section 29. Penalties

If any person contravenes any of the provisions of sub-sections (1), (2), (4) (b), (5) and (6) of section 3, sub-sections (1) (a) and (2) (a) of section 7, sub-section (1) of section 14, section 18 and section 28, he shall be punishable with fine which may extend to two thousand rupees.

### Section 30. Power to make rules

(1) The Government may by notification in the Telangana Gazette, make rules to carry out the purposes of this Act.

(2) Without projudice to the generality of the foregoing power, such rules may provide for-

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the procedure to be followed by Controllers and appellate authorities in the performance of their functions under this Act;

(c) the manner in which notices and orders under this Act shall be given or served;

(d) setting aside ex-parte orders passed under this Act;

(e) applications for making legal representatives of deceased persons, parties to proceedings under this Act and time within which such applications shall be preferred;

(f) the procedure to be followed in taking possession of a building and in disposing of the articles found therein at the time of taking possesson;

(g) the fee leviable in respect of applications and appeals under this Act; and

(h) any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

(3) In making a rule under this section, the Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) All rules made under this section shall, as soon as may be after they are made, be laid on the Table of both the Houses of the State Legislature for fourteen days and shall be subject to such modification, whether by way of repeal or amendment, as the State Legislature may make during the session in which they are so laid.

## Section 31. Power to enter and inspect premises

The Controller or any person authorised in writing by him in this behalf, by general or special order, may enter and inspect any building for the purpose of any inquiry or for any other purpose connected with this Act or the rules made thereunder.

## Section 32. Act not apply to certain buildings

[1][The provisions of this Act shall not apply,-

(a) to any building belonging to the State Government or the Central Government, or Cantonment Board or any local authority;

(b) to any building constructed or substantially renovated, either before or after the commencement of this Act for a period of fifteen years from the date of completion of such construction or substantial renovation.

Explanation-I:- A building may be said to be substantially renovated if not less than seventy five per cent of the premises is built new in accordance with the criteria prescribed for determining the extent of renovation.

Explanation-II:- Date of completion of construction shall be the date of completion as intimated to the concerned authority or of assessment of property tax, whichever is earlier, and where the premises have been constructed in stages the date on which the initial building was completed and an intimation thereof was sent to the concerned authority or was assessed to property tax, whichever is earlier.

(c) to any building the rent of which as on the date of commencement of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005, exceeds rupees three thousand and five hundered per month in the areas covered by the Municipal Corporations in the State and rupees two thousand per month in other areas.]

[1] Substituted with marginal heading by Act No.17 of 2005.

## Section 33. Repeals and savings

The Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), and the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954 (Hyderabad Act XX of 1954) (hereinafter in this section referred to as the repealed Acts), are hereby repealed:

Provided that the repeal shall not affect-

(a) the previous operation of the repealed Acts or any thing duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Acts; or

(c) any penalty or punishment incurred in respect of any offence committed under the repealed Acts; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed as if this Act had not been passed subject to the condition that after the commencement of this Act no sentence of imprisonment shall be passed in any case under section 16 of the repealed Madras Act pending on such commencement:

Provided further that, subject to the preceding proviso anything done or any action taken including any appointment made, notification, order, instruction or direction issued, or rule framed under the repealed Acts shall be deemed to have been done or taken under the corresponding provision of this Act, and shall continue to be in force accordingly,

unless and until superseded by anything done or any action taken under this Act.

### Section 34. Indemnity for acts done under this Act

(1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the Government or any person acting under his direction or aiding or assisting him, for anything which is in good faith done or intended to be done in pursuance of or under this Act.

(2) No suit or other legal proceeding shall lie against the Government for, or on account of or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under this Act.

### Section 35. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, in consequence of the transition to the said provisions from the corresponding provisions of the Acts, which were in force immediately before the commencement of this Act, the Government may, by order in the Telangana Gazette, make such provisions as appear to them to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from the provisions of the corresponding Acts, which were in force before the commencement of this Act), the Government may, by order in the Telangana Gazette make such provisions, not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the difficulty. * * *

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