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Eviction of Tenant

(U.P. Urban Building Regulation of letting, Rent and Eviction, Act, 1972)

LL.B. 6th Semester

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Ground of eviction of tenant (Section 20)

According to **section 20(1)** of *Uttar Pradesh urban building (Regulation of Letting Rent and Eviction) Act 1972*, save as provided in sub section 2 of section 20 no suit shall be instituted for the eviction of a tenant from a building notwithstanding the determination of his tenancy by efflux of time or on the expiration of a notice to quit or in any other manner.

Provided that nothing in this sub-section shall bar a suit for the eviction of a tenant on the determination of his tenancy by efflux of time where the tenancy for a fixed term was entered into by or in pursuance of a compromise or adjustment arrived at with reference to a suit, appeal, revision, or execution proceeding, which is either recorded in Court or otherwise reduced to writing and signed by the tenant.

Rule. So, rule is the tenant shall not be evicted section 20(1)

exception- Tenant may be evicted only on those ground which have been mentioned under section 20(2) of Uttar Pradesh urban building (regulation of letting rent and eviction) act 1972

Section 20(2):- A suit for the eviction of tenant from a building after the determination of his tenancy may be instituted on one or more of the following grounds, namely:

A tenant may be evicted from building on any of the following grounds

- (1) Arrears of rent- **section 20 (2) (a)**
- (2) Substantial damage to the building- **Section 20(2)(b)**
- (3) Material alteration- **Section 20(2)(c)**
- (4) Use of the premises for a purpose other than that for which he was admitted to the tenancy- **Section 20 (2) (d)**
- (5) Sub-letting of building- **Section 20 (2)(e)**
- (6) Denied of landlord's title- **Section 20 (2) (f)**

(7) Occupation of building as part of his contract of employment- **Section 20(2)**

(g)

1. Tenant is in arrears

If the tenant is in arrears of rent for not less than four months and has failed to pay the same to the landlord within one month from the date of service upon him of a notice of demand:

provided that in relation to a tenant who is a member of the armed forces of the Union and in whose favour the prescribed authority under the Indian soldiers (litigation) Act 1925 has issued a certificate that he is serving under special conditions within the meaning of section 3 of the Act or where he has died by enemy action while so serving then in relation to his heirs, the word “four months” in this clause shall be deemed to have been substituted by the word “one year”.

2. Substantial damage to the building

Sub-section (2) of section 20 provides that suit for eviction of a tenant from a building after determination of his tenancy may be initiated on the ground that the tenant has willfully caused or permitted to be caused substantial damage to the building.

3. Material alteration

If the tenant has without the permission in writing of the landlord made or permitted to be made any such construction or structural alteration in the building as is likely to diminish its value or utility or to disfigure it.

4. Use of the premises for a purpose other than that for which he was

admitted to the tenancy: Clause (d) of sub-section (2) of Section 20 provides that a suit for the eviction of a tenant from a building after the determination of his tendency may be filed if: -

- (a) The tenant has without the consent in writing of a landlord used it for a purpose other than the purpose for which he was admitted to the tenancy of the building, or
- (b) He has done any act which is inconsistent with such use, or
- (c) The tenant has been convicted under any law for the time being in force of an offence of using the building or allowing it to be used for illegal or immoral purposes.

5. Sub-letting of building

where the tenant has sub-let in contravention of the provision of section 25 or as the case may be of the old act the whole or any part of the building.

[**Section 25(1)**- No tenant shall sub-let the whole of the building under his tenancy.

Section 25(2)- The tenant may with the permission in writing of the landlord and the District Magistrate sub-let a part of the building.]

6. Denied of landlord's title

If the tenant has renounced his character as such or denied the title of landlord, and the latter has not waived his right of re-entry or condoned the conduct of the tenant;

7. Occupation of building as part of his contract of employment: section 20(2)(g) provides that a suit for the eviction of a tenant from a building after the determination of his tenancy may be instituted on the ground that the tenant was allowed to occupy the building as part of his contract of employment under the landlord and his employment has ceased.

Section 20(3): - Omitted in 1972

Section 20(4):- In any suit of eviction on the ground mentioned in clause (a) of sub-section (2), If at the first hearing of the suit the tenant unconditionally pays or [tenders to the landlord or deposit in Court] the entire amount of rent and damages for use and occupation of the building due from him together with interest thereon

at the rate of 9% per annum and the landlords cost of the suit in respect thereof, after deducting therefrom any amount already deposited by the tenant under section 30(1) the Court may in lieu of passing a decree for eviction on the ground pass an order reliving the tenant against his liability for eviction on the ground.

Section 20 (5): - Nothing in section 20 shall affect the power of the Court to pass a decree on basis of an agreement compromise or satisfaction recorded under rule 3 of order XXIII of CPC, 1908.

Section 20 (6): - Any amount deposited by the tenant section 20 (4) Or under Rule 5 of order XXIII of CPC, 1908 shall be paid to the landlord forthwith on his application without prejudice to the parties' pleadings and subject to the ultimate decisions of the suit.

References:

1. Bare Act- U.P. Urban Building Regulation of Letting Rent and Eviction, Act, 1972
2. Mohd. Tauseef Raza- U.P. Local Laws