

**THE UTTAR PRADESH (TEMPORARY) CONTROL OF RENT AND
EVICTION (AMENDMENT) ACT, 1971**

(UTTAR PRADESH ACT NO. 29 OF 1971)

*Authoritative English Text of the Uttar Pradesh (Temporary) Control
of Rent and Eviction (Sanshodhan) Adhiniyam, 1971]*

AN
ACT

*further to amend the U. P. (Temporary) Control of
Rent and Eviction Act, 1947*

IT IS HEREBY enacted in the Twenty-Second Year of the Republic of India
as follows:—

1. This Act may be called the Uttar Pradesh (Temporary) Control of Rent and Eviction (Amendment) Act, 1971. Short title.

2. After section 18 of the U. P. (Temporary) Control of Rent and Eviction Act, 1947, the following section shall be inserted, namely:— Insertion of new
section 19.

"19. (1) Where the whole or any part of the property, which was an accommodation governed by the provisions of this Act at the time of the commencement of the tenancy, is by fire, tempest, flood, or violence of a mob destroyed or rendered unfit for the purposes for which it was let, the tenant shall have the right to re-erect or repair it at his own expense with a view to rendering it fit for the purposes for which it was let:

Special protection to tenants of accommodations destroyed by fire, mob violence etc.
Provided that if the injury was occasioned by the wrongful act or default of the tenant, he shall not be entitled to avail himself of the benefit of this provision.

(2) Where the tenant in exercise of his right under sub-section (1) makes any re-erection or repair,—

(a) the property so re-erected or repaired shall be deemed to be comprised in the tenancy;

(b) the tenant shall not be entitled, whether during the continuance of the tenancy or after its determination, to demolish the property or part so re-erected or repaired or to remove any material used therein other than any fittings or fixtures of a movable nature.

(3) Notwithstanding anything contained in clause (iii) of the third proviso to sub-section (2-a) of section 1 or in section 1-A,—

(a) no suit shall be filed in any civil court for the eviction of the tenant of any property referred to in sub-section (1) except with the permission or on the grounds referred to in section 3:

Provided that no such suit shall be filed on the ground mentioned in clause (c) of sub-section (1) of section 3 on the basis of the tenant having made any re-erection or repair of the nature and in the circumstances specified in sub-section (1);

(b) where any suit for the eviction of a tenant has been filed after March 2, 1971 and before the date of commencement of the Uttar Pradesh (Temporary) Control of Rent and Eviction (Amendment) Act, 1971 or a decree has been passed in any such suit in circumstances

[*For statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated 30th August, 1971.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on 31st August, 1971, and by the Uttar Pradesh Legislative Council on 17th September, 1971.)

(Received the Assent of the President on 12th November, 1971, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated 19th November, 1971.)

in which the suit would not have been maintainable if the provisions of clause (a) had been in force at the time of the institution of the suit, the tenant may within one month from such date of commencement or from the date of his knowledge of the institution of the suit, whichever be later, pay into the court without any reservation the entire amount of rent and damages for use and occupation of the accommodation under tenancy due from him (such damages for use and occupation being calculated at the same rate as rent) and the landlord's full costs of the suit and execution proceedings, if any, in respect thereof, and thereupon, no decree shall be passed in any such suit, and no decree if already passed shall be executed, and if any such decree has been executed, the executing court shall on the application of the evicted tenant place the parties in the same position which they would have occupied but for such decree and for that purpose may evict from the property the decree-holder or any other person claiming through him.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Transfer of Property Act, 1882.