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NOTIFICATION

No.C.31033/3/2011-DCA (M), the 13th June, 2013. In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulations passed by the Mara Autonomous District Council and approved by His Excellency the Governor of Mizoram on 4.6.2013 is hereby published for general information nemely :-

“THE MARAAUTONOMOUS DISTRICT COUNCIL
(TAXES AND RENT ON BUILDINGS) REGULATIONS, 2013”.

P. Singthanga,
Secretary to the Government of Mizoram,
District Council Affairs Department.

to provide for the control of Building Construction, Taxes and Rent within the Mara Autonomous District Council Area.

AND WHEREAS the powers conferred by clause (a) of sub-paragraph (1) of Paragraph 3 and sub-paragraphs (2), (3) and (4) of paragraph 8 of the Sixth Schedule to the Constitution of India, the Mara Autonomous District Council is empowered to make regulations to provide for control and regulation of Building Construction, Taxes and Rent within the area of the Mara Autonomous District.

NOW, THEREFORE, in exercise of the said powers and other powers enabling it in that behalf, the Mara Autonomous District Council is pleased to make the following regulations in the Sixty-Fourth Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Regulation may be called the Mara Autonomous District Council (Taxes and Rent on Buildings) Regulations, 2013.
- (2) It shall extend to the whole of the Mara Autonomous District Council Area.
- (3) It shall come into force on such date as the Executive Committee may appoint, by public notification in the Mizoram Gazette.

Definitions.

2. In this Regulation unless there is anything repugnant to the context or in the subject:-
 - (1) "Authorized Officer" for the purpose of this Regulation means Senior Revenue Officer or such other Officer duly authorized by the Executive Committee in this behalf to deal with any one or more of the provisions of this Regulation.
 - (2) "Building" means any construction let or used for the purposes of residence, education, business, trade or storage within the Town areas of the Mara District.
 - (3) "District Council" means the Mara Autonomous District Council.
 - (4) "District" means the Mara Autonomous District.
 - (5) "Executive Committee" means the Executive Committee of the Mara Autonomous District Council.
 - (6) "Landlord" means any person who is for the time being receiving, or entitled to receive rent in respect of any building or premises on his own account or on account or on behalf or for the benefit of any other person or as a trustee, guardian or receiver for any other or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes any person not being a tenant who from time to time derives the title under a landlord.
 - (7) "Pass" means Land Settlement Certificate pass duly issued by the concerned authority under Mara Autonomous District Council.
 - (8) "Premises" means any building or part of a building let or given on licence or on lease including—the gardens, garages and out-houses if any, appurtenant to such building or part of a building; any fitting affixed to such building or part of a building for more beneficial enjoyment thereof.

- (9) “Rent” means whatever is lawfully payable or deliverable by the tenant to the landlord in cash or in kind or partly in cash and partly in kind on account of occupation or use of any building or premises.
- (10) “Tenant” means any person by whom or on whose account rent or payment is payable for any premises and includes–
- (a) who is a tenant.
 - (b) who is a sub-tenant as may be permitted under a contract or by the express permission or consent in writing of the landlord.
 - (c) who has from time to time derived title under tenant as the case may be.
 - (d) in relation to any premises when the tenant dies, whether the death occurred before or after the commencement of this Regulation, any member of the family of such a tenant who –
 - (i) where they were let for residence, is residing or
 - (ii) where they were let for education, business, trade or storage, is using the premises for any such purpose.
- (11) “Town Areas” means the areas covered by the Town of Siaha and Tipa ‘V’ and may extend to some other areas from time to time as the Executive Committee may, by notification in the Official Gazette declare as town areas or area as the case may be.

Application and Exemption.

3. (1) This Regulation shall apply to all types of Building or Pass within the Town areas of Siaha and Tipa ‘V’.
- (2) The Executive Committee may, by notification in the Official Gazette declare any area within the Mara District to be covered by this Regulation and thereby declare this Regulation applicable to such specified area or areas as the case may be.
- (3) The Executive Committee may by notification in the Official Gazette or by Special order exempt certain Buildings or areas from application of this Regulation provided there existed sufficient and reasonable ground for the purpose.

Cessation of Exemption.

4. Where there is any contravention of any conditions or terms subject to which any such exemption is granted by or under this Regulation, it shall be competent for the Executive Committee to direct that such exemption shall cease to have effect from such date as may be specified in the order.

Control, Regulation and Restriction on Construction of Building, etc.

5. (1) The Executive Committee may, by notification in the Official Gazette impose certain control, regulation and restriction over construction of building within the areas provided as town areas under section 3(1) to carry out the purpose of this Regulation.

- (2) In particular and without prejudice to the general public, such control, regulation and restriction may provide for all or any of the matters, namely:-
- (a) the fixation, limitation and prescription of Building construction, storey or storeys of building or buildings on the basis of site and location of such building or buildings as the case may be.
 - (b) the prescription, specification and requirement of time and extent for repairing, reconstruction, etc. of a building including the time for starting such works of repairing or reconstruction and the extent to which permission for extension, if any, of standing building, shall be granted.
 - (c) the requirement and prescription of space to be spared and reserved by the holder of pass or LSC pass in all sides of such pass for the purpose of construction when he or she is to start such construction. This section shall be applicable to all pass holders having right over the same before or after the application of this Regulation who is or are to construct or reconstruct over such LSC pass or passes as the case may be.
 - (d) the inspection and verification over the process and progress of construction of the buildings so as to ensure that there is no ground or aerial encroachment on the part of pass or pass holder or building owner as the case may be.
- (3) No construction, repair or rebuild of any building shall be carried without an application for the purpose has been submitted in writing by the interested party and duly granted and permitted by the concerned authority with payment of such fee as may be prescribed.
- (4) The Executive Committee or Authorized Officer shall be competent to prescribe and require different space or spaces to be spared or reserved for different pass holders or passes taking into consideration, the site and location of such passes.

EXPLANATION.- For the purpose of this Regulation, all construction shall be presumed to be carried on or undertaken with the knowledge and consent of pass holder or building owner as the case may be.

Powers of imposition, collection and levy of Taxes.

6. (1) The Executive Committee shall be competent to impose, collect and levy taxes on and from buildings constructed or to be constructed within the areas specified as Town areas under section 3 (1).
- (2) The imposition, collection and levy of taxes on and from buildings constructed before the application or commencement of this Regulation shall be at the rate of such an amount as the Executive Committee may specify in the Official Gazette or by Special order.

- (3) The Executive Committee may fix different rates of taxes for different buildings depending upon the size, type, location, site and purpose, if any, of such building.
- (4) The Executive Committee may, in case of storeyed building, impose, collect and levy taxes per storey or if plotted or divided in flats, per flat, as the case may be.
- (5) The term of taxes payable under this Regulation for any building shall be annual which may be extended or contracted by the Executive Committee from time to time.
- (6) The Executive Committee shall further be competent to exercise the powers given in this section and section 13 to the extent of control and regulation over the sale and purchase of building or LSC pass within the town areas as and when it may publish in the Official Gazette for the purpose by making Rules.

Procedure, Fixation and Control of Rent.

7. (1) The Executive Committee may, by public notification in the Official Gazette fix and control rent payable by a tenant or tenants and chargeable by landlord or landlords within the town areas of the District.
- (2) The Executive Committee may fix different rates of rents for different buildings or premises taking into consideration the type, provisions, site, location and purpose of the building or buildings for which they are let or rented as the case may be.
- (3) The Executive Committee may on its own motion or on application being submitted in writing before it, increase or decrease rent within the areas referred to as a town areas in section 3(1) as it may deem proper and reasonable from time to time depending upon the type, site, location and purpose of the building or buildings for which they are let or rented.

Rights of Landlord and Recovery of Possession.

8. (1) The Landlord shall be entitled to recover the possession of the building/premises from the tenant on the following grounds:—
 - (a) notwithstanding anything contained in this Regulation, a landlord shall be entitled to recover possession of any building or premises if he obtains an order of the Court for the purpose.
 - (b) that the tenant has committed an act contrary to the terms and conditions, if any, of an Agreement in writing between the parties.
 - (c) that the building/premises have not been used without reasonable cause for the purpose for which they were let for a continuous period of 3 months.
 - (d) that the tenant has given notice to quit or to terminate tenancy to the landlord. In such a case, recovery of possession shall be effected within 14 days from the receipt of the notice.

(e) that the landlord shall be entitled to recover possession on expiry of the terms, if any, agreed by the parties.

- (2) Every landlord shall give a written receipt for any amount at the time when such amount is received by him to the tenant if such tenant requests or demands the same in respect of any building or premises as the case may be.

Registration of Building and Records thereof.

9. (1) The Executive Committee or Authorized Officer of the concerned authority collecting, levying etc. on and from buildings shall maintain the registration and records of buildings and LSC pass thereof within the town areas of the District.
- (2) The Executive Committee or Authorised Officer in this behalf shall be competent to impose registration fee for buildings as it may deem fit and reasonable.
- (3) The Executive Committee or Authorized Officer in this behalf shall further be competent to specify and prescribe the particulars to be contained in the register and records of buildings for the purpose of registration.
- (4) Any person whose LSC pass or building has duly been registered under this registration shall have the right to access or to inspect into the register or records with prior permission of Executive Committee or Authorized Officer or such other Officer duly authorized by the Executive Committee during office hour.

Right of Tenant.

10. Every tenant under this Regulation shall have the following rights:-

- (1) No landlord, either himself or through any person acting on his behalf, shall, without just or sufficient cause, cut-off or withhold any supply or service, enjoyed by the tenant in respect of the building or premises let to such tenant.
- (2) No tenant shall be evicted without at least 14 days notice in writing advance has been given to him for the purpose as the case may be.

Process of Complaint and Cognizance thereof.

11. (1) The Executive Committee may:-

- (a) on its own motion or on a complaint being filed before it by an authorized Officer, initiate such action or proceeding against the owner of building or premises or holder of LSC pass as the case may be, and pass such order as it may deem fit and proper.
- (b) on its own motion or on a complaint being filed before it by the aggrieved party or parties, initiate such action or proceeding against an Authorized Officer or any third party and pass an order as deems fit and proper.
- (2) A complaint, if any, under this Regulation shall without unnecessary delay be filed before the Executive Committee or Dispute Settlement Tribunal to be constituted by the Executive Committee

within a period of 30 days from the incident and no complaint shall in any case, be entertained beyond the prescribed period of 30 days.

- Penalties.**
12. (1) Whosoever contravenes any of the provisions of sections 5 and 6 of this Regulation shall be liable to be punished with a fine which shall not be less than Rs. 1,000/- which may extend to such an amount as the Executive Committee may deem fit and proper or may also be liable to be punished with cancellation of LSC pass depending upon the gravity and nature of the case.
- (2) Any person who willfully neglects or refuses to comply with or contravenes any of the provisions under section 7 of this Regulation shall be liable to be punished with a fine which shall not be less than Rs. 500/- which may extend to such an amount as the Executive Committee may deem fit and proper and shall also be liable to be punished with cancellation of LSC pass or with both as the case may be.
- (3) It shall be a defence for a person charged with the contravention of any of the provisions of this Regulation, to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person or on the instructions of his employer.
- Rules making power.**
13. (1) The Executive Committee may make rules to carry out the purposes of this Regulation.
- (2) The rules, if any, to be made by the Executive Committee under sub-section (1) of section 13 shall be published in the Official Gazette to be effective on or from such date as the Executive Committee may specify in such Official Gazette or by Special order.
- Procedure.**
14. (1) No person other than an aggrieved or Officer duly authorized by the Executive Committee in this behalf shall initiate action against any offence or offender under this Regulation.
- (2) No suit or complaint under this Regulation shall be instituted after the expiry of the prescribed period as provided under sub-section (2) of section 10.
- Protection of action taken in good faith.**
15. No suit, prosecution or other legal proceeding shall lie against any Officer duly authorized by the Executive Committee for anything done or intended to be done in good faith under this Regulation.
- Saving of other Laws.**
16. The provisions of this Regulation shall be in addition and not in derogation of any other laws for the time being in force, regulating any of the matters dealt with in this Regulation.