



COMMENTARIES ON LAW RELATING TO PUBLIC PREMISES
(EVICTION OF UNAUTHORISED OCCUPANTS) (1988), BY
R.D. SHUKLA. Hind Publishing House, Allahabad. Pp. vi + 125.
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WITH THE growth of civilization and the problem arising from social and economic conditions, a large number of administrative tribunals have been invested with the powers to articulate disputes between parties. These tribunals share the exercise of the judicial powers of the state, but they are brought into existence to implement some administrative policy or determine controversies arising out of administrative law. They may be described as quasi-judicial bodies because they are out of the hierarchy of the ordinary judicial system.

The Public Premises (Eviction of Unauthorised Occupants) Act 1971 creates an administrative tribunal, *viz.*, "Estate Officer", for dealing with a special problem *i.e.*, the problem of taking speedy action against unauthorised persons in occupation of government land. It provides a special machinery for eviction of such unauthorised occupants. The Act was enacted to remove the vice of discrimination which led various High Courts (Calcutta, Allahabad and Delhi) and Supreme Court to declare the Public Premises (Eviction of Unauthorised Occupants) Act 1958 and its Amendment Act 1968 as unconstitutional and to validate anything done or action taken under the 1958 Act. The Act has been enacted with retrospective operation and had achieved that object.

The Act confers powers on the Estate Officer to issue notice to persons who are in unauthorised occupation of any public premises to show cause as to why an order of eviction or payment of rent or damages should not be made. He is expected to have private personal knowledge of occupation of public premises, but such bias of private personal knowledge does not violate the principles of natural justice. Order of eviction, payment of arrears of rent or damages is to be made after full dress inquiry in the matter. For the purpose of an inquiry, he is invested with the powers of a civil court in certain matters.

Though the primary purpose of the Act is to provide a speedy remedy for eviction of unauthorised occupants, yet it is not prejudicial to a person. Whatever may be the reasonable apprehension as to the mode of inquiry and order of eviction, no such apprehension can exist when matter is taken before the District Judge in an appeal, as provided under the Act. The Act provides only one procedure for ejection and jurisdiction of civil courts is barred.

The book under review¹ contains an extensive study of attempts made by

1. R.D. Shukla, *Commentaries on Law Relating to Public Premises (Eviction of Unauthorised Occupants)* (1988).



the Central government as well as various state governments to evolve an effective law to deal with the problem of unauthorised encroachment and occupation of public premises. It contains a thorough study of legal pronouncements on the subject. The book in particular contains a comparative study of the U.P. Act on the subject and the Central Act, since U.P. Act has been enacted on the lines of the Central legislation which has found place on the statute book after a series of trial, failures and remedial steps taken by the Central legislature to overcome the legal and constitutional objections raised by courts. A provision to provision study of the two enactments make the book quite interesting. Appendices containing rules, notifications and amending Acts should be found to be quite useful to all concerned. Besides this, the book is quite rich in judicial pronouncements along with citations from different High Courts and Supreme Court.

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