

THE AIRPORTS AUTHORITY OF INDIA (MANNER OF SERVICE OF NOTICE ON UNAUTHORISED OCCUPANT) RULES, 2004¹

In exercise of the powers conferred by clauses (gi) and (gii) of sub-section (2) of section 41 of the Airports Authority of India Act, 1994 (55 of 1994), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Airports Authority of India (Manner of Service of Notice on Unauthorised Occupant) Rules, 2004.

(2) They shall come into force on the date² of their publication in the official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) “Act” means the Airports Authority of India Act, 1994 (55 of 1994);
- (b) “eviction officer” means an officer of the Authority appointed as such by it under section 28B of the Act;
- (c) all other words and expressions used hereinafter, but not defined herein shall have the same meaning as are respectively assigned to them in the Act.

3. Form of Notice.—A notice under section 28C of the Act shall be in the Form appended to these rules.

4. Manner and service of notice, etc.—(1) In addition to the manner of service of notice specified in sub-section (3) of section 28C of the Act, it shall be served on the person or persons who are in occupation of the airport premises by delivering or tendering it to that person or persons or to any adult member of the family of every such person or persons or by sending a copy of such notice by registered post acknowledgment due in a letter addressed to such person or persons.

(2) The copy of the notice required to be sent by post under sub-section (4) of section 28C shall be sent by registered post acknowledgment due in a letter addressed to that person at the airport premises.

(3) Where a copy of the notice under sub-section (4) of section 28C is delivered or tendered, the signature of the person to whom the copy is so delivered or tendered should be obtained in token of acknowledgment of the service.

(4) In respect of a copy of notice served under sub-rule (2) or sub-rule (3), where the person refuses to sign the acknowledgment or where he cannot be found after using all due and reasonable diligence and there is no adult member of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of the airport premises and the original shall be returned to the eviction officer who issued the notice, with a report

1. *Vide* G.S.R. 673(E), dated 11th October, 2004, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 14th October, 2004.

2. Came into force on 14-10-2004.

endorsed thereon or annexed thereto, stating that a copy has been so affixed, the circumstances under which it was done so and the name and address of the person, if any, by whom the airport premises was identified and in whose presence the copy was affixed.

(5) If a notice issued under sub-section (4) of section 28C of the Act cannot be served in any manner aforesaid, the eviction officer may, if he thinks fit, direct that such notice shall be published in at least one newspaper having circulation in the locality.

FORM OF NOTICE

(See rule 3)

To

Shri/Shrimati/Kumari.....
.....

Whereas, I the undersigned, am of opinion, on the grounds specified below that you are in unauthorised occupation of the airport premises mentioned in the Schedule below and that you should be evicted from the said premises:

GROUND

(1)

(2)

Now, therefore, in pursuance of clause (b)(i) sub-section (2) of section 28C of the Act, I hereby call upon you to show cause within a period of seven days from the date of issue of this notice why such an order of eviction should not be made;

And, in pursuance of clause (b)(ii) of sub-section (2) of section 28C, I also call upon you to appear before me in person or through a duly authorised representative capable to answer all material questions connected with the matter along with the evidence which you intend to produce in support of the cause shown, on..... at..... for personal hearing. In case, you fail to appear on the said date and time, the case will be decided *ex parte*.

SCHEDULE

Date.....

Signature and seal of the Eviction Officer.
