**INTRODUCTION**

**Meaning of the word eviction**- Eviction in simple language means the action of expelling someone from property. Eviction is generally done by the **landlord** or the **owner** of the property. There are **four** types of common eviction under the **law**, each requiring a certain type of notice:

**1**.**For not paying rent.**

**2**. **For not complying with the terms of the rental agreement.**

**3.** **For creating a "waste or nuisance."**

**4.** **For no cause.**

**PROCEDURE**

How to evict a tenant procedure explained in simple words

**1. Decide If You *Can* Evict-** Decision is a very important part of eviction as generally if the tenant can be evicted by merely giving him a hard time or through a table talk.

### 2. Learn the Landlord and Tenant Act- If you finally decide to approach the court then you must get well aware about all the legal aspects of the act as if by any chance you skip a step the judge could give the decision in the favour of the tenant and then he can have the right to sue you in the civil court, normally the landlord and tenant act copy is generally available on the state attorney website or a printed copy can be made available in court through a lawyer .

### 3. Give Notice- Many states require you to give the tenant written notice before you even start filing for an eviction. Time has to be given to the tenant to correct the problem before notice is issued This notice, known as a notice to vacate, must clearly state your intent to evict the tenant. When writing the notice, include the date of delivery, the timeframe the tenant has to correct the problem, and the date you will file the eviction. Hand deliver the notice to the tenant or leave the notice posted on the tenant’s front door.

### 4.File Your Eviction- Once your done with the above procedures the eviction has to be filed in the courtroom by paying a fee to start the process, once the paperwork is completed the clerk issues a date of hearing and the court will notify the tenant .

### 5.Get Ready For Court- Before the hearing prepare yourself gather all the necessary documents all the cheque, bank statements and missing payments slips. On the day of hearing the complainant and the defendant will both have a chance to keep there point before the judge once the argument is done the court will then give the decision and depending on the decision of the court the later process has to be followed.

### 6. Evict The Tenant- once if the court orders the tenant to evict the place the tenant has to do the needful if the tenants even after the decision of the court does not evict the place then, you will need to visit your property with the police, who will remove the tenant and place any personal possessions on the curb.

### LAW OF EVICTION IN INDIA

### It’s well established that laws governing tenancy in India tend to favour the tenant. For e.g. supreme court has recently ruled that a landlord cannot evict his tenant if he is regularly paying his rent for 5 years unless the landlord needs the place for himself, by the point of landlord you will find this judgement ridiculous but this are the laws that make the landlord make strict laws which make it easier for the tenant to be evicted.

### REASONS FOR EVICTION OF TENANTS

## Failure to Pay Rent- Non payment is a very strong reason for eviction non paying the rent for more than 15 days is enough for eviction this may include water bill electricity bill etc depending on the contract made.

1. **Sub-letting-** in case your tenant is sub letting your apartment or posting it on Airbnb or even is hosting some relative or friend for a long time, then one can evict the tenant if he/she is showing unwillingness to stop the practice.

## Commercial Use- In case your tenant decides to run a business from your property, even you could be in trouble. You could immediately choose to evict in this case, or even if the property is used for a purpose other than that mentioned in the agreement.

## 4. Property Damage- An obvious reason, usually mentioned in all agreements. Any significant material damage to the property can be recovered from the deposit.

## 5. Society Problems - In case the behaviour of the tenant is not satisfactory according to the society, you may evict the tenant.

## 6. Self-use -In case you need to use the property yourself, for whatever reason, you may evict the tenant and resume use of the property.

### JUDGEMENTS OF EVICTION

### A court can award you the judgement by your side on the basis of the fact of your claim. It is not compulsory for a tenant to be present to counter any claims of damage or so. When the judgement is official it can be submitted to the agencies and reported on the personal credit report of the tenant, these judgement remain for many years on record and can complicate the tenants future, it is somewhat similar like not paying the credit card due or not repaying banks debts. A landlord has to see about the paper work and the contract that is made with tenants as this will avoid future problems for both.

### CONCLUSION

### The eviction process in a India is completely judicial as the courts and the tribunals are the one who take decision in such matters, so we can say that in the concept of eviction the landlord and the tenant both play a equal role as the guidelines that are mentioned are not bias and are fare as when if the landlord is alert about the contract and the paperwork there can nothing wrong be done by the tenant and if he intentionally does try then the agencies which are empowered do take appropriate actions against the offender so in short we can conclude that no wrong can be done and if is done then there is continuous vigilance of the agencies over them.