

The land Acquisition (Maharashtra Extension and Amendment) Act, 1964

MAHARASHTRA

India

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Act 38 of 1964

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The land Acquisition (Maharashtra Extension and Amendment) Act, 1964 Maharashtra Act No. 38 of 1964 Statement of Objects and Reasons. - The Land Acquisition Act, 1894 (I of 1894) was in force in the Bombay area and Vidarbha region of the State. In the Hyderabad area. The Hyderabad Land Acquisition Act (Hyderabad IX of 1309-F.) was in force. The Central Act of 1894 had been amended by the later Acts in its application to the former Bombay area of the State as well as Vidarbha region. As a measure of unification of the law relating to the acquisition of land for public purposes and for companies, it was proposed to extend the Land Acquisition Act, 1894 and the rules made thereunder as in force in the Bombay area throughout the State and to repeal the Hyderabad Land Acquisition Act. The Land Acquisition (Bombay Amendment) Act, 1948, which provided in certain circumstances for the payment of compensation at price prevailing in 1948 was however, proposed not to be extended because of certain litigation in respect of these provisions pending in the Courts and would continue to be in force only in the Bombay area of the State. It was, however, proposed to extend the amendments made to sections 3 and 18 of the Land Acquisition Act, 1894, by the Central Provinces and Berar Act, VII of 1949 to the whole of the Maharashtra State. All other Central Provinces and Berar Amending Acts and the Land Acquisition (Bombay Amendment) Act, 1960, were proposed to be repealed. This Act is designed to achieve these objects. [Dated 6th October, 1964] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1964, Part V, p. 153. An Act to extend the Land Acquisition Act, 1894, to the whole of the State of Maharashtra; to provide as far as practicable for uniformity in the provisions of the Act in its application to the whole of the State; and for those purposes further to amend the said Act. Whereas it is expedient to extend the Land Acquisition Act, 1894, to the whole of the State of Maharashtra; to provide as far as practicable for uniformity in the provisions of the Act in its application to the whole of the State; and for those purposes further to amend the said Act; It is hereby enacted in the Fifteenth Year of the Republic of India as follows

1. Short title, extent and commencement.

(1) This Act may be called the Land Acquisition (Maharashtra Extension and Amendment) Act, 1964. (2) It extends to the whole of the State of Maharashtra. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Extension of Act I of 1894 and rules thereunder as in force in Bombay area to other areas in Maharashtra State, subject to certain modifications.

- On the commencement of this Act, the Land Acquisition Act, 1894 (hereinafter referred to as "the principal Act") and the rules made thereunder as in force in the Bombay area, except the Land Acquisition (Bombay Amendment) Act, 1948, shall extend and be in force throughout the State of Maharashtra; and accordingly on such commencement, - (a) in section 1 of the principal Act, - (i) in sub-section (2), after the words and letter "comprised in Part B States" the words, "other than the Hyderabad area of the State of Maharashtra" shall be inserted; (ii) in sub-section (3), after the figures "1894", the words, brackets and figures, "but in the Hyderabad area of the State of Maharashtra it shall come into force on such day as is appointed under sub-section (3) of section 1 of the Land Acquisition (Maharashtra Extension and Amendment) Act, 1964" shall be added; (b) the Land Acquisition Act as in force in the Hyderabad area of the State shall stand repealed; (c) the Land Acquisition (Bombay Amendment) Act, 1960, shall stand repealed; (d) (i) the amendment made in sections 28 and 34 of the principal Act, in its application to the Vidarbha region of the State, by the Central Provinces and Berar Land Acquisition (Amendment) Act, 1939; (ii) the amendments made in sections 3 and 18 of the principal Act, in its application to the Vidarbha region of the State, by the Central Provinces and Berar Land Acquisition (Amendment) Act, 1949; and (iii) the amendment made in section 17 of the principal Act, in its application to the Vidarbha region of the State, by the Central Provinces and Berar Land Acquisition (Second Amendment) Act, 1949; shall cease to have effect, and shall stand repealed; (e) the amendments made in sections 28 and 34 of the principal Act by the Land Acquisition (Bombay Amendment) Act, 1938, and in force in the Bombay area of the State, shall be in force in the rest of the State; (f) the amendments made to the principal Act by - (i) sections 2 to 4 (both inclusive) of the Land Acquisition (Bombay Amendment) Act, 1945, (ii) section 6 of the Bombay Land Acquisition Officers Proceedings Validation Act, 1949, (iii) section 2 of the Land Acquisition (Bombay Amendment) Act, 1950, (iv) sections 2 to 11 (both inclusive) of the Land Acquisition (Bombay Amendment) Act, 1953, (v) section 2 of the Land Acquisition (Bombay Amendment) Act, 1958, and (vi) the notifications issued by the State Government under sub-section (4) of section 3 of the Bombay Commissioners of Divisions Act, 1957, for amending the principal Act in its application to the Bombay area of the State; shall extend and be in force throughout the State.

3. Amendments of sections 3 and 18 of Act I of 1894 as extended.

- In the principal Act so extended and brought into force throughout the State of Maharashtra, - (a) in section 3, in clause (d), for the words "the expression 'Court' means" the following shall be substituted namely: - "the expression 'Court' [except in sub-section (3) of section 18] means"; (b) to

section 18, the following sub-section shall be added at the end, namely :-(3) Any order made by the Collector on an application under this section shall be subject to revision by the High Court, as if the Collector were a Court subordinate to the High Court within the meaning of section 115 of the Code of Civil Procedure, 1908."

4. Savings.

- The repeal, by clause (b) of section 2 of this Act, of the Land Acquisition Act prevailing in the Hyderabad area of the State of Maharashtra shall not affect -(a)the previous operation of the Act so repealed;(b)any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;(c)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid;and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed :Provided that, subject to the foregoing provision in this section, anything done or any action taken (including any appointment, authorisation or delegation made, notice, notification, direction or order issued, survey, declaration or award made, enquiry held, agreement executed or published or possession taken, but excluding any rule framed) under the provisions of the repealed Act shall, in so far as it is not inconsistent with the provisions of the principal Act as extended and amended by this Act (hereinafter referred to as "the said Act"), be deemed to have been done or taken under the corresponding provisions of the said Act and shall continue in force, unless and until it is superseded by anything done or any action taken under the said Act.