

Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) (Amendment) Act, 1973

GUJARAT

India

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Act 24 of 1973

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An Act to amend the Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Act, 1972 for the purposes hereinafter appearing. It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows:-* Received the Assent of the Governor on the 8th November, 1973, is hereby published for general information.

1. Short title.- This Act may be called the Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) (Amendment) Act, 1973.

2. Amendment of section 1 of Guj. 12 of 1972.- In the Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) Act, 1972 (hereinafter referred to as "the principal Act"), in section 1, in sub-section (4), for the words "one year" the words "two years" shall be substituted.

3. Amendment of section 3 of Guj. 12 of 1972.- In the principal Act, in section 3,

(1) in clause (d), for the words "whether owned by one or more persons" the words "whether owned by one person or jointly by more than one person or owned in contiguous parts separately by one or more members of a family unit" shall be substituted; (2) after clause (d) the following clause, shall be inserted, namely:-(dd) "family unit" means an individual, his or her spouse and their children,"

4. Amendment of section 4 of Guj. 12 of 1972.- In the principal Act, in section 4, in sub-section (1), for the words "usufructuary mortgage," the words "mortgage other than simple mortgage," shall be substituted.

5. Amendment of section 6 of Guj. 12 of 1972.- In the principal Act, section 6 shall be renumbered as sub-section (1) if that section and-

(1)in sub-section (1) as so renumbered,(i)in clause (d)(a)after the first proviso, the following further proviso shall be inserted, namely;"Provided further that in giving such approval the State Government may impose such conditions as to the alteration in the constitution of the society, or in the number of its members, the nature of construction of houses by the society, the area of the land to be obtained and used by the society or its members and such other matters as it may think fit to impose:";(b)in the second proviso, for the words "Provided further" the words "Provided also" shall be substituted;(ii)after clause (d), the following new clause shall be added, namely:-(e) a bank.";(2)after sub-section (1) as so renumbered, the following sub-section and Explanation shall be added, namely:-"(2) Notwithstanding anything contained in sub-section (2) of section 4, nothing in this Act shall apply to the disposition by sale or other transfer of vacant land directed to be made in execution of a decree or an order of a civil court relating to the recovery of any amount due to the Government or any local authority or ban or in enforcement of any order made or any process employed by any officer or authority under any law for the time being in force for the recovery of such amount.Explanation.- For the purpose of this section, a "bank" means-(i)a banking company as defined in section 5 of the Banking Regulation Act, 1949 (Act No. ??? 1949);(ii)the State Bank of India constituted under the State Bank of India Act, 1955 (Act No. 23 of 1955);(iii)a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Act No. ??? of 1959);(iv)each of the corresponding new banks constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act No. 5 of 1970); and(v)any other financial institution notified by the State Government as a bank for the purpose of this Act."

6. Insertion of now section 8A in Guj. 12 of 1972.- In the principal Act, after section 8, the following section shall be inserted, namely:-

"8A. Supply of information.- The State Government or the Collector may, by general or special order, call upon any person to furnish to it, or, as the case may be, him such information as would in its or, as the case may be, his, opinion be useful for, or relevant to, any of the purposes of this Act and as may be stated in such order and it shall be the duty of such person to furnish true and correct particulars relating to the information, so called for from him. "

7. Amendment of section 11 of Guj. 12 of 1972.- In the principal Act, in section 11, in sub-section (i), after the words "makes a declaration" the words "or furnishes information" shall be inserted.

8. Repeal of Guj. Ord. 3 of 1973.- The Gujarat Vacant Lands in Urban Areas (Prohibition of Alienation) (Amendment) Ordinance, 1973 (Guj. Ord. 3 of 1973) is hereby repealed and the provisions of sections 1 and 25 of the Bombay General Clauses Act, 1904 (Bom. 1 of 1904) shall apply to such repeal as if that Ordinance were an enactment.