

The Rehabilitation of Displaced Persons And Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Act, 1964

WEST BENGAL

India

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Act 9 of 1964

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The Rehabilitation of Displaced Persons And Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Act, 1964 West Bengal Act 9 of 1964 [24th August, 1964.] An Act to provide for the continuance in force of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, to the extent and for the purposes hereinafter appearing. Whereas it is expedient that the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951, should be continued in force to the extent and for the purposes hereinafter appearing; It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Act, 1964. (2) It extends to the whole of West Bengal. (3) It shall be deemed to have come into force immediately on the expiry of the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land Act, 1951 (hereinafter referred to as the said Act).

2. Savings.

- Notwithstanding the expiry of the said Act, -(1) any proceeding pending on the 31st day of March, 1964 in which an order of eviction was passed by a Competent Authority under sub-section (3) of section 3 of the said Act against a person in unauthorised occupation of any land, -(i) who was not a displaced person within the meaning of the said Act, or (ii) who, being a displaced person within the

meaning of the said Act, -(a)was provided with other land or a land-purchase loan and also a house on such other land or a house-building loan under sub-section (1) of section 4 of the said Act, or(b)having not been similarly provided, was permitted to use and occupy the land on payment of consideration assessed by the Competent Authority under sub-section (1) of section 4 of the said Act, but who made default in payment of such consideration,may be continued, subject to the remaining provisions of this section, as if the said Act had not expired and had remained in force even after the 31st day of March, 1964;(2)all such proceedings referred to in clause (1) shall stand transferred, -(i)in the case where the proceeding relate to land situated within the local limits for the time being of the Ordinary Original Civil Jurisdiction of the High Court, to the Court of the Chief Judge, City Civil Court, and(ii)in any other case, to the Civil Court of the lowest grade within the local limits of the Jurisdiction of which the land to which the proceeding relates is situated:Provided that the Chief Judge, City Civil Court, may transfer any proceeding to any other Judge of the City Civil Court and the District Judge of the district in which the land is situated may transfer any proceeding from one Court to any other Court subordinate to him, for disposal;(3)the proceedings transferred under clause (2) shall be deemed to be proceedings in execution and orders passed therein by the Competent Authorities including orders for payment of compensation or consideration shall be executable as decrees of the Civil Court and all the provisions of the Code of Civil Procedure, 1908, relating to execution of decrees shall apply to them;(4)any sum of money deposited in favour of a Competent Authority under the provisions of the said Act as compensation, consideration, premium or rent and not withdrawn on or before the 31st day of March, 1964 shall stand transferred to and be disbursed by, -(i)where the deposit was made in favour of the Competent Authority for Calcutta, the Chief Judge, City Civil Court, and(ii)elsewhere, the District Judge of the district having jurisdiction over the area in which the land in relation to which the deposit was made is situated.Explanation. - In this section any reference to an order passed by a Competent Authority includes the order passed in appeal in relation to the same under section 6 of the said Act.

3. Savings of limitation.

- In computing the period of limitation for the institution of a suit for eviction of a person in unauthorised occupation of any land, the period during which an application for such eviction made under section 3 of the said Act before a Competent Authority was pending shall be excluded.

4. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with this Act as may be necessary for the removal of the difficulty.

5. Indemnity.

- No suit or other legal proceedings shall lie against the State Government or any servant or officer of the State Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

6. Power to make rules.

- The State Government may make rules for carrying out the purposes of this Act.

7. Repeal and savings.

(1)The Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Ordinance, 1964, is hereby repealed.(2)Anything done or any action taken under the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Ordinance, 1964, shall be deemed to have been validly done or taken under the corresponding provision of this Act.