

Gujarat Municipalities (Amendment) and (Municipality of Petlad Validating Provisions) Act, 1966

GUJARAT

India

Gujarat Municipalities (Amendment) and (Municipality of Petlad Validating Provisions) Act, 1966

Act 4 of 1966

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An Act further to amend the Gujarat Municipalities Act, 1963 and to validate the constitution and actions of the Municipality of Petlad. It is hereby enacted in the Seventeenth Year of the Republic of India as follows:-* Received the Assent of the Governor on the 25th March, 1966 is hereby published for general information.

1. Short title.- This Act may be called the Gujarat Municipalities (Amendment) and (Municipality of Petlad Validating Provisions) Act, 1966.

2. Insertion of new section 270A in Guj. 34 of 1964.- After section 270 of the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) the following section shall be inserted, namely:-

"270A. duties of the municipality not validly constituted to be performed by person appointed by Government.- (1) Notwithstanding any, ??? contained in this Act, or the rules or bye-laws made thereunder, if at any ??? appears to the State Government that a municipality constituted under this Act or continued as new municipality under section 279 has not been validly ??? the State Government may, by notification in the Official Gazette, ??? all or any of the powers and duties of the municipality to be performed by such person or persons in such manner and for such period and subject to such conditions as it may think fit.(2)On the issue of such notification all the councilors shall be deemed to have vacated their office as councilors and the municipality shall be reconstituted in the manner provided in this Act before the expiry of the period specified in the notification.(3)On the reconstitution of the municipality as provided in sub-section (2), the notification issued under sub-section (1) shall cease to have effect on and from the date on which the first general meeting of the municipality so reconstituted is held under section 32.(4)All the powers and duties of the

municipality exercised and performed bona fide until the date of the notification referred to in sub-section (1) by the persons who constituted such municipality shall be deemed to have been validly exercised and performed by the said persons; and no act done by the said persons shall be deemed to be invalid or be called in question merely on the ground that the persons were not councilors of a validly constituted municipality, and the said persons shall be deemed to have been indemnified and discharged from liability in respect of such acts."

3. Validation of constitution and actions of Municipality of Petlad.-

Notwithstanding anything contained in any law or in any judgment, decree or order of any court the Municipality of Petlad (hereinafter referred to as the "said municipality") consisting of the councilors specified in the Schedule shall be deemed to have been duly constitute on and from the 25th September, 1962 for the municipal district of Petlad as formed under Government Notification, Local Self Government and Public Health Department. No. DTM. 1259-A-I, dated 11th October, 1960 and consequently,-

(1)the first general meeting of said municipality held on the 25th September, 1962 and the election of the President and of the Vice-President of the said municipality made at that meeting shall be deemed to have been validly held and made under section 23 of the Bombay District Municipal Act, 1901 (Bom. III of 1901);(2)any vacancy in the office of any councilor of the said municipality filled after the 25th September, 1962 but before the commencement of this Act shall be deemed to have been validly filled;(3)the said municipality as so constituted shall be deemed to have validly functioned under the Bombay District Municipal Act, 1901 (Bom. III of 1901) (hereinafter referred to as "the old Act") until the commencement of the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) (hereinafter referred to as "the new Act") and thereafter under the new Act as a new municipality for the municipal borough of Petlad within the meaning of section 279 of the new Act;(4)anything done or omitted to be done or any action taken before the commencement of this Act by or on behalf of the said municipality or the President, the Vice-President or a councilor thereof or any authority or officer or servant of the said municipality in the exercise or purported exercise of powers conferred or in the discharge of the duties imposed, by or under any of the provisions of the old Act or the new Act or any other law for the time being in force, shall be deemed to have been validly done or omitted to be done or taken, and shall not be called in question in any Court on the ground only that, when such thing was done or omitted to be done or such action was taken, the said municipality was not duly constituted;(5)the persons who immediately before the commencement of this Act were deemed to be the councilors of the said municipality by virtue of the foregoing provisions of this section shall continue to hold office as councilors of the said municipality subject to the provisions of clause (iii) of sub-section (2) of section 279 of the new Act and section 3 of the Gujarat Local Authorities (Emergency Provisions) Act, 1965 (Guj. 26 of 1965) and the provisions of section 4 of that Act shall apply to the filling of any casual vacancy in the office of any such councilor.

4. Repeal of Guj. Ord. 1 of 1966.- The Gujarat Municipalities (Amendment) and (Municipality of Petlad Validating Provisions) Ordinance, 1966 (Guj. Ord. 1 of 1966) is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 (Bom. I of 1904) shall apply to such repeal as if that Ordinance were an enactment.

Schedule

Schedule 2

(See section 3)

Sr. No. Name

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| 1. | 2. |
| 1. | Shrimati Vankar Karunaben Naranbhai. |
| 2. | Shri Vankar Somabhai Lallubhai. |
| 3. | Shri Parikh Amrutlal Ramanlal. |
| 4. | Shri Panjabi Deshraj Nandlal. |
| 5. | Shri Chauhan Dahyabhai Mangalsinh. |
| 6. | Shri Dabhi Trikambhai Parshotam. |
| 7. | Shri Patel Fulabhai Vardhabhai. |
| 8. | Shri Patel Nagardas Jethalal. |
| 9. | Shri Patel Ambalal Mangalbhai. |
| 10. | Shri Upadhyay Vasudev Champaklal. |
| 11. | Shri Saiyad Nabimiya Fakroddin. |
| 12. | Shri Dave Babulal Ambalal. |
| 13. | Shri Saiyad Abedali Abbasali. |
| 14. | Shri Malek Nizamuddin Banunliya. |
| 15. | Shri Ajinmiya Amumiya. |
| 16. | Shrimati Anjana Nanduben Kesrismh. |
| 17. | Shri Saiyad Shaukat Ali Mirumiya. |
| 18. | Shri Mirza Anverbeg Ahmedbeg. |
| 19. | Shri Pathan Bismillakhan Mohmedalikhaii. |
| 20. | Shrimati Shah Sarlaben Prabhulal. |
| 21. | Shri Pathan Ishbullakhan Nizamkhan. |
| 22. | Shri Saiyad Mustakhusen Sadikali. |
| 23. | Shri Choksi Govindlal Gordhandas. |

24. Shri Kazi Mahiyudin Sadrudin.
25. Shri Shah Krushnadas Amrutlal.
26. Shri Shah Keshavlal Govindlal.
27. Shri Kachhia Somabhai Chhotabhai.
28. Shri Shah Shantjlal Bhaichaudbhai.