

The Calcutta Thika Tenancy Stay Of Proceedings (Temporary Provisions) Act, 1978

WEST BENGAL

India

The Calcutta Thika Tenancy Stay Of Proceedings (Temporary Provisions) Act, 1978

Act 25 of 1978

- Published on 19 July 1978
- Commenced on 19 July 1978
- [This is the version of this document from 19 July 1978.]
- [Note: The original publication document is not available and this content could not be verified.]

The Calcutta Thika Tenancy Stay Of Proceedings (Temporary Provisions) Act, 1978 West Bengal Act 25 of 1978 [19th July, 1978.] Assent of the President was published in the Calcutta Gazette, Extraordinary, dated the 19th July, 1978. An Act to provide for the temporary stay of proceedings for ejectment of thika tenants and Bharatias. Whereas it is expedient, pending the enactment of further legislation, to provide for the temporary stay of proceedings for ejectment of thika tenants and Bharatias holding under thika tenants; It is hereby enacted as follows :-

1. Short title, extent, commencement and duration. -

(1) This Act may be called the Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Act, 1978. (2) It extends to the areas to which the Calcutta Thika Tenancy Act, 1949 extends. (3) It shall come into force at once and shall continue in force for a period of [three years and six months] [Words 'two years' first substituted by W.B. Act 26 of 1979 for 'one year'. Then the words 'three years' substituted by Act 39 of 1980 for 'two years' and finally the words 'three years and six months' substituted by Act 34 of 1981 for 'three years'.] from the date of its commencement.

2. Definition. -

In this Act, the expression "thika tenant" and "Bharatia" have the meanings respectively assigned to them in the Calcutta Thika Tenancy Act, 1949.

3. Stay of proceedings for ejectment of thika tenants, -

Notwithstanding anything contained in the Calcutta Thika Tenancy Act, 1949, or in any other law for the time being in force, - (a) all applications for ejectment of thika tenants, (b) all appeals from

orders made on such applications, and(c)all proceedings in execution of orders for ejectment of thika tenants, under the provisions of the Calcutta Thika Tenancy Act, 1949, which are pending at the date of commencement of this Act or which may be made, preferred or commenced after such date but before the expiry of this Act, in respect of any land which is not a 'vacant land' within the meaning of the Urban Land (Ceiling and Regulation) Act, 1976, shall be stayed for the period during which this Act continues in force.

4. Stay of suits and proceedings against Bharatias. -

No thika tenant shall, while this Act continues in force, commence, or continue with, any suit, appeal or proceedings in execution of orders, for ejectment of any Bharatia and all pending suits, appeals or proceedings in execution of orders, for ejectment of a Bharatia shall remain stayed.

5. Saving of limitation. -

In computing the period of limitation prescribed by any law for the time being in force for an application for the ejectment of a thika tenant or for such a suit against a Bharatia or for an appeal from an order or decree made on such application or suit or for the execution of an order or decree for ejectment of a thika tenant or a Bharatia, as the case may be, the period during which this Act continues in force shall be excluded.