

The Rajasthan Urban Improvement (Amendment and Validation) Act, 1990

RAJASTHAN

India

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Act 5 of 1995

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The Rajasthan Urban Improvement (Amendment and Validation) Act, 1990 Act No. 5 of 1995 [Received the assent of the President on the 24th day of March, 1995.] Notification No. F. 2(25) Vidhai/2/90, dated 6-4-1995, Published in Rajasthan Gazette, Extra ordinary, Part 4 (Ka), dated 6-4-1995, page 7. - The following Act of the Rajasthan State Legislature received the assent of the President on the 24th day of March, 1995 and is hereby published for general information:-An Act further to amend the Rajasthan Urban Improvement Act, 1959. Be it enacted by the Rajasthan State Legislature in the Forty-first Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Rajasthan Urban Improvement (Amendment and Validation) Act, 1990. (2) It shall come into force at once.

2. Substitution of section 60-A, Rajasthan Act 35 of 1959.

- The existing section 60-A of the Rajasthan Urban Improvement Act, 1959 (Rajasthan Act 35 of 1959) shall be deemed to have been substituted on the 1st day of August, 1987 by the following, namely:- "60-A. Transitory provisions for pending matters relating to acquisition of land. - (1) Notwithstanding anything otherwise contained in sub-section (1) of section 52, where, in any matter relating to the acquisition of land pending between 24th day of September, 1984 and 31st July, 1987, an action, thing or order has been taken, done or made under and in accordance with the provisions of this Act, as it stood before the 1st day of August, 1987, such action, thing or order shall not be re-opened or reviewed or be liable to be challenged on the ground that such action, thing or order was at variance with that provided in the Land Acquisition Act, 1894 (Central Act 1 of 1984) (hereinafter in this section referred to as the Land Acquisition Act) subject, however, that any

further proceeding, action or order in such matter conducted, taken or made on or after the 1st day of August, 1987 shall, subject to the other provisions of this section, be made under and in accordance with the Land Acquisition Act.(2)The amount of compensation or interest or that payable for any other reason shall, in a matter pending on the 1st day of August, 1987, be payable under and in accordance with the provisions of the Land Acquisition Act and the money paid prior to the 1st day of August, 1987 shall be deducted from or adjusted against the said amount.(3)Where in a matter pending on the 1st day of August, 1987, a notice under sub-section (2) of section 52 or a notice under sub-section (1) thereof has been served or, as the case may be, published, such notice shall be deemed to be the notification or declaration published or made under sub-section (1) of section 4 or, as the case may be, under sub-section (1) of section 6 of the Land Acquisition Act and the declaration or award in such a matter shall be made within a period of one year or, as the case may be, two years from the 1st day of August, 1987.(4)Where any land has, prior to the 1st day of August, 1987, vested in the State Government or its possession has been taken in accordance with the provisions of this Act as it stood before the 1st day of August, 1987, such vesting or possession of land shall not be liable to be challenged on the ground that no amount of compensation was tendered and paid in accordance with sub-section (3-A) of section 17 of the Land Acquisition Act, subject, however, that such amount shall be tendered and paid within a period of six months from the 1st day of August, 1987.(5)In determining the amount of compensation to be awarded in a matter pending on the 1st day of August, 1987, the market value of the land at the date on which the notice was published in the Official Gazette under sub-section (2) of section 52, as it stood before the 1st day of August, 1987, shall be taken into consideration.(6)An appeal filed under section 54 or section 56 or a dispute referred to under section 55 or section 59 and pending on the 1st day of August, 1987 shall be decided having regard to the provisions of the Land Acquisition Act.)

3. Validation.

- Notwithstanding anything contained in any judgment, decree or order or finding of any court, tribunal or Authority to the contrary, any action, thing or order taken, done or made under and in accordance with the provisions relating to acquisition of land contained in the Rajasthan Urban Improvement Act, 1959 (Rajasthan Act 35 of 1959), shall be deemed to be valid and effective as if such action, thing or order has been made, taken or done under the said Act as amended by this Act.