

Maharashtra Land Requisition Act, 1948

MAHARASHTRA

India

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Act 33 of 1948

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Maharashtra Land Requisition Act, 1948 Act No. 33 of 1948 This Act was extended to, and shall in virtue of such extension be in force in the rest of the State of Bombay (vide Bombay 33 of 1959, section 2.) For Statement of Objects and Reasons, see Bombay Government Gazette, 1948, Part V, page 216, [This Act received assent of the Governor General on the 11th April 1948; assent was first published in the Bombay Government Gazette, Part IV on the 11th April 1948.] An Act to provide for the requisition of land, for the continuance of requisition of land and for certain other purposes. [Whereas] [The first paragraph and the word 'And in the second paragraph were deleted by Bombay 33 of 1959, section 3.] it is expedient to provide for the requisition of land for the continuance of requisition of land and for certain other purposes; It is hereby enacted as follows:-

1. Short title.

- This Act may be called [the Maharashtra Land Requisition Act] [This Short title was substituted for the Short title 'the Bombay Land Requisition Act, 1948' by Maharashtra 24 of 2012, Schedule. entry no. 32 (w.r.e.f. 1.5.1960)].

2. Extent.

(1) This Act shall extend to the areas specified in the Schedule hereto annexed and shall continue to extend to any such area notwithstanding that the area ceases to be of the description therein specified. (2) The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, extend any or all of the provisions of this Act, to any other area and on such date as may be specified in the notification :[Provided that on the commencement of the Bombay Land Requisition (Extension and Amendment) Act, 1959, all the provisions of this Act shall also extend to the rest of the [State of Bombay.] [This proviso was added by Bombay 33 of 1959, section 4.]] (3) The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may at any time by like notification, direct that any or all of the provisions of this Act shall cease to extend

to any area and on such date as may be specified in the notification, and on that date the said provisions shall cease to be in force in such area.

3. [Duration].

- Section 3 Deleted by Maharashtra 51 of 1973, section 2.

4. Definitions.

- In this Act, unless there is anything repugnant to the subject of context,-(A1)["competent authority" means an officer appointed as the competent authority under section 8B;] [Clause (A-1) was inserted by Maharashtra 35 of 1981, section 2.](1)"land" includes benefits to arise out of land and buildings and all things attached to the earth or permanently fastened to the buildings or things attached to the earth;(2)"Landlord" means any person, who is for the time being, receiving or entitled to receive, rent in respect of any premises whether on his own account or on account, or on behalf, or for the benefit, of any other person, or as a trustee, guardian, or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant, and includes any person nor being a tenant, who from time to time derives title under a landlord; and further includes in respect of this sub-tenant a tenant who has sublet any premises;(3)"premises" means any building or part of a building let or intended to be let separately including -(i)the garden, ground garages and out-houses, if any, appurtenant to such building or part of a building;(ii)an fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;but does not include a room or other accommodation in a hotel or lodging house;(4)"prescribed" means prescribed by rules, made under this Act;(5)"to requisition" means in relation to any land to take possession of the land or to require the land to be placed at the disposal of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

5. Requisition of land.

(1)If in the opinion of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government it is necessary or expedient so to do, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by order in writing requisition any land for [any public purpose] [These words were substituted for the words 'purpose of the State or any other public purpose' by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.]:Provided that no building or part thereof wherein the owner, the landlord or the tenant, as the case may be, has actually resided for the continuous period of six months immediately preceding the date of the order shall be requisitioned under this section.(2)Where any building or part thereof is to be requisitioned under sub-section (1) the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall make such enquiry as it deems fit and make a declaration in the order of requisition that the owner, the landlord or the tenant, as the case may be, has not actually resided therein for a continuous period of six months immediately preceding the date of the order and such declaration shall be conclusive evidence that the owner, landlord or tenant has not so resided.

6. Requisition of vacant premises.

(1) If any premises situate in an area specified by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government by notification in the Official Gazette, are vacant on the date of such notification and wherever any such premises are vacant or become vacant after such date by reason of the landlord, the tenant or the sub-tenant, as the case may be, ceasing to occupy the premises or by reason of the release of the premises from requisition or by reason of the premises being newly erected or reconstructed or for any other reason the landlord of such premises shall give intimation thereof in the prescribed form to an officer authorised in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government. (2) The intimation shall be given [by registered post] [These words were substituted for the words 'by post' by Bombay 5 of 1952, section 3(1).] within one month of the date of the notification in the case of premises which are vacant on such date and in other cases within seven days of the premises becoming vacant or becoming available for occupation. (3) A landlord shall not, without the permission of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, let, occupy or permit to be occupied such premises before giving the intimation and for a period of one month from the date on which the intimation is received. (4) Whether or not an intimation under sub-section (1) is given and notwithstanding anything contained in section 5, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by order in writing - (a) requisition the premises [for [any public purpose] [This portion was substituted for the words 'and may use or deal with the premises' by Bombay 39 of 1950, section 3.] and may use or deal with the premises for any such purpose] in such manner as may appear to it to be expedient; or [*****] [Clause (b) was deleted by Bombay 5 of 1952, Section 3(2).] Provided that where an order is to be made under clause (a) [requisitioning the] [These words were substituted for the words, brackets and letter 'or (b) requisitioning or requiring to let' by Bombay 5 of 1952.] premises in respect of which no intimation is given by the landlord, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall make such inquiry as it deems fit and make a declaration in the order that the premises were vacant or had become vacant, on or after the date referred to in sub-section (1) and such declaration shall be conclusive evidence that the premises were or had so become vacant. [*****] [The second proviso was deleted by Bombay 5 of 1952.] (5) Any landlord who fails to give such intimation within the period specified in sub-section (2) shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both and any landlord who lets, occupies or permits to be occupied the premises in contravention of the provisions of sub-section (3), shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall also be punished with fine. Explanation.- For the purposes of this section - (a) premises which are in the occupation of the landlord, the tenant or the sub-tenant as the case may be, shall be deemed to be or become vacant when such landlord ceases to be in occupation or when such tenant or sub-tenant ceases to be in occupation upon termination of his tenancy, eviction, assignment or transfer in any other manner of his interest in the premises or otherwise, notwithstanding any instrument or occupation by any other person prior to the date when such landlord, tenant or sub-tenant so ceases to be in occupation; (b) premises newly erected or re-constructed shall be deemed to be or become vacant until they are first occupied after such erection or reconstruction.

7. Continuance of requisition.

(1)Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by order in writing direct that any land which was continued under requisition under the said Act, shall continue to be subject to requisition under this Act [for [any public purpose] [These words were inserted by Bombay 39 of 1950, section 4.]] when it is released from requisition under the said Act or ceases to be subject to requisition for any reason; and the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may [for any such purpose] [These words were inserted by Bombay 39 of 1950, section 4.] use or deal with the land so continued to be subject to requisition in such manner as may appear to it to be expedient.(2)In respect of the continued subjection of the land to requisition under sub-section (1) compensation shall be determined and paid in accordance with the provisions of this Act and of the rules made thereunder:Provided that all agreements and awards made in relation to the land in respect of the payment of compensation for the period before it was continued to be subject to requisition under sub-section (1) shall continue to be in force and shall apply to the payment of compensation for the period of requisition under this Act.

7A. [Continuance of requisition made under the Defence of India Act, 1962. - All immovable properties, which at the commencement of the Bombay Land Requisition (Amendment) Act, 1968, are subject to requisitioning effected under the Defence of India Act, 1962 (hereinafter in this section referred to as "the Defence Act.") by the State Government or by any officer or authority to whom the powers of the State Government under the Defence Act were delegated, shall, immediately on the expiration of the period stated in the orders of requisitioning made under the Defence Act, be deemed to be lands requisitioned under this Act and shall continue to be subject to requisitioning as if they were requisitioned under this Act, without specifying any such period. The State Government may use or deal with any such land for any public purpose. Any agreement or award made for the payment of compensation in respect of any such property and in force immediately before the expiration of the said period shall continue to be in force as if the amount of compensation were determined under this Act, and shall apply to the payment of compensation during the period of requisitioning under this Act. If in respect of any such property no such agreement or award is in force immediately before the expiration of the said period, the amount of compensation shall be determined in accordance with the provisions of the Defence Act (including the rules made thereunder) as if those provisions were for such purpose enacted in this Act and shall continue to apply to such property; and any agreement or award so made shall apply to the

payment of compensation for the period of requisitioning under the Defence Act, and also under this Act.] [Section 7A was inserted by Maharashtra 14 of 1968, section 2.]

8. Payment of compensation.

(1)When any land is requisitioned or is continued to be subject to requisition under this Act, there shall be paid subject to the provisions of [sections 7 and 7A,] [This was substituted for the word and figure 'section 7' was inserted by Maharashtra 14 of 1968, section 3.] compensation to persons having interest in such land the amount of which shall be determined by an officer authorised in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government who shall hold an inquiry in the manner prescribed. The officer shall determine such amount of compensation as he deems just having regard to all the circumstances of the case; and in particular he shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894 [(as in force in the [Bombay area of the State of Maharashtra] [These brackets and words were inserted by Bombay 33 of 1959, section 5.])] in so far as they can be made applicable(2)Where there are several persons interested in the land, the officer shall decide the dispute, if any, as the apportionment of the amount of compensation or any part thereof or as to the persons to whom the same or any part thereof is payable.(3)An appeal shall lie against the decision of the officer under sub-section (1) or (2), except in cases where the total amount of compensation in respect of the land does not exceed an amount prescribed in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, -(a)in Greater Bombay, to the High Court, and(b)elsewhere, to the District Court.Such appeal shall be made within a period of sixty days from the date of the decision.[Explanation.- For the purposes of this section, the total amount of compensation shall mean in cases where the amount of compensation is paid in a lump sum, such sum, and in cases where it is paid periodically, such multiple of the amount of compensation as may be prescribed.] [This Explanation was added by Bombay 2 of 1950, section 3.](4)No further appeal shall lie against any decision in appeal under sub-section (3).

8A.

1. [Power of State Government to call for record. - The State Government may,-

(a)in cases in which no appeal lies under sub-section (3) of section 8, or(b)in cases in which such appeal lies, but has not been filed within the period specified in the said sub-section (3) after the period for filing such appeal has expired,call for the record of the inquiry or proceedings of the officer, who has given the decision under sub-section (1) or (2) of the said section 8, for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceedings, and may pass such order thereon as it deems fit. Any order passed by the State Government under this section shall be final.] [Section 8-A1 was inserted by Bombay 5 of 1953, section 3.]

8A. [Landlord's duty to execute necessary repairs. - Where any premises are requisitioned or continued under requisition under this Act, the State Government may, subject to any agreement entered into by the appropriate Government with the landlord of the premises, whether such premises are requisitioned or continued under requisition either before or after the coming into force of the Bombay Land Requisition (Amendment) Act, 1950, by order in writing direct him to execute such repairs as shall in its opinion be necessary or sufficient to keep the premises in a good and tenantable condition and as may be specified in the order, within the time mentioned therein. If the landlord fails to execute such repairs, the State Government may cause such repairs to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.] [Section 8A inserted by Bombay 2 of 1950, section 4.]

8AA. [Application of section 499 of Bombay III of 1888 to requisitioned premises. - Without prejudice to the powers conferred by section 8A, the provisions of section 499 of the Bombay Municipal Corporation Act shall apply in relation to premises which are requisitioned or continued under requisition under this Act, with this modification that the occupier for the purposes of that section shall be the State Government, or where the State Government so allows, shall be the person to whom any such premises are allotted or who is allowed to continue to remain in occupation or possession thereof, and accordingly the State Government or such person may in the circumstances stated in the said section 499 execute the work therein referred to, subject to the provisions of that section; but for the purposes of reimbursing itself, or such person, for the reasonable expenses incurred in executing any such work, the State Government shall be entitled to recover from the owner the amount of such expenses and may deduct that amount from the compensation which, from time to time, becomes due to the owner.] [Section 8AA was inserted by Bombay 91 of 1958, section 3.]

8B. [Appointment of competent authority. [Sections 8B to 8F were substituted for section 8B by Maharashtra 35 of 1981, section 3.]

- The State Government may, by notification in the Official Gazette, appoint an officer, who is holding or has held an office, which in its opinion is not lower in rank than that of [Section Officer] to Government or Tahsildar, to be the competent authority for the purposes of this Act, in such area,

or in respect of such lands or premises or class of lands or premises in any area, as may be specified in the notification; and more than one officer may be appointed as the competent authority in the same area in respect of different lands or premises or different classes of lands and premises.

8C. Powers of competent authority to evict.

(1) If the competent authority after holding such inquiry as he deems fit is satisfied -(a) that a Government allottee or any other person authorised or permitted to occupy or for the time being occupying any land or premises requisitioned or continued under requisition under this Act has, whether before or after the commencement of the Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1980, -(i) not paid the monthly compensation due from him in respect of such land or premises for a period of more than two months; (ii) sub-let, the whole or any part of such land or premises, without the permission of the State Government or the competent authority; (iii) committed, or is committing any acts, which are in contravention of the terms and conditions, express or implied, under which he is authorised to occupy such land or premises; or (iv) been in unauthorised occupation of such land or premises; or (b) that any person is in unauthorised occupation of such land or premises; or (c) that such land or premises are to be released from requisition, then the competent authority may, notwithstanding anything contained in any law for the time being in force, by order in writing direct the person to whom such land or premises are allotted or the person who is authorised or permitted to occupy them or any other person for the time being in occupation of such land or premises to vacate the same, within one month of the date of the service of the order and to deliver possession thereof to the competent authority or any officer designated by him in this behalf. Such order shall be served on the persons concerned in the manner provided in section 13. (2) (a) Before an order under sub-section (1) is made against any person, the competent authority shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made. (b) The notice shall -(i) specify the ground on which the order of eviction is proposed to be made, (ii) require all persons concerned, that is to say, all persons who are, or may be in occupation of, or claim to be authorised to occupy, such land or premises, to show cause, if any, against the proposed order, on or before such date as may be, specified in the notice, (iii) be served by registered post, or personally, by delivering or tendering the notice to him or to some adult member of his family or by affixing an authentic copy of the notice to some conspicuous part of the land or premises to which it pertains, and thereupon the notice shall be deemed to have been duly given to and served on all persons concerned. (3) Any written statement submitted by any person and any documents produced by any person in pursuance of the notice shall be filed with the record of the case and such persons shall be entitled to appear before the competent authority in this connection by an advocate, attorney or pleader. (4) For the purposes of holding an inquiry for making any order under sub-section (1) the competent authority shall have the same powers as are conferred on the authorised officer under section 10.

8D. Appeals against orders of competent authorities.

(1) An appeal shall lie to the State Government from every order of eviction made by the competent authority under section 8C. (2) An appeal under sub-section (1) shall be preferred within thirty days

from the date of the service of the order made under sub-section (1) of section 8C: Provided that, the State Government may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (3) Where an appeal is preferred from the order of the competent authority, the State Government may stay the enforcement of that order for such period and on such conditions as it may deem fit to specify. (4) Every order made by a competent authority under section 8C, subject to an appeal to the State Government, and every order made by State Government on such appeal, shall be final and conclusive.

8E. Allotment of requisitioned land or premises deemed to be a licence and dues recoverable as arrears of land revenue.

(1) The allotment of any land or premises requisitioned or continued under requisition under this Act by the State Government to any person or the continuance of any person or the permission to any person to continue to remain in occupation or possession of such land or premises shall be deemed to be a licence, in favour of such person for the use and occupation of such land or premises. (2) If any person to whom such land or premises are allotted by the State Government fails to pay to the State Government any sum which he is liable to pay under the terms and conditions, subject to which such land or premises are allotted to him, or if any person who continues or is permitted to continue to remain in occupation or possession of such land or premises fails to pay any amount of compensation, which the State Government determines as the amount payable by him for such occupation or possession, then any such sum or amount due, whether before or after the commencement of the Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1980, shall, without prejudice to any other mode of recovery, be recovered from him or any person for the time being in occupation or possession of such land or premises as an arrear of land revenue.

8F. Bar of jurisdiction.

- No Court shall have jurisdiction to entertain any suit or proceeding in respect of eviction of any person from any and or premises requisitioned or continued under requisition under this Act on any of the ground specified in section 8C or the recovery of any sum or other dues payable for the use or occupation of such land or premises.]

9. Release from requisition.

(1) The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, at any time, release from requisition any land requisitioned or continued to be subject to requisition under this Act. (1A) [Sub-section 1(A) was inserted by Maharashtra 51 of 1973, section 3(a).] Notwithstanding, anything contained in sub-section (1), the State Government shall release from requisition, - (a) any land requisitioned or continued to be subject to requisition under this Act before the commencement of the Bombay Land Requisition (Amendment) Act, 1973, on or before the expiry of a period of [twenty-one years] [These words were substituted for the

words 'nineteen years' by Maharashtra 14 of 1993, section 2.] from such commencement;(b)any land requisitioned under this Act after such commencement, on or before the expiry of a period of [twenty-one years] [These words were substituted for the words 'nineteen years' by Maharashtra 14 of 1993, section 2.] from the date on which possession of such land was surrendered or delivered to, or taken by, the State Government or any officer authorised or empowered by the State Government.(2)(a)Upon a such release [under sub-section (1) or sub-section (1A)] [These words, brackets, figures and letter were inserted by Maharashtra 51 of 1973, section 3(b).] the land shall be restored as far as possible in the same condition in which it was on the date on which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government was put in possession thereof, and the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall pay compensation for deterioration, of any, caused to the land otherwise than by reasonable wear and tear or irresistible force:Provided that nothing in this sub-section shall apply to any structures, trees or crops standing on the land on the date on which the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government took possession thereof and in respect of which compensation has been paid.(b)The Officer authorised in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall determine such amount of compensation as he deems just and his decision, subject to an appeal to the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, shall be final. Such appeal shall be made with in a period of thirty days from the date of the decision.(3)When any land is to be released from requisition, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, after making such inquiry, if any, as it deems fit, specify by order in writing the person to whom possession of the land shall be given.(4)The delivery of possession of the land to the person specified in an order made under sub-section (1) shall be a full discharge of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.(5)When the person to whom possession of any requisitioned land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and shall publish the notice in the Official Gazette.(6)When a notice referred to in sub-section (5) is published in the Official Gazette the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall not be liable for any compensation or other claim in respect of the land for any period after the said date.(7)For the purpose of releasing any land from requisition the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by order direct the person to whom the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government had given possession of such land and other person, if any, occupation of such land to deliver possession thereof to the officer authorised in this behalf by the [State] [This word was substituted for the word 'Provincial' by the

Adaptation of Laws Order, 1950.] Government.(8)[[Sub-section (8) was added by Maharashtra 16 of 1997, section 5.] On the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Maharashtra XVI of 1997), all the premises requisitioned or continued under requisition under this Act and allotted to Government allottee who, on the said date [were in occupation or possession of such premises] [These words were substituted by Maharashtra 14 of 1998, section 4(a) (w.e.f. 7-12-1996).], shall be deemed to have been released from requisition, and in respect of such premises the State Government or, as the case may be, the Government allottees referred to in clause (b) of the Explanation, shall become the tenants by virtue of the provisions of section 15B of the Bombay Rents, Hotel and Lodging Houses Rates Control Act, 1947 (Bombay LVII of 1947); and the compensation, if any, due in respect of such premises shall be determined and paid to the persons entitled thereto as if such premises were actually released under this section.Explanation.- For the purposes of this sub-section, the expression "Government allottee"-(a)in relation to any premises requisitioned or continued under requisition which are allotted by the State Government for any non-residential purpose to any department or office of the State Government or Central Government or any public section undertaking or corporation owned or controlled fully or partly by the State Government or any co-operative society registered under the Maharashtra Co-operative Societies Act, 1960 (Maharashtra XXIV of 1961), or any foreign consulate, by whatever name called, and on the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Maharashtra XVI of 1997), [are in their occupation or possession] [These words were substituted by Maharashtra 14 of 1998 section 4(b)(i), (w.e.f. 7-12-1996).], means the principal officer-in-charge of such office or department or public sector undertaking or corporation or society or consulate; and(b)in relation to any premises requisitioned or continued under requisition which are allotted by the State Government for residential purpose to any person, and, on the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Maharashtra XVI of 1997), [such person or his legal heir is in occupation or possession of such premises for his or such legal heir's own residence] [These words were substituted by Maharashtra 14 of 1998 section 4(b)(ii), (w.e.f. 7-12-1996).], means such person or legal heir.]

9A. [Notice to owner of land or premises requisitioned or to be requisitioned to submit application for compensation. - The State Government shall, at the time of requisitioning or thereafter, by notice in writing published or served, as the case may be, in the manner provided in section 13 for the publication or service of the orders therein mentioned, require the owner of the land or landlord to the premises requisitioned, or to be requisitioned, to submit within the time specified in section 9B, his claim for compensation in respect of such land premises.

9B. Officer to whom, manner in which and time within which application for compensation to be made.

(1) Every application for the determination or payment of compensation shall be made to the officer authorised to determine compensation under section 8, in such manner and in such form, and accompanied by such information, as may be prescribed. (2) Such application shall, - (a) in the case of a claim for compensation under sub-section (1) of section 8, be made within three months from the date on which the notice under section 9A is published or served, as the case may be; (b) in the case of arrears of compensation, where an order determining compensation directs that the amount of compensation shall be paid at a future date or in instalments or periodically, be made within three months from the date on which the amount, instalment or periodical payment, as the case may be, becomes so payable; (c) in the case of a claim for compensation under clause (a) of sub-section (2) [and sub-section (8)] [These words, brackets and figure were inserted by Maharashtra 15 of 1997, section 6.] of section 9, be made within three months from the date on which possession was delivered under the said section. (3) The provisions of sections 4 and 5, and of sub-section (1) of section 12, of the [Indian Limitation Act, 1908] [See now the Limitation Act, 1963 (36 of 1963).] shall mutatis mutandis apply in relation to applications for determination or payment of compensation under this Act, as they apply in relation to applications described in the First Schedule to that Act.

9C. If application for determination of compensation not made in time compensation to be determined ex-parte.

- If an application for compensation under clause (a) of sub-section (2) of section 98 is not made within the time therein mentioned, the officer may proceed to determine ex-parte the amount of compensation and apportionment thereof and such determination and apportionment shall, subject to the provisions of sub-section (3) of section 8 and of section 8-A1, be binding on the owner or landlord: Provided that, if the owner or landlord, within thirty days of the date of the decision of the officer, shows to the satisfaction of the officer that the notice was not duly published or served or that he was prevented by sufficient cause from making his claim in time, the officer shall cancel his decision and proceed to determine the compensation and apportionment thereof after taking into consideration any claim made by the owner or landlord.] [Sections 9A, 9B and 9C were inserted by Bombay 52 of 1995, section 3.]

10. Power of inquiry.

- For the purposes of holding an inquiry under section 8 the authorised officer shall have the same powers as are vested in civil courts in respect of - (a) proof of facts by affidavits, (b) summoning and enforcing the attendance of any person and examining him on oath, (c) compelling the production of documents, and (d) issuing commissions for the examination of witnesses.

11. Power to take possession.

(1)Any officer authorised in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government by a general or special order may take possession of any land in respect of which an order has been made under section 5 of 6 [or sub-section (1) of section 8C] [These words, brackets, figures and letters were substituted for the words, brackets, figures and letter 'or sub-section (1) of section 8B' by Maharashtra 35 of 1981, section 4.] or sub-section (7) of section 9 and may take or cause to be taken such steps and use of cause to be used such force as may in the opinion of such officer, be reasonably necessary for taking possession of such land.(2)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, after giving 15 clear days' notice to the person from whom possession of the land has been taken under sub-section (1) remove or cause to be removed or dispose of by public auction any property remaining on such land.(3)Where property is sold under sub-section (2), the sale proceeds shall after deducting the expense of sale, be paid to such person or persons who may appear to the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to be entitled to the same.

12. Power to obtain information.

(1)Any officer authorised in the behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government by a general or special order may, with a view to carrying out the purpose of this Act, by order require any person to furnish to him such information in such person's possession relating to any land which is requisitioned or is continued under requisition or is intended to be requisitioned or continued under requisition [under this Act.] [These words were added by Bombay 39 of 1950, section 5.](2)Every person required to furnish such information as is referred to in sub-Section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Indian Penal Code.

13. Publication and service of orders.

(1)Every order made under sections 5, 6, 7, [8A] [The figures, letters and words '8A or 88 or 9A or' were inserted by Bombay 2 of 1950, Section 7.] [or 8C] [These words, figure and letter were substituted for the word, figure and letter 'or 8B' by Maharashtra 35 of 1981, section 5.] [* * or] [The word, figure and letter ' or 9A' were deleted by Bombay 5 of 1952, section 5.] sub-section (7) of section 9 or section 12 shall -(a)if it is an order of a general nature or affecting a class of persons: be published in the manner prescribed by rules made in this behalf;(b)if it is an order affecting an individual, corporation, or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;(c)if it is an order affecting an individual person other than a corporation or firm be served on the person -(i)personally, by delivering or tendering to him the order, or(ii)by Post, or(iii)where the person cannot be found, by leaving an authentic copy of the order with some, adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.(2)Where a question arises whether a person was duly informed of an order made in pursuance of sections 5, 6,

7, [8A] [The figures, letters and words '8A or 88 or 9A or' were inserted by Bombay 2 of 1950, Section 7.] [or 8C] [These words, figure and letter were substituted for the word, figure and letter 'or 8B' by Maharashtra 35 of 1981, section 5.] [* * or] [The word, figure and letter ' or 9A' were deleted by Bombay 5 of 1952, section 5.], sub-section (7) of section 9 or section 12 compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

14. Power to enter and inspect land.

- Without prejudice to any powers otherwise conferred by this Act, any officer or person empowered in this behalf by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, by general or special order may enter and inspect any land for the purpose of determining whether and, if so, in what manner, an order under this Act should be made in relation to such land, or with a view to securing compliance with any order made under this Act.

15. Delegation of functions.

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by order notified in the Official Gazette, direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer, not being in the opinion of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government below the rank of a Collector, as may be so specified.

16. Exemption.

- The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by rules exempt any land from the provisions of section 5 or 6 or both on such terms and conditions as may be specified in the said rules.

17. Protection of action taken under Act.

(1) No suit prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any order made thereunder. (2) Save as otherwise expressly provided under this Act no suit or other legal proceeding shall lie against the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government for any damage caused or likely to be caused by anything in good faith done or intended to be done under this Act, or any order made thereunder.

18. Officers to be deemed public servants.

- Every officer authorised or empowered by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to exercise any power or to perform any duty under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

19. Power to make rules.

(1)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by notification in the Official Gazette make rules to carry into effect the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power such rules may provide for -(i)the form in which intimation shall be given under sub-section (1) of section 6;(ii)the manner of holding an inquiry under sub-section (1), and the amount of compensation to be prescribed under sub-section (3) of section 8;[(ii-a) the manner and form in which applications for determination of payment of compensation shall be made, and the information required to accompany such applications under section 9B;] [This clause was inserted by Bombay 52 of 1955, section 4.](iii)levy of court-fees in respect of appeals under sections 8 and 9;(iv)exemption of any land from the provisions of section 5 or 6 or both and the terms and conditions on which the land shall be exempted;(v)any other matter which under this Act is to be or may be prescribed.

20. Repeal.

(1)The Bombay Land Requisition Ordinance, 1947, is hereby repealed and it is hereby declared that the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to the repeal as if that Ordinance were an enactment.(2)Notwithstanding the repeal of the said Ordinance and anything contained in this Act,-(i)any intimation given under sub-section (1) of section 5 of that Ordinance within a period of seven days prior to the commencement of this Act shall be deemed to have been given under the corresponding provision of this Act;(ii)any order made under the said Ordinance requisitioning any land shall be deemed to be made under this Act;(iii)any land requisitioned or continued to be subject to requisition under the said Ordinance shall be deemed to be requisitioned or continued to be subject to requisition under this Act.

20A. [Repeal of C. P. and Berar LXIII of 1948 and saving. - (1) On the commencement of the Bombay Land Requisition (Extension and Amendment) Act, 1959, the Central Provinces and Berar Accommodation (Requisition) Act, 1948, in its application to the Vidarbha region of the State of Bombay shall stand repealed.

(2)Notwithstanding such repeal, any accommodation which immediately before such repeal is subject to requisition under the repealed Act, shall thereafter be deemed to be requisitioned under this Act, and the State Government may use or deal with any such requisitioned accommodation for

any public purpose in such manner as may appear to it to be expedient: Provided that the State Government may at any time release from requisition any such requisitioned accommodation.

20B. Other laws relating to acquisition and requisitioning of property to continue.

- For the removal of doubt, it is hereby declared that the provisions of this Act shall be in addition to and not in derogation of the provisions of the Bombay Requisitioned Property (Continuance of Powers) (Saurashtra Area) Act, 1958 or of any law relating to acquisition or requisitioning of property for the time being in force in the State of Bombay or any part thereof.] [Sections 20A and 20B were inserted by Bombay 33 of 1959, section 6.]

21. [Validation of requisition orders. - (1) Notwithstanding anything contained in this Act, or a judgment, decree or order of a Court if any order for requisition made under sections 5, 6 or 7 on or after the 26th January, 1950 and before the commencement of the Bombay Land Requisition (Amendment) Act, 1951 has not specified the purpose for which such requisition was made, but if such, order for requisition was in fact made for the purpose of the State or any other public purpose, such order shall not be deemed to be or ever to have been invalid, nor shall such order be called in question in any Court merely in the ground that the order has not specified the purpose for which the requisition was made.

(2) Nothing contained in this section shall -(a) affect the judgment decree or order of any competent Court passed before the 31st August, 1951 holding any such order invalid on the ground specified in sub-section (1), or (b) preclude any Court from requiring the State Government or the Office who made such order for requisition to produce before it evidence to show that the order for requisition was in fact made for the purpose of the State or any other public purpose.]

22. [Certain order not to be invalid on ground of absence of declaration. - (1) Notwithstanding anything contained in this Act or a judgment, decree or order of a court, an order made or purporting to have been made under section 6 before the commencement of the Bombay Land Requisition (Amendment) Act, 1955, shall not be deemed to be or to have ever been invalid merely on the ground that such order did not contain a declaration, whether express or implied, that the premises requisitioned were vacant or had become vacant on or after the date of the notification under sub-section (1) of section 6; nor shall such order be called in question in any Court merely on the ground aforesaid.

(2) Nothing contained in this section shall affect the judgment decree or order of any competent court passed before the 13th January 1955, holding any such order invalid on the ground specified in sub-section (1).] [This section was inserted by Bombay 17 of 1955, section 2.]

23. [Saving. - Nothing in this Act shall apply to any premises to which the Requisitioning and Acquisition of Immovable Property Act, 1952 applies.]
[This section was inserted by the Bombay Adaptation of Laws (State and Concurrent Subject) Order 1956.]

Schedule

1. City of Bombay.

2. Bombay Suburban District.

3. Thane District.

4. Ahmedabad District.

5. Surat District.

6. Nasik District.

7. Poona District.

8. Sholapur District.

9. Ahmednagar District.

10. [Chandgad Taluka in the Kolhapur District.] [This entry was substituted for the original by the Bombay Adaptation of Laws (State and Concurrent Subject) Order 1956.]

11. [* **] [Entry 11 was omitted by the Bombay Adaptation of Laws (State and Concurrent Subject) Order 1956.]

Notifications G.N., R.D., No. G-1/BLRA/59-II, dated 28th July, 1959 (B.G., Part IV-B, pages 935) - In exercise of the powers conferred by sub-section (1) of section 6 of Bombay Section 6(1) Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Bombay hereby-(1) specifies the area within the limits of the Bombay Suburban District as the area; and (2) authorises the Controller

of Accommodation, Bombay, in respect of that area, for the purposes of the said sub-section (1).G.N., R.D., No. G. 1/Policy, dated 16th August, 1954 (B.G., Part I, pages 2817) - In exercise of the powers conferred by sub-section (1) of section 8 and clause (b) of sub-section (2) of section 9 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), and in supersession of Government Notification in the Revenue Department, No. Misc./50545-P, dated the 26th July 1950, the Government of Bombay is pleased to authorise the Compensation Officer and the Additional Compensation Officer, Greater Bombay, to determine compensation under the said sections within the limits of the Greater Bombay.G.N., G.A.D., No. G1-BLRA/813/81, dated 20th June, 1981 (M.G., Part IV-B, pages 1507) - In exercise of the powers conferred by sub-section 8B of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Maharashtra hereby appoints the officers specified in column 2 of the Schedule hereto to be the competent authorities for the purposes of the said Act, in the areas, respectively, shown against them in column 3 of the said Schedule, in respect of all lands and premises situated within such areas.

Schedule 2

Serial No.	Designation of the officers	Areas
1	The Controller of Accommodation, General Administration Department, Government of Maharashtra, Greater Bombay. Bombay.	
2	The Accommodation Officers serving under the Controller of Accommodation, Bombay.	Greater Bombay.
3	The Assistant Collectors and the Sub-Divisional Officers in each District, outside Greater Bombay.	The area within the limits of their respective jurisdiction.
4	The Tahsildars in each District, outside Greater Bombay.	The area within the limits of their respective Jurisdiction.

G.N., R.D., No. Misc./48677 (c)-P, dated 4th July, 1950 (B.G., Part IV-B, pages 1496) - In exercise of the powers conferred by sub-section (1) of section 8-B of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Bombay is pleased to authorise the officers mentioned in the Schedule annexed hereto for the purpose of the said sub-section within the limits of Greater Bombay.

Schedule 3

(1)The Controller of Accommodation.(2)The Assistant Controller of Accommodation.(3)The Accommodation Officer.(4)Inspectors of Requisitioning.G.N., R.D., No. Misc. 62836 (a)-P, dated 14th November, 1950 (B.G., Part IV-B, pages 2298) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), and in supersession of Government Notification in the Revenue Department, No, Misc. 48677(a)-P, dated the 4th July 1950, the Government of Bombay is pleased to direct that in all the districts mentioned in the Schedule appended hereto, of the State of Bombay the powers conferred and the duties imposed upon the State Government by section 8-A, sub-sections (1) and (2) of section 8-B and sub-section (1) of section 9-A of the said Act shall also be exercised or discharged by the Collectors within the

limits of their respective jurisdictions.

Schedule 4

123[****] [Not printed as it pertains to the Gujarat State.]4567. East Khandesh District.8. West Khandesh District.9.Kolaba District.10.[****] [Not printed as it pertains to the Mysore State.]11.

12. Ratnagiri District13 Bombay Suburban District.14.Thana District.15.[****] [Not printed as it pertains to the Mysore State.]16.17. Nasik District.18.Poona District.19. Sholapur District.20. AhmednagarDistrict.21.22.

G.N., R.D., No. G-1-BLRA/DIST, dated 31st August, 1959 (B.G., Part IV-B, pages 1184) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Bombay hereby directs that the powers conferred on the State Government by section 8-AI and clause (b) of sub-section (2) of section 9 of the said Act shall be exercised also by the Commissioners of Divisions within the limits of their respective jurisdiction.G.N., R.D., No. G-1-B.L.R.A./DIST-I, dated 31st August, 1959 (B.G., Part IV-B, pages 1184) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Bombay hereby directs that the powers conferred or duties imposed on the State Government. by sections 5, 6 and 7, sub-section (1) of section 8, section 8A, sub-sections (1) and (2) of section 8B, sub-sections (1), (3), (5) and (7) of section 9, and sections 9A, 11, 12 and 14 of the said Act shall be exercised or discharged also by the Collector5 of the districts mentioned in the schedule annexed hereto within the limits of their respective jurisdiction.

Schedule 5

123[****] [Not printed as it pertains to the Gujarat State.]4567 Chanda District.8.Bhandara District.9. Nagpur District.10.Akola District.

11 Buldana District.12 Yeotmal District13 AmravatiDistrict14 Wardha District15 Aurangabad16 ParbhaniDistrict17 Nanded District18 Bhir Distri19 OsmanabadDistrict

G. N., R. D., (Accom.), No. G-1/BLRA/Collector, dated 26th March, 1964 (M. G., Part IV-B, pages 344) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948) and in supersession of the Government Notification, Revenue Department, No. M-1077-P, dated 19th March, 1949, the Government of Maharashtra is pleased to direct that in the City of Bombay and Bombay Suburban District, the powers conferred and duties imposed on the State Government by section 5, 6 and 7, sub-section (1) of section 8, section 8-A, sub-sections (1) and (2) of section 8-B, sub-sections (1), (3), (5) and (7) of section 9, section 9A, sections 11, 12 and 14 of the said Act shall also be exercised or discharged by the Collector of Bombay and Bombay Suburban District within the limits of his jurisdiction.G. O., G. A. D. No. G. I. B. L. R. A./DIST.1 dated 27th January, 1982 (M. G., Part IV-B, pages 147) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Maharashtra hereby directs that the powers conferred or duties imposed on the State Government by sections 5, 6 and 7, sub-section (1) of section 8, section BA, sub-sections (1), (3), (5) and (7) of section 9, and sections 9A, 11, 12 and 14 of the said Act shall also be exercised or discharged by the Collectors of Sindhudurg and Jalna within the limits of their respective jurisdictions.G. O., G. A. D., No. G-I-BLRA/8-D/82, dated 13th May, 1982 (M. G., Part IV-B, pages

518) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Maharashtra hereby directs that the power conferred and the duty imposed on it by section 8-D of the said Act shall be exercised or discharged by the Additional Chief Secretary to the Government of Maharashtra. G. O., G. A. D. (Accommodation), No. G. I. B. B. L. R. A./DIST.I, dated 31st December, 1982 (M. G., 1983 Part IV-B, pages 101) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Maharashtra hereby directs that the powers conferred or duties imposed on the State Government by sections 5, 6 and 7, sub-section (1) of section 8, section 8A, sub-sections (1), (3), (5) and (7) of section 9, and sections 9A, 11, 12 and 4 of the said Act shall also be exercised or discharged by the Collectors of Latur and Gadchiroli within the limits of their respective jurisdictions. G. N. G. A. D. No. G-1/BLRA/SEC-9/95, dated 16th November, 1995 (M. G. Part IV-B, p. 421) - In exercise of the powers conferred by section 15 of the Bombay Land Requisition Act, 1948 (Bombay XXXIII of 1948), the Government of Maharashtra hereby directs that the powers conferred and the duties imposed on the State Government by section 9 of the said Act shall be exercised or discharged by the Secretary to the Government of Maharashtra, General Administration Department. [This section was inserted by Bombay 40 of 1951, section 2.]