

# **The Ambernath Interim Municipality (Constitution and Actions) Validation Act, 1965**

MAHARASHTRA

India

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### **Act 49 of 1965**

- Published on 14 December 1965
- Commenced on 14 December 1965
- [This is the version of this document from 14 December 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

The Ambernath Interim Municipality (Constitution and Actions) Validation Act, 1965 Maharashtra Act No. 49 of 1965 Statement of Objects and Reasons. - By Government Notification, Local Self-Government and Public Health Department, No. DTM-2553/A, dated 6th May, 1959 the area of village panchayat Kohoj-Khuntavali, Ambernath was declared to be a Municipal District of Ambernath with effect from the 11th May, 1959. Under the revised section of 191-B of Bombay District Municipal Act, 1901, which was amended by Bombay Act of VIII of 1959, an order was required to be issued by Government nominating members of panchayat as Councillors of the interim municipality and for vesting the property etc. since Kohoj-Khuntavali village panchayat was converted into a Municipality. Such an order was not issued by the Government at the time of conversion of the Panchayat. This Act was just to validate the legislation well before the repeal of Bombay District Municipal Act, 1901. The Maharashtra Municipalities Act was enacted in 1965. [Dated 14th December 1965] For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1965, Part V, Extraordinary page 770. An Act to validate the constitution of an interim municipality for Ambernath municipal district and to make certain consequential provisions upon conversion of village panchayat into a municipality. Whereas, by Government Notification, Local Self-Government and Public Health Department, No. DTM. 2553/A, dated the 6th May, 1959, issued under section 4 of the Bombay District Municipal Act, 1901 (Bombay III of 1901), the State Government declared the local area specified therein which was within the limits of certain village to be a permanent municipal district with effect from the 11th May, 1959 under the name of the municipal district of Ambernath; And Whereas, relying on section 191-B of the said District Municipal Act as it stood before its amendment by Bombay Act VIII of 1959 (which came into force on the 13th March, 1959) the persons vacating office as members of the village panchayat constituted an interim municipality for the newly created municipal district with effect from the 11th May 1959, with the Sarpanch and Deputy Sarpanch of the panchayat as the President and Vice-President, respectively, of the municipality; And Whereas, by Government Notification, Urban

Development and Public Health Department, No. DTM. 2553-A, dated the 9th July, 1960, issued under section 191-B of the said District Municipal Act as amended by Bombay Act VIII of 1959, the State Government nominated the same members of the village panchayat as councillors, and the Sarpanch and Deputy Sarpanch thereof as the President and Vice-President, of the interim municipality, with retrospective effect from the 11th May, 1959 till the election was held and vested the assets, rights and liabilities of the village panchayat in the municipality with effect from the said date; And Whereas, the general election was then held and the first general office upto and inclusive of the 18th March 1961; And Whereas, the councillors of the interim municipality continued in office up to the inclusive of the 18th March 1961; And Whereas, doubts have arisen as to the validity of the constitution of the interim municipality and the continuance of appointments, notifications, taxes, rules, by-laws and other matters in force in the area; mainly on the ground that an order required by section 191-B of the said District Municipal Act as amended by Bombay Act VIII of 1959 was not issued by the State Government as soon as the local area was declared to be a municipal district; And Whereas, it is expedient to provide for the removal of such doubts and to validate the constitution of the interim municipality and the action taken and things done by that municipality and the action taken and things done by that municipality, and to provide for matters connected with the purposes aforesaid; It is hereby enacted in the Sixteenth Year of the Republic of India as follows :-

## **1. Short title and commencement.**

(1) This Act may be called the Ambernath Interim Municipality (Constitution and Actions) Validation Act, 1965. (2) It shall be deemed to have come into force on the 15th October, 1965.

## **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a) "appointed day" means the 11th May, 1959; (b) "panchayat" means the village panchayat having jurisdiction immediately before the appointed day over the area comprising the municipal district of Ambernath.

## **3. Constitution of interim municipality for Ambernath with retrospective effect, and consequential provisions upon conversion of village panchayat into a municipality.**

- Notwithstanding anything contained in the Bombay District Municipal Act, 1901 or any other law for the time being in force, -(a) an interim municipality shall be deemed to have been duly constituted on the appointed day for the municipal district of Ambernath by the name of the municipality of Ambernath consisting of the President, Vice President and twelve other councillors all specified in the Schedule for the period commencing on the appointed day and ending with the 18th March, 1961 and the President, Vice-President and other councillors shall be deemed to have been appointed for the said term; (b) the whole of the assets, rights and liabilities of the panchayat (including the rights and liabilities under any contract made by it) shall be deemed to have been transferred to and vest in and be the assets, rights and liabilities of the Municipality of Ambernath

on the appointed day;(c)where immediately before the appointed day, the panchayat was a party to any legal proceedings the Municipality of Ambernath shall be deemed to have been substituted therefor; and if any proceedings were pending before the panchayat or any authority or officer subordinate thereto, those proceedings shall be deemed to have been transferred to that municipality or to the corresponding authority or officer thereof, and the proceedings may continue accordingly;(d)all employees of the panchayat shall, as from the appointed day, be deemed to have been transferred to the Municipality of Ambernath on the same terms and conditions as were applicable to such employees immediately before that day, and such terms and conditions shall not be varied to their disadvantage without the previous sanction of the State Government;(e)all appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by-laws or forms made, issued, imposed or granted by, or in respect of, the panchayat and in force within its area immediately before the appointed day, shall be deemed to have been continued in force in the municipal district of Ambernath with effect from that day, until superseded or modified by a competent authority;(f)all budget estimates, assessments, assessment lists, valuations, measurements or divisions made or authenticated by, or in respect of, the panchayat and in force within its area immediately before the appointed day, shall be deemed to have been continued in force in the municipal district of Ambernath with effect from that day, until superseded or modified by a competent authority.

#### **4. Validation.**

- Anything done or omitted to be done or any action taken by the interim municipality for the Ambernath municipal district or the persons or body purporting to have been formed as such interim municipality or the President, the Vice-President or a councillor thereof or any authority or office or servant of the municipality or such body, in the exercise or purported exercise of powers conferred, or in the discharge of duties imposed, by or under any of the provisions of the Bombay District Municipal Act, 1901 or any other law for the time being in force, shall be deemed to have been validly done, omitted to be done or taken, and shall not be called in question in any Court on the ground only that, when such thing or omission was done or such action was taken, the interim municipality was not properly constituted, or no order was made by the State Government under section 191-B of the Bombay District Municipal Act, 1901, as amended by Bombay Act VIII of 1959, for all any of the matters specified therein, or that any such order made was not effective.

#### **5. Validation.**

- The Ambernath Interim Municipality (Constitution and Actions) Ordinance, 1965, is hereby repealed.

### **Schedule**

(See section 3)

Serial No. Name

Designation in the interim municipality

1.	Shri Kore, D.A.	President
2.	Shrimati Sardar, Shashikala Vishnu	Vice-President
3.	Shri Karnik, N.T.	Councillor.
4.	Shri Vaze, D.D.	Do.
5.	Shri Shinde, S.L.	
6.	Shri Adhangale, D.S.	Do.
7.	Shri Chavan, Y.M.	Do.
8.	Shri Jadhav, P.K.	Do.
9.	Shri Kanadi, T.L.	Do.
10.	Shri Lingayat, C.S.	Do.
11.	Shri Bhior, S.B.	Do.
12.	Shri Kamble, R.D.	Do.
13.	Shri Madanshingh Manivirshing	Do.
14.	Shrimati Karkhanis, Indirabai Dwarkanath	Do.