

Gujarat Co-operative Societies and the Bombay Land Improvement Schemes (Amendment) Act, 1969

GUJARAT

India

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Act 21 of 1969

- Published on 17 December 1969
- Not commenced
- [This is the version of this document from 17 December 1969.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act to amend the Gujarat Co-operative Societies Act, 1961 and the Bombay Land Improvement Schemes Act, 1942, for certain purposes. It is hereby enacted in the Twentieth Year of the Republic of India as follow:-* (Received the assent of the Governor on 17th December, 1969 and published in the "Gujarat Government Gazette" on the 18th December 1969)

1. Short title.- This Act may be called the Gujarat Co-operative Societies and the Bombay Land Improvement Schemes (Amendment) Act, 1969.

2. Insertion of new section 143 A in Guj. X of 1962.- After Section 143 of the Gujarat Co-operative Societies Act, 1961, (Guj. X of 1961) the following new section shall be inserted, namely:

"143A. Transfer of rights and liabilities of Government in respect of ernes sanctioned under Bom. XXVIII of 1942.- (1) Where any works, included in a land improvement scheme which has come into force under the Bombay Land Improvement Schemes Act, 1942 (XXV of III of 1942) and carried out at the cost or part cost of the State Government, and such cost or part of cost is to be recovered from the owners of the lands (other than Government) included in the scheme as shown in the statement prepared under section 13 or in the interim or final statement prepared under section 13A of that Act, then, notwithstanding anything contained in this Act, all the rights and liabilities of the State Government for the recovery of the cost or, part cost from the owners of land shall stand transferred to the State Land Development Bank, in relation to such owners of land, and subject to such terms and conditions (including any condition regarding giving of any guarantee by the State Government) as may be agreed upon between the State Government and such Land Development Bank; and for arriving at such agreement, every owner of land shall produce before the Bank all such documents,

and other evidence relating to his land included in such scheme as the Bank may require.(2)On such transfer of rights and liabilities of the State Government, the State Land Development Bank shall pay to the State Government an amount equal to the extent of the liability accepted by it under such agreement, and the State Government shall inform the owners of land concerned of such transfer; and thereupon, the provisions of this Act and rules made thereunder in so far as they provide for the advancing of loans (including provision for mortgaging of property) and recovery thereof shall apply in relation to the amount of cost to be recovered from each owner of land as they apply in relation to the advancing of loans and recovery thereof (including interest) as if such owner was a member of the State Land Development Bank. The transfer of the rights and liabilities and payment made in accordance therewith shall discharge the owners of lands of their liability to make payment to the State Government under the Bombay Land Improvement Schemes Act, 1942, (Bom. XXVIII of 1942) but to the extent only of their respective liability accepted by the State Land Development Bank."

3. Insertion of new section 26A in Bom. XXVIII of 1942.- After section 26 of the Bombay Land Improvement Schemes Act, 1942, (Bom. XXVIII of 1942) the following new section shall be inserted, namely:-

"26A. Effect of transfer of right and liabilities of Government to State Land Development Bank.- Where rights and liabilities of the State Government in relation to the recovery of cost or part cost of the works carried out under any scheme from any owner of lands included in such scheme stand transferred to the State Land Development Bank under section 143A of the Gujarat Co-operative Societies Act, 1961, the rights and liabilities transferred to such Bank shall be entered in the records referred to in sub-section (2) of section 13 or as the case may be, sub-section (3) of section 13A and notwithstanding anything contained in this Act, every such owner of land shall pay the amount recoverable from him under this Act to such Bank. The amount of such cost or part cost shall be paid to the State Land Development Bank by, and recovered by such Bank from, such owners of lands in accordance with the provisions of section 143A of the Gujarat Co-operative Societies Act, 1961 and such payment to or recovery by, the Bank shall discharge the owners of lands of their liability to make payment to the State Government under this Act to the extent of their respective liability accepted by the Bank. (Guj. X of 1962.)".

4. Repeal of Guj. Ord. 4 of 1969.- The Gujarat Co-operative Societies and the Bombay Land Improvement Schemes (Amendment) Ordinance, 1969 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.