

The Rajasthan Urban Improvement (Amendment and Validation) Act, 1973

RAJASTHAN

India

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Act 10 of 1973

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The Rajasthan Urban Improvement (Amendment and Validation) Act, 1973 Rajasthan Act 10 of 1973 [Received the assent of the President on the 27th day of March, 1973.] Notification No. F. 7(31) Vidhi/72, dated 28-3-1973, Published in Rajasthan Gazette, Extra ordinary, Part IV-A, dated 28-3-1973, page 211. - The following Act of the Rajasthan State Legislature received the assent of the President on the 27th day of March, 1973 and is published for general information. An Act further to amend the Rajasthan Urban Improvement Act, 1959 and to validate certain acquisition made. Be it enacted by the Rajasthan State Legislature in the Twenty fourth 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, 1973. (2) It shall be deemed to have come into force on the 2nd day of December, 1972.

2. Amendment of section 2, Rajasthan Act 35 of 1959.

- In subsection (1) of section 2 of the Rajasthan Urban Improvement Act, 1959, hereinafter referred to as the principal Act-(1) after clause (iv), the following new clause (iv-a), shall be added, namely:-(iv-a) "Collector" means the Collector of a district and includes an Additional Collector appointed to a district as well as any officer specially appointed by the State Government to perform the functions and exercise the powers of a Collector under this Act;" and (2) in clause (vi), after the words "in any building or land", the words "or making, provisions for any amenity in, on, over or under any building or land, shall be inserted.

3. Amendment of section 52, Rajasthan Act 35 of 1959.

- In section 52 of the principal Act-(1)in sub-section (1) after the words representation from the Trust the words or otherwise shall be inserted:(2)in sub-section (2) after the words not be acquired , the following words shall be added, namely:-"Such notice shall be individually served upon the owner of the land and any other person who in the opinion of the State Government may be interested therein. It shall also be published in the Official Gazette atleast 30 days in advance and shall be pasted on some conspicuous place in the locality, where the land to be acquired is situate. Such publication and pasting of notice shall be deemed as sufficient and proper service of notice upon the owner of the land and upon all other persons who may be interested therein;"(3)for sub-section (3), the following sub-section shall be substituted, namely:-"(3) Within the time specified in the notice, the owner of the land or any other person interested therein may show cause and make objections, why the land should not be acquired. Every such objection to the notice given under sub-section (2) shall be made in writing the Officer-on-Special Duty, or any other officer appointed by the State Government for the purpose. Such officer shall given the objector an opportunity of being heard, either in person or by pleader, and after hearing all such objections and after making such enquiry as he deems necessary, shall submit the case for the decision of the State Government together with the record of the proceedings held by him and a report containing his recommendations on the objections. Thereafter, the State Government may pass such order as it deems fit. The decision of the Government thereon shall be final";(4)for sub-section (7), the following sub-section shall be substituted, namely:-"(7) After the land has been acquired and its possession taken, the State Government shall, on payment of the amount of compensation as determined under section 53, the amount of interest thereon and of all other charges incurred by the State Government in this connection, transfer it to the Trust to any other prescribed authority or department for the purpose for which it is acquired";(5)after sub-section (7), the following new sub-section (8) shall be added, namely:-"(8) Any notice issued or published by the State Government under this section may also be issued or published for and on behalf of it by any officer subordinate to it, so authorised".

4. Amendment of section 53, Rajasthan Act 35 of 1959.

- In subsection (2) of section 53 of the principal Act. for the words 'taking over possession of the land under sub-section (5) or sub- section (6), the words absolutely vesting of the land in the State Government under sub-section (4), shall be substituted.

5. Validation of certain acquisition.

- Notwithstanding any judgment, decree or order of any court to the contrary and anything contrary in the principal Act, no acquisition of land made or purporting to have been made for the purpose of improvement or for any other purposes under the principal Act before the 2nd day of December, 1972 and no proceedings for acquisition for the said purposes pending at that time and no action taken or thing done (including any order, determination, declaration or decision made, agreement entered into, or notification published) in connection with such acquisition or the pending proceedings, shall be deemed to be invalid or ever to have become invalid on the ground that the

proceedings of such acquisition or e pending proceedings, shall be deemed to be invalid or ever to have become invalid on the ground that the proceedings of such acquisition or the pending proceedings were initiated, proceeded with or completed under and in accordance with the provisions contained in the Rajasthan Land Acquisition Act, 1953 (Act No. 24 of 1953), hereinafter referred to as the Acquisition Act, and not under and in accordance with the principal Act, and such pending proceedings shall be continued and completed under and in accordance with the provisions of the Acquisition Act and shall not be liable to any challenge any where on the ground that they were continued and completed under and in accordance with the Acquisition Act and not under and in accordance with the principal Act.(2)Notwithstanding any judgment, decree or order of any court to the contrary no acquisition of land made for the purpose of improvement or for any other purposes under the principal Act before the 2nd day of December, 1972, and no proceedings for acquisition for the said purposes pending at that time, and no action taken or thing done (including any order, determination or decision made, agreement entered into or notification published) in connection with such acquisition or pending proceedings shall be deemed to be invalid or ever to have become invalid on the ground that the notice under sub-section (2) of section 52 of the principal Act was issued or objections under sub-section (3) thereof were received and heard and findings thereon were given by one officer or authority, so authorised, and the final order of acquisition was made without hearing and published by another authorised officer or authority for and on behalf of the State Government and such pending proceeding shall be continued and completed as above and shall not be liable to any challenge anywhere on the ground that the notice under sub-section (2) of section 52 of the principal Act was issued or objections under sub-section (3) thereof were received and heard and findings thereon were given by one officer or authority, so authorised, and the final order of acquisition was made without hearing and published by another officer or authority for and on behalf of the State Government.

6. Repeal.

- The Rajasthan Urban Improvement (Amendment and Validation) Ordinance, 1972 (Ordinance No. 7 of 1952) is hereby repealed.