

# **The M.P. Resettlement and Rehabilitation of Displaced Persons (House Building Material Acquisition) Act, 1949**

MADHYA PRADESH

India

## **The M.P. Resettlement and Rehabilitation of Displaced Persons (House Building Material Acquisition) Act, 1949**

### **Act 43 of 1949**

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The M.P. Resettlement and Rehabilitation of Displaced Persons (House Building Material Acquisition) Act, 1949(M.P. Act No. 43 of 1949)[Dated 26th October, 1949]Received the assent of the Governor on the 26th October, 1949; assent first published in the "Central Provinces and Berar Gazette" on the 4th November, 1949.An Act to make provisions for the acquisition of house-building material for the resettlement and rehabilitation of displaced persons.Whereas it is expedient to make provisions for the acquisition of house-building material for the resettlement and rehabilitation of displaced persons;It is hereby enacted as follows :-

### **1. Short title and extent.**

(1)This Act may be cited as the [Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.] Resettlement and Rehabilitation of Disposal Persons (House-building Material Acquisition) Act, 1949.(2)[ It extends to and shall he in force in the whole of Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.].

### **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context,-(a)"dealer" means any person who, whether as principal or agent, carries on in [Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.] the business of selling or supplying house-building material whether for commission, remuneration or otherwise and includes a firm, a partnership and a Hindu undivided family and includes also a society or association selling or supplying house-building material to its members or others.Explanation :- The manager or agent of a dealer who resides outside [Madhya

Pradesh] [Substituted by M.P. Act No. 23 of 1958.] and who carries on the business of selling or supplying house-building material in [Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.] shall, in respect of such business, be deemed to be dealer for the purposes of this Act;(b)"displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbance or fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the 1st day of March 1947 and who has subsequently been residing in India;(c)"house-building material" means any article required for use in the construction of premises for residential, business or industrial purposes or for purposes incidental to any of these with view to resettlement and rehabilitation of displaced persons.

### **3. Acquisition of house-building material.**

(1)If in the opinion of the State Government it is necessary or expedient so to do for resettlement and rehabilitation of displaced persons, it may, by serving on a dealer a notice stating that the State Government has decided to acquire house building material in pursuance of this section, acquire from such dealer, such house-building material for the construction of premises for residential, business, industrial or other incidental purposes for the rehabilitation of displaced persons :Provided that the State Government may publish the notice in the Gazette if the dealer of any such house-building material is not readily traceable or the question of ownership of any such house-building material is in dispute.(2)Where a notice of acquisition is served on any dealer or published in the Gazette under sub-section (1), then at the beginning of the day on which the notice is so served or published, the house-building material shall vest absolutely in the State Government free from all encumbrances.(3)The [Collector] [Substituted by M.P. A O. 1956.] may, at any time, after the house-building material has become so vested in the State Government, proceed to take possession thereof or authorise any officer to take possession thereof and the [Collector] [Substituted by M.P. A O. 1956.] or the authorised officer may take or cause to be taken such steps and use, or cause to be used such force as may, in his opinion, be reasonably necessary for taking possession of the house-building material.(4)The dealer on whom a notice has been served under sub-section (1) or to whom a direction under clause (h) of sub-section (9) has been issued may, within fifteen days from the date of service of such notice or receipt of such direction by him, file his objection, if any, to such notice or direction before the [Collector] [Substituted by M.P. A O. 1956.] and he may, after making such enquiry as he thinks fit, either dismiss the objection or withdraw the notice of acquisition and release the house building material to the dealer or vacate the direction in respect of such house-building material as the case may be.(5)The decision of the [Collector] [Substituted by M.P. A O. 1956.] on the objection filed under sub-section (4) shall be final and conclusive.(6)Whenever in pursuance of sub-section (1), any house-building material is acquired, there shall be paid to the dealer owning or believed to be owning such house-building material, compensation determined in the manner and in accordance with the principle hereinafter settled, that is to say :-(i)where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;(ii)where no agreement can be reached the State Government shall appoint as arbitrator any Civil Judge having jurisdiction over the area in which the dealer ordinarily carries on his trade;(iii)at the commencement of the proceedings before the arbitrator, the State Government and the dealer to be compensated shall state what in their respective opinion is a fair

amount of compensation;(iv)the market price of the house-building material acquired on (he date of which notice of acquisition was served on the dealer or published in the Gazette, as the case may he, shall be taken as the value of the house-building material for the purpose of compensation ;Provided that where any direction is issued to a dealer in pursuance of clause (b) of sub-section (9) the market price of the house-building material on the date of the issue of such direction shall be the value of the house-building material for the purposes of compensation;(v)an appeal shall lie to the High Court against the award of arbitrator;(vi)save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.(7)(a)The State Government may make rules for the purpose of carrying into effect the provisions of this section.(b)In particular and without prejudice to the generality of the foregoing power, such rules may prescribe-(i)the procedure to be followed in arbitrations under this section;(ii)the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal.(8)The payment of compensation under this section to the dealer entitled to it in the opinion of the [Collector] [Substituted by M.P. A.O. 1956.] where payment has been made after mutual agreement, or in the opinion of the arbitrator, where the matter "has been decided by arbitration, shall be a full discharge of the State Government from all liability in respect of compensation, but shall not prejudice any rights in respect of the said house-building material to which any other person may be entitled by due process of law to enforce against the person to whom compensation has been paid as aforesaid.(9)The State Government or an officer authorised by it in this behalf by general or special order may, with a view to acquiring any house-building material under sub-section (1) or determining the compensation under sub-section (6)-(a)require any person to furnish to such authority as may be specified in the order such information in his possession relating to the house-building material as may be so specified; or(b)direct that the dealer shall not, without the permission of the State Government or such authorised officer, dispose of any such house-building material till the expiry of a period of one month.(10)The State Government may, by general or special order, authorise any person to enter any premises and inspect such premises and any house-building material therein liable to be acquired under this section with a view to acquiring any such house-building material under this section.

#### **4. Delegation.**

- The State Government may by order direct that the power conferred on it under Section 3 shall in such circumstances and under such conditions, if any, as may be specified in that direction, be exercised by any officer or authority subordinate to it.

#### **5. Repeal and Saving.**

(1)The Central Provinces and Berar Resettlement and Rehabilitation of Displaced Persons (House-Building Material Acquisition) Ordinance, 1949 (II of 1949) is hereby repealed.(2)Notwithstanding the repeal of the said Ordinance, anything done and any action taken by any authority by or under the provisions of the said Ordinance shall be deemed to have been done and taken under this Act.