Act No. 4 of 1979

~~BILL NO. 14 OF 1978~~

THE MANIPUR PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ~~BILL~~ Act, 1978

(As passed by the Legislative Assembly, Manipur on 22-1-79)

An

~~BILL~~ Act

to provide for the prevention of slums and for the speedy eviction of unauthorised occupants from public premises in the State of Manipur.

Be it enacted by the Legislature of Manipur in the twenty-ninth year of the Republic of India as follows :—

Short title, extent & commencement.

1. (1) This Act may be called the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force with effect from 1st December, 1978.

Definitions.

2. In this Act unless the context otherwise requires—

(a) "competent authority" means any person or authority authorised by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class or public premises as may be specified in the notification.

(b) "Government" means the State Government.

(c) "Local authority" includes Planning and Development Authority, Municipal Board, District Council, Block Samiti, Town Committee, Gram Panchayat, etc.

(d) "premises" means any land or any building or hut or part of a building or hut and includes—

(i) gardens, grounds and outhouses, if any, appertaining to such building or hut or part of a building or hut, and

(ii) any fittings affixed to such building or hut or part of a building or hut for the more benefitial enjoyment thereof ;

(e) "public premises" means—

(i) any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Government ;

(ii) any premises belonging to, or vested, in a local authority ;

(f) "Revenue Commissioner" means the Revenue Commissioner of the Government of Manipur;

(g) "Unauthorised occupation" in relation to any public premises means the occupation, within a period of six years immediately before the date of the commencement of this Act or at any time after such date, by any person, of the public premises without lawful authority for such occupation.

Eviction of unauthorised occupants.

3. (1) If the competent authority, after making such inquiry as it deems fit, is satisfied that any public premises are in unauthorised occupation, it may, for reasons to be recorded in writing, make an order of eviction directing that the public premises shall—

(1) (i) in the case of buildings, within ten days from the date of the proclamation referred to in clause (b) of sub-section (2) and

(ii) in other cases, within three days from the date of such proclamation, be vacated by all persons who may be in occupation thereof or any part thereof.

(2) (a) The competent authority shall, before the date of the proclamation referred to in clause (c), cause of a copy of the order made by it under sub-section (1) to be affixed on the outer door or some other conpicuous part of the public premises.

(b) (i) An officer specially authorised by the competent authority in this behalf shall cause the order made under sub-section (1) to be proclaimed by beat of drum or tom-tom in or near the locality concerned and thereupon such order shall be deemed to have been duly served on all persons concerned.

(ii) The officer specially authorised by the competent authority under sub-section (1) shall record a certificate stating the date of the proclamation and such certificate shall be conclusive proof of the fact and the date of such proclamation.

Taking possession of property in case of refusal.

4. If any person refused or fails to comply with the order of eviction, the competent authority or any person specially authorised by it in this behalf may evict that person from, and take possession of, the public premises and may, for that purposes, use such force as may be necessary.

Disposal of property.

5. (1) Where any person has been evicted from any public premises under this Act, the competent authority may, after giving seven days' notice to the person from whom possession of the public premises has been taken and after publishing the notice in such manner as may be prescribed remove or cause to be removed ~~such manner as may be prescribed remove or cause to be removed~~ premises.

(2) Where any property is sold under sub-section (1) the sale proceeds shall, after deducting the expenses of the sale and the amount if any, due to the Government or the local authority concerned as the case may be on account of damages, be paid to such person or persons as may appear to the competent authority to be entitled to the same:

Provided that where the competent authority is unable to decide as to the person or persons to whom the balance of the amount is payable, or as to the apportionment of the same, it may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

Appeal.

6. (1) An appeal shall lie to the Revenue Commissioner from every order of the competent authority made in respect of any public premises under sub-section (1) of section 3—

(2) The appeal under sub-section (1) shall be preferred within thirty days from the date of the proclamation referred to in clause (b) of sub-section (2) of section 3.

Provided that the Revenue Commissioner 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) (a) The Revenue Commissioner may, for sufficient cause, order stay of the endorcement of the order of the competent authority pending the disposal of the appeal.

(b) No order for stay of enforcement shall be made under clause (a) unless the Revenue Commissioner is satisfied that the appellant is entitled to the possession of the public premises.

(4) Every appeal under this section shall be disposed of by the Revenue Commissioner as expenditiously as possible.

(5) The order of the Revenue Commissioner on appeal under this section, or the order of the competent authority under sub-section (1) of section 3 where no appeal is preferred under this section to the Revenue Commissioner within the period specified in sub-section (2) of this section shall be final.

Bar of jurisdiction of court.

7. No suit or other proceedings shall lie or be instituted in any civil court in respect to any matter arising under provided for by this Act.

Power to make rules.

8. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the making of enquiries under this Act;

(b) the procedure to be followed in taking possession of public premises;

(c) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(d) any other matter which has to be or may be prescribed;

(3) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued be placed on the table of State Legislative Assembly and before the expiry of the session, in which it is so placed or the next session of Legislative Assembly agrees in making any modification in any such rule or notification or agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification of annulment, shall be without prejudice to the validity of anything previously done under that rule or nodification.

Repeal & Savings.

9. (1) The Manipur Public Premises (Eviction of Unauthorised Occupants) Ordinance, 1978 shall stand repealed on the day this Act comes into force.

(2) Anything done and any step taken (including order, scheme, rule, form or notice) and any action taken under the repealed Ordinance shall, in so far it is not inconsistant with the provisions of this Act be treated as to have been done and acted under the provisions of this Act and shall continue to be in force until superseded.

Validation.

10. Validation notwithstanding anything contained in the Act or any other law for the time being in force in the State of Manipur anything done and any step taken (including order, scheme, rule, form or notice, appointment) purported by under the provisions of the repealed Ordinance and the Rules framed thereunder shall not be illegal and invalid for the reason that the Governor had no power to promulgate the Ordinance under Article 213 of the Constitution of India.