

**Manipur**



**Gazette**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**No. 183**

**Imphal, Tuesday, August 29, 1978**

**(Bhadra 7, 1900)**

**GOVERNMENT OF MANIPUR  
SECRETARIAT: LAW DEPARTMENT**

**Imphal, the 29th August, 1978**

No. 2/18/78-Leg/L.—The Manipur Public Premises (Eviction of Unauthorised Occupants) Ordinance, 1978 (Manipur Ordinance No. 1 of 1978) promulgated by the Governor of Manipur on 22-8-78 is hereby published in the Manipur Gazette.

**I. BIJOY SINGH,**  
Deputy Secretary (Law) to the Govt. of  
Manipur.

**THE MANIPUR PUBLIC PREMISES (EVICTION OF  
UNAUTHORISED OCCUPANTS) ORDINANCE, 1978**

**(Manipur Ordinance No. 1 of 1978)**

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

WHEREAS there are a number of unauthorised occupants in public premises in the State of Manipur;

AND WHEREAS the number of such occupants is recently on the increase;

AND WHEREAS such unauthorised occupants are likely to create slums and to cause danger to public health and sanitation;

AND WHEREAS it is expedient to provide for the prevention of slums and for the speedy eviction of unauthorised occupants from public premises in the State of Manipur;

AND WHEREAS the Manipur Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of powers conferred on him by Article 213 of the Constitution of India, the Governor is hereby pleased to make and promulgate in its Twenty-ninth Year of the Republic of India the following Ordinance, namely:—

**Short title,  
extent and  
commence-  
ment.**

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

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

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different areas.

**Definitions.**

2. In this Ordinance, 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 Ordinance 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 out houses, 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 beneficial 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 two years immediately before the date of the commencement of this Ordinance or at any time after such date, by any person, of the public premises without lawful authority for such occupation.

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—

**Eviction of unauthorised occupants.**

- (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 proclamation referred to in clause (c), cause a copy of the order made by it under sub-section (1) to be affixed on the outer door or some other conspicuous part of the public premises concerned.

(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 (i) 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.

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.

**Taking possession of public premises in cases of refusal to comply with order of eviction.**

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 or disposed of by public auction, any property remaining on such premises.

**Disposal of property left on the public premises by unauthorised occupants.**

(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.

Appeals.

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 enforcement 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 expeditiously 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.

Jurisdiction of civil courts.

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

Power to make rules.

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

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

- (a) the making of enquiries under this Ordinance;
- (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 Ordinance 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 notification.

#### STATEMENT OF OBJECTS AND REASONS

The problem of encroachments is on the increase in Imphal and other areas in the State. Some of the most important areas which could be utilised for urban development have become heavily encroached upon. This is preventing the Government from undertaking schemes for the development of Imphal Town and other areas. The encroachments have also resulted in congestion and are, therefore, a traffic hazard. The procedure prescribed under the Manipur Land Revenue and Land Reform Act is slow and cumbersome and it has been found difficult to remove unauthorised occupation of public premises expeditiously by following that procedure. It, therefore, become necessary to introduce a law for the speedy eviction of unauthorised occupation. Further, urgent and immediate action was required to begin the removal of unauthorised occupation on the one hand and to discourage further such unauthorised occupation on the other.

Hence this Ordinance.

