GUJARAT LAND REQUISITION ACT, 1948

1948 : Bom.XXXIII]

GOVERNMENT OF GUJARAT

LEGISLATIVE PARLIAMENTARY AFFAIRS DEPARTMENT

BOMBAY ACT NO. XXXIII OF 1948

The Gujarat Land and Requisition Act, 1948

(As modified upto the 31st October, 2012)

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THE GUJARAT LAND REQUISITION ACT, 1948

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SCHEDULE

GUJARAT LAND REQUISITION ACT,

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BOMBAY ACT NO. XXXIII OF 1948[1]

[THE GUJARAT LAND REQUISITION ACT, 1948]*

[*11th April, 1948*]

Amended by Bom. 2 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 39 of 1950.+
Amended by Bom. 9 of 1951.
Amended by Bom. 40 of 1951.
Amended by Bom. 5 of 1952.
Amended by Bom. 5 of 1953.
Amended by Bom. 17 of 1955.
Amended by Bom. 52 of 1955.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 91 of 1958.
" " " 33 of 1959.

Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Guj. 38 of 1963.
Amended by Guj. 20 of 1966.
Amended by Guj. 14 of 1970.
Amended by Guj. 28 of 1972.
Amended by Presi. 16 of 1974.
Amended by Guj. 12 of 1976.
Amended by Guj. 10 of 1978.
Amended by Guj. 6 of 1980.
Amended by Guj. 13 of 1985.
Amended by Guj. 26 of 1987.
Amended by Guj. 17 of 1990.
Amended by Guj. 17 of 1991.
Amended by Guj. 15 of 2011.

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An Act to provide for the requisition of land, for the continuance of requisition of land and for certain other purposes.

[2]* * * *

WHEREAS it is expedient to provide for the requisition of land, for the continuance of requisition of land and for certain other purposes: It is hereby enacted as follows :–

Short title.

1. This Act may be called the [2a][Gujarat] Land Requisition Act, 1948.

Extent

2. (1) This Act shall extend to the areas specified in the Schedule hereto annexed and shall continue to extend to any such area not withstanding that the area ceases to be of the description therein specified.

(2) The [3][State] Government may, by notification in the *Official Gazette* extend any or all of the provisions of this Act to any other area and on such date as may be specified in the notification:

[4][Provided that on the commencement of the Bombay Land Requisition (Extension and Amendment) Act, 1959 all the provisions of this Act shall also extend to the rest of the [5][State of Bombay].

(3) The [3][State] Government may, at any time by like notification, direct that any or all of the provisions of this Act shall cease to extend to any area and on such date as may be specified in the notification ; and on that date the said provisions shall cease to be in force in such area.

3. [Duration] Deleted by Guj. 6 of 1980, s.2.

4. In this Act, unless there is anything repugnant to the subject or context—

(1) "land" includes benefits to arise out of land, and buildings and all things attached to the earth or permanently fastened to the buildings or things attached to the earth ;

(2) "landlord" means any person who is, for the time being, receiving or entitled to receive, rent in respect of any premises whether on his own account or on account, or on behalf, or for the benefit, of any other person, or as a trustee, guardian, or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant ; and included any person, not being a tenant, who from time to time derives title under a landlord ; and further included in respect of his sub-tenant a tenant who has sublet any premises ;

(3) "premises " means any building or part of a building let or intended to be let separately including—

(i) the garden, grounds, garages and out-houses, if any, appurtenant to such building or part of a building;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof, but does not include a room or other accommodation in a hotel or lodging house;

(4) "prescribed" means prescribed by rules made under this Act ;

(5) "to requisition" means in relation to any land to take possession of the land or to require the land to be placed at the disposal of the [3][State]Government.

Requisition of land

5. (1) If in the opinion of the [6][State] Government it is necessary of expedient so to do the [6][State]Government may by order in writing requisition any land for [7][any public purpose] :

Provided that no buildings or part thereof wherein the owner, the landlord or the tenant, as the case may be has actually resided for a continuous period of six months immediately preceding the date of the order shall be requisitioned under this section.

(2) Where any building or part thereof is to be requisitioned under sub-section (1), the [6][State]Government shall make such enquiry as it deems it and make a declaration in the order of requisition that the owner, the landlord or the tenant, as the case may be, has not actually resided therein for a continuous period of six months immediately preceding the date of the order and such declaration shall be conclusive evidence that the owner, land lord or tenant has not so resided.

Requisition of vacant premises

6. (1) If any premises situate in an area specified by the [6][State]Government by notification in the *Official Gazette*, are vacant on date of the such notification and wherever any such premises are vacant or become vacant after such date by reason of the landlord, the tenant or the sub-tenant, as the case may be, ceasing to occupy the premises or by reason of the release of the premises from requisition or by reason of the premises being newly erected or reconstructed or for any other reason the landlord of such premises shall give intimation thereof in the prescribe form to an officer authorized in this behalf by the [6][State]Government.

(2) The intimation shall be given [8][by registered post] within one month of the date of the notification in the case of premises which are vacant on such date and in other cases within seven days of the premises becoming vacant or becoming available for occupation.

(3) A landlord shall not, without the permission of the [6][State]Government giving the intimation and for a period of one month from the date on which the intimation is received. let occupy, or permit to be occupied such premises before

(4) Whether or not an intimation under sub-section (1) is given and notwithstanding anything contained in section 5, the [6][State]Government may by order in writing-

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(a) requisition the premises [9][for [7][any public purpose] and may use or deal with the premises for any such purpose] in such manner as may appear to it to be expedient ; or

[10][* * * * * *]

Provided that where an order is to be made under clause (a) [11][requisitioning the] premises in respect of which no intimation is given by the landlord the [12][State] Government shall make such inquiry as it deems fit and make a declaration in the order that the premises were vacant or had become vacant, on or after the date referred to in sub-section (1) and such declaration shall be conclusive evidence that the premises were or had so become vacant.

[13] * * * * *

(5) Any landlord who fails to give such intimation within the period specified in sub-section (2) shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both and any landlord who lets, occupies or permits to be occupied the premises in contravention of the provisions of sub-section (3). Shall, on conviction, be punished with imprisonment for a term which may extend to one year and shall also be punished with fine.

Explanation. – For the purposes of this section –

(a) Premises which are in the occupation of the landlord, the tenant or the sub-tenant, as the case may be, shall be deemed to be or become vacant when such landlord ceases to be in occupation or when such tenant or subtenant ceases to be in occupation upon termination of his tenancy, eviction, assignment or transfer in any other manner of his interest in the premises otherwise, notwithstanding any instrument or occupation by any other person prior to the date when such landlord, tenant or sub-tenant so ceases to be in occupation;

(b) Premises newly erected or re-constructed shall be deemed to be or become vacant until they are first occupied after such erection or reconstruction.

Continuance of requisition.

7. (1) Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, the [12][State] Government may, by order in writing direct that any land which was continued under requisition under the said Act, Shall continue to be subject to requisition under this Act [14][for [15][any public purpose]] when it is released from requisition under the said Act or ceases to be subject to requisition for any reason; and the [12][State] Government may [16][for any such purpose] use or deal with the land so continued to be subject to requisition in such manner as may appear to it to be expedient. XVII of 1947.

(2) In respect of the continued subjection of the land to requisition under sub-section (1) compensation shall be determined and paid in accordance with the provisions of this Act and of the rules made there under :

Provided that all agreements and awards made in relation to the land in respect of the payment of compensation for the period before it was continued to be subject to

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requisition under sub-section (1) shall continue to be in force and shall apply to the payment of compensation for the period of requisition under this Act.

Payment to compensation.

8. (1) When any land is requisitioned or is continued to be subject to requisition under this Act, there shall be paid, subject to the provisions

of section 7, compensation to persons having interest in such land the amount of which shall be determined by an officer authorized in this behalf by the [17][State] Government who shall hold an inquiry in the manner prescribed. The officer shall determine such amount of compensation as he deems just having regard to all the circumstances

I of 1894.

of the case ; and in particular he shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894, [18][(as in force in the)] [19][Bombay area of the State of Gujarat] in so far as they can be made applicable.

(2) Where there are several persons interested in the land, the officer shall decide the dispute, if any, as to the apportionment of the amount of compensation or any part thereof or as to the persons to whom the same or any part thereof is payable.

(3) An appeal shall lie against the decision of the officer under sub-section (1) or (2), except in cases where the total amount of compensation in respect of the land does not exceed an amount prescribed in this behalf by the [17][State] Government-

[20][* * * * * *]

(b) [21][*] to the District Court.

Such appeal shall be made within a period of sixty days from the date of the decision.

[22][Explanation.- For the purposes of this section, the total amount of compensation shall mean in cases where the amount of compensation is paid in a lump sum, such sum, and in cases where it is paid periodically, such multiple of the amount of compensation as may be prescribed.]

(4) No further appeal shall lie against any decision in appeal under sub- section (3).

Guj. 13 of 1985.

[23][8-AA (1) (a) In a case where any land which has been subject to requisition under this Act for a period of five years or a longer period immediately preceding the commencement of the Bombay Land Requisition (Gujarat Amendment) Act, 1985, the amount of compensation determined under section 8 shall, in respect of such land be revised with effect from the date of such commencement.]

Revision of of compens

(b) In a case where any land which has been subject to requisition under this Act immediately before such commencement for a period shorter than five years and the maximum period within which such land shall, in accordance with the provisions of sub-section(1-A) of section 9, be released from such requisition extends beyond five years from such commencement, the

amount of compensation determined in respect of such land under section 8 shall be revised with effect from the date of expiry of five years from the date on which possession of such land had been surrendered or delivered to or taken by the State Government or any officer authorized or empowered by the State Government,

(2) The Provisions of section 8 and 8-A-1 shall, so far as may be, apply to the revision of the amount of compensation under this section as they apply to the determination of the amount of compensation under section 8 as if such land had been requisitioned or continued to be subject to requisition under

this Act on the date with effect from which the revision has to be made under sub-section (1).]

Power of State Government to call for record.

[24][8-A1. The State Government may.-

(a) in cases in which no appeal lies, under sub-section (3) of section 8, or

(b) in cases in which such appeal lies, but has not been filed within the period specified in the said sub-section (3), after the period for filling such appeal has expired.

Call for the record of the inquiry or proceedings of the officer, who has given the decision under sub-section (1) or (2) of the said section 8, for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceedings, and may pass such order thereon as it deems fit. Any order passed by the State Government under this section shall be final.]

Landlord's duty to execute necessary repairs.

[25][8A. Where any premises are requisitioned or continued under requisition under this Act, the State Government may, subject to any agreement entered into by the appropriate Government with the landlord of the premises, whether such premises are requisitioned or continued under requisition either before or after the coming into force of the Bombay Land Requisition (Amendment) Act, 1950, by order in writing direct him to execute such repairs as shall in its opinion be necessary or sufficient to keep the premises in a good and tenantable condition and as may be specified in the order, within the time mentioned therein. If the land lord fails to execute such repairs the State Government may cause such repair to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.] Bom . II of 1950.

8AA. [Application of section 499 of Bom. III of 1888 to requisitioned premises.] Deleted by the Gujarat Adaptation of Laws (State and concurrent Subjects) Order, 1960.

Vacation of requisitioned land and recovery of dues as arrear of land revenue.

[26][8B. (1) Where the State Government has either before or after the coming into force of the Bombay Land Requisition (Amendment) Act, 1950 allotted to any person any land requisitioned or continued under requisition under this Act or where any person continues or is permitted to, continue to remain in occupation or possession of such land, the State Government may, notwithstanding anything contained in any law for the time being in force, by order in writing direct the person to whom such land is allotted or the person who continues or is permitted to continue to remain in occupation or possession of such land or any Bom. II of 1950

other person for the time being in occupation of such land to vacate the same within such period as may be specified in the order and deliver possession thereof to the officer authorized in this behalf by the State Government.

(2) If any person to whom any such land is allotted by the State Government fails to pay to the State Government any sum which he is liable to pay under the terms and conditions subjects to which such land is allotted to him or if any person who continues or permitted to continue to remain in occupation or possession of such land fails to pay any amount of compensation which the State Government determines as the amount payable by him for such occupation or possession, such sum or amount due whether before or after the coming into force of the Bombay Land Requisition (Amendment) Act, 1950 shall, without prejudice to any other mode of recovery, be recovered from him or any person for the time being in occupation of the land as an arrear of land revenue.

(3) The allotment of any land to any person, or the continuance of any person or the permission to any person to continue to remain in occupation of possession of any land, referred to in sub-section (1) shall be deemed to be a license in favour of such person for the use and occupation of the said land.]

Release from requisition.

9. (1) the [27][State] Government may, at any time release from requisition any land requisitioned or continued to be subject to requisition under this Act.

[28][(1A) Notwithstanding anything contained in sub-section (1), the State Government shall release from requisition,–

(a) any land requisitioned or continued to be subject to requisition under this Act before the commencement of the Bombay Land Requisition (Gujarat Amendment) Act, 1980 on or before the expiry of period of [29][thirteen years] from such commencement;

Guj. 6 of 1980.

(b) any land requisitioned under this Act after such commencement, on or before the expiry of a period of [29][thirteen years] from the date on which possession of such land was surrendered or delivered to, or taken by, the State Government or any officer authorized or empowered by the State Government.]

(2) (a) Upon such release [30][under sub-section (1) or sub-section (1A)] the land shall be restored as far as possible in the same condition in which it was on the date on which the [31][State] Government was put in possession thereof, and the [31][State] Government shall pay compensation for deterioration, if any, caused to the land otherwise than by reasonable wear and tear or irresistible force :

Provided that nothing in this sub-section shall apply to any structures, trees or crops standing on the land on the date on which the [31][State] Government took possession thereof and in respect of which compensation has been paid.

(b) The officer authorized in this behalf by the [2] [State] Government shall determine such amount of compensation as he deems just and his decision subject to an appeal to the [31] [State] Government, shall be final. Such appeal shall be made within period of a thirty days from the date of the decision.

(3) When any land is to be released from requisition, the [31][State] Government may, after making such inquiry, if any, as it deems fit, specify by order in writing the person to whom possession of the land shall be given.

(4) The delivery of possession of the land to the person specified in an order made under sub-section (3) shall be a full discharge of the [31][State] Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(5) Where the person to whom possession of any requisitioned land is to be given cannot be found and has not agent or other person empowered to accept a delivery on his behalf the [31][State] Government shall cause a notice declaring that the land is released from requisition to be affixed on some conspicuous part of the land and shall publish the notice in the *Official Gazette.*

(6) When a notice referred to in sub-section (5) is published in the *Official Gazette*, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person

entitled to possession thereof; and the [31][State] Government shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

(7) For the purpose of releasing any land from requisition, the [31][State] Government may, by order direct the person to whom the [31][State] Government had given possession of such land and other person, if any, in occupation of such land to deliver possession thereof to the officer authorized in this behalf by the [31][State] Government.

Notice to owner of land or premises requisitioned or to be requisitioned to submit application for compensation.

[32][9A. The State Government shall, at the time of requisitioning or thereafter, by notice in writing published or served, as the case may be, in the manner provided in section 13 for the publication or service of the orders therein mentioned, require the owner of the land or landlord of the premises requisitioned, or to be requisitioned to submit within the time specified in section 9 B, his claim for compensation in respect of such land or premises.]

Officer to whom manner in which and time with in which applicati for compensati

9B. (1) Every application for the determination of payment of compensation shall be made to the officer authorised to determine compensation under section 8, in such manner and in such form, and accompanied by such information, as may be prescribed.

to be made.

(2) Such application shall,—

(a) in the case of a claim for compensation under sub-section (1) of section 8, be made within three months from the date on which

the notice under section 9A is published or served, as the case may be ;

(b) in the case of arrears of compensation, where an order determining compensation direct that the amount of compensation shall be paid at a future date or in installments or periodically, be made within three months from the date on which the amount, installment or periodical payment, as the case may be, becomes so payable;

(c) in the case of a claim for compensation under clause (a) of sub-section (2) of section 9, be made within three months from the date on which possession was delivered under the said section.

(3) The provisions of section 4 and 5, and of sub-section (1) of section 12, of the Indian Limitation Act, 1908 shall mutatis mutandis apply in relation to applications for determination for payment of compensation under this Act, as they apply in relation to applications described in the First Schedule to that Act. IX of 1908.

If application for determination of compensation not made in time compensation to be determined *exparte*

9C. If an application for compensation under Clause (a) of sub section (2) of Section 9B is not made within the time therein mentioned; the officer may proceed to determine ex parte the amount of compensation and apportionment thereof; and such determination and apportionment shall; subject to the provisions of Sub Section (3) of Section 8 and of Section 8-A1; be binding on the owner or landlord:

Provided that; if the owner or landlord; within 30 days of the date of the decision of the officer; shows to the satisfaction of the officer that the notice was not duly published or served or that he was prevented by sufficient cause from making his claim in time; the officer shall cancel his decision and proceed to determine the compensation and apportionment thereof after taking into consideration any claim made by the owner or landlord.]

Power of inquiry.

10. For the purposes of holding an inquiry under Section 8 the authorized officer shall have the same powers as are vested in civil courts in respect of –

(a) Proof of facts by affidavits;–

(b) Summoning and enforcing the attendance of any person and examine him on oath;–

(c) Compelling the production of documents; and

(d) Issuing commissions for the examination of witness.

11. (1) Any officer authorized in this behalf by the [33][State] Government by a general or special order may take possession of any land in respect of which an order has been made under Section 5 or 6 [34][or sub-section (1) of Section 8B] or subsection (7) of section 9 and may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of such officer, be reasonably necessary for taking possession of such land.

(2) The [35]*State+ Government may, after giving 15 days' clear notice to the person from whom possession of the land has been taken under sub section (1) remove or cause to be removed or dispose of by public auction any property remaining on such land.

(3) Where property is sold under sub-section (2) the sale proceeds shall after deducting the expense of sale, be paid to such person or persons who may appear to the [35][State] Government to be entitled to the same.

Power to obtain information.

12. (1) Any officer authorized in this behalf by the [35][State] Government by a general or special order may, with a view to carrying out the purposes of this Act, by order require any person to furnish to him such information in such person's possession relating to any land which is requisitioned or is continued under requisition or is intended to be requisitioned or continued under requisition [36][under this Act].

(2) Every person required to furnish such information as is referred to in sub section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Indian Penal Code. XLV of 1860.

Publication and service of orders.

13. (1) Every order made under section 5, 6, 7, [37][8A or 8B [38]* * or] sub-section (7) of section 9 or section 12 shall-

(a) if it is an order of a general nature or affecting a class of persons, be published in the manner prescribed by rules in this behalf ;

(b) If it is an order affecting an individual corporation, or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or Rules of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;

(c) if it is an order affecting an individual person other than a corporation or firm, be served on the person-

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

(2) Where a question arises whether a person was duly informed of an order made in pursuance of section 5, 6, 7, [37][8A or 8B [38] * * or], sub-section (7) of a section 9 or section 12 compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed ; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

Power to enter and inspect land.

14. Without prejudice to any powers otherwise conferred by this Act, any officers or person empowered in this behalf by the [39][State] Government, by general or special order may enter and inspect any land for the purpose of determining whether, and if so, in what manner, and order under this Act should be made in relation to such land, or with a view to securing compliance with any order made under this Act.

Delegation of functions.

15. The [39][State] Government may, by order notified in the *Official Gazette,* direct that any power conferred or any duty imposed on it by this Act shall, in such circumstances and under such conditions, if any, as may be specified in the

direction be exercised or discharged by such officer, not being in the opinion of the [39][State] Government below the rank of a Collector, as may be so specified.

Exemption

16. The [39][State] Government may by rule exempt any land from the provisions of section 5 or 6 or both on such terms and conditions as may be specified in the said rules.

Protection of act taken under Ac

17. (1) No suit, prosecution or other legal, proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any order made there under.

(2) Save as otherwise expressly provided under this Act no suit or other legal proceeding shall lie against the [39][State] Government for any damage caused or likely to the caused by anything in good faith done or intended to be done under this Act, or any order made there under.

XLV of 1860.

Officers to be deemed publi Servants.

18. Every officer authorized or empowered by the [39][State] Government to exercise any power or to perform any duty under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power to make rules.

19. (1) The [39][State] Government may, by notification in the *Official Gazette* make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for –

(i) the form in which intimation shall be given under sub-section(1) of section 6;

(ii) the manner for holding an inquiry under sub-section (1), and the amount of compensation to be prescribed under sub-section (3) of section 8 ;

form in which applications for determination of payment of compensation shall be made; and the information required to accompany such applications, under section 9B;]

(iii) levy of court-fees in respect of appeals under section 8 and 9;

(iv) exemption of any land from the provisions of section 5 or 6 or both and the terms and conditions on which the land shall be exempted ;

(v) any other matter which under this Act is to be or may be prescribed.

Repeal.

Bom. Ordinance No. V of 1947.
Bom. I of 1904.

20. (1) The Bombay Land Requisition Ordinance, 1947, is hereby repealed, and it is hereby declared that the provisions of section 7 and 25 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were and enactment.

(2) Notwithstanding the repeal of the said Ordinance and anything contained in this Act, -

(i) any intimation given under sub-section (1) of section 5 of that Ordinance within a period of seven days prior to the

commencement of this Act shall be deemed to have been given under the corresponding provision of this Act;

(ii) any order made under the said Ordinance requisitioning any land shall be deemed to be made under this Act;

(iii) any land requisitioned or continued to be subject to requisition under the said Ordinance shall be deemed to be requisitioned or continued to be subject to requisition under this Act.

Repeal of C.p> and Berar LXIII of 1948 and saving.

Bom. XXX o 1950 of C.P. and B LXIII of 1948

41[20A. (1) On the commencement of the Bombay Land Requisition (Extension and Amendment) Act, 1959, the Central Provinces and Berar Accommodation (Requisition) Act, 1948, in its application to the vidarbha region of the 2[State of Bombay], shall stand repealed.

(2) Notwithstanding such repeal, any accommodation which immediately before such repeal is subject to requisition under the repealed Act, shall thereafter be deemed to be requisitioned under this Act, and the State Government may use or deal with any such requisitioned accommodation for any public purpose in such manner as may appear to it to be expedient :

Provided that the State Government may at any time release from requisition any such requisitioned accommodation.

Other laws relating to acquisition and requisitioning of property to continue.

Bom. LV of 19

20B. For removal of doubt, it is hereby declared that the provisions of this Act shall be in addition to and not in derogation of the provisions of the Bombay Requisitioned Property (Continuance of Powers) (Saurashtra Area) Act, 1958 or of any law relating to acquisition or requisitioning of property for the time being in force in the 43[State of Gujarat] or any part thereof.

Validation of requisition ord

Bom. XL of 1951.

44[21. (1) Notwithstanding anything contained in this Act, or a judgment, decree or order of a Court, if any order for requisition made under section 5, 6 or 7 on or after the 26th January 1950 and before the commencement of the Bombay Land Requisition (Amendment) Act, 1951, has not specified the purpose for which such requisition was made, but if such order for requisition was in fact made for the purpose of the State or any other public purpose, such order shall not be deemed to be or ever to have been invalid, not shall such order be called in question in any court merely on the ground that the order has not specified the purpose for which the requisition was made.

(2) Nothing contained in this section shall -

(a) affect the judgment, decree or order of any competent court passed before the 31st August 1951 holding any such order invalid on the ground specified in sub-section (1), or.

(b) preclude any Court from requiring the State Government or the Officer who made such order for requisition to produce before it evidence to show that the order for requisition was in fact made for the purpose of the State or any other public purpose.]

Certain order not to be invalid on ground of absenece of declaration.

[45][22. (1) Notwithstanding anything contained in this Act or a judgment, decree or order of a Court, an order made or purporting to have been made under section 6 before the commencement of the Bombay Land Requisition (Amendment) Act, 1955, shall not be deemed to be or to have ever been invalid merely on the ground that such order did not contain a declaration, whether express or implied that the premises requisitioned were vacant or had become vacant on or after the date of the

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notification under sub-section (1) of section 6; nor shall such order be called in question in any Court merely on the ground aforesaid.

(2) Nothing contained in this section shall affect the judgment, decree or order of any competent court passed before the 19th January 1955, holding any such order invalid on the ground specified in sub-section (1).]

XXX of 1952.

[46][23. Nothing in this Act shall apply to any premises to which the Requisitioning and Acquisition of Immoveable Property Act, 1952, applies.]

SCHEDULE

[47][* * *]	[47]* * *
[47][* * *]	[47]* * *
[47][* * *]	[47]* * *
[48]Ahmedabad District	[47]* * *
[48][5. Surat District]	[49]* * *
[47][* * *]	

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2. The first paragraph and the word "AND" in the second paragraph were deleted by Bom. 33 of 1959, s.3.

* This Act was extended to, and shall in virtue of such extension be in force in the rest of the State of Bombay (vide Bom. 33 of 1959, s.2).

+ Section 6 of Bom. 39 of 1950, reads as follows:—

"6. *Amendment to have retrospective effect.* — The amendment made by this Act shall be deemed to have been and always to have been made with effect from the 26th January, 1950,and all orders for requisition made under sections 5,6 and 7 of the said Act on or after that date shall be deemed to have been made under the said Act as amended by this Act, and no such order shall be called into question in any Court merely on the ground that the amendments made by this Act were not at the date of such order included in the aforesaid provisions under which the said order was made."

2a. The word "Gujarat" was substituted for the word "Bombay' by Guj. 15 of 2011, s. 3.

3. This word was substituted for the word "Provincial" by the Adaptation of Laws order, 1950.

4. This proviso was added by Bom. 33 of 1959, s. 4.

5. The words "State of Bombay" stand unmodified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

6. This word were substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

. These words substituted for the words "purpose of the State or any other public purpose" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

8. These words were substituted for the words "by post" by Bom. 5 of 1952, s.3(1).

9. This portion was substituted for the words, "and may use or deal with the premises" by Bom. 39 of 1950, s.3.

10. Clause (b) was deleted by Bom. 5 of 1952, s.3 (2).

11. These words were substituted for the words, brackets and letter "or (b) requisitioning or requiring let" by Bom. 5 of 1952, s.4.

12. The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

13. The second proviso was deleted, by the Adaptation of Laws Order, 1950.

14. These words were inserted by Bom. 39 of 1950, s.4.

15. These words were substituted for the words "any purpose of the State or any other public purpose" by the Bombay Adaptation of Laws (State and concurrent Subjects) Order, 1956.

16. These words were inserted by Bom. 39 of 1950, s.4.

17. The word "State" was substitute for the word "Provincial" by the Adaptation of Laws Order, 1950.

18. The brackets and words "(as in force in the Pre-reorganization State of Bombay, excluding the transferred territories)" were inserted by Bom. 33 of 1959, s.5.

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19. These words were substituted for the words "Pre-reorganisation State of Bombay, excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

20. Clause (a) was deleted, by the Adaption of Laws (State and Content subject) Order, 1960.

21. The word "elsewhere" was deleted, by the Adaption of Laws (State and Content subject) Order, 1960.

22. This explanation was added by Bom. 2 of 1950, s.3.

23. Section 8-AA was inserted by Guj. 13 of 1985, s.2.

24. Section 8-A1 was inserted by Bom. 5 of 1953, s.3.

25. Section 8A was inserted by Bom. 2 of 1950, s.4.
26. Section 8B was inserted by Bom. 2 of 1950, s. 5.
27. The word “State ” was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
28. Sub-section (1A) was inserted by Guj. 6 of 1980, s. 3 (1).
29. These words were substituted for the words “Eleven Years” by Guj. 17 of 1991, s. 2.
30. These words, brackets, figures and letter were inserted by Guj. 6 of 1980, s. 3(2).
31. The word “State” was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
32. Sections 9A, 9B and 9C were inserted by Bom. 52 of 1955 s. 3.
33. The word “State” was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
34. These words, brackets, figures and letter were inserted by Bom. 2 of 1950, s.6.
35. The word “State” was substituted for the word “Provincial” by the Adaptation of Laws, Order, 1950.
36. These words were added by Bom. 39 of 1950, s. 5.
37. The figures, letters and words “8A or 8B or 9A or” were inserted by Bom. 2 of 1950, s. 7.
38. The word, figure and letter “or 9A” were deleted by Bom.5 of 1952, s.5.
39. The word “State” was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
40. This clause was inserted by Bom. 52 of 1955, s. 4.
41. Sections 20A and 20B were inserted by Bom. 33 of 1959, s. 6.
42. These words stand unmodified by the Gujarat Adaptation of Laws (State and concurrent subjects) (Third Amendment) Order, 1960.
43. These words were substituted for the words “State of Bombay, *ibid.*
44. This section was inserted by Bom. 40 of 1951, s. 2.
45. This section was inserted by Bom. 17 of 1955, s.2.

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46. This section was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
47. Entries 1,2,3,6,7,8,9 and 10 were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) (Third Amendment) Order, 1960.
48. This entry was substituted for the original, *ibid.*
49. Entry 11 was deleted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.