THE MAHARASHTRA LAND REQUISITION ACT

[*Text as on 28th March 2025*]

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19. Amended by Mah. 51 of 1973 (27-12-1973)
20. Amended by Mah. 45 of 1977
21. Amended by Mah. 35 of 1981
22. Amended by Mah. 50 of 1983[2] (17-11-1983)
23. Amended by Mah. 28 of 1988 (26-12-1988)
24. Amended by Mah. 29 of 1990 (23-10-1990)
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1 Section 6 of Bom. 39 of 1950, reads as follows :—

"**6. Amendments to have retrospective effect.—** The amendments made by this Act shall be deemed to have been and always 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.".

2 Mah. Ordinance No. XXI of 1983 was repealed by Mah. 50 of 1983, s. 3(*1*) and sub-section (*2*) reads as under :—

"(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Ordinance.".

3 Mah. Ordinance No. XV of 1992 was repealed by Mah. 14 of 1993, s. 3(*1*).

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

26. Amended by Mah. 20 of 1993 (10-5-1993)
27. Amended by Mah. 7 of 1995[1] (22-12-1994)
28. Amended by Mah. 16 of 1997[2] (7-12-1996)
29. Amended by Mah. 14 of 1998[3] (26-12-1997)

30. Amended by Mah. 24 of 2012 (22-8-2012)

1 Mah. Ordinance No. XX of 1994 was repealed by Mah. 7 of 1995, s. 3(*1*).

2 Mah. Ordinance No. XXIII of 1996 was repealed by Mah. 16 of 1997, s. 8(*1*).

3 Mah. Ordinance No. XX of 1997 was repealed by Mah. 14 of 1998, s. 7(*1*).

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT NO. XXXIII OF 1948[1]

[THE MAHARASHTRA LAND REQUISITION ACT.][2]

[This Act received the assent of the Governor General on the 11th April 1948; assent was first published in the *Bombay Government Gazette*, Extraordinary, Part IV, on the 11th April 1948.]

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

[3]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 :—

1. Short title.— This Act may be called the [4][Maharashtra Land Requisition Act].

2. Extent.— (*1*) This Act shall extend to the areas specified in the Schedule hereto annexed and shall continue to extend to any such area notwithstanding that the area ceases to be of the description therein specified.

(*2*) The [5][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:

[6][Provided that on the commencement of the Bombay Land Requisition (Extension and Amendment) Act, 1959 (Bom. XXXIII of 1959) all the provisions of this Act shall also extend to the rest of the [7][State of Bombay].

(*3*) The [8][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 Mah. 51 of 1973, s. 2.*

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

[9][(*A1*) "competent authority" means an officer appointed as the competent authority under section 8B;]

(*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 includes any person not being a tenant, who from time to time derives title under a landlord; and further includes 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;

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

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

4 Short title "Bombay Land Requisition Act, 1948" was amended as "Maharashtra Land Requisition Act" by Mah. 24 of 2012, s. 2, Sch. entry 32, w.e.f. 1-5-1960.

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

7 The words "State of Bombay" shall stand unmodified [*see* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960].

8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

9 Clause (*A1*) was inserted by Mah. 35 of 1981, s. 2.

(*ii*) any fitting 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 1[State] Government.

5. Requisition of land.— (*1*) If in the opinion of the 2[State] Government it is necessary or expedient so to do, the 3[State] Government may by order in writing requisition any land for 4[any public purpose]:

Provided that no building 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 5[State] Government shall make such enquiry as it deems fit 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, landlord or tenant has not so resided.

6. Requisition of vacant premises.— (*1*) If any premises situate in an area specified by the 6[State] Government by notification in the *Official Gazette* are vacant on the date of 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 prescribed form to an officer authorised in this behalf by the 7[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 9[State] Government, let, occupy or permit to be occupied such premises before giving the intimation and for a period of one month from the date on which the intimation is received.

(*4*) Whether or not an intimation under sub-section (*1*) is given and notwithstanding anything contained in section 5, the 10[State] Government may by order in writing—

(*a*) requisition the premises 11[for 12[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

13[* * * * * * *]

1 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

4 These words were 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.

5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

11 This portion was substituted for the words "and may use or deal with the premises" by Bom. 39 of 1950, s. 3. 12 This portion was substituted for the words "the purpose of the State or any other public purpose" by Bombay Adaptation of Laws (State and Concurrent Subjects) Order 1956.

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

Provided that, where an order is to be made under clause (*a*) 1[requisitioning the] premises in respect of which no intimation is given by the landlord, the 2[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.

3[* * * * * * *]

(*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 sub-tenant ceases to be in occupation upon termination of his tenancy, eviction, assignment or transfer in any other manner of his interest in the premises or 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 reconstructed shall be deemed to be or become vacant until they are first occupied after such erection or reconstruction.

7. Continuance of requisition.— (*1*) Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), the 4[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 5[for 6[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 7[State] Government may 8[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.

(*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 thereunder:

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 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.

9**[7A. Continuance of requisition made under the Defence of India Act, 1962.—** All immovable properties, which at the commencement of the Bombay Land Requisition (Amendment) Act, 1968 (Mah. XIV of 1968), are subject to requisitioning effected under the Defence of India Act, 1962 (51 of 1962) (hereinafter in this section referred to as "the Defence Act") by the State Government or by any officer or authority to whom the powers of the State Government under the Defence Act were delegated, shall, immediately on the expiration of the period stated, in the orders of requisitioning made under the Defence Act, be deemed to be lands requisitioned under this Act and

1 These words were substituted for the words, brackets and letter "or (*b*) requisitioning or requiring to let" by Bom. 5 of 1952, s. 3 (*2*)(*ii*).

2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3 The second proviso was deleted by Bom. 5 of 1952, s. 3 (*2*)(*iii*).

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

5 These words were inserted by Bom. 39 of 1950, s. 4.
6 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.
7 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
8 These words were inserted by Bom. 39 of 1950, s. 4.
9 Section 7A was inserted by Mah. 14 of 1968, s. 2.

shall continue to be subject to requisitioning as if they were requisitioned under this Act, without specifying any such period. The State Government may use or deal with any such land for any public purpose. Any agreement or award made for the payment of compensation in respect of any such property and in force immediately before the expiration of the said period shall continue to be in force as if the amount of compensation were determined under this Act, and shall apply to the payment of compensation during the period of requisitioning under this Act. If in respect of any such property no such agreement or award is in force immediately before the expiration of the said period, the amount of compensation shall be determined in accordance with the provisions of the Defence Act (including the rules made thereunder) as if those provisions were for such purpose enacted in this Act and shall continue to apply to such property; and any agreement or award so made shall apply to the payment of compensation for the period of requisitioning under the Defence Act, and also under this Act.]

8. Payment of compensation.— (*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 [1][sections 7 and 7A,] compensation to persons having interest in such land the amount of which shall be determined by an officer authorised in this behalf by the [2][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 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 (I of 1894), [3][(as in force in the [4][Bombay area of the State of the Maharashtra)]] 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 appointment 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 [5][State] Government,—

(*a*) in Brihan Mumbai, to the High Court, and

(*b*) elsewhere, to the District Court.

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

[6][*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*).

[7]**[8A1. Power of State Government to call for record.—** 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 filing 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*) and (*2*) of the said section 8, for the purpose of satisfying itself as to the legality, propriety or regularity of such inquiry or proceeding, and may pass such order thereon as it deems fit. Any order passed by the State Government under this section shall be final.]

1 This was substituted for the word and figure "section 7" by Mah. 14 of 1968, s. 3.
2 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
3 These brackets and words were inserted by Bom. 33 of 1959, s. 5.

4 These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Maharashtra Adaptation of Laws Order, 1960.

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

6 This *Explanation* was added by Bom. 2 of 1950, s. 3.

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

1**[8A.Landlord's duty to execute necessary repairs.—** 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 (Bom. II of 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 landlord fails to execute such repairs, the State Government may cause such repairs 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).]

2**[8AA. Application of section 499 of Bom. III of 1888 to requisitioned premises.—** Without prejudice to the powers conferred by section 8A, the provisions of section 499 of the Bombay Municipal Corporation Act (Bom. III of 1888) shall apply in relation to premises, which are requisitioned or continued under requisition under this Act, with this modification that the occupier for the purposes of that section shall be the State Government or where the State Government so allows. shall be the person to whom any such premises are allotted or who is allowed to continue to remain in occupation or possession thereof, and accordingly, the State Government or such person may, in the circumstances stated in the said section 499, execute the work therein referred to, subject to the provisions of that section; but for the purposes of reimbursing itself, or such person, for the reasonable expenses incurred in executing any such work, the State Government shall be entitled to recover from the owner the amount of such expenses and may deduct that amount from the compensation which, from time to time, becomes due to the owner.]

3**[8B. Appointment of competent authority.—** The State Government may, by notification in the *Official Gazette*, appoint an officer, who is holding or has held an office, which in its opinion is not lower in rank than that of 4[Section officer] to Government or Tahsildar, to be the competent authority for the purposes of this Act, in such area, or in respect of such lands or premises or class of lands or premises in any area, as may be specified in the notification; and more than one officer may be appointed as the competent authority in the same area in respect of different lands or premises or different classes of lands and premises.

8C. Powers of competent authority to evict.— (*1*) If the competent authority after holding such inquiry as he deems fit is satisfied—

(*a*) that a Government allottee or any other person authorised or permitted to occupy or for the time being occupying any land or premises requisitioned or continued under requisition under this Act has, whether before or after the commencement of the Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1980 (Mah. XXXV of 1981),—

(*i*) not paid the monthly compensation due from him in respect of such land or premises for a period of more than two months;

(*ii*) sub-let, the whole or any part of such land or premises without the permission of the State Government or the competent authority;

(*iii*) committed, or is committing any acts, which are in contravention of the terms and conditions, express or implied, under which he is authorised to occupy such land or premises; or

(*iv*) been in unauthorised occupation of such land or premises; or

(*b*) that any other person is in unauthorised occupation of such land or premises; or

(*c*) that such land or premises are to be released from requisition.

1 Section 8A was inserted by Bom. 2 of 1950, s. 4.

2 Section 8AA was inserted by Bom. 91 of 1958, s. 3.

3 Section 8B to 8F were substituted for section 8B by Mah. 35 of 1981, s. 3.

4 These words were substituted for the words "Assistant Secretary" by Mah. 20 of 1993, s. 2.

Then the competent authority may, notwithstanding anything contained in any law for the time being in force, by order in writing direct the person to whom such land or premises are allotted or the person who is authorised or permitted to occupy them or any other person for the time being in occupation of such land or premises to vacate the same, within one month of the date of the service of the order and to deliver possession thereof to the competent authority or any officer designated by him in this behalf. Such order shall be served on the persons concerned in the manner provided in section 13.

(*2*) (*a*) Before an order under sub-section (*1*) is made against any person, the competent authority shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(*b*) The notice shall—

(*i*) specify the ground on which the order of eviction is proposed to be made.

(*ii*) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim to be authorised to occupy, such land or premises, to show cause, if any, against the proposed order, on or before such date as may be specified in the notice.

(*iii*) be served by registered post, or personally, by delivering or tendering the notice to him or to some adult member of his family or by affixing an authentic copy of the notice to some conspicuous part of the land or premises to which it pertains, and thereupon the notice shall be deemed to have been duly given to and served on all persons concerned.

(*3*) Any written-statement submitted by any person and any documents produced by any person in pursuance of the notice shall be filed with the record of the case and such persons shall be entitled to appear before the competent authority in this connection by an advocate, attorney or pleader.

(*4*) For the purposes of holding an inquiry for making any order under sub-section (*1*) the competent authority shall have the same powers as are conferred on the authorised officer under section 10.

8D. Appeals against orders of competent authority.— (*1*) An appeal shall lie to the State Government from every order of eviction made by the competent authority under section 8C.

(*2*) An appeal under sub-section (*1*) shall be preferred within thirty days from the date of the service of the order made under sub-section (*1*) of section 8C:

Provided that, the State Government 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*) Where an appeal is preferred from the order of the competent authority, the State Government may stay the enforcement of that order for such period and on such conditions as it may deem fit to specify.

(*4*) Every order made by a competent authority under section 8C, subject to an appeal to the State Government, and every order made by the State Government, on such appeal, shall be final and conclusive.

8E. Allotment requisitioned land or premises deemed to be a licence and dues recoverable as arrears of land revenue.— (*1*) The allotment of any land or premises requisitioned or continued under requisition under this Act by the State Government to any person or the continuance of any person or the permission to any person to continue to remain in occupation or possession of such land or premises shall be deemed to be a licence in favour of such person for the use and occupation of such land or premises.

(*2*) If any person to whom such land or premises are 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, subject to which

such land or premises are allotted to him, or if any person who continues or is permitted to continue to remain in occupation or possession of such land or premises fails to pay any amount of compensation, which the State Government determines as the amount payable by him for such occupation or possession, then any such sum or amount due, whether before or after the

commencement of the Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1980 (Mah. XXXV of 1981), shall without prejudice to any other mode of recovery, be recovered from him or any person for the time being in occupation or possession of such land or premises as an arrear of land revenue.

8F. Bar of Jurisdiction.— No Court shall have jurisdiction to entertain any suit or proceeding in respect of eviction of any person from any land or premises requisitioned or continued under requisition under this Act on any of the grounds specified in section 8C or the recovery of any sum or other dues payable for the use or occupation of such land or premises.]

9. Release from requisition.— (*1*) The [1][State] Government may, at any time, release from requisition any land requisitioned or continue to be subject to requisition under this Act.

[2][(*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 (Amendment) Act, 1973 (Mah. LI of 1973), on or before the expiry of a period of [3][twenty-four years] from such commencement;

(*b*) any land requisitioned under this Act after such commencement, on or before the expiry of a period of [4][twenty-four years] from the date on which possession of such land was surrendered or delivered to, or taken by, the State Government or any officer authorised or empowered by the State Government.]

(*2*) (*a*) Upon such release [5][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 [6][State] Government was put in possession thereof, and the [7][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 [8][State] Government took possession thereof and in respect of which compensation has been paid.

(*b*) The officer authorised in this behalf by the [9][State] Government shall determine such amount of compensation as he deems just and his decision, subject to an appeal to the [10][State] Government, shall be final. Such appeal shall be made within a period of thirty days from the date of the decision.

(*3*) When any land is to be released from requisition, the [11][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 (*1*) shall be a full discharge of the [12][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 no agent or other person empowered to accept delivery on his behalf the [13][State]

1 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 2 Sub-section (*1A*) was inserted by Mah. 51 of 1973, s. 3 (*a*).

3 These words were substituted for the words "twenty-one years" by Mah. 7 of 1995, s. 2.

4 These words were substituted for the words "twenty-one years" by Mah. 7 of 1995, s. 2.

5 These words, brackets, figures and letter were inserted by Mah. 51 of 1973, s. 3 (*b*).

6 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 7 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 8 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 9 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 10 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 11 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 12 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 13 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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 1[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 2[State] Government may, by order, direct the person to whom the 3[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 authorised in this behalf by the 4[State] Government.

5[(*8*) On the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Mah. XVI of 1997), all the premises requisitioned or continued under requisition under this Act and allotted to Government allottees who, on the said date 6[were in occupation or possession of such premises] shall be deemed to have been released from requisition, and in respect of such premises the State Government or, as the case may be, the Government allottees referred to in clause (*b*) of the *Explanation*, shall become the tenants by virtue of the provisions of section 15B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947) and the compensation, if any, due in respect of such premises shall be determined and paid to the persons entitled thereto as if such premises were actually released under this section.

Explanation.— For the purposes of this sub-section, the expression "Government allottee"—

(*a*) in relation to any premises requisitioned or continued under requisition which are allotted by the State Government for any non-residential purpose to any department or office of the State Government or Central Government or any public sector undertaking or corporation owned or controlled fully or partly by the State Government or any co-operative society registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) or any foreign consulate, by whatever name called, and on the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Mah. XVI of 1997) 7[are in their occupation or possession], means the principal officer-in-charge of such office or department or public sector undertaking or corporation, or society or consulate; and

(*b*) in relation to any premises requisitioned, or continued under requisition which are allotted by the State Government for residential purpose to any person and, on the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996 (Mah. XVI of 1997) 8[such person or his legal heir is in occupation or possession of such premises for his or such legal heir's own residence, means such person or legal heir.]

9**[9A. Notice to owner of land or premises requisitioned or submit application for compensation.—** 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 9B, his claim for compensation in respect of such land or premises.

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

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

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

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

5 Sub-section (*8*) was added by Mah. 16 of 1997, s. 5.

6 These words shall be deemed to have been substituted from the 7th December 1996 by Mah. 14 of 1998, s. 4 (*a*). 7 These words shall be deemed to have been substituted form the 7th December 1996 by Mah. 14 of 1998, s. 4 (*b*)(*i*). 8 These words shall be deemed to have been substituted form the 7th December 1996 by Mah. 14 of 1998, s. 4 (*b*)(*ii*). 9 Sections 9A, 9B and 9C were inserted by Bom. 52 of 1955, s. 3.

9B. Officer to whom, manner in which and time within which application for compensation to be made.— (*1*) Every application for the determination or 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.

(*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 directs that the amount of compensation shall be paid at a future date or in instalments or periodically, be made within three months from the date on which the amount, instalment or periodical payment, as the case may be, becomes so payable;

(*c*) in the case of claim for compensation under clause (*a*) of sub-section (*2*) 1[and sub-section (*8*)] of section 9, be made within three months from the date on which possession was delivered under the said section.

(*3*) The provisions of sections 4 and 5, and of sub-section (*1*) of section 12, of the 2Indian Limitation Act, 1908 (IX of 1908) shall *mutatis mutandis* apply in relation to applications for determination or payment of compensation under this Act, as they apply in relation to applications described in the First Schedule to that Act.

9C. If application for determination of compensation not made in time compensation to be determined *ex-parte*.— 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 8A1, be binding on the owner or landlord:

Provided that, if the owner or landlord, within thirty 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.]

10. Powers of inquiry.— For the purposes of holding an inquiry under section 8 the authorised 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 examining him on oath,

(*c*) compelling the production of documents, and

(*d*) issuing commissions for the examination of witnesses.

11. Power to take possession.— (*1*) Any officer authorised in this behalf by the [3][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 [4][or sub-section (*1*) of section 8C] or sub-section (*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.

1 These words, brackets and figures were inserted by Mah. 16 of 1997, s. 6.

2 *See now* the Limitation Act, 1963 (36 of 1963).

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

4 These words, brackets, figures and letters were substituted for the words, brackets, figures and letter "or sub-section (*1*) of section 8B" by Mah. 35 of 1981, s. 4.

(*2*) The [1][State] Government may, after giving 15 clear days' 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 appears to the [2][State] Government to be entitled to the same.

12. Power to obtain information.— (*1*) Any officer authorised in this behalf by the [3][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 [4][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).

13. Publication and service of orders.— (*1*) Every order made under sections 5, 6, 7, [5][8A [6][or 8C] [7][* *] 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 made 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 Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908 (V of 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 sections 5, 6, 7, [8][8A [9][or 8C] [10][* *] or], sub-section (*7*) 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.

14. Power to enter and inspect land.— Without prejudice to any powers otherwise conferred by this Act, any officer or person empowered in this behalf by the [11][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, an 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.

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

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

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

4 These words were added by Bom. 39 of 1950, s. 5.

5 The figures, letters and words "8A or 8B or 9A or" were inserted by Bom. 2 of 1950, s. 7.

6 This word, figure and letter were substituted for the word, figure and letter "or 8B" by Mah. 35 of 1981, s. 5. 7 The word, figure and letter "or 9A" were deleted by Bom. 5 of 1952, s. 5.

8 The figures, letters and words "8A or 8B or 9A or" were inserted by Bom. 2 of 1950, s. 7.

9 This word, figure and letter were substituted for the word, figure and letter "or 8B" by Mah. 35 of 1981, s. 5. 10 The word, figure and letter "or 9A" were deleted by Bom. 5 of 1952, s. 5.

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

15.Delegation of function.— The 1[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 2[State] Government below the rank of a Collector, as may be so specified.

16. Exemption.— The 3[State] Government may by rules 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.

17. Protection of action taken under Act.— (*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 thereunder.

(*2*) Save as otherwise expressly provided under this Act no suit or other legal proceeding shall lie against the 4[State] Government for any damage caused or likely to be caused by anything in good faith done or intended to be done under this Act, or any order made thereunder.

18. Officers to be deemed public servants.— Every officer authorised or empowered by the 5[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 (XLV of 1860).

19. Power to make rules.— (*1*) The 6[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 of 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 sections 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.

20. Repeal.— (*1*) The Bombay Land Requisition Ordinance, 1947 (Bom. Ordinance No. V of 1947), is hereby repealed, and it is hereby declared that the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), shall apply to the repeal as if that Ordinance were an 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;

1 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 2 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 3 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 4 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 5 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 6 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950. 7 Clause (*ii-a*) was inserted by Bom. 52 of 1955, s. 4.

(*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.

1**[20A. Repeal of C. P. and Berar LXIII of 1948 and saving.—** (*1*) On the commencement of the Bombay Land Requisition (Extension and Amendment) Act, 1959 (Bom. XXXIII of 1959), the Central Provinces and Berar Accommodation (Requisition) Act, 1948 (C. P. and Berar LXIII of 1948), in its application to the Vidarbha region of the 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.

20B. Other Laws relating to acquisition and requisitioning of property to continue.— For the 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 (Bom. LVI of 1958) or of any law relating to acquisition or requisitioning of property for the time being in force in the State of Bombay or any part thereof.]

2**[21. Validation of requisition orders.—** (*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 (Bom. XL of 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, nor 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.]

[3]**[22. Certain order not to be invalid on ground of absence of declaration.—** (*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 (Bom. XVII of 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 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 13th January 1955, holding any such order invalid on the ground specified in sub-section (*1*).]

[4]**[23. Saving.—** Nothing in this Act shall apply to any premises to which the Requisitioning and Acquisition of Immoveable Property Act, 1952 (XXX of 1952), applies.]

1 Section 20A and 20B were inserted by Bom. 33 of 1959, s. 6.

2 Section 21 was inserted by Bom. 40 of 1951, s. 2.

3 Section 22 was inserted by Bom. 17 of 1955, s. 2.

4 Section 23 was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

SCHEDULE

1. City of Bombay.
2. Bombay Suburban District.
3. Thana District.
4. Ahmedabad District.
5. Surat District.
6. Nasik District. [2]
7. Poona District.
8. Sholapur District.
9. Ahmednagar District.
[1][10. Chandgad Taluka in the Kolhapur District.]

* * * *

[1] Entry 10 was substituted for the original by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

[2] Entry 11 was omitted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.