

GUJARAT VALIDATION OF OCCUPANCY AND ALLOTMENT OF CERTAIN LANDS OF EXCESS VACANT LAND VESTED IN THE STATE GOVERNMENT (UNDER THE URBAN LAND (CEILING AND REGULATION) ACT, 1976)) ACT,2017.

Extra NO. 7 auoo/- Obe Oujucal EXTRAORDINARY PUBLISHED BY AUTHORITY Vol. LVIII MARCH 15, 2017/PHALGUNA 24, 1938 Separate paging is given to this Part in Order that it may be filed as a Separate Compilation. PART Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor. The following Act of -the Gujarat Legislature, having been assented to by the Governor on ;the 14th March, 2017 is hereby published for general information. K. M. LALA, Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department. GUJARAT ACT NO. 7 OF 2017. (First published, after having received the assent of the Governor, in the "Gujaral Government Gazette", on the March, 2017), AN ACT to provide for validation or occupancy and allotment of certain lands of excess vacant Jand vested inthe State Government under sub- section (3) of section 10 of the Urban Land (Ceiling and Regulation) Act, 1976 and whose possession had been taken over by the State Government prior Io the 30th March, 1999 and forthe matters connected ftherewith or incidental thereto. EX. 11/-7 7-1 7-2 GUJARAT GOVERNMENT GAZETTE, EX. 15-03-2017 [PART IV WHEREAS lthe Government of India had enacted the Urban Land (Ceiling and Regulation) Act, 1976 tcY provide for the imposition Of a ceiling On vacant land in urban agglomerations and for the acquiSiti0n of such land in excess of the ceiling limit; AND in section Urban Land (Ceiling and Regulation) Repeal Act, 1999, the said Repealing Act shall apply any other Stâte from the date On which lthe Legislature of the State adopts the Act by passing a Jesolutton in that behalf under clause (2) of article 252 orthe Constitution of India; AND WHEREAS the Gujarat Stale Legislature had adopted the said Repealing 1999 by resolution on 'he March, 1999 and lthus jt has come into force in the State of Gujarat with effect from the 30th March, 1999; AND WHEREAS the Urban Land (Ceiling and Regulation) Act, 1976 Aet has thus been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 with effect from the 30th March, 1999; AND WHEREAS before the repeal of the said Act of 1976, certain excess vacant lands have been vested jn the State Government under the provisions of the said repealed Act; AND WHEREAS the State Government is required to such surplus excess land vested in it in the manner as provided in the said repealed Act; AND WHEREAS the residential structures had already come up on such excess vacant land the possession ofwhich had been taken over by the State Government prior Io the 30th March, 1999; AND WHEREAS the persons belonging to theuower economic strata of the society in the urban agglomerations have been in occupancy of the residential structures and as such are in the occupation of such excess vacant lands; AND WHERE,BS the State Government is of the view that it will cause great hardship to such occupants if steps are taken to remove them from such occupancy; 33 Isor 1999. 33 of 1976. of 1999

PART I GUJARAT GOVERNMENT GAZETTE, EX. 15-03-2017 7-3 Shori title and commencement. Definitions. of 1949. 33 of 1976. AND WHEREAS the State Government is committed to furthering equitable distributiOn Of land in lthe urban agglomerations for the benefit ofthe economically weaker sections of the society; It is hereby enacted in the Sixty-eighth Year of the Republic Of India as follows 1. (1) This Act may be called the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017. (2) It shall be deemed to have come into force on the December, 2016. 2. this Act, unless the context otherwise requires, means the Municipal Corporation asdefined by clause (10) of section 2 of the Gujarat Provincial Municipal Corporations Act, 1949; vacant land" means the land vested in the State Government the possession of which has been taken over by the State Government under the repealed Act before the 30th March, 1999; means the person who is in Occupation of the residential structure constructed«yn the excess vacant land from or prior to January, 2011 till the date of coming into force of this Act and includes such person who as a result Ofalransaction orlransactions during the period commencing from Ist January, 2011 and ending on 3 IS t May, 2016 is ill occupation Of such Structure On the date Of coming into force of this Act; price" means such sum of money as notified by lthe State Government which the occupant is obliged to pay for validating the occupancy ; means prescribed by rules made under section 15; Act" means the Urban Land (Ceiling and Regulation) Act 1976; structure" means an abode of any type on the excess vacant land used by the occupant for the purpose of personal

GUJARAT GOVERNMENT GAZETTE, 15-03-2017 1 PART IV Validation or Occupancy and Allotment of Excess Vacant Land. Application for Validation of Occupancy of Land and thereof. Documents to be submitted with Application, habitation and includes any appurtenant livelihood activities within the said structure; (h) "State Government" means the Government of Gujarat

3. Notwithstanding anything contained in any other law, or in any judgment, decree or order of any competent Court, the State Government may validate the occupancy and allot certain lands of the excess vacant land vested in it, whose possession was taken over under the repealed Act in the manner as provided hereinafter

4. The occupant of the residential structure shall, for the purpose of validation of his occupancy of land and allotment thereof, make an application, in the prescribed form along with such fee as may be prescribed towards the occupancy price as may be determined by the State Government in this behalf, to the Mamlatdar within a period of three months from the date of coming into force of this Act or within such time as may be extended by the State Government by an order, from time to time.

5. (1) The Occupant shall, along with his application, submit a copy of notice given to him under sections 61 and 202 of the Gujarat Land Revenue Code, 1879 and the orders thereunder, if any. (2) The occupant shall, in order to claim the occupancy, submit along with his application of the oldest possible origin, any one or more of the following documents, namely:- (i) Ration Card; (ii) Aadhaar Card; (iii) Passport; (iv) Driving Licence; (v) Voter ID Card; (vi) Electricity bill; (vii) Property tax bill; (viii) Water Charges bill. PART] GUJARAT GOVERNMENT GAZETTE, EX. 15-03-2017 provided that occupant, may in support of his claim of his occupancy, also submit a copy of the sale deed or agreement for sale or an instrument for possession, if any. (3) The occupant shall, for the purpose of his identity, submit along with his application any one or more of the following documents, namely:- (i) PAN card; (ii) Aadhaar card; (iii) Passport; (iv) Driving License; (v) Voter ID Card. 6. The Mamlatdar shall, after receiving the application under section 4, issue a notice in such form as may be prescribed inviting thereby the objections from any person within a period of one month from the date of such notice with regard to the claim or occupancy made by the occupant. 7. (1) In case where the objections have been received pursuant to the notice under section 6, the Mamlatdar shall consider the same and after giving an opportunity of being heard to all concerned and considering the claims made by them, may either grant the application of the occupant or reject the same. (2) In case where the occupant's application is not rejected under sub-section (1) and the Mamlatdar is satisfied about the genuineness of the claim of the occupant in respect of the residential structure taking into consideration the relevant documents, he shall issue a notice to the occupant directing thereby him to make the remaining payment towards the occupancy price for the purpose of validation of occupancy and allotment of the excess vacant land: Provided that for arriving at such satisfaction as referred to above, the Mamlatdar may also take into consideration any data of house to house survey carried out by either the Central Government or the State Government, as the case may be, old records of Ration card. 7-5 Notice for Inviting Objections by Mamlatdar. Decision Of Mamlatdar. 7-6 Bar of transfer of allotted land. Consequences in the event Of failing to make an application. Appeal. GUJARAT GOVERNMENT GAZETTE, EX. 15-03-2017 and Electoral roll or any other document or documents, as he deems fit, which may be available in his office or in any other public office. (3) The occupant shall, within a period of one month of the receipt of the notice under sub-section (2), make the necessary payment as envisaged in the notice, failing which his application shall be deemed to have been rejected. (4) After the necessary payment as provided under sub-section (3) is made, the Mamlatdar shall pass an order, in such form as may be prescribed, of validation of occupancy and allotment of the excess vacant land in the manner and subject to such conditions as the State prescribe, 8. NO occupant in whose favour an Order under sub-section (4) of section 7 for allotment of land or his heirs shall transfer such land before the expiry of fifteen years from the date of such order. 9. In case where the occupant of any residential structure fails to make an application as provided under section within the prescribed time limit, the occupant shall be removed from such residential structure and the Mamlatdar shall take the possession of the same -treating the residential structure as the encroachment on the excess vacant land in the manner as laid down under the provisions of the Gujarat Land Revenue code, 1879. 10. (1) Any person making a claim including the occupant, being aggrieved by any order of the Mamlatdar passed under sub-section (4) of section 7 may prefer an appeal before the Appellate Officer within a period of sixty days from the receipt of such order: Provided that if the Appellate Officer is satisfied that such person was

prevented from preferring an appeal within the prescribed limit for sufficient cause, he may entertain the appeal even after such prescribed time limit but not exceeding six months: Provided further that in case where appeal is preferred by any person or the occupant, the same shall not be entertained unless the Bom. V of 1879. PAIU] GUJARAT GOVERNMENT GAZETTE, EX. 15-03-2017 7-7 Revision. Bar Of Jurisdiction Of Civil Court. Payment under sections 4, IO and 11 to be refundable. Indemnity. payment is made as is determined by the State Government under section 4 while makingan application by the occupant. (2) The 'State Government may appoint, by notification in the Official Gazette, as many Deputy Collectors as the Appellate OITlers for different*lreas or for part ofany area as it may deem necessary. The Appel:aic.v Ollicu:r shaÆ, affording an opportunity of béing heard to such person, may confirm, revise or dismiss the which the appeal is preferred. 11.(1) Any person, including lthe occupant, being aggrieved by any order -of the Appellate Officer made under sub-section (3) of sectiOn IO, may prefer revision application beföre the Special Secretary, Revenue Department (Appeal) within a period Of sixty days Ofsuch order and his decision shall be final: Provided that in case where the revision application is preferred by any person or the occupant, thc same shall not be entertained unless the payment is made as is determined by the State Government under section 4 while making an application by the occupant. (2) The Special Secretary, Revenue Department (Appeal) may constitute the special benches at Surat, Vadodara and Rajkot for entertaining the applications made under sub-section 12.No Civil Court-shall have any jurisdiction to deal with or decide any question which the Mamalatdar, the Appellate Officer or, the Revision Authority is empowered to deal with or decide by or under this Act and no injunction shall be granted by any Civil Court in respect of any action taken or to be taken in pursuance of anypower by or under this Act. 13.Any payment made as provided under section by the occupant along with the application Or any payment made under section I (1 for preferring an appeal or for preferring revision application under section 11 shall be refundable in case where the application, or the appeal or the revision application isrejected or dismissed, as the case may be

14. No suit or other legal proceedings shall lie against the State 7-8 power to make Power to remove difficulties. Repeal and sav' n gS- GUJARAT GOVERNMENT GAZETTE, EX. [PART IV Government or any officer of the State Government in respect or anything which is in good faith done or intended to be done by or under this Act. 15. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out all or any of the purposes of this (2) All rules made under this section shall be laid for not less than thirty days beïöre the State Legislature as soan as may be they are made and shall be subiect to the recession by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laidor the session immediately following. (3) Any recession or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect

16. If any difficulty arises in giving effect to the provisions of this Act, the State Governmenv may, by an order published in the Official make such provisions not Inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Provided that no such order shall be made after lthe expiry of the period of two years from the commencement of this Act. 17.(1) The Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976YOrdinance, 2016 is hereby repealed. (2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done pr taken under this Act. GOVERNMENT CS-NTRALPRESS, Ord. 6 of 2016. Extra No. 31 cuNg QI. auoo/- 6 Cbe Gujarat 60betnment 6a*pette Vol. LVIII EXTRAORDINARY PUBLISHED BY AUTHORITY THURSDAY, AUGUST 24, 2017/BHADRA 2, 1939 Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART IV Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor. The following Act of the Gujarat Legislature, having been assented to by the Governor on the 23rdAugust, 2017 is hereby published for general information. K. M. LALA, Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department. GUJARAT ACT NO. 30 OF 2017. (First published, after having received the assent of the Govemor, in the "Gujarat Government Gazette", on the 24ül August, 2017). AN ACT further to amend the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017. It is hereby enacted in the Sixty-eighth Year of the Republic of India as

follows:- 1. This Act may be called the Gujarat Validation of Occupancy and Short title. Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) (Amendment) Act, 2017, IV-Ex-31 31-1 31-2 Amendment of section 7 of Guj. 7 of 2017. Amendment of section 8 of Guj. 7 of 2017. GUJARAT GOVERNMENT GAZETTE, EX. 24-08-2017 [PART IV In the Gujarat Validation of Occupancy and Allotment of Certain 2. Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017 (hereinafter Guj. 7 of 2017. referred to as "the principal Act"), in section 7, in sub-section (3), for the words, brackets and figure "within a period of one month of the receipt of the notice Under sub-section (2)", the words "Within period as may be prescribed" shall be substituted

3. In the principal Act, to section 8, the following proviso shall be added, namely:- "Provided that nothing in this section shall preclude a nationalized bank from recovering its legitimate dues under the relevant law from an occupant even before the expiry of fifteen years.". Government Central Press, Gandhinagar

