

MANIPUR PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1978

THE MANIPUR PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1978 (As passed by the Legislative Assembly, Manipur on 22-1-79) to provide for the prevention of slums and for the speedy eviction of unauthorised occupants from public premises in the State of Manipur: Be it enacted by the Legislature of Manipur in the twenty-ninth year of the Republic of India as follows: (1) This Act may be called the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978. (2) It extends to the whole of the State of Manipur. (3) It shall come into force with effect from 1st December, 1978. 2: In this Act unless the context otherwise requires— (a) "competent authority" means any person or authority authorised by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to class or public premises as may be specified in the notification. (b) "Government" means the State Government. (c) "Local authority" includes Planning and Development Authority, Municipal Board, District Council, Block Samiti, Town Committee, Gram Panchayat; etc. (d) "premises" means any land or any building or hut or part of a building or hut and includes (i) gardens, and outhouses, if any, appertaining to such building or hut or part of a building or hut, and (ii) any fittings affixed to such building or hut or part of a building or hut. Short title, extent & commencement. Definitions, (i) building or hut for the more beneficial enjoyment thereof; "public premises" means— any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Government; any premises belonging to, or vested, in a local authority; (f) "Revenue Commissioner" means the Revenue Commissioner of the Government of Manipur; (g) "unauthorised occupation" means any occupation of public premises, within a six years immediately before the date of the commencement of this Act or at any time after such date, by any person, of the public premises without lawful authority for such occupation: 3. (1) If the competent authority, after making such inquiry as it deems fit, is satisfied that any public premises are occupied by unauthorised occupants, it may, for reasons to be recorded in writing, make an order of eviction directing that the premises shall— (1) (i) in the case of buildings, within seven days of the date of the proclamation referred to in clause (b), sub-section (2) and (ii) in other cases, within three days from the date of the proclamation, be vacated by the occupants thereof or any part thereof. (2) (a) The Competent authority shall, before the date of the proclamation referred to in clause (c), cause a copy of the order made by it under sub-section (1) to be on the some other conspicuous part of the Public premises. (b) (i) An order specially authorised by authority in this behalf shall be made under section 1(1) to be of the order in the locality concerned and thereupon such order shall have been duly served on all persons concerned. Taking possession of property in case of refusal. Diversion of property. (ii) The order specially authorised by the competent authority under sub-section (1) of the proclamation and the date of such proclamation.

4. If any person refuses or fails to comply with the order of eviction, the competent authority or any person specially authorised by it may, for the purpose of giving effect to the order, take possession of the public premises, for the purpose of use, such as may be necessary. 5. (1) Where any person has been evicted from any public premises under this Act, the authority may, within seven days of the date of the order of eviction, give notice to the person to whom the public premises have been taken in such manner as may be prescribed, requiring him to remove the property from the premises within three days. (2) Where any property is sold under sub-section (1) the sale proceeds shall, after deducting the expenses of the sale and the amount if any, due to the Government or the local authority concerned as the case may be on account of damages, be paid to such person or persons as may appear to the competent authority to be entitled to the same: Provided that where the competent authority is unable to decide as to the person or persons to whom the balance of the amount is payable, or as to the apportionment of the same, it may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final. 6. (1) An appeal shall lie to the Revenue Commissioner from every order of the competent authority made in respect of any public premises under sub-section (1) of section 3— (2) The appeal under sub-section (1) shall be preferred within thirty days from the date of the proclamation referred to in clause (b) of sub-section (2) of section 3. Provided that the Revenue Commissioner may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (3) (a) The Revenue Commissioner may, for sufficient cause, order stay of the enforcement

of the order of the competent authority pending the disposal of the appeal. (b) No order for stay off enforcement shall be made under clause (a) unless the . Revenue Commissioner is satisfied that the appellant is entitled to the possession of the public premises. (4) Every appeal under this section shall be disposed of by the Revenue Commissioner as expeditiously as possible. (5) The order of the Revenue Commissioner on appeal under this section, or the order of the competent authority under sub-section (1) of section 3 where no appeal is preferred under section to the Revenue Commissioner within the period specified in sub-section (2) of this section shall be final

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

(1) The Government may make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely :— Bar of jurisdiction of court. Power to make rules. Repeal & Sayings, 4 (a) the making of enquiries under this Act ; (b) the procedure to be followed in taking possession of public premises ; (c) the manner in which appeals may be preferred and the procedure to be followed in appeals ; (d) any other matter which has to be or may be prescribed ; (3) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued be placed on the table of State Legislative Assembly and before the expiry of the session, in which it is so placed or the next session of Legislative Assembly agrees in making any modification in any such rule or notification or agrees that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done under that rule or notification. 9. (1) The Manipur Public Premises (Eviction of Unauthorised Occupants) Ordinance, 1978 shall stand repealed on the day this Act comes into force. (2) Anything done and any step taken (including order, scheme, rule, form or notice) and any action taken under the repealed Ordinance shall, in so far as it is not inconsistent with the provisions of this Act be treated as to have been done and acted under the provisions of this Act and shall continue to be in force until superseded

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