

REHABILITATION OF DISPLACED PERSONS AND EVICTION OF PERSONS IN UNAUTHORISED OCCUPATION OF LAND (CONTINUANCE OF PROVISIONS) ACT, 1964

GOVERNMENT OF WEST BENCAL LEC18LATIVE DEPARTMENT West Bengal Act IX of 1964
THE REHABILITATION OF DISPLACED PERSONS AND EVICTION OF PERSONS IN
UNAUTHORISED OCCUPATION OF LAND (CONTINUANCE OF PROVISIONS) ACT, 1964.
[Passed by the West Bengal Legislature.] [Asent of tho Governor wu publißhed in the OalouUa aaze&, Edmodinary, of the 24b August, 1964.) [24th August, 1964.) . 3 n Act to provide for the continuance inuorcø of tho Rehabilitation of Displaced Persons a Eviction of l'ergons In (Jnauthorued)ccupation of Land Act, 1951, to the actent and for the purpoaea hereinafter appearing. West Ben WHEREAS it is expedient that the Rehabilitation of Dis- Aot XVI placed Persons and Eviction of Persons in Unauthorised Of 1961. Occupation of Land Act, 1951, should be continued in force to the extent and for the purposox hereinafter appearing ; It is hereby enacted in the Fifteenth Year of the Republic of India, by the Legislature of West Bengal, ag follows :— (1) This Act may be called the Rehabilitation of nort title, Displaced Persons and Eviction of Persons in Unauthorised meat and Occupation of Land (Continuance of Provisions) Act, 1964. Dmt. (2) It extends to the whole of West Bengal. (3) It Shall be deemed to have come into force immediately on the expiry of the Rehabilitation of Displaced Persouø and Eviction of Persons in Unauthorised Occupation of Land Act, 1951 (hereinafter referred to ag the said Act)

2. Notwithstanding the expiry of the 8bid Act,—(1) any proceeding pending on the 81st day of March, 19(i4 in which an order of eviction wag paseed by a Competent Authority under sub-section (3) Of section 3 of the said Act against a person in• unauthorised occupation of any land,— (i) who Wb8 not a displaced person within the meaning of tho gaid Act, or (it) who, being a displaced person within the meaning of the said Act,— (a) provided with other laud or land-purchose loan and also a house on such other land or a house-building loan under gub-section (1) of section 4 of the said Act, or PriQ—Indian, 12 P; English 3 d. Savings. 2 Aot 5 ot 1908. The Rehal/ Iltution of Displaced Peraona and Eviction of Persons in Unauthorised Occupation of Land (Conti- nuance of Provi8ton8) Act, 1964. [West Boa. Act (Section 2.) (b) having not been similarly provided, was permitted to use and occupy the land on payment ot consideration assessed by the Competent Authority under 8ub-Bection (1) of section 4 of the said Act, but, who made default in payment of such consideration, mbY be continued, subject to the remaining rovi- *ions of this section, as if the said Act haPd not expired aud bad retnained in force even after the 31st day of March, 1964; (2) all Buch proceedings referred to in clause (1) shall stand transferred,— (i) in the cae here {he proceeding relutes to land situated within tho local limit8 for the time being of the Ordinary Original Civil Juri8dic• tion of the Iligh Court, to the Court of the Chief Judge, City Civil Court, ond (n) in any other onse, to the Civil Court of the loweet gradø within the local limita of the jurisdiction of which the land to which the proceeding relates is Nituated : Provided that the Chief J udge. City Civil Court, may transfer any proceeding to any other Judge of the City Civil Court and the District Judge of the district in which the land is situated may transfer any proceeding from one Court uny other Court hubordinafe tn him, for disposal ; (3) the proceeedingg transferred under elause (2) shall be deemed to be proceedings in execution and orders passed therein by the Competent Authorities includ- Ing orders for payment of compensation or congì- deration shall be executable as decrees of the Civil Court and RII the provisions of the Code of Civil Procedure, 1908, refuting to execution of decrees shall apply to them ; (4) any sum of money deposited iu favour of a Competent Authority under the provisions of the said Act as. compensation, conxideration, premium or rent and not withdrawn on or before the 31st day of March, 1964 shall stand transferred to Lüd be disbursed byr- (i) where the deposit was made iu favour of the Competent Authority for Calcutta, the Chief JudF, City Civil Court, and (ii) elsewhere. the District Judge of the district having jurisdiction over the nrea in which the land in relation to whiob the depoeit wag made is situated. 'Tho Rehabilitation of Diaplaced Permns and Eviction of Pet80ns in Unauthorised Occupation of Land (ConW nuance of Provi8ions) Act, 1964. IX of leu.] (Sections 3—7.) Eaptanation.—In this section any reference to an order passed by a Competent Authority includes the order passed in appeal in relation to the game under sece tion 6 of the said Act

3. In computing the period of limitation for the institution of a suit for eviction of a person in unauthorised occupation of any land, the period during which an application for such eviction made under section 3 of the said Act before a Competent Authority was pending shall be excluded.4, If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such step* or issue such orders not inconsistent with this Act as may be necessary for the removal of the difficulty

5. No suit or other legal proceedings shall lie against the State Government or any servant or officer of the State Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act

8. The State Government may make rules for carrying out the purposes of this Act.West Ben. 7. (1) The Rehabilitation of Displaced Persons and Ord' Of Eviction of Persons in Unauthorised Occupation of Land 1964. Removal of dismounting. Power to make rules. (Continuance of Provisions) Ordinance, 1964, is hereby repealed. (2) Anything done or any action taken under the Rehabilitation of Displaced Persons and Eviction of Persons in Unauthorised Occupation of Land (Continuance of Provisions) Ordinance, 1964, shall be deemed to have been validly done or taken under the corresponding provision of this Act. WBOP.64/6-4574A.5.M

