



The Bombay Land Requisition Act, 1948

Act 33 of 1948

Keyword(s):

Land, Landlord, Premises to Requisition

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THE BOMBAY LAND REQUISITION ACT, 1948.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Extent.
3. [*Deleted.*]
4. Definitions.
5. Requisition of land.
6. Requisition of vacant premises.
7. Continuance of requisition.
- 7A. Continuance of requisition made under the Defence of India Act, 1962.
8. Payment of compensation.
- 8-A1. Power of State Government to call for record.
- 8A. Landlord's duty to execute necessary repairs.
- 8AA. Application of section 499 of Bom. III of 1888 to requisitioned premises.
- 8B. Vacation of requisitioned land and recovery of dues as arrear of land revenue.
9. Release from requisition.
- 9A. Notice to owner of land or premises requisitioned or to be requisitioned to submit application for compensation.
- 9B. Officer to whom, manner in which and time within which application for compensation to be made.
- 9C. If application for determination of compensation not made in time compensation to be determined *ex-parte*.
10. Powers of inquiry.
11. Power to take possession.
12. Power to obtain information.
13. Publication and service of orders.
14. Power to enter and inspect land.
15. Delegation of functions.
16. Exemption.
17. Protection of action taken under Act.
18. Officers to be deemed public servants.
19. Power to make rules.
20. Repeal.
- 20A. Repeal of C. P. and Berar LXIII of 1948 and saving.
- 20B. Other laws relating to acquisition and requisitioning of property to continue.
21. Validation of requisition orders.
22. Certain order not to be invalid on ground of absence of declaration.
23. Saving.

SCHEDULE.

BOMBAY ACT No. XXXIII OF 1948¹

[THE BOMBAY 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.†

” ” ” 9 of 1951.

” ” ” 40 of 1951.

” ” ” 5 of 1952.

” ” ” 5 of 1953.

” ” ” 17 of 1955.

” ” ” 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 Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 37 of 1963.

” ” ” 14 of 1968.

” ” ” 34 of 1968.

” ” ” 36 of 1970.

” ” ” 50 of 1972.

” ” ” 51 of 1973 (27-12-1973).§

” ” ” 45 of 1977.

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

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. This Act may be called the Bombay Land Requisition Act, 1948.

Short title.

2. (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.

Extent.

(2) The [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 :

Bom. XXXIII of 1959. †[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 [State of Bombay].]

¹For Statement of Objects and Reasons. see *Bombay Government Gazette, 1948, Part V, page 216.*

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

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

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

⁵The words “State of Bombay” shall stand unmodified (see the Maharashtra Adaptation of Laws) (State and Concurrent Subjects) Order, 1960.

⁶This 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. *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.”

§This indicates the date of commencement of Act.

(3) The ¹[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.

Definitions. 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 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 sub-let 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 ¹[State] Government.

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

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

²These 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.

(2) Where any building or part thereof is to be requisitioned under sub-section (1) the ¹[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. (1) If any premises situate in an area specified by the ¹[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 ¹[State] Government. Requisition of vacant premises.

(2) The intimation shall be given ²[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 ¹[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 ¹[State] Government may by order in writing—

(a) requisition the premises ³[for [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

* * * * *

Provided that where an order is to be made under clause (a) ⁴[requisitioning the] premises in respect of which no intimation is given by the landlord, the ¹[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.

* * * * *

(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

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

² These words were substituted for the words "by post" by Bom. 5 of 1952, s. 3(1).

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

⁴ These words were substituted for the words "the purpose of the State or any other public purpose" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

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

⁶ These words were substituted for the words, brackets and letter "or (b) requisitioning or requiring to let" *ibid.*

⁷ The second proviso was deleted, *ibid.*

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 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 XVII (Continuance of Powers) Act, 1947, the ¹[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 ²[for ³any public purpose] when it is released from requisition under the said Act or ceases to be subject to requisition for any reason ; and the ¹[State] Government may ⁴[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.

Continuance
of requisition
made under the
Defence of
India Act,
1962.

⁵[7A. All immovable properties, which at the commencement of the Bombay Land Requisition (Amendment) Act, 1968, are subject to requisitioning effected under the Defence of India Act, 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 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

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

² These words were inserted by Bom. 39 of 1950, s. 4.

³ 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.

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

⁵ Section 7A was inserted by Mah. 14 of 1968, s. 2.

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. (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 [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 [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 ³[(as in force in the [Bombay area of the State of Maharashtra])] in so far as they can be made applicable.

Payment of compensation.

(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 [State] Government,—

- (a) in Greater Bombay, 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.

[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).

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 filing such appeal has expired,

Power of State Government to call for record.

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.]

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

Landlord's duty to execute necessary repairs.

Bom. II of 1950.

¹ This was substituted for the word and figure "section 7" was inserted 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 the Maharashtra Adaptation of Laws Order, 1960.

⁵ This Explanation was added by Bom. 2 of 1950, s. 3.

⁶ Section 8-A1 was inserted by Bom. 5 of 1953, s. 3.

⁷ Section 8A was inserted by Bom. 2 of 1950, s. 4.

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.]

Application of section 499 of Bom. III of 1888 to requisitioned premises.

¹8AA. Without prejudice to the powers conferred by section 8A, the provisions of section 499 of the Bombay Municipal Corporation Act 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.]

Bom. III of 1888.

¹ Section 8AA was inserted by Bom. 91 of 1958, s. 3.

¹8B. (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 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 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 authorised 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 subject to which such land is allotted to him or if any person who continues or is 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 or possession of any land, referred to in sub-section (1) shall be deemed to be a licence, in favour of such person for the use and occupation of the said land.]

9. (1) The ²[State] Government may, at any time, release from requisition any land requisitioned or continue to be subject to requisition under this Act.

Release from requisition.

³[(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, on or before the expiry of a period of ⁴[ten years] from such commencement ;

(b) any land requisitioned under this Act after such commencement, on or before the expiry of a period of ⁴[ten 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 ²[State] Government was put in possession thereof, and the ²[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 ²[State] Government took possession thereof and in respect of which compensation has been paid.

¹ Section 8B was inserted by Bom. 2 of 1950, s. 3.

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

³ Sub-section (1A) was inserted by Mah. 51 of 1973, s. 3(a).

⁴ These words were substituted for the words " five years " by Mah. 45 of 1977, s. 2.

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

(b) The officer authorised in this behalf by the ¹[State] Government shall determine such amount of compensation as he deems just and his decision, subject to an appeal to the ¹[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 ¹[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 section (3) shall be a full discharge of the ¹[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 ¹[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 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 ¹[State] Government may, by order, direct the person to whom the ¹[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 ¹[State] Government.

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

²9A. 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.

Officer to whom, manner in which and time within which application for compensation to be made.

9B. (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;

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

² Sections 9A, 9B and 9C were inserted by Bom. 52 of 1955, s. 3.

(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.

IX of 1908. (3) The provisions of sections 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 or payment of compensation under this Act, as they apply in relation to applications described in the First Schedule to that Act.

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 :

If application for determination of compensation not made in time compensation to be determined *ex parte*.

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. 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—

Power of inquiry.

(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. (1) Any officer authorised in this behalf by the ¹[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 ²[or sub-section (1) of section 8B] 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.

Powers to take possession.

(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 appear to the ¹[State] Government to be entitled to the same.

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

² These words, brackets, figures and letters were inserted by Bom. 2 1950, s. 6.

Power to
obtain
information.

12. (1) Any officer authorised in this behalf by the ¹[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 ²[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
1950.

Publication
and service
of orders.

13. (1) Every order made under section 5, 6, 7, ³[8A or 8B ⁴* 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;

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(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, ³[8A or 8B ⁴* or], sub-section (7) of 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 officer or person empowered in this behalf by the ¹[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.

Delegation of
functions.

15. 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 discharge by such officer, not being in the opinion of the ¹[State] Government below the rank of a Collector, as may be so specified.

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

² These words were added by Bom. 39 of 1950, s. 5.

³ The figures, letters and words "8A or 8B or 8A or" were inserted by Bom. 2 of 1950, s. 7.

⁴ The word, figure and letter "or 8A" were deleted by Bom. 5 of 1952, s. 5.

16. The [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. Exemption.

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 thereunder. Protection of action taken under Act.

(2) Save as otherwise expressly provided under this Act no suit or other legal proceeding shall lie against the [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. Every officer authorised or empowered by the [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. Officers to be deemed public servants.

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

(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 ;

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

(iv) levy of court-fees in respect of appeals under sections 8 and 9 ;

(v) 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 ;

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

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

(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 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
² This clause was inserted by Bom. 52 of 1955, s. 4.

XLV of 1960.

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

(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.

1[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 State of Bombay shall stand repealed.

Bom.
XXX-
III of
1959.
C. P.
and
Berar
LXIII
of
1948.

(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 acquisi-
tion and
requisi-
tioning of
property to
continue.

20B. 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 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.]

Bom.
LVI of
1958.

Validation of
requisition
orders.

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, 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.

Bom.
XL of
1951.

(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.]

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

² This section was inserted by Bom. 40 of 1951, s. 2.

Bom.
XVII
of
1955.

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

Certain order
not to be
invalid on
ground of
absence of
declaration

(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).]

XXX
of
1952.

§23. Nothing in this Act shall apply to any premises to which the Requisition-Saving and Acquisition of Immoveable Property Act, 1952, applies.]

SCHEDULE.

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

* This section was inserted by Bom. 17 of 1955, s. 2.
 * This section was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
 * This entry was substituted for the original, *ibid.*
 * Entry 11 was omitted, *ibid.*