



The Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980

Act 16 of 1980

Keyword(s):

Relevant Rent Act, Relevant Small Cause Courts Act

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**THE MAHARASHTRA VACANT LANDS (FURTHER INTERIM PROTECTION
TO OCCUPIERS FROM EVICTION AND RECOVERY OF ARREARS
OF RENT) ACT, 1980.**

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SCHEDULE.

MAHARASHTRA ACT No. XVI OF 1980¹

[THE MAHARASHTRA VACANT LANDS (FURTHER INTERIM PROTECTION TO OCCUPIERS FROM EVICTION AND RECOVERY OF ARREARS OF RENT) ACT, 1980.]

[This Act received the President's assent on the 12th August 1980; and the assent was first published in the *Maharashtra Government Gazette* on the 12th August 1980.]

An Act to provide for further interim protection to occupiers of vacant lands in the State of Maharashtra from eviction and recovery of arrears of rent or compensation and for matters incidental or connected therewith.

WHEREAS the High Court of Bombay, in Miscellaneous Petition No. 1340 of 1977 (Mrs. Kamal Sukumar Durgule *versus* State of Maharashtra) and other petitions Nos. 1197 of 1978, 1535 of 1978, 141 of 1977 and 895 of 1978, decided on the 8th February 1980, held that the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Act, 1975, offended article 14 and other provisions of the Constitution and was null and void ;

Mah.
LXVI
of
1975.

AND WHEREAS an appeal was filed in the Supreme Court of India and that Court, on the 15th February 1980, had granted an interim stay on any action on the basis of the judgment and order of the High Court, and the Supreme Court after hearing the concerned parties would pass final order in the matter ;

AND WHEREAS in the meanwhile lakhs of occupiers of the vacant lands and structures were likely to be adversely affected, and till the aforesaid final decision was available, they were and would be without any protection from indiscriminate eviction and sudden and heavy claims of arrears of rent or compensation under other laws in force ;

AND WHEREAS it was in the circumstances expedient to enact a law immediately to give protection to such occupiers for that interim period ;

AND WHEREAS the President had, by Proclamation published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 46(E) in the *Gazette of India*, Extraordinary, dated the 17th February 1980, assumed to himself all the functions of the Government of the State of Maharashtra and all the powers vested in, or exercisable by, the Governor of that State ;

AND WHEREAS by Order published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 47(E) in the *Gazette of India*, Extraordinary of the same date, the President had further directed that all the functions of the Government of the State of Maharashtra and all the powers vested in, and exercisable by, the Governor of that State under the Constitution which had been assumed by him by the said Proclamation, should, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State ;

AND WHEREAS the power to promulgate Ordinances is vested in the Governor under article 213 of the Constitution to be exercisable by him while the Legislature of the State is not in session ;

AND WHEREAS under sub-clause (iv) of clause (c) of the said Proclamation, references in article 213 of the Constitution to the Governor and to the Legislature of the State or to the Houses thereof were to be construed as references to the President and to Parliament or to the Houses thereof, respectively ;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1980, Part V, p. 213.

AND WHEREAS Parliament was not in session and, of the circumstances stated above, in exercise of the powers conferred upon him by clause (1) of article 213 of the Constitution read with Order No. G.S.R. 47(E) aforesaid, the Governor of Maharashtra promulgated the Maharashtra Vacant Lands (Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Ordinance, 1980, on the 6th March 1980.

Mah.
Ord.
I of
1980.

AND WHEREAS thereafter Parliament reassembled on the 11th March 1980 and the said Ordinance would have ceased to operate after the 21st April 1980;

AND WHEREAS afterwards Parliament was not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for further interim protection to occupiers of vacant lands in the State of Maharashtra from eviction and recovery of arrears of rent or compensation and for matters incidental or connected therewith; and, therefore, the Governor of Maharashtra in exercise of the powers conferred upon him by clause (1) of article 213 of the Constitution read with Order No. GSR. 47(E) aforesaid, promulgated the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Ordinance, 1980, on the 19th April 1980, by which, *inter alia*, Maharashtra Ordinance I of 1980 stands repealed ;

Mah.
Ord.
III of
1980.

AND WHEREAS, it is now expedient to replace Maharashtra Ordinance III of 1980 by an Act of the State Legislature; It is hereby enacted in the Thirty-first Year of the Republic of India as follows :—

Short title,
commence-
ment and
duration.

1. (1) This Act may be called the Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Act, 1980.

(2) It shall be deemed to have come into force on the 6th March 1980.

(3) It shall remain in force upto and inclusive of the 31st March 1981.

Interim
protection
from
eviction
and claims
for rent,
etc. to
occupiers
of vacant
lands.

2. Notwithstanding anything contained in any law for the time being in force, including the relevant Rent Act and the relevant Small Cause Courts Act, or in any contract, or in any judgement, decree or order of any Court, no person shall, during the period this Act is in force,—

(1) institute any suit, appeal, application or other proceeding for obtaining any decree or order for recovery of any rent or compensation from, or for the eviction of, any person, who was immediately before the 8th February 1980 in occupation of any land or structure, in any of the areas specified in the Schedule hereto annexed, which was purported to be covered by any part of the definition of "vacant land" given in clause (f) of section 2 of the Maharashtra Vacant Lands (Prohibition of Unauthorised Occupation and Summary Eviction) Act, 1975, as it stood before the aforesaid date;

Mah.
LXVI
of
1975.

(2) execute any decree or order, which is obtained by him in any suit, appeal, application or other proceeding instituted before the aforesaid date for recovery of any rent or compensation from, or for the eviction of, any such occupier;

(3) apply for execute distress warrant for any arrears of rent or compensation against any such occupier.

Explanation.—In this section,—

Bom.
LVII
of
1947.

(a) "relevant Rent Act" means the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, or any corresponding law in force in the area concerned;

XV of
1882
IX of
1887.

(b) "relevant Small Cause Courts Act" means the Presidency Small Cause Courts Act, 1882 or the Provincial Small Cause Courts Act, 1887, as the case may be, in its application to the State of Maharashtra.

3. No Court shall, during the period this Act is in force, entertain any suit, appeal, application or other proceeding referred to in section 2, and if any such suit, appeal, application or other proceeding was pending before any Court on the date of commencement of this Act, it shall be stayed and kept pending during the said period.

Courts not to entertain or proceed with pending suits, etc., on matters referred to in section 2.

4. (1) No person shall collect or attempt to collect from any occupier referred to in section 2, any rent, compensation or other charges by threatening or causing any injury to his person, reputation or property or to the person or reputation of any one in whom that occupier is interested.

Recovery of rent, etc., by criminal intimidation prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine or with both.

5. In computing the period of limitation for any proceeding, the time, during which the person concerned was prevented from prosecuting any such proceeding under any provision of this Act, shall be excluded.

Exclusion of time during which any proceeding could not be prosecuted under this Act.

6. (1) The Maharashtra Vacant Lands (Further Interim Protection to Occupiers from Eviction and Recovery of Arrears of Rent) Ordinance, 1980, is hereby repealed.

Repeal of Mah. Ord. III of 1980 and saving.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE

(See section 2)

Mah. IV of 1975. (1) The Bombay Metropolitan Region as specified in Schedule I to the Bombay Metropolitan Region Development Authority Act, 1974.

(2) The area within the limits of the Municipal Corporation of the City of Solapur.

(3) The area within the limits of the Aurangabad Municipal Council and the Aurangabad Notified Area.

(4) The area within the limits of the Municipal Corporation of the City of Nagpur.

(5) The area within the limits of the Municipal Corporation of the City of Kolhapur.