



**The Prevention of Fragmentation and Consolidated of Holdings (Gujarat
Amendment) Act, 1978**

9 of 1979

Keyword(s):

Prevention of Fragmentation and Consolidated of Holdings, Transfer

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Separate paging is given to this Part in order that it may
be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
President on the 23rd March, 1979 is hereby published for general information.

J. P. VASAVADA,

Deputy Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 9 OF 1979.

(First published, after having received the assent of the President in the
"Gujarat Government Gazette" on the 29th March, 1979).

An Act further to amend the Bombay Prevention of Fragmentation and Consoli-
dation of Holdings Act, 1947, for certain purposes.

It is hereby enacted in the Twenty-ninth Year of the Republic of India as
follows:—

1. This Act may be called the Bombay Prevention of Fragmentation and Short title.
Consolidated of Holdings (Gujarat Amendment) Act, 1978.

Amendment
of section 31
of Bom. LXII
Act, 1947.

2. In the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, section 31 shall be renumbered as sub-section (1) of that section, and—

Bom.
LXII
of
1947.

(i) in sub-section (1) as so renumbered, in clause (b), for the words "State Government" the word "Collector" shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

"(2) Nothing in sub-section (1)—

(a) shall apply to a transfer of a holding allotted under this Act where the transfer is of the entire holding, not involving any sub-division thereof, or to a sub-division of a holding allotted under this Act where such sub-division is made to provide for the shares of persons entitled thereto on the death of the owner, and does not create any fragment; or

(b) shall be deemed ever to have applied to a transfer of a holding allotted under this Act, made after the 19th February, 1969, but before the date of the commencement of the Bombay Prevention of Fragmentation and Consolidation of Holdings, (Gujarat Amendment) Act, 1978 (hereinafter referred to as "the said date", where such transfer was of an entire holding not involving any sub-division thereof and the transferee or his successor-in-interest was occupying or was in possession of the holding so transferred immediately before the said date and had not been evicted from such holding before the said date in pursuance of an order of eviction passed by the Collector under sub-section (3) of section 9, and such transfer shall not be, and shall be deemed never to have been, void on the ground that it was contrary to the provisions of this section.

(3) Where in respect of any holding to which clause (b) of sub-section (2) applies an order for payment of fine by the owner transferring such holding was made by the Collector under sub-section (2) of section 9, or an order for eviction was made under sub-section (3) of section 9 but such order was not given effect to, such order shall be deemed to have become ineffective on the said date and the fine, if paid by the owner, shall be refunded to him. Any revision proceedings pending against any such order which becomes ineffective under this sub-section shall abate."