

ORISSA ACT 2 OF 1983
THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS)
AMENDMENT ACT, 1982

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ORISSA ACT 2 OF 1983

"THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1982

[Received the assent of the President on the 3rd March 1983 first published in an extraordinary issue of the *Orissa Gazette*, dated the 26th March 1983]

AN ACT TO AMEND THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1972

Be it enacted by the Legislature of the State of Orissa in the Thirty-third Year of the Republic of India, as follows:—

Short title

1. This Act may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1982.

Amendment of section 2.

2. In section 2 of the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (hereinafter referred to as the principal Act),—

Orissa Act, 7 of 1972.

(a) after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘Corporation’ means a Corporation established by or under a Central Act, or a State Act, and owned or controlled by the State Government;”

(b) after clause (c), the following clauses shall be inserted namely:—

“(cc) ‘Improvement Trust and Special Planning Authority’ respectively mean an Improvement Trust and Special Planning Authority constituted under the Orissa Town Planning and Improvement Trust Act, 1956;”

Orissa Act, 10 of 1957.

“(ccc) ‘Municipal Council and Notified Area Council’ respectively mean a Municipal Council and a Notified Area Council, constituted under the Orissa Municipal Act, 1950;”

Orissa Act, 23 of 1950.

(c) for clause (f), the following clause shall be substituted namely:—

“(f) ‘Public premises’ means any premises situated within the jurisdiction of a Municipal Council or Notified Area Council or within an area declared by the State Government to be an industrial estate, and—

(i) belonging to or taken on lease by the State Government or the Board or by any Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority; or University; or

(ii) requisitioned by the State Governments;”

(d) after clause (g), the following clause shall be added, namely:—

(h) ‘University’ means a University established by any Act of the State.

Amendment of section 3.

3. In section 3 of the Principal Act, for the words “a Company or the Board” wherever they occur, the words “the Board or of a Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University” shall be substituted.

*For the Bill see *Orissa Gazette* Extraordinary, dated the 21st September 1983 (1356)

Insertion of
new section
4-A.

4. After section 4 of the Principal Act, the following new section shall be inserted, namely:—

Stay of
Construction.

"4-A. The Estate Officer may, if he has reasons to believe that any person unauthorisedly occupying any public premises is constructing or is about to construct any building or other structure thereon, by order, prohibit such person from proceeding with the construction or, as the case may be, from constructing such building or structure, and if such person fails to comply with the said order, the Estate Officer may impose a penalty which may extend to one thousand rupees and a daily penalty not exceeding one hundred rupees for every day during which such non-compliance continues and may also issue a warrant for the arrest of the said person and, on his appearance, may send him with a warrant in the form appended to the Schedule for imprisonment in the Civil Jail of the district for a period not exceeding thirty days as may be necessary to prevent the person from proceeding with the construction."

Amendment
of section 5.

5. In section 5 of the Principal Act, in the proviso, for the words "a Company or the Board, as the case may be", the words "the Board or of a Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University" shall be substituted.

Amendment
of section 6.

6. In section 6 of the Principal Act,—

(a) in sub-section (1), for the words "after giving twenty-one days notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least two daily newspapers having circulation in the locality" the words "after giving reasonable notice to the persons from whom possession of the public premises has been taken" shall be substituted;

(b) in sub-section (2), for the words "due to the State Government or Company or Board", the words "due to the State Government, Board, Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University" shall be substituted.

Amendment
of section 7.

7. In section 7 of the Principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If any person refuses or fails to pay—

(a) the arrears of rent or any instalment thereof, or the damages or any instalment thereof within the time specified in the order made under sub-section (1) or, as the case may be, sub-section (2), or

(b) the penalty payable under section 4-A within three months from the date on which the order imposing the penalty is communicated to him,

the Estate Officer may issue a certificate for the amount due, to the Collector who shall proceed to recover the same as an arrear of land revenue."

Amendment
of section 9,
and
transitory
provision.

8. (1) In section 9 of the Principal Act,—

(a) in sub-section (1), for the words and figures "under section 5 or section 7 to the Court of the District Judge", the words, figures and letter "under section 4-A, section 5 or section 7 to the Revenue Divisional Commissioner" shall be substituted;

(b) in sub-section (2), in clause (b), for the words and figure "under section

7", the words, figures and letter "under section 4-A 'or section 7" shall be substituted.

(2) All appeals filed under section 9 of the Principal Act and pending in the Court of a District Judge on the date of commencement of this Act shall stand transferred to the Revenue Divisional Commissioner within whose jurisdiction the concerned premises are situate and shall be disposed of by him in accordance with the provisions contained in that section.

Amendment of section 12.

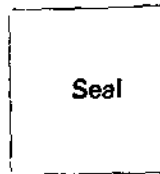
9. In section 12 of the Principal Act, in sub-section (2), for the words "Company or Board", the words "the Board or to any Company, Corporation, Municipal Council, Notified Area Council, Improvement Trust, Special Planning Authority or University shall be substituted.

Addition of Schedule.

10. After section 19 of the Principal Act, the following Schedule shall be added, namely :—

"SCHEDULE
(Section 4-A)

Form of warrant to be issued by the Estate Officer under section 4-A of the Act.



To

The Officer-in-Charge of the Civil Jail at.....

Whereas A, B of..... has failed to comply with the order issued under section 4-A of the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972 ;

And whereas it is necessary in order to enforce compliance of the said order, to commit the said A, B to close custody ;

You are hereby required under the provisions of section 4-A of the said Act to receive the said A, B into the jail under your charge and there to keep him in safe custody for..... days.

Dated this..... day of.....

Signature of Estate Officer"