

ORISSA ORDINANCE No. 2 OF 1961

THE ORISSA HOUSE RENT CONTROL (AMENDMENT) ORDINANCE, 1961

[Promulgated by the Governor on the 10th February, 1961
published in an extraordinary issue of the Orissa Gazette,
dated the 11th February 1961]

AN
ORDINANCE

TO AMEND THE ORISSA HOUSE RENT CONTROL ACT, 1958

WHEREAS the Legislature of the State of Orissa is not in session ;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa House Rent Control Act, 1958 in the manner hereinafter appearing ;

AND WHEREAS instructions from the President have been received to promulgate such an Ordinance ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twelfth Year of the Republic of India.

Short title
and
commence-
ment.

1. (1) This Ordinance may be called the Orissa House Rent Control (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

Amendment
of section 2,
Orissa Act
31 of 1958.

2. In clause (3) of section 2 of the Orissa House Rent Control Act, 1958 (hereinafter referred to as the Principal Act) for the words " for residential purpose or otherwise " the words " for any purpose whatsoever " shall be substituted.

Insertion of
new section
6-A, Orissa
Act 31 of
1958.

3. After section 6 of the Principal Act the following new section shall be inserted, namely :—

Stay of
execution
of decree
for evic-
tion.

" 6-A. Notwithstanding anything in any law or in any of the other provisions of this Act where a person—

(i) has continued to remain in use and occupation of the house in spite of a decree or order for eviction made against him prior to the commencement of this Act, and

(ii) by reason only of such decree or order is not a tenant within the meaning of this Act,

such person, if he has preferred an appeal, review or revision from such decree or order in a Court of competent jurisdiction, shall on an application made in that behalf in the said Court be entitled to the stay of execution of the decree pending the disposal of such appeal, review or revision as the case may be :

Provided that the Court may, while directing the stay of execution, impose such terms and conditions in respect of the quantum or manner of payment of rent for the house or in respect of the manner of use and occupation thereof as the Court may deem fit ; and on the breach of any of such terms and conditions by the person aforesaid, the order directing stay of execution shall subject to such further orders of the Court, if any, stand vacated.

Y. N. SUKTHANKAR

Governor of Orissa

Dated the 10th February 1961