ORISSA ACT X OF 1946

THE ORISSA TENANCY (AMENDMENT) ACT, 1946

[*Received the assent of the Governor on the 20th November 1946, first published in the* Orissa Gazette *on the 29th November 1946*]

AN ACT TO AMEND THE ORISSA TENANCY ACT, 1913

WHEREAS it is expedient to amend the Orissa Tenancy Act, 1913, in the manner hereinafte appearing; B. & O. Act II of 1913.

It is hereby enacted as follows :—

Short title

1. This Act may be called the Orissa Tenancy (Amendment) Act, 1946.

Amendment of section 235, B. & O. Act II of 1913.

2. In section 235 of the Orissa Tenancy Act, 1913, the following words shall be inserted before the words " Nothing in this Act", namely :— B. & O. Act II of 1913.

" Subject to the provisions of sub-section (1) of the next succeeding section,"

Amendment of section 236, B & O. Act II of 1913.

3. For sub-section (1) of section 236 of the Orissa Tenancy Act, 1913, the following sub-section shall be substituted, namely :— B. & O. Act II of 1913.

" (1) Notwithstanding anything in this Act, the incidents of tenancy of any tenant, including the holder of a service tenure, in respect of the homestead in which such tenant ordinarily resides, shall be regulated by the provisions of this Act applicable to land held by an occupancy raiyat :

Provided that when a homestead is held as a service tenure or a part thereof and the holder of such tenure ceases to perform the service, he shall be liable to pay such rent for the occupation of the homestead as may be determined by the Collector on an application filed either by the landlord or by the holder of such tenure."

Application to pending suits and proceedings.

4. Any suit for the ejectment of any tenant, including the holder of a service tenure, instituted before the commencement of this Act, or any execution proceeding arising therefrom, shall be disposed of as if section 236 of the Orissa Tenancy Act, 1913, as amended by this Act, had been in force at the time of the institution of the said suit in the Court of the first instance. B. & O. Act II of 1913.