

ORISSA ORDINANCE No. 3 OF 1970

THE ORISSA PREVENTION OF LAND ENCROACHMENT (AMENDMENT) ORDINANCE, 1970

*[Promulgated by the Governor of Orissa on the 30th June 1970
published in an extraordinary issue of the Orissa Gazette
dated the 7th July 1970]*

AN

ORDINANCE

TO AMEND THE ORISSA PREVENTION OF LAND
ENCROACHMENT ACT, 1954

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 Prevention of Land Encroachment Act, 1954, in the manner hereinafter appearing;

Orissa Act
15 of 1954.

AND WHEREAS instructions from the President have been received to promulgate an Ordinance for the above purpose;

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 Twenty-first Year of the Republic of India:—

Short title
and
common
name.

1. (1) This Ordinance may be called the Orissa Prevention of Land Encroachment (Amendment) Ordinance, 1970.

(2) It shall come into force at once.

Amendment
of section
11, Orissa
Act 15 of
1954.

2. For section 11 of the Orissa Prevention of Land Encroachment Act, 1954 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Orissa Act
15 of 1954.

Limitation

“11 (1) No proceeding under sections 3, 5, 6, or 6-A shall be instituted against any person after expiry of thirty years from the date of commencement of the unauthorised occupation to which the proceeding relates:

Provided that in cases where the unauthorised occupation had commenced more than twenty-five years prior to the date of coming into force of the Orissa Prevention of Land Encroachment (Amendment) Ordinance, 1970, the aforesaid proceeding may be started within a period of five years from the said date.

(2) No appeal shall be brought after the expiry of thirty days from the date of the decision or order complained of and in computing the said period of thirty days, the time required to obtain a copy of the decision or order appealed against shall be excluded:

Provided that an appeal may be admitted after the aforesaid period if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.”

Omission of
sections 13
and 14,
Orissa Act
15 of 1954.

3. Sections 13 and 14 of the principal Act shall be and shall be deemed always to have been omitted.

Insertion of
new section
15-A,
Orissa Act
15 of 1954.

4. After section 15 of the principal Act the following new section shall be and shall be deemed always to have been inserted, namely:—

Bar of suits
and
proceedings.

“15-A. No suit or other legal proceeding in respect of the matters or disputes for determining or deciding which provision is made in this Act shall be instituted in any Court of law except under and in conformity with the provisions of this Act.”

Savings

5. All proceedings, whether original or appellate, started under the principal Act which have been dismissed during the period beginning with the 12th November 1969 and ending with the date of coming into force of this Ordinance merely on the ground that the provisions contained in that Act were void, shall be restored to the file of the respective authorities who had dismissed the proceedings and shall be proceeded with and disposed of in accordance with the provisions of the principal Act as if they had never been so dismissed.

S. S. ANSARI

Governor of Orissa

Dated the 30th June 1970