

ODISHA ACT 1 OF 2011

THE ODISHA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS)
AMENDMENT AND VALIDATION ACT, 2010

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ODISHA ACT 1 OF 2011

***THE ODISHA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT AND VALIDATION ACT, 2010**

[Received the assent of the Governor on the 2nd January, 2011 first published in an extraordinary issue of the *Odisha Gazette*, dated the 3rd January, 2011 (No.61)]

AN ACT FURTHER TO AMEND THE ODISHA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1972.

BE it enacted by the Legislature of the State of Odisha in the Sixty-first Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Odisha Public Premises (Eviction of Unauthorised Occupants) Amendment and Validation Act, 2010.

(2) It shall be deemed to have come into force on the 15th day of August, 1994.

Amendment of section 2.

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

Odisha Act 7 of 1972.

(a) for clause (ccc), the following clause shall be substituted, namely:—

“(ccc) “Municipality” means Municipal Corporation constituted under the Odisha Municipal Corporation Act, 2003, Municipal Council and Notified Area Council constituted under the Odisha Municipal Act, 1950”, and

Odisha Act 11 of 2003.

Odisha Act 23 of 1950.

(b) in clause (f) for the words “Municipal Council or Notified Area Council”, the word “Municipality” and in sub-clause (i) thereof, for the words and comma “Municipal Council, Notified Area Council” the word “Municipality” shall be substituted.

Amendment of section 9.

3. In clause (i) of sub-section (1) of section 9 of the principal Act, for the words “Municipal areas”, the word “Municipalities” shall be substituted.

*[For the Bill, See *Odisha Gazette* Extraordinary dated the (No.....) [I Legis-35 / 2010]

General
Amendment.

4. In the principal Act, for the words and comma, "Municipal Council, Notified Area Council", wherever they occur, the word "Municipality" shall be substituted.

Validation.

5. Notwithstanding anything contained in the principal Act, or any judgment, decree or order of any court or authority, all actions taken, things done or orders made in accordance with the provisions of the principal Act under the belief that the premises situated within the jurisdiction of the Municipal Corporation is covered under the principal Act and that the Estate Officer had jurisdiction over such premises to initiate proceeding for eviction of the occupants from such premises shall, for all intents and purposes, be deemed to have been validly and effectively taken, done or made, as the case may be, as if clauses (ccc) and (f) of section 2 of the principal Act as amended by sections 2,3 and 4 of this Act were in force at all material times when such actions were taken, things were done or orders were made and accordingly, no suit or other legal proceedings shall be instituted, maintained or confirmed in any court or before any authority on the ground that the premises in question situated within the jurisdiction of "Municipal Corporation" is not included within the definition of "Public Premises" under clause (f) of section 2 of the principal Act.

Repeal and
savings.

6. (1) The Odisha Public Premises (Eviction of Unauthorised Occupants) Amendment and Validation Ordinance, 2010 is hereby repealed.

Odisha
Ordinance
No.2 of 2010.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.