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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been
assented to by the Governor on the 14th March, 2017 is hereby
published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2017.

(First published, after having received the assent of the Governor,
in the "Gujarat Government Gazette", on the 15th March, 2017).

AN ACT

to provide for validation of occupancy and allotment of certain
lands of excess vacant land vested in the State Government under sub-
section (3) of section 10 of the Urban Land (Ceiling and Regulation)
Act, 1976 and whose possession had been taken over by the State
Government prior to the 30th March, 1999 and for the matters connected
therewith or incidental thereto.

WHEREAS the Government of India had enacted the Urban Land (Ceiling and Regulation) Act, 1976 to provide for the imposition of a ceiling on vacant land in urban agglomerations and for the acquisition of such land in excess of the ceiling limit; 33 of 1976.

AND WHEREAS in view of sub-section (2) of section 1 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, the said Repealing Act shall apply to any other State from the date on which the Legislature of the State adopts the Act by passing a resolution in that behalf under clause (2) of article 252 of the Constitution of India; 15 of 1999.

AND WHEREAS the Gujarat State Legislature had adopted the said Repealing Act, 1999 by resolution on the 30th March, 1999 and thus it has come into force in the State of Gujarat with effect from the 30th March, 1999;

AND WHEREAS the Urban Land (Ceiling and Regulation) Act, 1976 Act has thus been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 with effect from the 30th March, 1999; 33 of 1976.
15 of 1999.

AND WHEREAS before the repeal of the said Act of 1976, certain excess vacant lands have been vested in the State Government under the provisions of the said repealed Act ;

AND WHEREAS the State Government is required to allot such surplus excess land vested in it in the manner as provided in the said repealed Act;

AND WHEREAS the residential structures had already come up on such excess vacant land the possession of which had been taken over by the State Government prior to the 30th March, 1999;

AND WHEREAS the persons belonging to the lower economic strata of the society in the urban agglomerations have been in occupancy of the residential structures and as such are in the occupation of such excess vacant lands;

AND WHEREAS the State Government is of the view that it will cause great hardship to such occupants if steps are taken to remove them from such occupancy;

AND WHEREAS the State Government is committed to furthering equitable distribution of land in the urban agglomerations for the benefit of the economically weaker sections of the society;

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017.

Short title and commencement.

(2) It shall be deemed to have come into force on the 15th December, 2016.

2. In this Act, unless the context otherwise requires,-

Bom. LIX
of 1949.

(a)“Corporation” means the Municipal Corporation as defined by clause (10) of section 2 of the Gujarat Provincial Municipal Corporations Act, 1949;

Definitions.

(b)“excess vacant land” means the land vested in the State Government the possession of which has been taken over by the State Government under the repealed Act before the 30th March, 1999;

(c)“occupant” means the person who is in occupation of the residential structure constructed on the excess vacant land from or prior to 1st January, 2011 till the date of coming into force of this Act and includes such person who as a result of a transaction or transactions during the period commencing from 1st January, 2011 and ending on 31st May, 2016 is in occupation of such structure on the date of coming into force of this Act;

(d)“occupancy price” means such sum of money as notified by the State Government which the occupant is obliged to pay for validating the occupancy;

(e)“prescribed” means prescribed by rules made under section 15;

(f)“repealed Act” means the Urban Land (Ceiling and Regulation) Act 1976;

33 of 1976.

(g)“residential structure” means an abode of any type on the excess vacant land used by the occupant for the purpose of personal

habitation and includes any appurtenant livelihood activities within the said structure;

(h) "State Government" means the Government of Gujarat.

Validation of
Occupancy
and
Allotment of
Excess
Vacant
Land.

3. Notwithstanding anything contained in any other law or in any judgment, decree or order of any competent Court, the State Government may validate the occupancy and allot certain lands of the excess vacant land vested in it, whose possession was taken over under the repealed Act in the manner as provided hereinafter.

Application
for
Validation of
Occupancy
of Land and
Allotment
thereof.

4. The occupant of the residential structure shall, for the purpose of validation of his occupancy of land and allotment thereof, make an application, in the prescribed form along with such fee as may be prescribed towards the occupancy price as may be determined by the State Government in this behalf, to the Mamlatdar within a period of three months from the date of coming into force of this Act or within such time as may be extended by the State Government by an order, from time to time.

Documents
to be
submitted
with
Application.

5. (1) The occupant shall, alongwith his application shall submit a copy of notice given to him under sections 61 and 202 of the Gujarat Land Revenue Code, 1879 and the orders thereunder, if any.

Bom.
V of
1879.

(2) The occupant shall, in order to claim the occupancy, submit alongwith his application of the oldest possible origin, any one or more of the following documents, namely:-

- (i) Ration Card;
- (ii) Aadhaar Card;
- (iii) Passport;
- (iv) Driving Licence;
- (v) Voter ID card;
- (vi) Electricity bill;
- (vii) Property tax bill;
- (viii) Water Charges bill;

Provided that the occupant, may in support of his claim of his occupancy, also submit the copy of the sale deed or agreement for sale or an instrument for possession, if any.

(3) The occupant shall, for the purpose of his identity, submit alongwith his application any one or more of the following documents, namely:-

- (i) PAN card;
- (ii) Aadhaar card;
- (iii) Passport;
- (iv) Driving License;
- (v) Voter ID card.

6. The Mamalatdar shall, after receiving the application under section 4, issue a notice in such form as may be prescribed inviting thereby the objections from any person within a period of one month from the date of such notice with regard to the claim of occupancy made by the occupant.

**Notice for
Inviting
Objections by
Mamalatdar.**

7. (1) In case where the objections have been received pursuant to the notice under section 6, the Mamalatdar shall consider the same and after giving an opportunity of being heard to all concerned and considering the claims made by them, may either grant the application of the occupant or reject the same.

**Decision of
Mamalatdar.**

(2) In case where the occupant's application is not rejected under sub-section (1) and the Mamalatdar is satisfied about the genuineness of the claim of the occupant in respect of the residential structure taking into consideration the relevant documents, he shall issue a notice to the occupant directing thereby him to make the remaining payment towards the occupancy price for the purpose of validation of occupancy and allotment of the excess vacant land:

Provided that for arriving at such satisfaction as referred to above, the Mamalatdar may also take into consideration any data of house to house survey carried out by either the Central Government or the State Government, as the case may be, old records of Ration card

and Electoral roll or any other document or documents, as he deems fit, which may be available in his office or in any other public office.

(3) The occupant shall, within a period of one month of the receipt of the notice under sub-section (2), make the necessary payment as envisaged in the notice, failing which his application shall be deemed to have been rejected.

(4) After the necessary payment as provided under sub-section (3) is made, the Mamalatdar shall pass an order, in such form as may be prescribed, of validation of occupancy and allotment of the excess vacant land in the manner and subject to such conditions as the State Government may prescribe.

Bar of
transfer of
allotted land.

8. No occupant in whose favour an order is made under sub-section (4) of section 7 for allotment of land or his heirs shall transfer such land before the expiry of fifteen years from the date of such order.

Consequences
in the event of
failing to make
an application.

9. In case where the occupant of any residential structure fails to make an application as provided under section 4 within the prescribed time limit, the occupant shall be removed from such residential structure and the Mamalatdar shall take the possession of the same treating the residential structure as the encroachment on the excess vacant land in the manner as laid down under the provisions of the Gujarat Land Revenue Code, 1879.

Bom. V
of 1879.

Appeal.

10.(1) Any person making a claim including the occupant, being aggrieved by any order of the Mamalatdar passed under sub-section (4) of section 7, may prefer an appeal before the Appellate Officer within a period of sixty days from the receipt of such order:

Provided that if the Appellate Officer is satisfied that such person was prevented from preferring an appeal within the prescribed time limit for sufficient cause, he may entertain the appeal even after such prescribed time limit but not exceeding six months:

Provided further that in case where appeal is preferred by any person or the occupant, the same shall not be entertained unless the

payment is made as is determined by the State Government under section 4 while making an application by the occupant.

(2) The State Government may appoint, by notification in the *Official Gazette*, as many Deputy Collectors as the Appellate Officers for different areas or for part of any area as it may deem necessary.

(3) The Appellate Officer shall, after affording an opportunity of being heard to such person, may confirm, revise or dismiss the order against which the appeal is preferred.

11.(1) Any person, including the occupant, being aggrieved by any order of the Appellate Officer made under sub-section (3) of section 10, may prefer revision application before the Special Secretary, Revenue Department (Appeal) within a period of sixty days of such order and his decision shall be final:

Revision.

Provided that in case where the revision application is preferred by any person or the occupant, the same shall not be entertained unless the payment is made as is determined by the State Government under section 4 while making an application by the occupant.

(2) The Special Secretary, Revenue Department (Appeal) may constitute the special benches at Surat, Vadodara and Rajkot for entertaining the applications made under sub-section (1).

12.No Civil Court shall have any jurisdiction to deal with or decide any question which the Mamalatdar, the Appellate Officer or the Revision Authority is empowered to deal with or decide by or under this Act and no injunction shall be granted by any Civil Court in respect of any action taken or to be taken in pursuance of any power by or under this Act.

Bar of Jurisdiction of Civil Court.

13.Any payment made as provided under section 4 by the occupant along with the application or any payment made under section 10 for preferring an appeal or for preferring revision application under section 11 shall be refundable in case where the application, or the appeal or the revision application is rejected or dismissed, as the case may be.

Payment under sections 4, 10 and 11 to be refundable.

Indemnity. 14. No suit or other legal proceedings shall lie against the State

Government or any officer of the State Government in respect of anything which is in good faith done or intended to be done by or under this Act.

Power to
make
rules.

15. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out all or any of the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be they are made and shall be subject to the recession by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any recession or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to
remove
difficulties.

16. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

Repeal and
savings.

17.(1) The Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Ordinance, 2016 is hereby repealed.

Guj.
Ord. 6 of
2016.

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