

ORISSA ORDINANCE No. 2 of 2010

**THE ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED
OCCUPANTS) AMENDMENT AND VALIDATION
ORDINANCE, 2010.**

[Promulgated by the Governor of Orissa on the 3rd November, 2010
first published in an extraordinary issue of the *Orissa Gazette*,
dated the 4th November, 2010 (No.1801)]

**AN
ORDINANCE**

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

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 to amend the Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Sixty-first Year of the Republic of India:—

Short title
and com-
mencement.

1. (1) This Ordinance may be called the Orissa Public Premises (Eviction of Unauthorised Occupants) Amendment and Validation Ordinance, 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 Orissa Public Premises (Eviction of Unauthorised Occupants) Act, 1972, hereinafter referred to as the principal Act—

Orissa Act
7 of 1972.

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

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

Orissa Act
of 2003.

Orissa Act
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.

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 Ordinance 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.

MURLIDHAR CHANDRAKANT BHANDARE

Dated the
3rd November, 2010

GOVERNOR OF ORISSA