

BOMBAY GOVERNMENT PREMISES (EVICTION) ACT, 1955

2 of 1956

[19th January, 1956]

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BOMBAY GOVERNMENT PREMISES (EVICTION) ACT, 1955

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An Act to provide for the eviction of certain persons from Government premises and for certain matters connected therewith. WHEREAS it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith: It Is hereby enacted in the Sixth Year of the Republic of India as follows:-

1. Short title :-

This Act may be called the Bombay Government Premises (Eviction) Act, 1955.

1A. Application :-

¹ [xxx].

1. Delete by Bombay 62 of 1959.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(c) "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth:

(e) "prescribed" means prescribed by rules made under this Act

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3. Appointment of competent authorities :-

The State Government may, by notification in the Official Gazette, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority for carrying out the purposes of this Act ¹ [In such area, or in respect of such premises or class of premises in any area, as may be specified in the notification, more than one officer may be appointed as competent authority in the same area in respect of different premises or different classes of premises].

1. Substituted by Gujarat A.O. 1960.

4. Power to evict :-

(3) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

5. Power to recover rent or damages as arrears of land revenue :-

6. Rent to recovered by deduction from salary or wages of employee :-

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(2) An employee of a local authority who is allotted Government premises may execute an agreement in favour of the State Government providing that the local authority by or under whom he is employed shall be competent to deduct from time to time from the salary or wages payable to him, such amount as is specified in the agreement, and to pay the amount so deducted to the competent authority in satisfaction of any amounts due by him in respect of any Government premises allotted to him.

1. Deleted by Bombay 62 of 1959.

6A. Power of competent authorities :-

A competent authority shall, for the purpose of holding any enquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath:
- (b) requiring the discovery and production of documents:
- (c) any other matter which may be prescribed.

7. Appeals :-

(3) Where an appeal is preferred from an order of the competent authority, the appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

8. Finality of orders :-

Save as otherwise expressly provided in this Act, every order made by a competent authority or appellate officer under this Act shall be final, and shall not be called in question in any original suit, application or execution proceeding.]

9. Protection of action taken in good faith :-

No suit, prosecution or other legal proceedings shall lie against the State Government, or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

10. Delegation :-

¹ [x x x].

1. Substituted by Bombay 62 of 1959.

11. Penalty :-

Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punished with fine which may extend to one thousand rupees.

12. Rules :-

(1) The State Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.