

Kerala Stay Of Eviction Proceedings Act, 2001**11 of 2001**

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Kerala Stay Of Eviction Proceedings Act, 2001**11 of 2001**

An Act to provide for the stay of eviction of certain cultivating tenants and small holders from lands purchased by them and which are subsequently found as excess land to be surrendered under the provisions of the Kerala Land Reforms Act, 1963. WHEREAS numerous proceedings are pending before the Land Tribunals, the Taluk Land Boards, the State Land Board, the Courts or the Revenue Authorities or other authorities, wherein small holders and cultivating tenants who purchased or otherwise acquired land for consideration evidenced by registered documents or otherwise are under threat of eviction or dispossession; AND WHEREAS, there was persistent demands from the general public and organisations to protect such small holders and cultivating tenants, who are purchasers of such land, from eviction or dispossession of such land; AND WHEREAS, in order to protect such small holders and cultivating tenants from eviction or dispossession, pending enactment of a legislation protecting their rights and interests on such land for a temporary period, the Kerala Stay of Eviction Proceedings Act, 1998 (5 of 1998) was enacted; AND WHEREAS, the period of operation of the aforesaid enactment expired on 30th March, 1999; AND WHEREAS, the Kerala Stay of Eviction Proceedings Act, 1999 (26 of 1999) was enacted giving period of operation for two years from 31st March, 1999. AND WHEREAS, Governor have promulgated the Kerala Stay of Eviction Proceedings Ordinance, 2001 (26 of 2001) on 13th March, 2001, extending the period of operation of Act 26 of 1999 for a further period of one year; AND WHEREAS, a Bill to replace the said Ordinance by an Act

of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on 5th June, 2001 and ended on 23rd July, 2001; AND WHEREAS, undersub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance had ceased to operate on the 17th day of July, 2001; AND WHEREAS, some more time is required for enacting a legislation to protect the rights and interests of such small holders and cultivating tenants on such land; AND WHEREAS, difficulties will arise if such small holders and cultivating tenants are evicted or dispossessed from such land before the legislation to protect their rights and interest is enacted; AND WHEREAS, the Government consider it necessary in the public interest to provide for temporary protection of such small holders and cultivating tenants from eviction or dispossession, pending enactment of a legislation protecting their rights and interests on such land; BE it enacted in the Fifty-second year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Kerala Stay of Eviction Proceedings Act, 2001.
- (2) It extends to the whole of the State of Kerala.
- (3) It shall be deemed to have come into force with effect from the 18th July, 2001 and shall be in force till the 30th March, 2003.

2. Interpretation :-

Unless the context otherwise requires, words and expressions used in this Act shall have the meanings, respectively, assigned to them in the Kerala Land Reforms Act, 1963 (1 of 1964).

3. Stay Of Eviction Proceedings :-

- (1) Notwithstanding anything to the contrary contained in the Kerala Land Reforms Act, 1963 (1 of 1964), or in any other law for the time being in force or in any judgement, decree or order of any Court or in any proceedings of the Land Tribunal, the Taluk Land Board, the State Land Board or any other authority during the period of operation of this Act,--
 - (a) No cultivating tenant or small holder who holds or possesses any land by way of assignment or otherwise as purchaser for consideration evidenced by registered document or otherwise and

which is subsequently found as excess land to be surrendered under the provisions of the Kerala Land Reforms Act, 1963 (1 of 1964), shall be evicted from, or dispossessed of, such land; and
(b) all proceedings for such eviction or dispossession pending before any Court, Tribunal, Board or other authority referred to above, shall stand stayed.

(2) Notwithstanding the expiry of the Kerala Stay of Eviction Proceedings Act, 1999 (26 of 1999), due to the cessation of operation of the Kerala Stay of Eviction Proceedings Ordinance, 2001 (26 of 2001), anything done or any action taken after such expiry and before this Act come into force by any Court or the Land Tribunal, the Taluk Land Board, the State Land Board or any other authority, to evict or dispossess such cultivating tenant or small holder from such land shall be invalid.

(3) The expiry of the duration of the Kerala Stay of Eviction Proceedings Act, 1999 due to the cessation of operation of the Kerala Stay of Eviction Proceedings Ordinance, 2001 (26 of 2001) shall not adversely affect any right or privilege acquired or accrued by such cultivating tenant or small holder under the said Act.

4. Repeal And Saving :-

(1) The Kerala Stay of Eviction Proceedings Ordinance, 2001 (32 of 2001) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the assent of the Governor on 23-11-2001. Translation in English published under the authority of the Governor in the Kerala Gazette Extraordinary No.151, dated 29-01-2002.