

Madhya Pradesh Accommodation (Requisition) Act, 1948

63 of 1948

[15 October 1948]

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An Act to provide for powers to requisition accommodation for public purposes Whereas it is expedient to provide for powers to requisition accommodation for public purposes; It is hereby enacted as follows : 1. Received the assent of, the Governor-General on the 15th October, 1948; assent first published in the Central Provinces and Berar Gazette, Extraordinary on the 18th October, 1948.

1. Short Title And Extent :-

(1) This Act may be cited as The Madhya Pradesh Accommodation

(Requisition) Act, 1948.

(2) It extends to and shall be in force in the whole of Madhya Pradesh.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context--

(a) "accommodation" means any building or part of a building and includes--

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of building, and

(ii) any fittings or fixtures attached to any such building or part of such building or any furniture supplied by the owner for use in such building or part of building;

(b) "occupier" means a person in actual occupation of the accommodation;

(c) "owner" includes a mortgagee in possession, trustee, receiver or guardian;

1[(d) "public purpose" includes any Governmental purpose such as providing accommodation for the residence of a person holding office of profit under the State Government or for locating any public office of the State Government or any local authority or for storing food grains or forest produce collected by Government or by an agent on its behalf and allied purposes.

Explanation.--For the purposes of this clause the expression "forest produce",--

(i) means the forest produce as defined in the Indian Forest Act, 1927 (No. XVI of 1927); and

(ii) includes the forest produce as defined in the Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969 (No. 9 of 1969) but not defined in the first named Act.]

2[(e) "requisitioning authority" means person or authority authorised by the State Government by notification, to perform the functions of the requisitioning authority under this Act for such area as may be specified in the notification.]

1. Substituted by MP Act 5 of 1989.

2. Inserted by MP. Act 25 of 1975.

3. Powers Of Requisition :-

1[(1) If in the opinion of the State Government it is necessary or expedient to requisition any accommodation for a public purpose, it

shall call upon the owner and occupier of such accommodation by notice in writing (specifying therein the purpose of the requisition) to show cause, within fifteen days of the date of the service of such notice on each of them, why the accommodation should not be requisitioned.

(2) If after considering the cause, if any, shown by the owner and the occupier, of the accommodation, the State Government is satisfied that it is necessary or expedient so to do, it may, by order in writing, requisition the accommodation and make such further orders as appear to it to be necessary or expedient in connection with the requisitioning :

Provided that no accommodation or part thereof which is exclusively used either for religious worship by the public or as a school, hospital, public library or an orphanage or for the purpose of accommodation of persons connected with the management of such place of worship or such school, hospital, library or orphanage shall be requisitioned.]

(3) Where the State Government has requisitioned any accommodation in accordance with the foregoing provisions it may use or deal with it in such manner as may appear to it to be expedient until the accommodation is released from requisition.

1. Substituted by MP Act 5 of 1989.

3A. Power To Take Possession Of Requisitioned Accommodation :-

1[Where any accommodation has been requisitioned under Section 3, the State Government may, by notice in writing, order the owner as well as the occupier of the accommodation to surrender or deliver possession thereof, to such officer of the State Government as may be specified in the order, within thirty days of the service of the notice.]

1. Inserted by MP. Act 25 of 1975.

4. Principles And Method Of Determining Amount For Requisitioning Of Accommodation :-

1[(1) Where any accommodation is requisitioned under this Act, there shall be paid an amount determined in the manner and in accordance with the principles hereinafter set out, that is to say,--

(a) where, having regard to the provisions of sub-Section (2) so far as they are applicable the amount can be fixed by agreement between the requisitioning authority and the owner; it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the State

Government shall appoint as arbitrator the District Judge or the Additional District Judge or any Civil Judge having jurisdiction over the area in which the accommodation is situate;

(c) at the commencement of the proceedings before the arbitrator, the State Government and the owner shall state what in their respective opinion is a fair amount;

(d) the arbitrator shall, after hearing the dispute make an award determining the amount which appears to him to be just and specifying the owner or owners to whom such amount shall be paid; and in making the award he shall have regard to the circumstances of each case and the provisions of sub-Section (2), so far as they are applicable;

(e) where there is any dispute as to the owner or owners who are entitled to the amount, the arbitrator shall decide such dispute and if the arbitrator shall decide such dispute and if the arbitrator finds that more owners than one are entitled, he shall apportion the amount amongst such owners;

(f) an appeal shall lie to the High Court against the award of an arbitrator;

(g) save as provided in this Section and any rules made there under, nothing in any law for the time being in force shall apply to arbitrators under this Section.

(2) The amount payable for the requisitioning of any accommodation shall consist of--

(a) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the accommodation, if it had been taken on lease for that period; and

(b) such sum or sums, if any, as may be found necessary to compensate the owner for all or any of the matters, namely--

(i) pecuniary loss due to requisitioning;

(ii) expenses on account of vacating the requisitioned premises;

(iii) expenses on account of reoccupying the premises upon release from requisition; and

(iv) damages (other than normal wear and tear) caused to the accommodation during the period of requisition, including the expenses that may have to be incurred for restoring the accommodation to the condition in which it was at the time of requisition.

(3) Where the accommodation requisitioned in pursuance of Section 3, is held by a tenant, the tenant shall be paid an amount as hereinafter provided that is to say--

- (a) where the tenancy is one from month to month, the tenant shall be paid an amount equal to two months rent;
- (b) where the tenancy is one from year to year or for a fixed term not exceeding one year, the tenant shall be paid an amount equal to four months rent;
- (c) where the tenancy is one for a fixed term exceeding one year, the tenant shall be paid an amount equal to six months rent.

Explanation.--For the purpose of this sub-Section, "rent" means the rent payable by tenant for the accommodation immediately before the date on which it is requisitioned.

(4) The payment of an amount under this Section to any person appearing entitled to it in the opinion of the requisitioning authority or the State Government or the arbitrator, as the case may be, shall be a full discharge of the State Government from all liability in respect of payment of such amount for requisitioning of such accommodation but shall not prejudice any rights in respect of the accommodation which any other person may be entitled by due process of law to enforce against the person to whom amount has been paid as aforesaid.]

1. Substituted by M.P. Act 25 of 1975.

5. Release From Requisition :-

(1) Where any accommodation requisitioned under Section 3 is to be released from requisition, the State Government shall release it in favour of the person from whom it was requisitioned; and where by reason of death or otherwise of such person the accommodation cannot be so released, the State Government may, after such enquiry, if any, as it may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom the possession of the accommodation shall be given.

1[(1-A) The State Government shall as far as possible, restore the accommodation released from requisition under sub-Section (1), in as good a condition as it was when possession thereof was taken subject to the changes caused by reasonable wear and tear and irresistible force.]

(2) The delivery of possession of the accommodation in accordance with sub-Section (1) shall be a full discharge of the State Government from all liabilities in respect of the accommodation, but shall not prejudice any rights in respect of the accommodation which any other person may be entitled by due process of law to enforce against the person to whom possession of the

accommodation is given.

(3) Where the person to whom possession of any accommodation requisitioned under Section 3 is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf the State Government shall cause a notice declaring that such accommodation is released from requisition to be affixed on some conspicuous part of such accommodation and publish the notice in the Gazette.

(4) When a notice referred to in sub-Section (3) is published in the Gazette, the accommodation specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not be liable for any compensation or other claim in respect of the accommodation for any period after the said date.

1. Inserted by M.P. Act 25 of 1975.

6. Powers To Call Information And Restrain Disposal Of Accommodation :-

1[The State Government may, with a view to requisitioning any accommodation under Section 3 or determining the amount payable under Section 4, by order--

(a) require any person to furnish the requisitioning authority such information in his possession relating to the accommodation as may be specified;

(b) direct that the owner, occupier of person in possession of the accommodation shall not without the permission of the State Government dispose of it, or where the accommodation is a building structurally alter it, till the expiry of such period as may be specified in the order].

1. Substituted by M.P. Act 25 of 1975.

7. Power Of Entry And Inspection :-

The State Government may authorise any person to enter, after giving reasonable notice, any premises and inspect such premises and any accommodation therein or thereon for the purpose of determining whether, and if so, in what manner, an order under Section 3 should be made in relation to such premises or accommodation, or with a view to securing compliance with any order made under this Act.

8. Liability For Ordinary Annual Repair :-

The owner of any accommodation requisitioned by the State Government shall remain liable for the ordinary annual repairs to such accommodation so long as the order of requisition subsists; and, in case, such owner fails to execute such repairs, the State Government may get the repairs executed and deduct the cost of such repairs from the amount of compensation payable to such owner periodically.

9. Effect Of Provisions Inconsistent With Other Enactments :-

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any enactment for the time being in force, or any instrument having the force of law.

10. Protection Of Action Taken Under The Act :-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under this Act.

11. Cognizance Of Offences Under This Act :-

No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an officer authorised by the State Government in this behalf.

12. Power To Use Force :-

Any officer authorised by the State Government in this behalf may take or cause to be taken such steps and use or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing possession of any accommodation in accordance with an order passed under Section 3, or for securing compliance with, or for preventing or rectifying any contravention of, any order made under any provision of this Act or for the effective exercise of any power conferred by any provisions of this Act.

12A. Bar Of Jurisdiction Of Civil Courts :-

1[Save as otherwise expressly provided in this Act, no Civil Court shall have jurisdiction in respect of any matter which the State Government or arbitrator or requisitioning authority is empowered by or under this Act to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.]

1. Inserted by M.P. Act 25 of 1975.

13. Penalty :-

Any person who contravenes any provision of this Act or of any order made there under, or who obstructs the taking of possession under this Act shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Delegation Of Powers :-

1[The State Government may, by notification, direct that the powers exercisable by it under this Act other than the power to make rules shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer or authority subordinate to it.]

1. Substituted by M.P. Act 25 of 1975.

14A. Power To Make Rules :-

1[(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely ;

(a) the procedure to be followed in arbitration proceedings under this Act;

(b) the principles to be followed in apportioning the cost of proceedings before the arbitrator and in an appeal under this Act;

(c) the manner of service of notices and orders;

(d) any other matter which has to be, or may be, prescribed.

(3) All rules made under the provisions of this Act shall be laid on the table of the Legislative Assembly.]

1. Inserted by MP. Act 25 of 1975.

15. Repeal And Savings :-

(1) The Central Provinces and Berar Accommodation (Requisition) Ordinance, 1948 (XVIII of 1948), is hereby repealed.

(2) Any accommodation requisitioned, compensation paid, arbitrator appointed, rules, orders and authorisation made, notice published, direction given, repairs executed and any action taken under the said Ordinance shall be deemed to have been requisitioned, paid, appointed, made, published, given, executed and taken under the provisions of this Act.

