

**Kota Municipal Limits (Continued Existence) Validation Act,
1975**

1 of 1975

[07 March 1975]

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PREAMBLE

An Act to provide for and validate the continued existence of certain limits of the Municipality at Kota.

Be it enacted by the Rajasthan State Legislature in the Twenty-sixth Year of the Republic of India as follows: -

1. Pub. In Raj. Govt. Gaz. Ext. Ord. Part IV-A Dated 7.3.1975,

1. Short title :-

This Act may be called the Kota Municipal Limits (Continued Existence) Validation Act, 1975.

2. Definitions :-

- (1) In this Act, unless the subject or context otherwise requires, -

(i) "Municipal Act" means the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), and all rules, notifications, orders and bye-laws made thereunder;

(ii) "Municipality at Kota" means the municipality constituted or deemed to be constituted for the town of Kota under the Municipal Act;

(iii) "Panchayat Act" means the Rajasthan Panchayat Act, 1953 (Rajasthan Act XXI of 1953) and all rules, notifications and orders made thereunder;

(iv) "Taxes" shall include any toll, rate, cess, fee, octroi or any other charges or impost leviable under the Municipal Act,

(2) All other words and expressions used but not defined in this Act shall have the meanings assigned to them under the Municipal Act or the Panchayat Act or any other law for the time being in force.

3. Validation of the continued existence of certain limits of the Kota Municipality and of other matters connected therewith :-

Notwithstanding anything contained in Secs. 4 to 7 both inclusive, or any other section of the Municipal Act or in provisions of the Panchayat Act or in any judgment decree, order or direction of any Court-

(a) the villages of Raipur and Ummedganj in Kota tehsil in the Kota district shall be deemed always to have continued to exist and shall hereafter continue to exist within the limits of the municipality at Kota to all intents and for all purposes; and

(b) all persons who but for the inclusion of the villages of Raipur and Ummedganj within the limits of the Municipality at Kota were not liable to pay any tax due under the Municipal Act, shall, upon

the inclusion of these villages within the said limits or upon the validation of the continued existence of these villages within the said limits, according to the provisions of this Act, be liable and shall be deemed always to have been liable to pay the taxes due under the Municipal Act and such taxes shall be levied on and collected from them according to the provisions of the Municipal Act;

(c) the areas constituting the aforesaid villages shall be deemed never to have been included in any panchayat circle under the Panchayat Act, and accordingly-

(i) all actions taken, things done, appointments and transfers made and powers exercised by the State Government or by any officers or authorities subordinate to it or by or on behalf of the Municipality at Kota, in relation to the aforesaid villages of Raipur and Ummedganj treating them as existing within the limits of the municipality at Kota shall be deemed to have been lawful taken, done, made or exercised;

(ii) all taxes levied and collected in exercise of the statutory powers or purported exercise of such powers under the Municipal Act or under any law for the time being in force, by treating these villages as existing within the limits of the Municipality at Kota, shall be deemed always to have been lawfully levied and collected no claim for their refund shall arise or shall be deemed ever to have arisen;

as if the said villages had legally existed within the limits of the Municipality at Kota.

4. Courts not to question validity of certain matters :-

No Court shall question the validity of anything done or action taken or power exercised or purported to be exercised or taxes levied and recovered, on the ground that the villages of Raipur and Ummedganj were not included in the limits of the Municipality at Kota, and accordingly-

(a) no suit or other proceeding shall be maintained or continued in any Court for the refund of any tax levied and collected in exercise or purported exercise of the statutory power under the Municipal Act or under any other law for the time being in force, by treating these villages of Raipur and Ummedganj as existing within the limits of the Municipality at Kota;

(b) any tax levied but not collected before the commencement of this Act may be recovered in accordance with law as if the said villages of Raipur and Ummedganj existed, at the time when the taxes were so levied, within the limits of the Municipality at Kota; and

(c) all suits, appeals and other proceedings pending on the date of the commencement of this Act, in any Court for any Court for and relief on the ground that the villages of the Raipur and Ummedganj did not exist within the limits of the Municipality at Kota shall, upon the commencement of this Act, be dismissed.

5. Savings :-

For the removal of doubts, it is hereby declared -

(i) that nothing contained in this Act shall -

(a) render any person liable for an offense constituted by any act or omission which but for the provisions of this Act would not be an offense under the Municipal Act or under any law for the time being in force;

(b) entitle any person to claim refund of any tax, fee, toll or any other charges lawfully levied and collected under the Panchayat Act by treating the villages of Raipur and Ummedganj as existing in any Panchayat Circle; and

(c) prevent any person from questioning, in accordance with the

provisions of the Municipal Act, .the levy or collection of any taxes under the Municipal Act or from claiming refund thereof on any ground other than the villages of Raipur and Ummedganj within the limits of the Municipality at Kota;

(ii) that all actions, proceedings, or suits for the recovery of any tax, toll, cess, fee or any other charge levied but not collected under the Panchayat Act or in any other law for the time being in force, by treating these villages of Raipur and Ummedganj as existing in a Panchayat circle, and pending on the date of the commencement of this Act shall upon such commencement cease to have effect and shall be dismissed or discontinued.

6. Cancellation of notifications with retrospective effect :-

As from the commencement of this Act, all notifications from time to time issued under the Municipal Act or the Panchayat Act, providing for the exclusion of the villages of Raipur and Ummedganj from the limits of the Municipality at Kota or for their inclusion in any Panchayat Circle, shall be deemed to have ceased to have effect and be cancelled as if they never came into force.

7. Act to have overriding effect :-

As from the commencement of this Act, all notifications from time to time issued under the Municipal Act or the Panchayat Act, providing for the exclusion of the villages of Raipur and Ummedganj from the limits of the Municipality at Kota or for their inclusion in any Panchayat Circle, shall be deemed to have ceased to have effect and be cancelled as if they never came into force.

8. Repeal and Savings :-

(1) The Kota Municipal Limits (Continued Existence) Validating Ordinance, 1975 (Ordinance No. 1 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, all things done and action taken under the said Ordinance shall be deemed to have been taken under this Act as if this Act came into force on the 7th day of January, 1975.

