

LAW (LEGISLATIVE DRAFTING) DEPARTMENT

(GROUP-II)

NOTIFICATION

Jaipur, April 15, 2021

No. F. 2(12)Vidhi/2/2021.- In pursuance of clause (3) of article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of Rajasthan Vidhiyan (Sanshodhan) Adhiniyam, 2021 (2021 Ka Adhiniyam Sankhyank 5):-

(Authorised English Translation)

THE RAJASTHAN LAWS (AMENDMENT) ACT, 2021 (Act No. 5 of 2021)

(Received the assent of the Governor on the 15th day of April, 2021)

An

Act

further to amend the Rajasthan Urban Improvement Act, 1959, the Rajasthan Municipalities Act, 2009, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009 and the Ajmer Development Authority Act, 2013.

Be it enacted by the Rajasthan State Legislature in the Seventy-second Year of the Republic of India, as follows:-

CHAPTER-I

PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Rajasthan Laws (Amendment) Act, 2021.

(2) It shall come into force at once.

CHAPTER-II

AMENDMENT IN THE RAJASTHAN URBAN IMPROVEMENT ACT, 1959

2. Insertion of new section 60-B, Rajasthan Act No. 35 of 1959.- After the existing section 60-A and before the existing CHAPTER VIII of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959), hereinafter in this Chapter referred to as the principal Act, the following new section shall be inserted, namely:-

"60-B. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in

respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Trust has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Trust is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Trust may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land.

(4) An appeal shall lie from an order of the Trust made under sub-section (3) to the State Government or the officer authorized by it.

(5) An appeal under sub-section (4) shall be preferred within fifteen days from the date on which the order is communicated to the appellant:

Provided that the State Government or the officer authorized by it may entertain the appeal after the expiry of the said period of fifteen day, if it or he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(6) Every appeal under sub-section (4) shall be disposed of by the State Government or the officer authorized by it as expeditiously as possible.

(7) No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any order, notice, proceedings or action taken under this section."

3. Amendment of section 90-A, Rajasthan Act No. 35 of 1959.- For the existing sub-sections (2), (3) and (4) of section 90-A of the principal Act, the following shall be substituted, namely:-

"(2) Any person aggrieved by an order under sub-section (1) may appeal to the State Government or the officer authorized by it against the order within 30 days from the date of the order of the Trust and the State Government or the officer authorized by it, may, after hearing the parties to the appeal either dismiss the appeal or may reverse or vary the whole or any part of the order.

(3) Where any improvement has been sealed, the Trust or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(4) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order passed under sub-section (3)."

CHAPTER-III

AMENDMENT IN THE RAJASTHAN MUNICIPALITIES ACT, 2009

4. Insertion of new section 73-B, Rajasthan Act No. 18 of 2009.-After the existing section 73-A and before the existing section 74 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), hereinafter in this Chapter referred to as the principal Act, the following new section shall be inserted, namely:-

"73-B. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Municipality has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Municipality is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Municipality may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land.

(4) An appeal shall lie from an order of the Municipality made under sub-section (3) to the State Government or the officer authorized by it.

(5) An appeal under sub-section (4) shall be preferred within fifteen days from the date on which the order is communicated to the appellant:

Provided that the State Government or the officer authorized by it may entertain the appeal after the expiry of the said period of fifteen day, if it or he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(6) Every appeal under sub-section (4) shall be disposed of by the State Government or the officer authorized by it as expeditiously as possible.

(7) No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any order, notice, proceedings or action taken under this section."

5. Amendment of section 194, Rajasthan Act No. 18 of 2009.- In sub-section (7) of section 194 of the principal Act,-

(i) in clause (f), for the existing punctuation mark "." appearing at the end, the punctuation mark ";" shall be substituted; and

(ii) after clause (f), so amended, the following new clauses shall be added, namely:-

"(g) Where any construction has been seized, the Municipality or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such construction, order the seizure to be revoked;

(h) No person shall revoke such seizure except by,-

- (a) an order passed under clause (g) of this sub-section; or
- (b) an order passed under sub-section (12) of this section."

CHAPTER-IV AMENDMENT IN THE JAIPUR DEVELOPMENT AUTHORITY ACT, 1982

6. Amendment of section 34-A, Rajasthan Act No. 25 of 1982.- For the existing sub-sections (2) and (3) of section 34-A of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

"(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order of the Tribunal."

7. Insertion of new section 54-D, Rajasthan Act No. 25 of 1982.- After the existing section 54-C and before the existing CHAPTER-IX of the principal Act, the following new section shall be inserted, namely:-

"54-D. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in

this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Authority has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land; to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Authority is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Authority may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land."

CHAPTER-V AMENDMENT IN THE JODHPUR DEVELOPMENT AUTHORITY ACT, 2009

8. Amendment of section 35-A, Rajasthan Act No. 2 of 2009.- For the existing sub-sections (2) and (3) of section 35-A of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

"(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order of the Tribunal."

9. Insertion of new section 50-A, Rajasthan Act No. 2 of 2009.- After the existing section 50 and before the existing CHAPTER-IX of the principal Act, the following new section shall be inserted, namely:-

"50-A. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Authority has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Authority is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Authority may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land."

CHAPTER-VI

AMENDMENT IN THE AJMER DEVELOPMENT AUTHORITY ACT, 2013

10. Insertion of new section 35-A, Rajasthan Act No. 39 of 2013.- After the existing section 35 and before the existing section 36 of the Ajmer Development Authority Act, 2013 (Act No. 39 of 2013), hereinafter in this Chapter referred to as the principal Act, the following new section 35-A shall be inserted, namely:-

"35-A. Power to seal unauthorized Development.- (1) The Authority may, at any time before or after making an order for the removal or discontinuance of any development under section 32 or section 33 or section 35, make an order directing the sealing of such development in the prescribed manner, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such Development.

(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order of the Tribunal.

(4) Any person who contravenes the provisions of sub-section (3) shall, on conviction, be punished with fine which may extend to twenty five thousand rupees."

11. Insertion of new section 50-A, Rajasthan Act No. 39 of 2013.- After the existing section 50 and before the existing CHAPTER-IX of the principal Act, the following new section shall be inserted, namely:-

"50-A. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Authority has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to

show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Authority is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Authority may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land."

15.4.2021

विनोद कुमार भारवानी

Principal Secretary to the Govt