

The Requisitioned Land (Apportionment of Compensation) Act, 1949

February 18, 2013

(ACT NO.51 OF 1949)

[AS ON 1995]

[10th December, 1949.]

{Extended to the Hazaribagh and Manbhum Districts, Sadar Sub-Division of the Palamau District, Dhalbhum Sub-Division of the Singhbhum District and Godda and Deoghar Sub-Division of the Santal Parganas District in the State of Bihar and Darjeeling District of West Bengal by the Absorbed Areas (Laws) Act, 1954 (20 of 1954), s. 3 and Sch.}

An Act to provide for the apportionment of compensation payable in respect of requisitioned land.

WHEREAS doubts have arisen whether an arbitrator appointed under section 19 of the Defence of India Act, 1939 (35 of 1939), or under the said section as deemed to be continuing in force for the purpose of section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (17 of 1947) {Since rep. by Act 30 of 1952.} has power to apportion the compensation payable in respect of any requisitioned land among persons interested therein;

AND WHEREAS it is expedient to resolve the said doubts and expressly to provide for the apportionment of compensation in all such cases;

It is hereby enacted as follows :-

1. Short title.

This Act may be called the Requisitioned Land (Apportionment of Compensation) Act, 1949.

2. Definitions.

In this Act,-

(a) The expression "persons interested", in relation to any requisitioned land, includes all person claiming an interest in the compensation to be paid on account of the requisitioning or the acquisition of the requisitioned land under the provisions of section 19 of the Defence of India Act, 1939 (35 of 1939), or section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (17 of 1947);

(b) The expression "requisitioned land" means any immovable property which is, or was, subject to any requisition effected under the rules made under the Defence of India Act, 1939(35 of 1939), or continued under the Requisitioned Land (Continuance of Powers) Act, 1947, (17 of 1947) {Since rep. by Act 30 of 1952.}

3. Apportionment of compensation.

(1) Notwithstanding anything contained in either of the Acts mentioned in section 2, where there are several persons interested in any requisitioned land, it shall be lawful, and shall be deemed always to have been lawful, for an arbitrator appointed in pursuance of either of the sections



mentioned in clause (a) of section 2, to apportion by his award the compensation payable in respect of the requisitioning or, as the case may be, acquisition of the land amount the persons interested.

(2) Where an arbitrator appointed in pursuance either of the sections mentioned in clause (a) of section 2 has, before the 13th day of September, 1949, made an award determining, but not apportioning, the compensation payable, and such compensation has not been paid, the Government by whom such compensation is payable may, either on its own motion or upon the application of any person interested, appoint the same or another arbitrator to apportion the compensation amount the persons interested and it shall be lawful for the arbitrator so appointed to make a supplementary award of apportionment.

(3) An appeal shall lie to the High Court against a supplementary award made under sub-section (2).

(4) The provisions of the rules made under section 19 shall, in so far as they are applicable, apply to arbitrations and awards under this section as they apply in relation to arbitrations and awards under the said section 19.

4. Repeal of Ordinance 22 of 1949.

(1) The Requisitioned Land (Apportionment of Compensations Ordinance, 1949 (22 of 1949) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.

STATEMENT OF OBJECTS AND REASONS

"In a recent judgement the Calcutta High Court has held that an arbitrator appointed under Cl. (b) of section 19 of the Defence of India Act has no power to entertain any reference requiring apportionment of compensation between parties having different interests in the land. As a consequence of this ruling the payment of compensation in all cases where the interested parties could not agree came to a standstill. As an immediate remedy. Ordinance No. XXII of 1949 was promulgated to enable disposal of long pending cases. As the Ordinance will lapse on the expiry of six months from the date of promulgation, it is necessary to replace it by an Act."



