

Extra No. 29

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT VALIDATION OF OCCUPANCY AND ALLOTMENT OF CERTAIN LANDS OF EXCESS VACANT LAND VESTED IN THE STATE GOVERNMENT (UNDER THE URBAN LAND (CEILING AND REGULATION) ACT, 1976) (AMENDMENT) BILL, 2017.

GUJARAT BILL NO. 29 OF 2017.

A BILL

further to amend the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) (Amendment) Act, 2017.

Short title.

**Amendment
of section 7 of
Guj. 7 of
2017.**

2. In the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017 (hereinafter referred to as "the principal Act"), in section 7, in sub-section (3), for the words, brackets and figure "within a period of one month of the receipt of the notice under sub-section (2)", the words "within period as may be prescribed" shall be substituted.

**Guj. 7 of
2017.**

**Amendment
of section 8
of Guj. 7 of
2017.**

3. In the principal Act, to section 8, the following proviso shall be added, namely:-

"Provided that nothing in this section shall preclude a nationalized bank from recovering its legitimate dues under the relevant law from an occupant even before the expiry of fifteen years."

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Validation of Occupancy and Allotment of Certain Lands of Excess Vacant Land Vested in the State Government (under the Urban Land (Ceiling and Regulation) Act, 1976) Act, 2017 to provide for validation of occupancy and allotment of certain lands of excess vacant land vested in the State Government under sub-section (3) of section 10 of the Urban Land (Ceiling and Regulation) Act, 1976 and whose possession had been taken over by the State Government prior to the 30th March, 1999.

Sub-section (3) of section 7 of the said Act provides that the occupant shall require to pay towards the occupancy price for the purpose of validation of occupancy and allotment of the excess vacant land, within a period of one month of the receipt of the notice of the Mamlatdar under sub-section (2) of said section 7 and if he is unable to pay such occupancy price within the stipulated period of one month then his application shall be deemed to have been rejected. It is observed that the said period of one month seems to be too short and in some cases the applicant cannot pay the required amount within the said period of one month due to administrative reasons also. The necessary amendment proposed in section 7 accordingly. *Clause 2* of the Bill provides for the same.

Section 8 of the said Act provides for the bar of transfer of allotted excess vacant land before the expiry of fifteen years from the date of the order of validation of occupancy and allotment of excess vacant land. In these circumstances, if an occupant, who has taken a loan from the Nationalized Bank against the allotted excess vacant land for regularization of occupancy, is unable to repay the loan amount, Banks are unable to take any action against such occupants as the transfer of such land cannot be made before the expiry of fifteen years. The necessary amendment proposed in section 8 accordingly. *Clause 3* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA ,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respects:-

Clause 2.—Sub-section (3) of section 7 of the Act proposed to be amended by this clause empowers the State Government to prescribe by rules, the period within which the occupant shall make necessary payment towards the occupancy price for the purpose of validation of occupancy and allotment of the excess vacant land.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 4th August, 2017.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 4th August, 2017.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.