

The Prevention of Transfer of Property and Removal of Documents and Records Act, 1952 (East Bengal Act)

(ACT NO. V OF 1952)

♣ **An Act to provide against certain difficulties in the way of speedy acquisition of interest in land under the [* * *] State Acquisition and Tenancy Act, 1950.**

WHEREAS it is expedient to provide against certain difficulties created or sought to be created by certain classes of persons in the way of speedy acquisition of estates, taluks, tenures and other interests in land, under the provisions of the [* * *] State Acquisition and Tenancy Act, 1950;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the ¹[* * *] Prevention of Transfer of Property and Removal of Documents and Records Act, 1952.

(2) It extends to the whole of Bangladesh.

(3) It shall be deemed to have come into force on the 21st day of July, 1951.

Definitions

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

(a) "Collector" means the Collector of a district and includes ²[* * *] such other officers not below the rank of a Deputy Collector as may be appointed by the Government to discharge all or any of the functions of a Collector under this Act;

(b) "cutchery building" means a building or part of a building which, on the 16th May, 1951, or thereafter, was or is used primarily as office or cutchery for the management including collection of rents and cesses of any estate, taluk, or tenure or as the residence of staff employed in such management, with the land under it and necessary adjuncts thereto;

(c) "transfer" means transfer by private sale, exchange, lease, gift, mortgage or charge; and

(d) all other words and expressions used in this Act and in the ³[* * *] State Acquisition and Tenancy Act, 1950, shall have the same meanings as in that Act.

Prohibition against transfer of cutchery buildings and certain lands contiguous thereto

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, no person shall transfer, without the previous permission of the Collector in writing,-

(i) any cutchery building; or

(ii) any land contiguous to any cutchery building which, on the 16th May, 1951, lay vacant and was not used for agricultural purposes; or

(iii) any vacant land situated within any hat or bazar.

(2) Every transfer made in contravention of sub-section (1) shall be null and void.

Provision regarding transfers made between the 16th May, 1951, and the 21st day of July, 1951

4. (1) Any cutchery building or land as is referred to in sub-section (1) of section 3, if transferred by any person between the 16th day of May, 1951, and the 21st day of July, 1951, shall, notwithstanding anything contained in any other law for the time being in force or in any contract, be deemed to have been re-transferred to such person on the 21st day of July, 1951.

(2) The transferor in respect of such transfer shall be liable to refund to the transferee or his successor-in-interest, the consideration of such transfer; and the amount or value of such consideration shall, on an application of the transferee or his successor-in-interest to the Collector within two years from the 21st day of July, 1951, be recoverable from such transferor as a public demand.

Safeguards against removal of records

5. (1) No rent-receiver shall, after the coming into force of this Act, remove or cause to be removed any document or record relating to any estate, taluk, or tenure, to any place outside Bangladesh, or destroy or cause to be destroyed such document or record.