

# **The Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, 1970 (East Pakistan Ordinance)**

(EAST PAKISTAN ORDINANCE NO. XXIV OF 1970)

**An Ordinance to repeal and with certain amendments, re-enact the East Bengal Government Lands and Buildings (Recovery of Possession) Act, 1952, and the East Pakistan Government Land (Unauthorised Occupation) Ordinance, 1960, and to consolidate the law relating to recovery of possession and assessment and recovery of compensation and arrear rent from unauthorised occupants of Government and Local Authority lands and buildings.<sup>1♣</sup>**

WHEREAS it is expedient to repeal, and with certain amendments, re-enact the East Bengal Government Lands and Buildings (Recovery of Possession) Act, 1952, and the East Pakistan Government Land (Unauthorised Occupation) Ordinance, 1960, and to consolidate the law relating to recovery of possession and assessment and recovery of compensation and arrear rent from unauthorised occupants of Government and Local Authority lands and buildings;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance:-

## **Short title, extent and commencement**

1. (1) This Ordinance may be called the <sup>2</sup>[\* \* \*] Government and Local Authority Lands and Buildings (Recovery of Possession) Ordinance, 1970.

(2) It extends to the whole of Bangladesh.

(3) This Ordinance, in so far as it relates to Government lands and buildings, shall come into force at once; and the Government may, by notification in the official Gazette, extend it to such Local Authority and from such date as may be specified in the notification.

## **Definitions**

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

(a) "building" means a building which vests in, or is owned by, or is in possession or under the management and control of, the Government or a Local Authority, and includes the land appurtenant thereto;

(b) "Deputy Commissioner" means the Deputy Commissioner of a District and includes an Additional Deputy Commissioner or a Joint Deputy Commissioner and such other persons as may be appointed by the Government to perform all or any of the functions of a Deputy Commissioner under this Ordinance;

(c) "land" means any land which vests in, or is owned by, or is in the possession or under the management and control of, the Government or Local Authority and includes any water;

(d) "Local Authority" means a local authority as defined in <sup>3</sup>[clause (28) of section 3 of the General Clauses Act, 1897 (X of 1897)];

(e) "prescribed" means prescribed by rules made by the Government under this Ordinance;

(f) "unauthorised occupant" means a person who is in occupation of any land or building or part thereof without having obtained the express permission or authority of the Government or the Local Authority concerned, as the case may be, and without executing, where necessary, a legal document, and includes-

(i) a person unlawfully inducted into any land or building or part thereof by the lessee; and

(ii) a lessee who continues in possession of the land or building or part thereof after expiry of term or determination of lease; and

(g) the words "lease" and "lessee" have the same meanings as in the Transfer of Property Act, 1882, and the word "lessee" includes his heirs, assigns, legal representatives, members of his family and all persons inducted by him into the demised land.

**Eviction of  
outgoing  
lessee from**

3. If on the expiry, whether before or after the commencement of this Ordinance, of the period of a lease in respect of any land or building of

which the Government or a Local Authority is the lessor or on the determination of such lease on the ground of breach of any covenant or on the determination of such lease according to the terms and conditions of the lease or otherwise, the lessee refused or failed, or refuses or fails, to vacate that land or building and put the lessor into possession of the same, then, notwithstanding anything contained in any other law for the time being in force or in any contract, it shall be lawful for the Deputy Commissioner, on his own motion or on the complaint of or upon information received from anybody or a Local Authority, at any time after the expiry or determination of lease, to re-enter upon the demised land or building and recover khas possession thereof by evicting the lessee and by demolishing and removing structures, if any, erected or built thereon by the lessee:

Provided that the Deputy Commissioner shall, before demolishing and removing any structures under this section, issue, in the prescribed manner, a notice on the lessee calling upon him to remove such structures within a period of thirty days from the date of service of the notice.

**Determination of lease and recovery of building in certain cases**

4. (1) Notwithstanding anything contained in any other law for the time being in force or any contract, where the lessee of a building or part of a building <sup>4</sup>[is a person in the service of the Republic] or of a Local Authority, the lease in respect of such

building or part shall, in addition to the modes mentioned in section 111 of the Transfer of Property Act, 1882, terminate-

(a) on the suspension, discharge, removal, dismissal, resignation, retirement or death of such servant or on his transfer from the station in which he is employed to any other station; or

(b) on the transfer of the lessee's interest by assignment, mortgage, sub-lease or in any other manner.

(2) On the determination of a lease in respect of a building or part of a building in the manner stated in sub-section (1) or in any of the modes mentioned in section 111 of the Transfer of Property Act, 1882, the lessee