



THE PORT AUTHORITIES LANDS AND BUILDINGS (RECOVERY OF POSSESSION) ORDINANCE, 1962



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**THE PORT AUTHORITIES LANDS AND BUILDINGS (RECOVERY OF POSSESSION)
ORDINANCE, 1962**

ORDINANCE NO. IX OF 1962

[17th February, 1962]

An Ordinance to provide for the speedy recovery of possession of certain lands and buildings.

WHEREAS it is expedient to provide for the speedy recovery of possession from unauthorized occupants of lands or buildings belonging to Port Authorities within the limits of major ports, and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, application and commencement.—(1) This Ordinance may be called the Port Authorities Lands and Buildings (Recovery of Possession) Ordinance, 1962.

(2) It applies to all major ports.

(3) It shall come into force at once.

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

- (a) “allotment” means permission to occupy temporarily any premises either free of rent or on an agreed rental, without conferring any right or interest in respect thereof on the person to whom such permission has been granted;
- (b) “Authorized Officer” means a Magistrate of the First Class appointed by the ¹[Federal Government], by notification in the official Gazette, to exercise all or any of the powers of an Authorized Officer under this Ordinance;
- (c) “land or building” means land or building, or part thereof, which vests in, or is in the possession or under the management or control of a Port Authority, and is used or held for purposes connected with the administration and working of the port;

¹Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

- (d) “lease” has the same meaning as in the Transfer of Property Act, 1882 (IV of 1882), and includes an allotment; and “lessee”, which includes his heirs, assigns, legal representatives and all persons inducted by him into the demised land, shall be construed accordingly;
- (e) “major port” means a port to which the Ports Act, 1908 (XV of 1908), for the time being extends;
- (f) “port authority” means an authority vested by or under any law for the time being in force with the administration of a major port ;
- (g) “prescribed” means prescribed by rules made under this Ordinance ; and
- (h) “unauthorized occupant” means a person who is in occupation of any land or building without the permission of the Port Authority, and includes:—
 - (i) a person inducted into any land or building by the original lessee of such land or building ; and
 - (ii) a person who remains in occupation of any land or building after the determination of the lease in respect of such land or building.

3. Eviction of out-going lessees and unauthorized occupants from land.—(1) If, on the expiry, whether before or after the commencement of this Ordinance, of the period of any lease in respect of any land or building of which a Port Authority is the lessor, or on the determination of such lease on the ground of breach of any covenant or in pursuance of a condition in the lease imposing any obligation on the lessee to give up possession of the demised land or building in the event of such land or building being required for the purposes of a Port Authority, the lessee refused or failed, or refuses or fails, to vacate and deliver vacant possession of such land or building to the Port Authority, then, notwithstanding anything contained in any other law for the time being in force or in any contract, such Port Authority may, by notice in writing, require such lessee to vacate and deliver vacant possession of such land or building, and to remove structures, if any, erected or built thereon by him, within such time as may be specified in the notice.

(2) If the Port Authority is satisfied, after making such enquiry as it may think fit, that a person is an unauthorised occupant of any land or building, it may, by notice in writing, require such person to vacate such land or building, and deliver vacant possession thereof to it, and to remove structures, if any, erected or built thereon by him, within such time as may be specified in the notice.

(3) If any person to whom a notice is issued under sub-section (1) or sub-section (2)—

- (a) fails to comply with the notice, the Port Authority shall make a complaint in writing to that effect to the Authorized Officer ; or
- (b) vacates the land or building, but does not remove the structures thereon, the Port Authority may take possession of such land or building and demolish such structures.