

GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

West Bengal Act XXV of 1978

**THE CALCUTTA *THIKA* TENANCY STAY OF
PROCEEDINGS (TEMPORARY PROVISIONS) ACT, 1978.**

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 19th July, 1978.]

[19th July, 1978.]

*An Act to provide for the temporary stay of proceedings for
ejectment of thika tenants and Bharatias.*

WHEREAS it is expedient, pending the enactment of further legislation, to provide for the temporary stay of proceedings for ejectment of *thika* tenants and *Bharatias* holding under *thika* tenants;

It is hereby enacted in the Twenty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the Calcutta *Thika* Tenancy Stay of Proceedings (Temporary Provisions) Act, 1978.

Short title,
extent,
commencement
and duration.

(2) It extends to the areas to which the Calcutta *Thika* Tenancy Act, 1949 extends.

(3) It shall come into force at once and shall continue in force for a period of one year from the date of its commencement.

2. In this Act, the expressions "*thika* tenant" and "*Bharatia*" have the meanings respectively assigned to them in the Calcutta *Thika* Tenancy Act, 1949.

Definition.

3. Notwithstanding anything contained in the Calcutta *Thika* Tenancy Act, 1949, or in any other law for the time being in force,—

Stay of
proceedings for
ejectment of
thika tenants.

(a) all applications for ejectment of *thika* tenants,

(b) all appeals from orders made on such applications, and

The Calcutta Thika Tenancy Stay of Proceedings (Temporary Provisions) Act, 1978.

[West Ben. Act XXV of 1978.]

(Sections 4,5.)

(c) all proceedings in execution of orders for ejectment of *thika* tenants,

under the provisions of the Calcutta *Thika* Tenancy Act, 1949, which are pending at the date of commencement of this Act or which may be made, preferred or commenced after such date but before the expiry of this Act, in respect of any land which is not a 'vacant land' within the meaning of the Urban Land (Ceiling and Regulation) Act, 1976, shall be stayed for the period during which this Act continues in force. 33 of 1976.

Stay of suits and proceedings against *Bharatias*.

4. No *thika* tenant shall, while this Act continues in force, commence, or continue with, any suit, appeal or proceedings in execution of orders, for ejectment of any *Bharatia* and all pending suits, appeals or proceedings in execution of orders, for ejectment of a *Bharatia* shall remain stayed.

West Ben. Act. II of 1949.

Saving of limitation.

5. In computing the period of limitation prescribed by any law for the time being in force for an application for the ejectment of a *thika* tenant or for such a suit against a *Bharatia* or for an appeal from an order or decree made on such application or suit or for the execution of an order or decree for ejectment of a *thika* tenant or a *Bharatia*, as the case may be, the period during which this Act continues in force shall be excluded.