

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act LV of 1980

**THE MURSHIDABAD ESTATE (MANAGEMENT
OF PROPERTIES) AND MISCELLANEOUS
PROVISIONS ACT, 1980.**

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 11th March 1981.]

[11th March, 1981.]

An Act to provide for the management of properties of the Murshidabad Estate and for matters connected therewith or incidental thereto.

West Ben.
Act II of
1963.

WHEREAS the fulfilment of the purpose of the trust created by the Murshidabad Estate (Trust) Act, 1963 has become impossible as the expenditure on account of management and administration, under that Act, of the properties of the Murshidabad Estate (including the expenditure on account of recurring liabilities) exceeds the income from such properties and as such the said trust stands extinguished;

AND WHEREAS it is considered necessary and expedient to provide for the management of the properties of the Murshidabad Estate and for matters connected therewith or incidental thereto;

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

1. (1) This Act may be called the Murshidabad Estate (Management of Properties) and Miscellaneous Provisions Act, 1980.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the State Government may by notification appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) “appointed day” means the day appointed under sub-section (2) of section 1;
- (b) “daughter” means a legitimate daughter;
- (c) “Estate Manager” means the Estate Manager appointed as such by the State Government under section 5;
- (d) “late Nawab Bahadur” means the late Nawab Bahadur Wasif Ali Mirza;

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(Sections 3, 4.)

- (e) "notification" means a notification published in the *Official Gazette*;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "properties of the Murshidabad Estate" means the properties, movable and immovable, referred to in the Schedule annexed to the Murshidabad Estate (Trust) Act, 1963 as vested in the Official Trustee for West Bengal, and as held in trust by him or his successor immediately before the appointed day, under that Act, and includes the funds of the Murshidabad Estate and the income from the properties of the said Estate which may be in his possession, custody or control immediately before the appointed day;
- (h) "son" means a legitimate son.

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1963.

Transfer
of the
properties
of the
Murshidabad
Estate to
the State
Government.

3. (1) On and from the appointed day, the properties of the Murshidabad Estate (hereinafter referred to as the Estate properties) shall, by virtue of this Act, stand transferred to, and vest in, the State Government.

(2) Upon the transfer of the Estate properties to, and vesting thereof in, the State Government under sub-section (1), the State Government may take, or cause to be taken, such steps as it considers necessary for securing the possession thereof.

General
effect of
transfer.

4. (1) For the purpose of managing and administering the Estate properties (including any income therefrom), the State Government may take such measures as it considers necessary or expedient and do all acts and incur all expenditure necessary or incidental thereto.

(2) Any payment made to the State Government in the discharge of any obligation in relation to any of the Estate properties shall be a full and valid discharge to the person making the payment from all liabilities in respect thereof.

(3) Any payment made otherwise than in accordance with sub-section (2) shall not be deemed to discharge the person paying it from his obligation to make the payment and shall not affect the right of the State Government to enforce such obligation against that person.

(4) Any suit or proceeding pending before the appointed day in relation to any of the Estate properties may be contained by or against the State Government, as the case may be, and not otherwise.

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(Sections 5-8.)

(5) All valid contracts subsisting immediately before the appointed day in relation to any of the Estate properties shall be of as full force and effect against or in favour of the State Government and shall be enforceable as fully and effectively against or by the State Government as if the State Government had always been named therein and had been a party thereto.

(6) Any suit or other legal proceeding for the enforcement of any right or remedy in respect of any of the Estate properties may be instituted in any court by or against the State Government, as the case may be, and not otherwise.

5. (1) As soon as may be after the appointed day, the State Government shall by notification appoint such person as it thinks fit to be Estate Manager on such terms and conditions as the State Government may determine.

Appoint-
ment of
Estate
Manager.

(2) The Estate Manager shall exercise the powers conferred, and perform the duties imposed, on him by or under this Act.

6. The Estate properties which stand transferred to and vest in the State Government under sub-section (1) of section 3 shall, subject to the provisions of this Act and the rules made thereunder, be managed and administered on behalf of the State Government by the Estate Manager.

Management
and
administra-
tion of
Estate
properties.

7. With effect from such date as the State Government may specify in this behalf, the services of all persons employed under the proviso to clause (8) of section 4 of the Murshidabad Estate (Trust) Act, 1963 shall stand determined:

Provision for
employees.

Provided that the Estate Manager may, with the previous approval of the State Government, re-employ any such person in connection with the management and administration of the Estate properties on such terms and conditions as the State Government may determine.

8. (1) If the Estate Manager is of opinion that any persons are in unauthorised occupation of any premises included in the Estate properties (hereinafter referred to as the premises) and that they should be evicted, the Estate Manager shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

Issue of
notice to
show cause
against order
of eviction of
unauthorised
occupants of
any premises
included in
Estate
properties.

(2) The notice shall—

(a) specify the grounds on which the order of eviction is proposed to be made; and

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(Sections 9, 10.)

- (b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof.

(3) The Estate Manager shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

(4) Where the Estate Manager knows or has reasons to believe that any persons are in occupation of the premises, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

Eviction of
unauthorised
occupants.

9. (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 8 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Estate Manager is satisfied that the premises are in unauthorised occupation, the Estate Manager may, on a date to be fixed for the purpose, make an order of eviction, for reasons to be recorded therein, directing that the premises shall be vacated by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the premises.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (1), the Estate Manager or any other officer duly authorised by the Estate Manager in this behalf may evict that person from, and take possession of, the premises and may, for that purpose, use such force as may be necessary.

Alternative
accommoda-
tion for the
surviving
sons and
daughter of
the late
Nawab
Bahadur.

10. Notwithstanding anything contained in this Act, alternative accommodation for *bona fide* residential purposes shall be provided to such surviving sons and daughter of the late Nawab Bahadur as are beneficiaries under the Murshidabad Estate (Trust) Act, 1963 and are to be evicted under section 9:

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Act II of
1963.

Provided that such surviving son or daughter does not own any *pacca* house in West Bengal at the date of commencement of this Act.

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(Sections 11-14.)

11. The Estate Manager may, with the previous approval of the State Government, dispose of by sale or public auction any immovable property forming part of the Estate properties for the purpose of repayment of debts and discharge of liabilities, if any, being the first charge on the Estate properties under any enactment in force for the time being, and invest the balance of the proceeds thereof, if any, after such repayment and discharge, in such manner as the State Government may direct.

Power of the Estate Manager to dispose of immovable property.

12. From the income from the Estate properties, the Estate Manager shall meet the expenses of the management and administration of the Estate properties and the performance of the prescribed religious ceremonies and discharge the current liabilities and, from the balance, if any, remaining out of the income as aforesaid, he shall pay to such surviving sons and daughter of the late Nawab Bahadur as are beneficiaries under the Murshidabad Estate (Trust) Act, 1963 monthly allowances at such rate and in such manner as may be prescribed:

Application of income from Estate properties.

Provided that no such allowances shall be paid where the annual income of such surviving son or daughter exceeds ten thousand rupees.

13. (1) Notwithstanding anything contained elsewhere in this Act, the Director of Archaeology, Government of West Bengal, shall be responsible for the management of, and for the preservation of art objects, books, manuscripts, records, oil paintings and any other like objects kept in, the Hazar Duari Palace and Imambarah (which have been declared by the Central Government under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 to be of national importance) till the said Hazar Duari Palace and Imambarah are taken over by the Central Government under that Act.

Management of Hazar Duari Palace and Imambarah.

(2) The expenses for the preservation of art objects, books, manuscripts, records, oil paintings and any other like objects kept in the Hazar Duari Palace and Imambarah shall be borne by the State Government till the Hazar Duari Palace and Imambarah are taken over by the Central Government.

14. No suit, prosecution or other legal proceeding shall be against the State Government or the Director of Archaeology, Government of West Bengal or the Estate Manager or any other officer for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

West Ben.
Act II of
1963.

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(Sections 15, 16.)

Power to
make rules.

15. (1) The State Government may by notification make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be, or are required to be, prescribed.

Repeal.

16. (1) The Murshidabad Estate (Trust) Act, 1963 is hereby repealed.

West Ben.
Act II of
1963.

(2) For the removal of doubts, it is hereby declared that such repeal shall not revive or effect or imply in any way the revival of—

(1) the Moorshedabad Act, 1891, or

15 of 1891.

(2) the Murshidabad Estate Administration Act, 1933, or

23 of 1933.

(3) the Murshidabad Act, 1946, or

Ben. Act XV
of 1946.

(4) the Murshidabad Estate Administration (Amendment) Act, 1959,

West Ben.
Act XX of
1959.

repealed under the Murshidabad Estate (Trust) Act, 1963.