

The Rajasthan Municipalities (Validation of Constitution of Vidya Vihar Municipality and Amendment) Act, 1984

Act No. 15 of 1984

RJ684

[Received the assent of the Governor on the 9th day of November, 1984]

An Act further to amend the Rajasthan Municipalities Act, 1959 and also to validate the constitution and delimitation of the Vidya Vihar Municipality, Pilani and establishment and Composition of Vidya Vihar Municipal Board and its actions.

Be it enacted by the Rajasthan State Legislature in the Thirty Fifth Year of the Republic of India as follows:-

1. Short title and commencement. - (1) This Act may be called the Rajasthan Municipalities (Validation of Constitution of Vidya Vihar Municipality and Amendment) Act, 1984.

(2) It shall be deemed to have come into force on the 25th day of August, 1984.

2. Amendment of section 10, Rajasthan Act 38 of 1959. - In subsection (1) of section 10 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), hereinafter referred to as the principal Act, between the words "not being a city which is" and the words "a hill station or", the words "an educational centre or" shall and shall be deemed always to have been inserted and the word "similar" occurring between the words "or for other" and "exceptional reasons" shall be and shall be deemed always to have been deleted.

3. Validation of constitution and delimitation of Vidya Vihar Municipality, Pilani and of establishment and composition of Vidya Vihar Municipal Board, Pilani and its actions. - (1) Notwithstanding-

(i) anything contained in any provision of the Rajasthan Town Municipalities Act, 1951 (Act No. 23 of 1951), hereinafter referred to as the said Act, or

(ii) the constitution, delimitation, establishment and composition, nomination of members and Chairman, rules or bye-laws made, proceedings started, appointments made, sanctions given, actions taken, taxes levied and recovered, fines and penalties imposed or realised by or for and on behalf of such board, its members or the Chairman, or

(iii) anything contained in any judgment, decree or order of any Court or Tribunal,

it is hereby declared that the constitution and delimitation of Vidya Vihar Municipality, Pilani as promulgated under section 7 and notified under section 5 of the said Act and the establishment and composition, nomination of members and Chairman from time to time under the principal Act for its being an exception by way of being an educational centre shall be and shall be deemed always to have been valid and the said municipality and the said board shall exist and shall be deemed to be always validly existed as if the principal Act, as amended by this Act. had been in force at all material times.

(2) Accordingly-

(a) all functions performed, powers exercised or duties discharged by the said Board, member or Chairman thereof shall be and shall be deemed always to have been validly performed, exercised or discharged; and

(b) all taxes levied and recovered, fines and penalties imposed and realised, rules or bye-laws made, proceedings started, appointments made, sanctions given, action taken and liabilities incurred by or in respect of or for or on behalf of the said Board, members or Chairman, as the case may be shall be and shall be deemed always to have been validly levied, recovered, imposed, realised, made, stated, given or taken.

4. Court not to question validity of certain acts and proceedings on the ground of defect in the constitution of Vidya Vihar Municipality, Pilani and composition of its Board. - No court shall question any action taken, things, done, appointments and transfers made, powers exercised or purported to be exercised and taxes levied and recovered by Vidya Vihar Municipality, Pilani and its members or any Chairman or officer or any competent authority in exercise of its statutory powers on the ground that the constitution of Vidya Vihar Municipality, Pilani or composition of its Board or nomination of members or Chairman thereof, was in any way defective and accordingly-

- (a) no suit or other proceeding shall be maintained and continued in any court for refund of any tax levied and collected by Vidya Vihar Municipality, Pilani in exercise of the statutory powers under the principal Act or any other law for the time being in force,
- (b) any tax levied but not collected before the commencement of this Act may be recovered by the said municipality in accordance with laws if the said municipality and its Board was duly constituted and composed; and
- (c) all suits, appeals and other proceedings pending on the date of commencement of this Act, in any court for any relief on the ground that the constitution of Vidya Vihar Municipality, Pilani and its Board was in any way defective, shall, upon the coming into force of this Act be dismissed.

5. Repeal. - The Rajasthan Municipalities (Validation of Constitution of Vidya Vihar Municipality and Amendment) Ordinance, 1984 (Ordinance No. 10 of 1984) is hereby repealed.

6. Savings. - (1) Notwithstanding the repeal of the Rajasthan Municipalities (Validation of Constitution of Vidya Vihar Municipality and Amendment) Ordinance, 1984 (Ordinance No. 10 of 1984) all things done or actions taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

- (2) For the removal of doubts, it is hereby declared that nothing contained in this Act, shall-
 - (a) render any person liable for an offence constituted by any act or omission which, but for the provisions of this Act, would be an offence under the principal Act or any law for the time being in force; and
 - (b) entitle any person to claim refund of any tax, fee, duty, penalty or any charges lawfully levied and collected by Vidya Vihar Municipality, Pilani.