

[Translation in English of “2007-ലെ കേരള ഒഴിപ്പിക്കൽ നടപടികൾ താൽക്കാലിക നിർത്തിവയ്ക്കൽ ആക്ട്” published under the authority of the Governor.]

ACT No.14 OF 2007

THE KERALA TEMPORARY STAY OF EVICTION PROCEEDINGS ACT, 2007 *

AN

ACT

to provide for the stay of eviction of certain persons in occupation of the land vested in the Government, as surplus land under the Kerala Land Reforms Act, 1963 (1 of 1964), situated in Raroth Village of Kozhikode Taluk of Kozhikode District, more particularly described in the Schedule for a temporary period, till final decisions on the pending applications for assignment of land under section 96 of the Kerala Land Reforms Act, 1963 , are taken.

Preamble.—WHEREAS, it is expedient to provide for the stay of eviction of certain persons in occupation of the land vested in the Government as surplus land under the Kerala Land Reforms Act, 1963 (1 of 1964) situated in Raroth Village of Kozhikode Taluk of Kozhikode District, more particularly described in the Schedule attached hereto, (hereinafter referred to as the said land) for a temporary period, till final decisions on the pending applications for assignment of land under section 96 of the Kerala Land Reforms Act, 1963 are taken;

AND WHEREAS, the said land was reserved for public purpose under sub-section (1A) of section 96 of the said Act;

* Received the assent of the Governor on the 27th day of July, 2007 and published in the Kerala Extraordinary Gazette No. 1557 dated 23rd August, 2007.

AND WHEREAS, an extent of 98.50 acres, out of the said land, was proposed to be transferred by the Government as per G.O.(Ms.) 408/95/RD dated the 19th August, 1995 to the Central Reserve Police Force for the purpose of setting up a Training Complex;

AND WHEREAS, the above proposal was subsequently cancelled by the Government as per G.O.(Ms.) 224/97/RD dated the 31st March, 1997, considering the fact that a good number of persons in occupation of the said land are landless poor labourers, eligible for assignment of excess land under section 96 of the Kerala Land Reforms Act, 1963 and also considering the grave law and order problem that may arise if mass eviction is carried out;

AND WHEREAS, the High Court of Kerala in its judgement in O.P. No.1703/96 has directed that if the Government does not want the land for the public purpose it shall be assigned to the landless persons in terms of the Kerala Land Reforms Act, 1963 or the Kerala Land Assignment Act, 1960, without giving any weightage to the encroachers, for their occupation during the period of their encroachment;

AND WHEREAS, the applications filed by persons, including those now in occupation of the said land, for assignment pursuant to the notification issued by the District Collector, Kozhikode, are under active consideration of the Government;

AND WHEREAS, the High Court of Kerala in its judgement in O. P. No.13326 of 1996 has directed the Government to evict the persons who are in occupation of the said land and to allot the land for the public purpose intended;

AND WHEREAS , the High Court of Kerala in C.C.C. 1189/2000 in O. P. No.13326/1996 has allowed time till the 31st July, 2006 to comply with the direction given by the Hon'ble High Court;

AND WHEREAS, some more time is required by the Government to examine the matter and to consider and take decisions on the applications filed by persons, including the present occupants;

AND WHEREAS, difficulties will arise if proceedings for eviction of the occupants are taken without examining on the applications;

AND WHEREAS, the Government consider it necessary in the public interest to stay the proceedings for eviction of the present occupants for a temporary period;

BE it enacted in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Temporary Stay of Eviction Proceedings Act, 2007.

(2) It shall be deemed to have come into force on the 26th day of July, 2006.

2. *Stay of eviction proceedings.*—(1) Notwithstanding anything contained in any other law for the time being in force, or in any judgement, decree or order of any court or any other authority, all proceedings pending before any court or other authority for the eviction of persons in occupation of the said land more particularly described in the Schedule, shall stand ¹[stayed for a period of four years].

(2) The Government, after examining the matter shall, direct the District Collector, Kozhikode to consider the applications for assignment filed by persons, including those in occupation of such land, and take final decision thereon on merit, in accordance with law before the expiry of the period mentioned in sub-section (1).

1. Substituted by Act 27 of 2009 (w.e.f. 26.07.2008)

(3) Nothing contained in sub-section (1) shall be construed as preventing the District Collector, Kozhikode from evicting any person within the period mentioned in sub-section (1), who is found to be ineligible for assignment of land under the Kerala Land Reforms Act, 1963.

¹[*Special Provision.*—Notwithstanding the expiry of the period of the stay of eviction proceedings under section 2 of the principal Act, anything done or any action taken, after the expiry of such period and before the 8th day of April, 2009, the date of publication of the Kerala Temporary Stay of Eviction Proceedings (Amendment) Ordinance, 2009 (11 of 2009) by any Court or the Land Tribunal or the Taluk Land Board or the State Land Board or any other Authority, for evicting the holders of the said land shall be invalid.]

3. *Repeal and Saving.*—(1) The Kerala Temporary Stay of Eviction Proceedings Ordinance, 2007 (40 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

SCHEDULE

<i>District</i>	<i>Taluk</i>	<i>Village</i>	<i>Sy. No.</i>	<i>Extent</i>	
				<i>Acre</i>	<i>Cent</i>
Kozhikode	Kozhikode	Raroth	R.S. No.2	94	48.5
				6	50
				2	00
.....	R.S. No.86/2	4	25
			R.S. No.86/1	13	78
.....		5	00

1. Added by Act 27 of 2009 (w.e.f. 26.07.2008)