

**KERALA STAY OF EVICTION PROCEEDINGS ACT, 1998**

(Act No. 5 of 1998)

CONTENTS

Preamble.

Sections:

1. Short title, extent, commencement and duration.
  - 2 .Interpretation.
  3. Stay of Eviction Proceedings.
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**ACT No. 5 OF 1998**

**THE KERALA STAY OF EVICTION PROCEEDINGS ACT, 1998\***

*AN*

*ACT*

*to provide for the stay of eviction of certain cultivating tenants and small holders from lands purchased by them and which are subsequently found as excess land to be surrendered under the provisions of the Kerala Land Reforms Act, 1963.*

*Preamble.*—WHEREAS numerous proceedings are pending before the Land Tribunals, the Taluk Land Boards, the State Land Board, the Courts or the Revenue Authorities or other authorities wherein small holders and cultivating tenants who purchased or otherwise acquired land for consideration, evidenced by registered documents or otherwise are under threat of eviction or dispossession;

AND WHEREAS there are persistent demands from the general public and organisations to protect such small holders and cultivating tenants, who are purchasers of such land, from eviction or dispossession of such land;

AND WHEREAS the Government consider it necessary in the public interest, to provide for temporary protection of such small holders and cultivating tenants, who are purchasers of such land, from eviction or dispossession, pending enactment of a legislation protecting their rights and interests on such land;

BE it enacted in the Forty-ninth year of the Republic of India as follows:—

1. *Short title, extent commencement and duration.*—(1) This Act may be called the Kerala Stay of Eviction proceeding Act, 1998.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once and shall cease to have effect on the expiry of one year from the date of such commencement.

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\* Received the assent of the Governor on the 30<sup>th</sup> day of March, 1998 and published in the Kerala Gazette Extraordinary No. 809 dated 29<sup>th</sup> May, 1998.

2. *Interpretation.*—Unless the context otherwise requires, words and expressions used in this Act shall have the meanings, respectively, assigned to them in the Kerala Land Reforms Act, 1963 (1 of 1964).

3. *Stay of eviction proceedings.*—Notwithstanding anything to the contrary contained in the Kerala Land Reforms Act, 1963 (1 of 1964), or in any other law for the time being in force or in any judgement, decree or order of any court or proceedings of the Land Tribunal, the Taluk Land Board, the State Land Board or any other authority during the period of operation of this Act,—

- (a) no cultivating tenant or small holder who holds or possesses any land, as purchaser for consideration, evidenced by registered document or otherwise, and which is subsequently found as excess land to be surrendered under the provisions of the Kerala Land Reforms Act, 1963 (1 of 1964), shall be evicted from, or dispossessed of, such land; and
  - (b) all proceedings for such eviction or dispossession pending before any Court, Tribunal, Board or other authority referred to above, shall stand stayed.
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