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ASSAM ACT XVIII OF 1974

(Received the assent of the Governor on the 27th May, 1974)

THE ASSAM (TEMPORARILY SETTLED AREAS) TENANCY
(AMENDMENT) ACT, 1974

[Published in the Assam Gazette, Extraordinary, dated the 11th
June 1974]

An

Act

to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971

Preamble. WHEREAS it is expedient to amend the Assam Assam Act
(Temporarily Settled Areas) Tenancy Act, 1971, XXIII of
hereinafter called the principal Act in the manner 1974
hereinafter appearing;

It is hereby enacted in the Twenty-fifth Year
of the Republic of the India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Assam
(Temporarily Settled Areas) Tenancy (Amendment)
Act, 1974.

(2) It shall have the like extent as the principal
Act.

(3) It shall come into force at once.

Restoration of possession to tenant or under-tenant ejected or whose cultivation is prevented. 2. After Section 54 of the principal Act the
following shall be inserted as new Section 54 A,
namely:—

“54 A. (1) Without prejudice to any provision
in any other law for the time being in force rela-
ting to restoration of possession, whenever a tenant
or under-tenant referred to in Section 20 of this
Act is ejected or caused to be ejected from his
holding except in execution of a decree for eject-
ment passed by a competent Civil Court or when-
ever the cultivation of land by a tenant or under-
tenant is terminated or caused to be terminated by
the landlord or by anybody else, then the tenant
or under-tenant concerned may apply to the Revenue
Officer having jurisdiction in the area within 90
days of such ejectment or termination, as the case
may be, or in case where such ejectment or ter-
mination has taken place after the coming into
force of the Assam (Temporarily Settled Areas)

Rs. 0'10 Paise only

Tenancy Act, 1971, but before the coming into force of the Assam (Temporarily Settled Areas) Tenancy (Amendment) Act, 1974, within 90 days from the date of coming into force of the Assam (Temporarily Settled Areas) Tenancy (Amendment) Act, 1974, for restoration of possession and the Revenue Officer may, after such enquiry as he may find it necessary and after issuing notice to the landlord or the person preventing the cultivation of land by the tenant or under-tenant, order or direct that the tenant or under-tenant be restored to the possession of the land.

(2) On the order passed under the preceding sub-section becoming final under sub-section (2) of Section 67, the landlord or any other person against whom the order is passed shall immediately restore possession to the tenant or under-tenant, as the case may be. If the landlord or the person, against whom the order is directed, does not restore the possession within 7 days from the date of the order becoming final then the Revenue Officer, on application by the tenant or under-tenant concerned, shall himself take possession of the holding and deliver it to such tenant or under-tenant, as the case may be."

3. After clause (d) of Section 66 of the principal Act, the following shall be inserted as a new clause, viz :—

"(e) Claims to restoration of possession under Section 54 A."

4. Existing Section 67 of the principal Act shall be renumbered as sub-section (1) of Section 67 and thereafter the following shall be inserted as a new sub-section viz :—

"(2) The appellate order of the Assam Board of Revenue, the order of the Deputy Commissioner or the Settlement Officer when no appeal is preferred, the appellate order of the Deputy Commissioner or the Settlement Officer, the order of the Revenue Officer including order passed by him in exercise of delegated power of the Deputy Commissioner or Settlement Officer when no appeal is filed shall be final."