

**THE CONSERVATOR OF PORTS, LANDS AND
BUILDINGS (RECOVERY OF POSSESSION) ACT, 1967**

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**THE CONSERVATOR OF PORTS, LANDS AND
BUILDINGS (RECOVERY OF POSSESSION) ACT, 1967**

ACT NO. III OF 1968

[4th March, 1968]

An Act to provide for the speedy recovery of possession of lands and buildings belonging to the Conservator of Ports by evicting the outgoing lessees, licensees, and unauthorised occupants therefrom.*

WHEREAS it is expedient to provide for speedy recovery of possession of lands or buildings belonging to the Conservator of Ports to which the provisions of the Ports Act, 1908 (Act XV of 1908) have been extended or may hereinafter be extended and for matters ancillary thereto;

It is hereby enacted as follows:-

1. (1) This Act may be called the Conservator of Ports, Lands and Buildings (Recovery of Possession) Act, 1967.

Short title,
application and
commencement

(2) It applies to all Ports to which the Provision of the Ports Act, 1908 (Act XV of 1908) have been extended or may hereinafter be extended by notification in the *official Gazette*.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,-

Definitions

(a) "Allotment" means permission or license to occupy temporarily any premises or part thereof on an agreed rental or fee, without conferring any right or interest in respect thereof on the person to whom such permission or license has been granted;

(b) "Conservator" means some officer or body of persons appointed as such under section 7 of the Ports Act, 1908 (Act XV of 1908);

* Throughout this Act, the word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (c) "Lands or Buildings" means lands or building or part thereof which vests in, or is in possession or under the management or control of a conservator, and used or held for the purposes connected with the administration and working of a Port but does not include any land or building in respect of which any person has a right of property as mentioned in the Ports Act, 1908;

Explanation.- Building includes the lands appurtenant thereto;

- (d) "Lease" has the same meaning as assigned to it under section 105 of the Transfer of Property Act, 1882 (Act IV of 1882) and includes an allotment, and "lessee", which includes his heirs, assigns, legal representative and all persons inducted by him into the demised land or building, shall be construed accordingly;
- (e) "License" shall have the same meaning as assigned to it under section 52 of the Easements Act, 1882 (Act V of 1882);
- (f) "Port" means a Port to which the provisions of the Ports Act, 1908 (Act XV of 1908) have for the time being been extended or may be extended hereafter;
- (g) "Prescribed" means prescribed by rules made under this Act by the Government;
- (h) "Unauthorised occupant" means a person who is in occupation of any land or building without permission of or license from the Conservator, and includes-
- (i) a person inducted into any land or building by original lessee or licensee of the land and buildings; and
- (ii) a person who remains in occupation of land or building after determination of the lease or license in respect of such land and buildings.

Eviction of outgoing lessee, licensee and unauthorised occupants from the lands or buildings

3. (1) If, on the expiry, whether before or after commencement of this Act, of the period of any lease or license in respect of any land or building of which the Conservator is the lessor or licensor or on the determination of such lease or license on the ground of breach of covenant or in pursuance of the condition in the lease imposing any obligation on the lessee

or the licensee to give up possession of the demised land or building in the event of such land or building being required for the purposes of the Conservator, the lessee or licensee refused or failed, or refuses or fails, to vacate and deliver vacant possession of such land or building to the Conservator, then, notwithstanding anything contained in any other law, for the time being in force, or any contract, the Conservator may, after giving him an opportunity of being heard, by notice, in writing, require such lessee or licensee to vacate and deliver vacant possession of such land or building to him and to remove structures, if any, erected or built thereon by him within such time as may be specified in the notice.

(2) If the Conservator is satisfied, after making such inquiry as he may think fit, that a person is an unauthorised occupant of any land or building, he may, after giving him an opportunity of being heard, by notice, in writing, require such person to vacate such land or building, and deliver vacant possession thereof to him and to remove structures, if any, erected or built thereon by him, within such time as may be specified in the notice.

(3) If any person, to whom a notice to vacate or to deliver vacant possession or to remove structures is served under sub-section (1) or sub-section (2) fails to comply with the notice, the Conservator shall take possession of such land or building and demolish such structures after the expiry of 30 days of the date of the service of the notice.

(4) No person shall be evicted under sub-section (2) in between the sunset and the sunrise.

4. (1) Any person aggrieved by an order under sub-section (1) or by a direction under sub-section (2) of section 3 may, within thirty days from the services of such order or direction, prefer an appeal to the Commissioner concerned who may, pending the disposal of the appeal, make such interlocutory order as he may think fit. Appeal

(2) The decision of the Commissioner in an appeal under sub-section (1) shall be final.

5. A notice or order under section 3 shall be served in the manner as prescribed in the Civil Procedure Code (Act V of 1908).

6. (1) The cost of demolition of structures under section 3, hereinafter in this section referred as the cost, shall be payable to the Conservator by the lessee, licensee or the unauthorised occupant evicted, as the case may be.

(2) If the cost is not paid on demand, the Chairman, Inland Water Transport Authority may, on application by the Conservator and after giving the lessee, licensee or unauthorised occupant, as the case may be, an opportunity of being heard, cause the materials of structures demolished to be sold in auction in such manner as may be prescribed.

(3) If the sale proceeds exceed the cost, the excess amount shall be paid to the lessee or the unauthorised occupant.

Recovery of
arrears of rent
or fee

7. If any rent or fee payable in respect of any land or building has been in arrear on the date of the recovery of possession of such land or building, the amount due on account of such arrears, with interest, if any, accrued thereupon shall be recoverable as public demand under the Public Demands Recovery Act, 1913 (Act III of 1913).

Jurisdiction of
Courts barred

8. No Court shall question anything done or purported to have been done by the Conservator under this Act.

Indemnity

9. No suit or other legal proceeding shall lie against the Conservator or any other person in respect of anything which is, in good faith, done or intended to be done under this Act.

Delegation of
powers

10. The Conservator, may with, previous approval of the Government, delegate any or all of his powers and functions under this Act to such person as he may think fit and proper.

Power to make
rules

11. The Government may make rules for carrying out the purposes of this Act.
