

**THE SAIRAT MAHALS (MANAGEMENT)
ORDINANCE, 1959**

ORDINANCE NO. VI OF 1959

[12th January, 1959]

*WHEREAS shares in some *hats*, *bazars*, fisheries and ferries, have vested in the Government as a result of acquisition of interests under provisions of the ¹[* * *] State Acquisition and Tenancy Act, 1950, or otherwise;

AND WHEREAS joint ownership of such *hats*, *bazars*, fisheries and ferries by the Government along with others has often led and is likely to lead to unnecessary litigation, double realisation of tolls, breach of the peace and harassment to the public in other ways;

AND WHEREAS with a view to removing such difficulties, it is necessary to make provisions for the management and control by the Government of the shares of such *hats*, *bazars*, fisheries and ferries held by others:

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958 and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

Short title,
extent and
commencement

1. (1) This Ordinance may be called the *Sairat Mahals* (Management) Ordinance, 1959.

(2) It extends to the whole of ²[Bangladesh].

(3) It shall come into force at once.

* Throughout this Ordinance, 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).

¹ The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was substituted for the words "East Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

2. (1) Where any share of any *hat*, *bazar*, fishery or ferry has vested in the Government as a result of acquisition under the ¹[* * *] State Acquisition and Tenancy Act, 1950, or otherwise, the Government may, by notification in the *official Gazette*, assume the right of possession, management and control of the remaining share or shares of such *hat*, *bazar*, fishery or ferry.

Assumption of possessions management and control by the Government

(2) Immediately upon the publication of a notification under sub-section (1), the right of possession, management and control of such share or shares in the *hat*, *bazar*, fishery or ferry shall pass on to the Government.

(3) Where the right of possession, management and control of any share in any *hat*, *bazar*, fishery or ferry has passed on to the Government under sub-section (2), the owner of such share shall, from the date of such passing on till the date of vesting of such share in the Government as a result of acquisition under the provisions of the ²[* * *] State Acquisition and Tenancy Act, 1950, or otherwise, receive from the Government in respect of such share as compensation for use and occupation for each year or part of a year an amount which will bear such proportion to the net income realised by the Government for the entire property for that year or part of a year as such share bears to the whole property.

(4) In calculating the net income referred to in sub-section (3) for any such property for any year or part of a year, there shall be deducted from the gross proceeds received by the Government from such property on account of such year or part of a year,-

- (a) any rent payable on account of such year or part of a year for such property to any superior landlord whose interests have not been acquired;
- (b) all expenses incurred for *khas* management of the property where the Government manages the property in *khas*;

¹ The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

- (c) in case the property is let out by the Government, the cost of advertisement and holding the sale, any refund or abatement that may have to be made to the lessee under the terms of the lease and other expenses, if any, incurred by the Government in connection with the management of such property.

Bar to the jurisdiction of Courts

3. No Court shall entertain any suit or proceeding to restrain the Government from assuming the right of possession, management and control of any share in any *hat, bazar*, fishery or ferry in pursuance of any notification issued under subsection (1) of section 2.

Relinquishment of possession, management, etc

4. The Government may, at any time, by notification in the *official Gazette*, relinquish possession, management and control of a share or shares of which possession, management and control have been assumed under section 2 and upon publication of such notification, the right of possession, management and control shall pass back to the previous owners.

Power to make rules

5. The Government may, by notification in the *official Gazette*, make rules for the purpose of carrying into effect the provisions of this Ordinance.