

(C)

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XXIV of 1959

THE CALCUTTA *THIKA* TENANCY (AMENDMENT)  
Act, 1959.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,  
*Extraordinary*, of the 22nd December, 1959.]

[22nd December, 1959.]

An Act to amend the *Calcutta Thika Tenancy Act, 1949*.

West Ben.  
Act II of  
1949.

WHEREAS it is expedient to amend the *Calcutta Thika Tenancy Act, 1949*, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Tenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the *Calcutta Thika Tenancy (Amendment) Act, 1959*.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 17 of the *Calcutta Thika Tenancy Act, 1949* (hereinafter referred to as the said Act),—

Amend-  
ment of  
section 17  
of West  
Ben. Act  
II of 1949.

(i) in clause (b) of sub-section (1), the words “together with the cost of transmission by postal money order of such money to the landlord” shall be omitted; and

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1a) The application referred to in sub-section (1) shall be accompanied by a copy thereof along with the prescribed fee for sending such copy to the landlord by registered post with acknowledgment due.”.

\*Price—Indian, 12 nP.; English, 3d.

(Sections 3, 4.)

Substitu-  
tion of new  
section for  
section 20.

3. For section 20 of the said Act, the following section shall be substituted, namely:—

“ Disposal of rent  
deposited under  
section 17.

20. On any deposit being made under section 17, the Controller shall send in the prescribed manner the copy of the application to the landlord and the amount lying in deposit may, in such manner as may be prescribed, be withdrawn by the landlord on application made in that behalf and if such amount is not withdrawn before the expiration of three years from the date of deposit, it may, in the absence of any order of a Civil Court to the contrary, be repaid to the tenant on his application and on his returning the receipt given by the Controller under section 19:

Provided that before passing any order for repayment of the amount to the tenant the Controller shall give a notice to the landlord by registered post at the last known address of such landlord and shall also publish the notice in his office and shall not pass any order for repayment until after the expiry of thirty days from the date of issue of such notice by post. The cost of transmission by post of such notice shall be deducted from the amount in deposit in accordance with such procedure as may be prescribed.”

Insertion of  
new section  
32A.

4. After section 32 of the said Act, the following section shall be inserted, namely:—

“ *Thika* tenant may  
get supply of electri-  
city to the holding  
and structures there-  
on without the  
permission of the  
landlord.

32A. (1) A *thika* tenant desiring to get supply of electricity from a licensee, as defined in clause (h) of section 2 of the Indian Electricity Act, 1910, may, if the landlord refuses or withholds his consent to such supply, apply to the Controller, setting out the scheme for such supply.

IX of 1910.

(2) On receipt of such application the Controller may, after giving the landlord an opportunity of being heard, permit the *thika* tenant to get the supply in accordance with the scheme set out in the *thika* tenant's application or in accordance with any modified scheme.

(3) On such permission being given, the landlord shall be deemed, notwithstanding anything contained in any other law for the time being in force, to have given the requisite consent under subsection (2) of section 12 of the Indian Electricity Act, 1910, and the licensee shall not be liable to the landlord for trespass for steps taken for supply of electricity according to the said permission.”

XXIV of 1959.]

(Section 5.)

5. In sub-section (2) of section 34 of the said Act,— Amend-  
ment of  
section 3  
(1) for clause (h) the following clause shall be substituted, namely:—

“(h) the manner of sending the copy of the application to the landlord, and of withdrawal by the landlord of the amount in deposit, referred to in section 20 and the procedure for deducting from the amount in deposit the cost of transmission by post of the notice to the landlord, referred to in the proviso to section 20;”  
and

(2) after clause (n) the following clause shall be added, namely:—

“(o) any other matter which is required to be or may be prescribed.”.