

CHAPTER 603

URBAN DEVELOPMENT PROJECTS (SPECIAL PROVISIONS)

Act  
No. 2 of 1980.

AN ACT TO PROVIDE FOR THE DECLARATION OF LANDS URGENTLY REQUIRED FOR CARRYING OUT URBAN DEVELOPMENT PROJECTS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[14th January, 1980.]

Short title.

1. This Act may be cited as the Urban Development Projects (Special Provisions) Act.

(ii) the carrying out of any work on any such land or in any land in any such area ;

Declaration of lands urgently required for urban development projects.

2. Where the President, upon a recommendation made by the Minister in charge of the subject of Urban Development, is of opinion that any particular land is, or lands in any area are, urgently required for the purpose of carrying out an urban development project which would meet the just requirements of the general welfare of the People, the President may, by Order published in the Gazette, declare that such land is, or lands in such area as may be specified are, required for such purpose.

(iii) the implementation of such project in any manner whatsoever.

Restriction on remedies available upon a declaration made under section 2.

3. No person aggrieved by an Order made or purported to have been made under section 2 of this Act, or affected by or who apprehends that he would be affected by any act or any step taken or proposed to be taken under or purporting to be under this Act or under or purporting to be under any other written law, in or in relation to any particular land or any land in any area, shall be entitled—

4. (1) The jurisdiction conferred on the Court of Appeal by Article 140 of the Constitution shall, in relation to any particular land or any land in any area in respect of which an Order under or purporting to be under section 2 of this Act has been made, be exercised by the Supreme Court and not by the Court of Appeal. <sup>Power of Supreme Court to issue writs.</sup>

(2) Every application invoking the jurisdiction referred to in subsection (1) shall be made within one month of the date of commission of the act in respect of which or in relation to which such application is made and the Supreme Court shall hear and finally dispose of such application within two months of the filing of such application.

(a) to any remedy, redress or relief in any court other than by way of compensation or damages ;

5. Where the President makes an Order under or purporting to be under section 2 of this Act, the provisions of this Act shall apply to any application, action, proceedings or matter in relation to any particular land or any land in any area, pending in any court at the time of publication of such Order and whether or not such application, action, proceedings or matter had been instituted before or after the coming into force of this Act and accordingly—

(6) to a permanent or interim injunction, an enjoining order, a stay order or any other order having the effect of staying, restraining, or impeding any person, body or authority in respect of—

(a) the court shall be entitled to revoke, alter or modify any order previously made or to permit the

(i) any acquisition of any such land or any land in such area ;

amendment of any pleadings or the taking of any steps by any party, or to make such orders as may be necessary, in order to comply with or to conform to the provisions of this Act ;

- (h) any party shall, notwithstanding the provisions of section 4 of this Act, be entitled to make any application referred to in that section before the expiry of a period of one month of the date of publication of such Order ; and
- (c) where any application invoking the jurisdiction vested in the Court of Appeal under Article 140 of the Constitution is pending in such Court at the time of publication of such Order, such application shall stand removed to the Supreme Court and the Supreme Court shall hear and finally dispose of such application within two months of the date of publication of such Order.

Powers of Supreme Court not to be affected by section 3.

6. Nothing contained in section 3 of this Act shall affect the powers which the Supreme Court may otherwise lawfully exercise in respect of any application made under Article 126 of the Constitution or in the exercise of the jurisdiction referred to in section 4 (I) of this Act.

Application of provisions of the State Lands (Recovery of Possession) Act.

7. ( 1) Where it becomes necessary for the Government or any person, body or authority, for the purpose of carrying out or assisting in the carrying out of any urban development project, to take possession of any particular land or any land in any area in respect of which an Order under or purporting to be under section 2 of this Act

has been published, it shall be lawful for the Government or any such person, body or authority, to take steps under the provisions of the State Lands (Recovery of Possession) Act, and accordingly-

- (u) the expression " State land " as defined in such Act shall include any land vested in or belonging to any such person, body or authority or which such person, body or authority is entitled to dispose of; and
- (6) the expression " competent authority " shall include such person or the principal executive officer of such body or authority.

(2) Every application under the State Lands (Recovery of Possession) Act, in respect of any particular land or any land in any area in respect of which an Order under or purporting to be under section 2 of this Act has been published, shall be finally disposed of within thirty days of the making of such application, and the court shall make all such orders as are necessary to ensure that all persons are ejected from that land within sixty days of the making of such application.

8. In this Act, unless the context otherwise requires, — Interpretation.

" land " includes land vested in or belonging to the State, the Land Reform Commission established under the Land Reform Law, the Commissioner for National Housing, any local authority or any other person, body or authority.