

# **The Abandoned Buildings (Supplementary Provisions) Ordinance, 1985**

( Ordinance NO. LIV OF 1985 )

**An Ordinance to make certain supplementary provisions relating to abandoned buildings.**

WHEREAS it is expedient to make certain supplementary provisions relating to abandoned buildings;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

<b>Short title</b>	1. This Ordinance may be called the Abandoned Buildings (Supplementary Provisions) Ordinance, 1985.
<b>Definitions</b>	<p>2. In this Ordinance, unless there is anything repugnant in the subject or context,-</p> <p>(a) “building” means any residential or other building or structure of any kind in an urban area and includes the land adjunct thereto, and the court-yard, tank, place of worship and private burial or cremation ground appertaining to such building;</p> <p>(b) “Court of Settlement” means a Court of Settlement constituted under this Ordinance;</p> <p>(c) “President's Order” means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O. No. 16 of 1972).</p>
<b>Ordinance to override other laws</b>	3. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**Possession  
of building  
by notice  
after certain  
date  
prohibited**

4. Notwithstanding anything contained in the President's Order,-

(a) no notice for surrendering or taking possession of any building as abandoned property shall be issued under the said Order after the <sup>1</sup>[31st day of October, 1988];

(b) no building shall be taken possession of as abandoned property under the said Order except-

(i) in pursuance of a notice in any form issued thereunder at any time before the <sup>2</sup>[31st day of October, 1988]; or

(ii) where no such notice is issued in respect of a building, in execution of a decree or order passed by a Court in a suit filed by the Government after the aforesaid date.

**Publication  
of lists of  
buildings**

5. (1) The Government shall, after the <sup>3</sup>[commencement of this Ordinance and before the <sup>4</sup>[31st day of December, 1988,] publish, from time to time, in the official Gazette],-

(a) <sup>5</sup>[lists of] buildings the possession of which have been taken as abandoned property under the President's Order;

(b) <sup>6</sup>[lists of buildings in respect of which notices] for surrendering or taking possession as abandoned property under the said Order have been issued:

Provided that no such list shall include any building in respect of which-

(a) any decree or order has been passed, at any time before the publication of the list in the official Gazette, by any Court declaring the building not to be an abandoned property or not to have vested in the Government under the President's Order or declaring the possession by the Government of the building as an abandoned property under that Order to be illegal or invalid or directing the Government or any officer or authority subordinate to it to return, restore or transfer the building to any person, or

(b) a suit, appeal, application or other legal proceeding is pending before any Court, immediately before the date of publication of the list in the

official Gazette, in which the vesting in, or possession of, the Government of the building as abandoned property under the President's Order has been called in question in any manner whatsoever or any prayer has been made for return, restoration or transfer of the building by the Government or by any officer or authority subordinate to it to any person.

(2) The lists published under sub-section (1) shall be conclusive evidence of the fact that the buildings included therein are abandoned property and have vested in the Government as such.

**No suit to lie in respect of certain buildings**

6. Save as otherwise provided in this Ordinance, no suit or other legal proceedings shall lie before any Court for-

<sup>7</sup>[(a) specific performance of contract in respect of any building the possession of which has been taken by the Government as abandoned property under the President's Order or in respect of which notice for taking possession by the Government as abandoned property under that Order has been issued, or]

(b) a declaration that a building is not an abandoned property and has not vested in the Government under the President's Order or the right or interest of any person in any building has not been affected by the provisions of that Order, or

(c) a direction to the Government or to any officer or authority subordinate to it to restore, return or transfer any building the possession of which has been taken by the Government as abandoned property under that Order to any person.

**Persons claiming interest in certain buildings to apply to the Court of Settlement**

7. (1) Any person claiming any right or interest in any building which is included in any list published under section 5 may, within a period of one hundred and eight days from the date of publication of the list in the official Gazette, make an application to the Court of Settlement for exclusion of the building from such list or return or restoration of the building to him or for any other relief on the ground that the building is not an abandoned property and has not vested in the Government under the President's