

The U.P. Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1951

UTTAR PRADESH

India

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Rule

THE-U-P-AGRICULTURAL-TENANTS-ACQUISITION-OF-PRIVILEGES-A of 1951

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The U.P. Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1951 U.P. Act No. XXIII of 1951

023.

Authoritative English text[2] [Published in Gazette, Extraordinary, dated October 15, 1958] of Uttar Pradesh Kashtkar (Visheshadhikar Uparjan) (Sanshodhan) aur Prakiran Nidesh Adhiniyam 1951. An Act to amend the Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1950 for certain purposes. Whereas it is expedient to amend the Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1950; It is hereby enacted as follows: For SRO and other particulars, see Gazette, Extraordinary, dated August 27, 1951, passed in Hindi by the Uttar Pradesh Legislative Assembly on September 17, 1951, and by the Uttar Pradesh Legislative Council on September 24, 1951. Received the assent of the Governor on October 6, 1951 and was published in Gazette, Extraordinary, dated October 15, 1951.

1. Short title, extent and commencement.--

(1) This Act may be called the Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1950. (2) It shall be deemed to have come into force

from the ninth day of August, 1951 (hereinafter called the date of commencement of the Act) except section 4 which shall be deemed to have come into force on the sixteenth day of March, 1950.

2. Definition.

- In this Act unless there is anything repugnant in the subject or context, "occupier" shall have the meaning assigned to it in the U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949.

3.

(Incorporated in section 12 of U.P. Act X of 1949).

4.

(Incorporated in section 10 of U.P. Act VII of 1950).

5. Proceedings against an occupier under section 12 (1) (c) of U.P. Act X of 1949 to be stayed.--

(1) Notwithstanding anything contained in the principal Act all proceedings pending on the date of commencement of this Act or which are or may thereafter commenced against an occupier on any ground mentioned in clause (c) of sub-section (1) of section 12 of the said Act shall be and are hereby stayed. (2) If in any proceedings under sub-section (1), the question is raised whether the person concerned is or is not an occupier, the Assistant Collector shall, unless the question has already been decided by a competent court, after such enquiry as he deems fit first decide this question.

6. Revival of the declaration.

-- (1) An occupier whose declaration under section 6 of the principal Act has been cancelled before the date of commencement of this Act under clause (c) of sub-section (1) of section 12 of the principal Act, may within four months of the said date apply to the Assistant Collector for revival of the declaration. (2) On receipt of application under sub-section (1) the Assistant Collector shall give notice of the same to the person at whose instance the declaration was cancelled. (3) If the Assistant Collector, is after hearing the applicant and the person at whose instance the declaration was cancelled is satisfied that the applicant is an occupier and the cancellation was not ordered for any of the reasons mentioned in clauses (a) and (b) of sub-section (1) of section 12 of the principal Act and that the amount deposited by him has not been refunded under sub-section (2) of section 12 of the said Act, he shall order that the declaration be revived with effect from the date from which it was originally granted or from some subsequent date if the Assistant Collector for reasons to be recorded in writing so considers necessary. (4) If the Assistant Collector finds that the applicant is otherwise entitled to the revival of the declaration but the amount deposited has been refunded under sub-section (2) of section 12, he shall inform the applicant that he may deposit the amount within the time to be specified by the Assistant Collector. (5) Where the amount is deposited within

the time allowed, the Assistant Collector shall order that the declaration be revived.

7. Restoration of possession.

(1)Where an occupier who has applied for revival of declaration under section 6 was dispossessed of his holding consequent upon the cancellation of the declaration, he may along with his application apply for his reinstatement in such holding.(2)If the Assistant Collector, after giving notice to the landlord and to the person, if any, in possession of the whole or part of the holding, and after making such enquiry as may be necessary, is satisfied that the applicant should be reinstated, he shall order accordingly.(3)The order directing the applicant to be reinstated shall be executable as a decree for ejectment passed in a suit under section 180 of the U.P. Tenancy Act, 1939.

8. Appeals.

-- An appeal against an order passed by the Assistant Collector under sub-section (2) of section 5 or under sub-section (3) of section 6 or under sub-section (2) of section 7 shall lie to the Commissioner within 60 days of the order appealed against and the order passed in appeal by the Commissioner shall be final.

9. Repeal of U.P. Ordinance 111 of 1951.

- The Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) (Amendment) Ordinance, 1951 is hereby repealed and the provisions of Sections 6 and 24 of the U.P. General Clauses Act, 1904, shall apply to it as if it had been an enactment repealed by an U.P. Act.