

The United Provinces Acquisition of Property (Flood Relief) Rules, 1949

UTTAR PRADESH

India

The United Provinces Acquisition of Property (Flood Relief) Rules, 1949

Rule

THE-UNITED-PROVINCES-ACQUISITION-OF-PROPERTY-FLOOD-RELIEF-RULES-1949

- Published on 18 May 1949
- Commenced on 18 May 1949
- [This is the version of this document from 18 May 1949.]
- [Note: The original publication document is not available and this content could not be verified.]

The United Provinces Acquisition of Property (Flood Relief) Rules, 1949Published vide NotificationVide Notification No. 2244/I-S, dated 18th May, 1949. Published in U.P. Gazette, Pt. 1-A. p. 272.. dated 18 May, 1949

05.

In exercise of the powers conferred by Section 15 of the U.P. Acquisition of Property (Flood Relief)(Temporary Powers) Act (Act No. 39 of 1948), the Governor in pleased to make the following rules:

Chapter I

Preliminary

1. Short title and commencement.

(1)These rules may be called The U.P. Acquisition of Property (Flood Relief) Rules, 1949.(2)They shall come into force at once.

2. Interpretation.

- In these rules unless there is anything repugnant to the subject or context "Act" means the U.P. Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948 (Act No XXXIX of 1948).

3. Selection of site.

- (i) Before any land is approved for requisition or acquisition under the provisions of the Act, the authority making the order shall, so far as possible avoid taking of land used for religious purposes or containing monuments. (ii) The authority mentioned in sub-rule (i) shall cause a site plan to be prepared along with a schedule showing the approximate area and its situation before requisition or acquisition is effected. (iii) A preliminary estimate of the cost of requisition or acquisition of land, showing the loss of land revenue, if any, as required under paragraph 413 of the Revenue Manual shall be prepared.

Chapter II

Requisition and Acquisition, Assessment and Payment of Compensation

4. Issue of notice.

- When it is decided to requisition any land or building material under Section 3 of the Act, the Requisitioning Authority shall issue a notice in Form 1 to the owner of the land or building material, as the case may be.

5. Acquisition of land or building material under Section 7 of the Act.

- When it is decided to acquire any land or building material under Section 7 of the Act, the Requisitioning Authority shall issue a notice in Form II to the owner of the land or the building of material as the case may be.

6. Assessment of compensation.

- When any land or building material is requisitioned or acquired under the provisions of the Act, the Requisitioning Authority or the Compensation Officer, as the case may be, shall determine the amount of compensation to be paid for the land/building material and shall while determining or offering it, also apportion, it where necessary, among all the persons known or believed to be interested in the property.

7. Notice or the amount of Compensation.

- The Requisitioning Authority or the Compensation Officer, as the case may be, shall give immediate notice for payment of the amount of compensation determined by him under rule 6 in Form III.

8. Payment on agreement.

- Where the offer of the amount of compensation under rule 7 is accepted the Requisitioning Authority or the Compensation Officer as the case may be, shall if necessary enter into an agreement with the person or persons interested and pay the amount agreed upon.

9. Dispute in title to receive compensation.

- In cases where the title to compensation is in dispute or cannot be readily ascertained, e.g. when the land or building material is the subject-matter of a civil suit or there is dispute as to the apportionment of compensation the Requisitioning Authority or the Compensation Officer, as the case may be, shall make public his assessment of compensation, deposit it under the head "Revenue Deposits" and declare that the amount is being deposited in the treasury pending the establishment of a satisfactory title thereto.

10. Procedure when payment not accepted or accepted under protest.

- In any case, where the offer made under rule 6 is not accepted or is accepted under protest the Requisitioning Authority or the Compensation Officer shall report to the State Government the facts of the case including the particulars specified in rules 12 and 13.

Chapter III

Reference to District Judge

11. Reference to District Judge.

- Any interested person who has not accepted the offer of compensation for land made under rule 7, may apply to the Compensation Officer for reference to the District Judge under sub-section (3) of Section 9 and thereupon the Compensation Officer shall forward the application to the District Judge with a full report within two weeks containing all the particulars mentioned in rules 12 and 13: Provided that every such application shall be made, -(a) if the person making it was present or represented before the Compensation Officer at the time when he made his offer of compensation, within two weeks from the date of such offer, and (b) in other cases, within two weeks of receipt of notice from the Compensation Officer under rule 7.

12. Compensation Officer's statement to the District Judge.

- In making the reference, the Compensation Officer shall send to the District Judge the record of the case and a statement in writing for his information clearly specifying -(a)the situation, description, and area of the land with particulars of any trees, building or standing crops thereon;(b)the name of persons whom he has reasons to believe to be interested in such land and the reasons for so believing;(c)the amount of compensation determined by him ; and(d)the amount of compensation claimed by the objector or objectors and the ground on which such amount shall be calculated.

13.

To the said statement shall be attached a schedule giving particulars of the notices served upon and of the statement(s) in writing, if any, made or delivered by the person(s) interested.

14. Notice to parties by District Judge.

- The District Judge shall thereupon cause to be served on the persons mentioned below a notice in Form IV specifying the day on which he shall proceed to determine the objections and directing such persons to appear before the Court on that day -(a)the applicant;(b)all persons interested in the objection except such (if any) of them as have consented without protest to receive payment of the compensation offered by the Compensation Officer;(c)the Compensation Officer, if the objection is in regard to the area of the land or to the amount of compensation.

15. Proceedings in open court.

- Every proceeding before the District Judge shall take place in open court and all persons entitled to appear, plead and act, as the case may be, in such proceedings.

16. Code of Civil Procedure and Indian Evidence Act to apply to proceedings before court.

- Save in so far as they may be inconsistent with anything contained in the Act and these rules, the provisions of the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872, shall apply to all proceedings before the District Judge under this Act.

17. Awards.

(1)After conducting such enquiry as the District Judge may consider necessary, he shall make an award in writing specifying -(a)the correct area of the land;(b)the amount of compensation separately under clauses first, second and third of sub-section (1) and sub-section (2) of Section 23 of the Land Acquisition Act; and(c)apportionment of the compensation, giving grounds for the award.(2)Every such award shall be deemed to be a decree and the statement of grounds of every

such award,' a judgment within the meaning of clause (2) and clause (9) respectively of Section 2 of the Code of Civil Procedure, 1908 (Act V of 1908) and the provisions of the Land Acquisition Act shall, mutatis mutandis, apply to any such award as if it had been passed by a District Judge under Section 26 of the said Act. i

Chapter IV

Procedure Before Compensation Officer

18. Reference under Section 6, sub-section (2).

- In any reference made under sub-section (2) of Section 6, the Compensation Officer shall, on the date fixed or on a date to which the hearing may be adjourned, hear the parties who may likely to be heard and also their witnesses, as may appear to him to be necessary for deciding the reference.

19.

For purposes of rule 18 the Compensation Officer shall be deemed to be a Civil Court and have all such powers, rights and privileges as a Civil Court has in respect of the following matters;(a)enforcing of the attendance of witnesses and examining them on oath or solemn affirmation and the issue of a Commission for the examination of witnesses, and(b)compelling the production of documents and authority to punish persons guilty of contempt of its lawful authority.

20. Procedure to be adopted by Compensation Officer for acquisition of land.

- In assessing the amount of compensation under sub-section (1) of Section 9, the Compensation Officer shall follow the principle, in so far as they are not inconsistent with the provisions of the Act or these rules, laid down in Chapters XIV and XV of the Manual of Orders 'of the Government of U.P. in the Revenue Department, Volume I.

Chapter V

Miscellaneous

21. Service of notice.

- The notices issued under these rules shall be served in one or more of the following methods, viz., by:(i)serving on every persons interested in the land;(ii)posting on the notice board of Collector's Court;(iii)affixing at some conspicuous place in the land; and .(iv)announcing by beat of drum in the locality and publishing them in any local paper or in the official Gazette, of the State.

22. Exemption from stamp duty and fees.

- No award made under this Act shall be chargeable with stamp duty, and no person claiming under any such award shall be liable to pay any fees for a copy of the same. FORM I (Rule 4) Notice under Section 3 of the U.P. Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948 (Act No. XXXIX of 1948) to the owner of the land/building material. Whereas I.....Requisitioning Authority for.....am satisfied that it is necessary to requisition the land/the building materials described in the Schedule below which is required for public purpose as mentioned in column 5 thereof; Now therefore, under Section 3 of the U.P. Acquisition of Property (Flood Relief) (Temporary Powers) Act (Act No. XXXIX of 1948), this is to give you notice that the said land/building materials has/have been requisitioned. It is further ordered that the.....shall take possession of the said land/the building materials immediately on.....19. It is also ordered that you or any other person interested in the land/building materials are required to appear personally or by duly authorised agent before the Collector the Requisitioning Authority of the District at.....on the.....day of.....19, with necessary documentary and other evidence for determination of the amount of compensation under Section 6 of the Act.

District Pargana	Mauza, Municipality, Cantonment, Town area or Notified area.	Area in acres	For what purpose required	Remarks
Quantity of building materials				

Note : - A copy of the site plan may be inspected at the office of the Collector/Requisitioning Authority. Dated.....Signature. From II (Rule 5) Notice under Section 7 of the U.P. Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948 (Act No. XXXIX of 1948). Whereas the land building material described in the schedule below was requisitioned under Order No.....dated.....published in the Uttar Pradesh Gazette, dated.....under section 3 of the U.P. Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948 (Act No. XXXIX of 1948); And whereas I.....Requisitioning Authority for.....have decided to acquire the said land/the building materials in pursuance of sub-section (1) of Section 7 of the said Act; Now therefore, in accordance with sub-sections (1) and (2) of Section 7 it is directed that this notice be published in the Uttar Pradesh Gazette. It is further directed that all persons interested in the land/building materials . are required to appear personally or by duly authorised agent before the Compensation Officer of the District but.....on the.....day of....19.....with necessary documentary and other evidence for determination of compensation under Section 9 of the Act.

Schedule

District Pargana	Mauza, Municipality, Cantonment, Town area or Notified area.	Area in acres	For what purpose required	Remarks
Quantity of building materials				

Note: - A copy of the site plan may be inspected at the office of the Collector/ Requisitioning Authority. FORM II Notice under rule 7 of the United Provinces Acquisition of Property (Flood Relief) Rules, 1949. Notification No.....dated.....19.....Case No.....relating to the land/building

material requisitioned/acquired in
 mauza.....pargana.....tahsil.....District.....for.....Serial No..... instalment
 No.....dated.....to.....son of.....
residence.....profession.....present address.....Whereas a sum of
 Rs.....is offered by you/has been determined as compensation for the requisition/acquisition
 of the land/building material/your rights and interests in the land/building material, etc.....you
 are required to attend personally or by a duly authorised agent on or before the.....day of.....
 19.....at.....to receive payment of the amount. In the event of your failure to do so the
 amount (if it is Rs. 50/-) or under, will be remitted to you by money order, the money order fee
 being deducted from the amount/and in the case of sums of over Rs. 50/- or of compensation of
 land/building material owned jointly by several proprietors, which it is not possible to disburse
 separately, the amount due will, after the above date, be paid into the treasury as a revenue deposit
 payable to you on application to the undersigned. If you fail to apply for the same within one year (in
 case of deposit not exceeding Re. 1/-) within three years (in other cases), the amount will lapse to
 Government. Note: - No interest is allowed after the date fixed for payment. Collector Requisitioning
 Authority/Compensation Officer Dated..... Form IV Form of notice under rule 14 of the United
 Provinces Acquisition of Property (Flood Relief) Rules, 1949 To son of
 Profession..... Residing at..... Whereas you have refused to
 accept or have accepted under protest the compensation offered to you by the Compensation Officer
 in respect of the land designated below, this is to give you notice that you are required to appear
 personally or through a duly authorised agent in the Court of the undersigned (the Court of.. .
) at..... on the day..... of 19..... when the compensation payable to you shall be
 determined. You must bring all the evidence in support of your claim with you on the aforesaid date.

District Pargana	Mauza, Municipality, Cantonment, Town area or Notified area.	Area in acres	For what purpose required	Remarks
Quantity of building materials				
Area	Quantity of building material	Seal of the Court and date.	Signature.....	