

# **The U.P. Board of Revenue (Declaration of Procedure and Validation) Act, 1953**

UTTAR PRADESH

India

## **The U.P. Board of Revenue (Declaration of Procedure and Validation) Act, 1953**

### **Act 30 of 1953**

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The U.P. Board of Revenue (Declaration of Procedure and Validation) Act, 1953 (U.P. Act No. 30 of 1953) Received the assent of the Governor on December 1, 1953, and was published in the Uttar Pradesh Gazette Extraordinary, dated December 5, 1953. Whereas it is expedient to declare the powers of the Board of Revenue in the decision of certain cases and to provide for the validation of certain decisions as hereinafter appearing. It is hereby enacted as follows:

### **1. Short title and commencement.**

(1) This Act may be called the U. P. Board of Revenue (Declaration of Procedure and Validation) Act, 1953. (2) It shall come into force at once.

### **2. Definition.**

- In this Act unless there is anything repugnant in the subject or context the expression "hearing" and its grammatical variation does not include hearing under Order XLI, Rule 11 of the Code of Civil Procedure, 1908, or a proceeding under sub-section (1) of Section 216 of the U.P. Land Revenue Act, 1901, or section 268 of the U.P. Tenancy Act, 1939, or an analogous provision in any other law relating to admission or summary rejection of an appeal, reference or revision.

### **3. Procedure in hearing of appeals, references and revisions.**

- Nothing in section 8 of the U.P. Land Revenue Act, 1901, in the U.P. Tenancy Act, 1939, or in any other law or rule relating to the hearing of an appeal; reference or revision by the Board of Revenue shall be construed as requiring all the members of the Board, who participate in the decision of any appeal, reference or revision or concur in, or pronounce the judgement, to actually hear, whether

sitting together or separately, the parties thereto or their counsels; and it shall be always be deemed to be sufficient compliance of the law that except where it is expressly provided to the contrary at least one such member has so heard them: Provided that every member as aforesaid may, before pronouncing or concurring in the judgment, if he considers necessary, for the purpose of satisfying himself on any point involved in the appeal, reference or revision, that he should, further hear the parties or their counsel, do so either on such point alone or generally on all the points involved in such appeal, reference or revision.

#### **4. Validation.**

- Every judgment made as aforesaid before the commencement of this Act is purported exercise of any such power as is mentioned in section 8 of the U.P. Land Revenue Act, 1901, in the U.P. Tenancy Act, 1939 or in any other law and which would have been lawfully made if section 3 had come into operation on the occasion of the hearing of the appeal, reference or revision, or the pronouncement of, or concurring in the judgment or anything done in pursuance of such judgment, shall, except where the judgment or the thing has already been set aside before the said commencement be deemed to have been lawfully heard, pronounced, concurred in or done, as the case may be, It shall further be deemed in relation to, every such judgment that every member (other than a member), who heard the parties or their counsels who pronounced or concurred in the judgment; did not consider it necessary as provided in the proviso to section 3 to hear the parties or their counsels.