

U.P. Kshettra Panchayats (Payment of Compensation) Rules, 1965

UTTAR PRADESH

India

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Rule

U-P-KSHETTRA-PANCHAYATS-PAYMENT-OF-COMPENSATION-RULE of 1965

- Published on 16 January 1965
- Commenced on 16 January 1965
- [This is the version of this document from 16 January 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

U.P. Kshettra Panchayats (Payment of Compensation) Rules, 1965Published vide Notification No. 10872-B/33-8-R-62, dated 16th January, 1965In exercise of the powers under Section 237 of the U.P. [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994] Adhiniyam, 1961 (U. P. Act No. 33 of 1961), read with Section 172 of the said Adhiniyam, the Governor of Uttar Pradesh is pleased to make the following rules regarding payment of compensation by [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994] after previous publication with Notification No. 8984-B/33-8-R-62, dated November 2, 1964, as required under sub-section (2) of Section 237 of the said Adhiniyam :

Chapter I

1.

These rules may be called the Uttar Pradesh [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994] (Payment of Compensation) Rules, 1965.

2.

They shall come into force from the date of their publication in the Uttar Pradesh Gazette.

3.

In these rules unless there is anything repugnant in the subject or context-(i)"Adhiniyam" means the Uttar Pradesh [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994] and [Zila Panchayats] [Substituted by U.P. Act No. 9 of 1994] Adhiniyam, 1961 (U. P. Act No. 33 of 1961).(ii)"Affected person" means the owner or occupier of any building or land into, through or under which a drain is carried by the [Kshettra Panchayats] [Substituted by U.P. Act No. 9 of 1994] under Section 172 of the Adhiniyam.(iii)"Appellate Authority" means the Sub-Divisional Officer exercising jurisdiction within the Khand.(iv)"Assessing Authority" means the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994] or the Khand Vikas Adhikari if authorised by the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994] to determine the amount of compensation payable under these rules.

Chapter II

4.

The compensation payable to the affected person shall be determined by the assessing authority.

5.

The assessing authority while determining the amount, of compensation shall take into consideration :firstly the damage sustained by the effected person; secondly, the inconvenience caused to the affected person; thirdly, deterioration or danger caused to such building or land; and fourthly, the cost of replacement or restoration of such building or land to its original condition.

6.

The assessing authority shall first tentatively determine the amount of compensation proposed to be paid to the affected person. Thereafter the assessing authority shall cause a notice to be served upon the effected person intimating to him the amount of compensation proposed to be paid'.

7.

The effected person may, within thirty days from the receipt of the notice under Rule 6, file an objection in writing against the amount of compensation intimated to him in the notice before the assessing authority stating therein clearly the grounds of objections.

8.

Where no objection is filed, the amount of compensation determined by the assessing authority under Rule 6, shall be taken as final and be payable to the affected person.

9.

(1)Where an objection is filed under Rule 7, the assessing authority shall, after giving the affected person reasonable opportunity of being heard, and after making further enquiry, if necessary, finally determine the amount of compensation.(2)The assessing authority shall furnish a certified copy of the orders determining the amount of compensation under sub-rule (1) to the affected person free of charge and without delay.

Chapter III

10.

(1)The affected person (hereinafter in this chapter referred to as the appellant) may, within thirty days from the receipt of the copy of order mentioned in sub-rule (2) of Rule 9, prefer an appeal to the Appellate Authority against the final determination of compensation by the assessing authority under sub-rule (1) of Rule 9.(2)An appeal under sub-rule (1) shall be in writing and signed by the appellant and may be presented by him or an agent authorised by him in writing in this behalf.(3)The appeal shall be accompanied by a certified copy of the order mentioned in sub-rule (2) of Rule 9.

11.

(1)On receiving the appeal in the Appellate Authority shall endorse thereon the date of its presentation and the name of the appellate or his duly authorised agent, as the case may be, presenting it.(2)Appellate Authority shall, as soon as may be after the appeal is filed, fix a date for the hearing of the appeal and give intimation of the same to the appellant or his duly authorised agent and the assessing authority in such manner as it deems fit. A copy of the appeal shall also be sent to the assessing authority.(3)The Appellate Authority shall call for the record of the case from the assessing authority, if necessary.(4)Where the material on record is insufficient to enable the Appellate Authority to come to a definite conclusion, it may take additional evidence or call for such further material from the appellant or Assessing Authority as it thinks fit. Such material shall form part of the record.

12.

(1)Where on the date fixed for the hearing or on any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be dismissed. Where the appellant or his authorised agent appears and the Assessing Authority or an agent authorised by it in writing in this behalf does not appear, the appeal shall be heard ex parte.(2)Where an appeal is dismissed under sub-rule (1) the appellant may, within thirty days from the date of the dismissal of the appeal apply to the Appellate Authority for the restoration of the appeal, and if it is shown to the satisfaction of the Appellate Authority that the appellant or his duly authorised agent had not received intimation of the date of the hearing of the

appeal, or was prevented by any sufficient cause from appearing when the appeal was called for hearing, the Appellate Authority may restore the appeal on such terms as to costs or otherwise as it thinks fit.(3)Where an appeal is heard ex parte and allowed wholly or partly, the assessing authority may, within thirty days from the date of the order, or where no intimation of the appeal is received by the Assessing Authority within thirty days from the date of the knowledge of the order, apply to the Appellate Authority to re-hear the appeal and if it is shown to the satisfaction of the Appellate Authority that, an intimation of the date of hearing was received by the Assessing Authority, or the Assessing Authority or his duly authorised agent was prevented by any sufficient cause from appearing when the appeal was called for hearing, the Appellate Authority may set aside the order passed ex parte and re-hear the appeal on such terms as to costs or otherwise as it thinks fit.

13.

The order of the Appellate Authority shall be final. It shall be in writing and state the points for determination, the decision thereon and the reasons for the decision. A copy of the order shall be forwarded to the [Kshettra Panchayat] [Substituted by U.P. Act No. 9 of 1994] concerned.

14.

The amount of compensation determined under these rules shall be paid to the affected person without unnecessary delay.