

Uttar Pradesh Consolidation Of Holdings (Amendment) Act, 2002

3 of 2002

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Uttar Pradesh Consolidation Of Holdings (Amendment) Act, 2002

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An Act further to amend the Uttar Pradesh Consolidation of Holdings Act, 1953 It is hereby enacted in the Fifty-third Year of the Republic of India as follows:-- 1. Received the assent of the Governor on September 3, 2002 and published in the U.P. Gazette, Extra., Part I, Section (Ka), dated 4th September, 2002, pp. 3-5

1. Short Title And Commencement :-

- (1) This Act may be called the Uttar Pradesh Consolidation of Holdings (Amendment) Act, 2002.
- (2) Section 2 shall be deemed to have come into force on June 21, 2002. Section 3 shall be deemed to have come into force on November 10, 1980 and the remaining provisions shall come into force at once.

2. Insertion Of New Section 6-A In U.P. Act No. 5 Of 1954 :-

After Section 6 of the Uttar Pradesh Consolidation of Holdings Act, 1953, hereinafter referred to as the principal Act, the following section shall be inserted, namely:--

"6-A. Special provision with respect to undisputed succession or transfer.--

- (1) After the publication of notification under sub-section (2) of Section 4 or Section 4-A and before start of the proceeding under Section 8, a case of undisputed succession shall be disposed of by

the Consolidator, and a case of undisputed mutation on the basis of transfer shall be disposed of by the Assistant Consolidation Officer, in such manner and after making such inquiry as may be prescribed :

Provided that no case shall be entertained, continued or disposed of under this section after start of the proceeding under Section 8.

(2) An order made under sub-section (1) shall not be a bar to an objection under Section 9."

3. Amendment Of Section 48 :-

In Section 48 of the principal Act, after explanation (2) the following explanation shall be inserted, namely:--

"Explanation (3).--The power under this section to examine the correctness, legality or propriety of any order includes the power to examine any finding, whether of fact or law, recorded by any subordinate authority, and also includes the power to re-appreciate any oral or documentary evidence."

4. Repeal And Saving :-

(1) The Uttar Pradesh Consolidation of Holdings (Amendment) Ordinance, 2002 (U.P. Ordinance No. 3 of 2002) and the Uttar Pradesh Consolidation of Holdings (Second Amendment) Ordinance, 2002 (U.P. Ordinance No. 12 of 2002) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinances referred to in sub-section (1) shall be deemed to have been done to taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.