

Uttar Pradesh Roadside Land Control (Amendment) Act, 1999

15 of 2000

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An Act further to amend the United Provinces Roadside Land Control Act, 1945 It is hereby enacted in the Fiftieth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on April 25, 2000 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 29th April, 2000, pp. 3-5

1. Short Title And Commencement :-

- (1) This Act may be called the Uttar Pradesh Roadside Land Control (Amendment) Act, 1999.
- (2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Substitution Of Section 5 Of U.P. Act No. 10 Of 1945 :-

For Section 5 of the United Provinces Roadside Land Control Act, 1945, hereinafter referred to as the principal Act, the following section shall be substituted, namely :--

"5. Restriction on building etc. in a controlled area.-- Notwithstanding anything contained in any other law for the time being in force,--

- (a) no person shall erect or re-erect any building or make or extend any excavation in a controlled area; and
- (b) no person shall except with the previous permission of the Collector in writing, lay out any means of access to a road in a controlled area."

3. Amendment Of Section 6 :-

In Section 6 of the principal Act,--

- (a) in sub-section (1) the words "building, excavation, or" shall be omitted;
- (b) sub-sections (4) and (5) shall be omitted;
- (c) in sub-section (6) after the words "no order in writing has been passed by the Collector" the words "the applicant may give a notice in writing to the Collector and if no order is passed within thirty days from the date of receipts of such notice" shall be inserted.

4. Amendment Of Section 8 :-

In Section 8 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :--

"(1) Except as provided in sub-section (2), no person shall be entitled to claim compensation under this or any other Act, for any injury, damage or loss caused or alleged to have been caused,--

(a) as a result of the restriction imposed by clause (a) of Section 5, or

(b) by an order refusing permission to lay out a means of access to a road or granting such permission but imposing conditions on the grant.

(2) Any person may make to the State Government a claim for compensation on the ground that his interest in any land is injuriously affected,--

(a) in a case referred to in clause (a) of sub-section (1), within one year from the date of declaration of the controlled area;

(b) in a case referred to in clause (b) of sub-section (1) within three months from the date of the order of the State Government under Section 7 where an order refusing permission to lay out any means of access to a road has been made and the right of appeal under Section 7 has been exercised."

5. Amendment Of Section 10 :-

In Section 10 of the principal Act, in sub-section (2),--

(a) in clause (b), for the words "erect or re-erect a building thereon" the words "lay out any means of access to a road in respect of the land, or the restriction imposed under clause (a) of Section 5" shall be substituted; and for the words "in which it is situated" the word "concerned" shall be substituted.

(b) in clause (i), for the words "proposals for the development of the land which at the date of the application under sub-section (1) of Section 6 are immediately practicable, or would have been so, if this Act had not been passed are prevented or", the words "his interest in the land concerned is" shall be substituted.

6. Amendment Of Section 13 :-

In Section 13 of the principal Act, in sub-section (1), in clause (b),-

(a) for the words "which may extend" the words "which, on first conviction, may extend" shall be substituted;

(b) for the words "fifty rupees for every day" the words "five hundred rupees for every day subject to a maximum of fifty thousand rupees" shall be substituted.

7. Amendment Of The Schedule :-

In the Schedule to the principal Act, for clause (c) of sub-section (3) of Section 23 of the Land Acquisition Act, 1894 sought to be modified by sub-paragraph (2) of Paragraph 3 of the Schedule the following clause shall be substituted, namely:--

"(c) any increase in the market value resulting from any erection, re-erection, addition or alteration in contravention of the provisions of Section 5 of the United Provinces Roadside Land Control Act, 1945 shall be disregarded;".

8. Transitory Provisions :-

(1) Any application made under Section 6 of the principal Act and any appeal preferred under Section 7 of the principal Act, as those sections stood immediately before the commencement of this Act, and pending on the date of such commencement shall be heard and decided as if this Act had never been enacted.

(2) Any permission under Section 6 or Section 7 of the principal Act as those section stood immediately before the commencement of this Act, granted before such commencement, and any permission granted and accordance with this provisions of subsection (1), shall

be valid and effective as if this Act had never been enacted.