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The Uttar Pradesh Roadside Land Control (Sanshodhan) Adhiniyam, 1965
Act 6 of 1965

Keyword(s):

Road, National High Way, Controlled Area

Amendment appended: 15 of 2000

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THE UTTAR PRADESH ROADSIDE LAND CONTROL (SANSHODHAN) ADHINIYAM, 1965

(U. P. ACT No. VI OF 1965)

*[Authoritative English Text of the Uttar Pradesh Roadside
Land Control (Sanshodhan) Adhiniyam, 1965.]

AN
ACT

to amend the U. P. Roadside Land Control Act, 1945.

IT IS HEREBY enacted in the Sixteenth Year of the Republic
of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Roadside
Land Control (Sanshodhan) Adhiniyam, 1965.

Short title and
commencement.

(2) Sections 2 and 3 shall be deemed to have come into force
on April 15, 1957 and the remaining sections shall come into
force at once.

2. For clause (6) of section 2 of the U. P. Roadside Land
Control Act, 1945, hereinafter referred to as the principal Act,
the following shall be substituted, namely—

Amendment of
section 2 of U. P.
Act no. X of
1945.

‘(6) “road” means a metalled road maintained by the
State Government, the Government of India or a local
authority, or a route demarcated by the State Govern-
ment, the Government of India or a local authority with
a view to constructing along it a metalled road, and includes
a national highway.’

3. In section 3 of the principal Act,—

Amendment of
section 3.

(i) for the full-stop occurring at the end of sub-section
(1) a colon shall be substituted and thereafter the following
proviso shall be inserted, namely—

“provided that in the case of a national highway
the highway itself shall not be deemed to be a controlled
area.”;

(ii) after sub-section (7), the following new sub-section
shall be inserted, namely—

‘(8) Any notification issued or declaration made under
this section with reference to a road which subsequently
becomes a national highway under the National High-
ways Act, 1956, shall, notwithstanding the road so becom-
ing a national highway, continue to be valid and to be in
force’.

ct
no.
XLVIII
of
1956.

[*For statement of Objects and Reasons, please see Uttar Pradesh Gazette
(Extraordinary), dated February 15, 1965.]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on February
15, 1965 and by the Uttar Pradesh Legislative Council on March 3, 1965.]

[Received the Assent of the President on March 18, 1965 under Article 201,
of the Constitution of India and was published in the Uttar Pradesh Gazette
Extraordinary, dated March 20, 1965.]

Validation of
Notifications, etc.

4. Every notification issued, every order or declaration made, every proceeding or other action taken under the principal Act before the commencement of this Act shall be deemed to have been issued, made or taken under the said Act as amended by this Act and notwithstanding any judgment, decree or order of any court to the contrary, shall be deemed to be, and always to have been, valid.

Savings.

5. Nothing contained in this Act shall render any person liable to any punishment under sub-section (1) of section 13 of the principal Act by reason of any act which was not an offence punishable under that sub-section before the commencement of this Act.

Repeal of U. P.
Ordinance IV
1964.

6. The Uttar Pradesh Roadside Land Control (Sanshodhan) Adhyadesh, 1964 is hereby repealed.

Dated Lucknow, April 29, 2000

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sadak Parshava Bhumi Niyantana (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 15 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 25, 2000.

THE UTTAR PRADESH ROADSIDE LAND CONTROL
(AMENDMENT) ACT, 1999

(U. P. ACT No. 15 OF 2000)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

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. (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.



Substitution of
section 5 of U.P.
Act no. 10 of
1945

2. 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—Notwithstanding anything contained in any other law for the time being in force,—

Restriction on
building etc.
in a controlled
area

(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.”

Amendment of
section 6

3. 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 receipt of such notice” shall be inserted.

Amendment of
section 8

4. 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.

Amendment of
section 10

5. 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.

Amendment of
section 13

6. 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. 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 :—

Amendment of
the Schedule

“(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. (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.

Transitory pro-
visions

(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 sub-section (1), shall be valid and effective as if this Act had never been enacted.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.