

UP Avas evam Vikas Parishad (Form and Manner of Service of Notice) Rules, 1967

[Vide Noti. No. O-308-H/XXXVII-22(HB)-65, dated 4th July, 1967,
Published in U.P. Gazette, Park I-ka, dated July 15, 1967]

In exercise of the powers under clause (j) of sub-section (2) of Section 94 read with Section 29 and proviso (b) of sub-section (i) of Section 33 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 (U.P. Act No. I of 1966), the Governor of the Uttar Pradesh is pleased to make the following rules prescribing the forms and manner of service of notice required under Section 29 and the proviso (b) to Section 33 of the said Adhiniyam.

1. Short title and commencement.- (1) These rules may be called the U.P. Avas Evam Vikas Parishad (Form and Manner of Service of Notice) Rules, 1967.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. Definition.- In these rules unless there is anything repugnant in the subject or context-
“Act” means the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965.

3. The Notice to be given under Section 29 of the Act to persons or classes or persons whose land/or building is proposed to be acquired for the execution of any housing or improvement scheme or who are liable to pay betterment fee and shall be in Forms ‘A’ and ‘B’ respectively.

4. The notice shall be served on.- 1[(1) Every person whose name appears in the assessment list of the local authority within whose jurisdiction the area comprised in the scheme lies as being primarily liable to pay any tax assessed upon the annual value of any land or building which the Board proposed to acquire or in regard to which the Board proposed to levy betterment fee.

(2) Every tenure-holder of *Gaon Sabha* whose name appears in the Khatauni in respect of any such land or building.]

5. Every such notice shall be signed by the Housing Commissioner or by an officer duly authorized by him in that behalf.

6. (1) Every such notice shall be served on officer or servant of the Board-

(i) By giving or tendering the notice to the person to whom it is addressed, or

(ii) If such person is not found, by leaving the notice at his last known place of abode or by giving or tendering it to some adult member or servant of his family,

(iii) If his address elsewhere is known by forwarding such notice to him by registered post under cover bearing the said address.

1[(2) If after due diligence it has not been possible to serve a notice on any person in the manner prescribed in sub-rule (1) a copy of the notice shall be affixed on some conspicuous part of his land or building which the Board proposed to acquire or in regard to which the Board proposed to levy betterment fee.]

(3) Whenever the person on whom the notice is to be served is a minor, service upon his guardian or upon an adult male member of his family shall be deemed to be service upon minor

(4) A copy of the notice shall be published by proclamation in the neighborhood of the land.

7. The form and manner of notice in which and the person or class of person on whom notice shall be served under proviso (b) to sub-section (1) of Section 33 shall so far as may be applicable, be the same as prescribed in Rules 1 to 4 as if the alteration were a separate scheme.

Form 'A'

Whereas the U.P. Avas Evam Vikas Parishad has formulated a Housing Improvement Scheme known as the scheme under section of, the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965;

And whereas it is necessary that the land/building situated within the boundaries of the scheme should be acquired for the execution of the aforesaid scheme-

Boundaries of the Scheme

East-
South-
West-
North-

(A plan of the scheme area can be seen in the office of the Board on any working day during office hours);

Now, therefore, further notice is hereby given to all, whom it may concern that the Board proposes to acquire the lands/buildings situated within the boundaries of the above scheme for the execution of the scheme. Any objection to the acquisition of the lands/buildings can be made in writing by any person interested therein to the undersigned within thirty days from the date of service of this notice.

1 Form 'B'

Whereas, the Uttar Pradesh Avas Evam Vikas Parishad has formulated a Housing/Improvement Scheme known as the..... Scheme under section..... of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965;

And whereas, the Board has declared that betterment fee shall be payable in respect of the land/building situated within the boundaries of the scheme but not acquired for the execution thereof and also in respect of lands/buildings situated within half a kilometer of the said boundaries, in accordance with Section 50 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965.

Boundaries of the Scheme

East-
South-
West-
North-

(A plan of the scheme area and the aforesaid adjoining area can be seen in the office of the Board on any working day during office hours);

Now, therefore notice is hereby given to all, whom it may concern, that any objection against the aforesaid levy can be made in writing by any person interested in the lands/buildings to the undersigned within thirty days from the date of service of this notice.

Housing Commissioner