

No. 5250 (2)/XVII-V-1—135-76

Dated Lucknow, December 13, 1976

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 Adhikatan Jot-Seema Aropan (Dwitiya Sanshodhan) Adhiniyam, 1976 (Uttar Pradesh Adhiniyam Sankhya 56 of 1976), as passed by the Uttar Pradesh Legislature and assented to by the President on December 7, 1976:

THE UTTAR PRADESH IMPOSITION OF CEILING ON LAND HOLDINGS (SECOND AMENDMENT) ACT, 1976

[U. P. Act No. 56 OF 1976]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960

IT IS HEREBY enacted in the Twenty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Imposition of Ceiling on Land Holdings (Second Amendment) Act, 1976.

Short title.

(2) It shall be deemed to have come into force on August 6, 1976.

2. In section 6 of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, hereinafter referred to as the principal Act, in sub-section (4) for clause (i), the following clause shall be substituted, namely :—

Amendment of section 6 of U.P. Act 1 of 1961.

"(i) the provisions of section 14 shall *mutatis mutandis* apply in relation to such land with the substitution of references to the dates mentioned in sub-section (1) of that section by references to the date mentioned in sub-section (1) of this section ; and"

3. In section 13-A of the principal Act, in sub-section (1), for the words and figures "sub-section (1) of section 14", the words and figures "sub-section (4) of section 14" shall be substituted.

Amendment of section 13-A.

4. For section 14 of the principal Act, the following section shall be substituted, namely :—

Substitution to section 14.

"14. (1) The Collector shall at any time after—

(a) in case, where the order passed under sub-section (1) of section 11 has become final, the date of its so becoming final ; or

(b) in case, where no appeal has been preferred under section 13, the date of expiry of the period of limitation provided therefor ; or

(c) in case, where an appeal has been preferred under section 13, the date of its decision ;

take possession of the surplus land determined under section 11, section 12 or section 13 and also of any ungathered crop or fruits of trees, not being crops or fruits to which sub-section (1) of section 15 applies, after evicting any person found in occupation of such land, crops or fruits and may for that purpose use or cause to be used such force as may be necessary.

(2) Notwithstanding any thing contained in sub-section (1) a tenure-holder may, at any time, voluntarily deliver possession to the Collector over the whole or any part of the land held by him which has been or is likely to be declared surplus under or in accordance with the provisions of the Act.

(3) Where the Collector has taken possession of any surplus land or ungathered crops or fruits of trees under sub-section (1) or sub-section (2) such land, crops or fruits of trees shall, with effect from the date referred to in clause (a), clause (b) or clause (c), as the case may be, of sub-section (1), stand transferred to and vest in the State Government free from all encumbrances and all rights, title and interests of all persons in such land shall, with effect from such date, stand extinguished :

Provided that the encumbrances, if any, shall attach to the amount payable under section 17 in substitution for the surplus land.

(4) The prescribed authority shall, as soon as may be after the date mentioned in clause (a), clause (b) or clause (c), as the case may be, of sub-section (1), notify in the official *Gazette* every surplus land determined under this Act, or under section 9 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 or under section 31 of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976."

Amendment of
section 15.

5. In section 15 of the principal Act, in sub-section (1) —

(a) for the words and figures "sub-section (8) of section 14", the words and figures "sub-section (1) of section 14" shall be substituted,

(b) in the Explanation, for the words "the date of the notification", the words "the date of taking possession of the surplus land" shall be substituted.

Amendment of
section 16.

6. In section 16 of the principal Act, the words and figure, "under sub-section (8) of " shall be omitted, and for the words "the proviso to the said sub-section", the words "the said section" shall be substituted.

Amendment of
section 17-B.

7. In section 17-B of the principal Act, in sub-section (1), the words and figure "sub-section (2) of" shall be omitted.

Amendment of
section 22.

8. In section 22 of the principal Act, in sub-section (2), the words and figure "sub-section (8) of" shall be omitted.

Amendment of
section 35.

9. In section 35 of the principal Act, in sub-section (2), the words and figure "sub-section (8) of" shall be omitted.

Repeal and
savings.

10. (1) The Uttar Pradesh Imposition of Ceiling on Land Holdings (Second Amendment) Ordinance, 1976 is hereby repealed.

(2) Notwithstanding such repeal, any thing done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if this Act were in force at all material times.

U.P. Ordinance No. 23 of 1976.

ब्रह्मा से,
कैलाश नाथ गोयल,
सचिव।