

The Uttar Pradesh Land Utilization Act, 1947

(U.P. Act No. 5 of 1948)

[28 January, 1948]

An Act to provide for powers to utilize uncultivated land.

Preamble-Whereas it is expedient to provide for powers to utilise uncultivated land with a view to increasing the production of foodstuffs.

It is hereby enacted as follows:-

1. Short title, extent and commencement

- (1) This Act may be called the Uttar Pradesh Land Utilization Act, 1947.
- (2) It extends to the Union territory of Delhi.
- (3) It shall come into force at once.

2. Definition

In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Collector" includes a Deputy Commissioner;
- (b) "Land, Land-lord and Tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887, or as the case may be in the Agra Tenancy Act, 1901;
- (c) "State Government" means the "Chief Commissioner" of Delhi.

3. Utilization of uncultivated land

- (1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887, the Agra Tenancy Act, 1901, or in any other enactment for the time being in force, the Collector may, by notice in writing in the form specified in the Schedule, call upon the landlord of any land situated within his jurisdiction, which is not groveland or land let to or held by a tenant, and which has not been cultivated or, if previously cultivated, has not been cultivated during the Rabi and Kharif immediately preceding the commencement of this Act, to let-out such land for pre-arrange for the cultivation thereof within fifteen days from the date of service of such notice or within such further period as the Collector may extend:

Provided that no notice shall be issued under this sub-section in respect of any land which was immediately before the commencement of this Act, recorded as pasture land, or which is used as threshing floor, irrigation tank, or for the benefit generally of the inhabitants of the village or any portion thereof:

- (2) The notice shall be served on the landlord by delivering or tendering to him a copy of such notice. But if the landlord is not readily traceable or refuses to accept the

1. Extended to the Union territory of Delhi vide Central Government Notification No.8/15/49-Judl., (I), dated the 15th September, 1949.

notice, the service shall be effected by affixing a copy of such notice to the chaupal or some other public place in the village and thereupon the landlord shall be deemed to have been sufficiently served.

(3) If the landlord within one week from the date of the service of the notice shows to the satisfaction of the Collector that the land is not capable of being cultivated or that it is already being cultivated or has been let out for cultivation the Collector shall cancel the notice.

(4) If the notice is not complied with within the time allowed under sub-section (1) or is not cancelled under sub-section (3) the Collector may get such land cultivated on behalf of the Chief Commissioner for such period as he thinks necessary or may let out such land to a tenant for cultivation.

(5) Where the land is let out the landlord in pursuance of the notice under sub-section (1) or by the Collector under sub-section (4), the rent payable by such tenant and, the tenure and other conditions of his tenancy shall be determined by the Collector and his decision shall be final.

(6) If the land is cultivated on behalf of the Chief Commissioner under sub-section (4), the landlord shall be entitled to receive such rent as may be determined by the Collector and his decision shall be final.

4. Sale of the grain to the State Government

Where any land is under cultivation in accordance with the provision of this Act, the landlord or the tenant cultivating such land shall, on demand by the Collector, sell to the State one-half of the grain produced over such land at such rates as may be fixed by the State Government from time to time.

5. Tenant to cultivate the land let out to him

Where land is let out to any tenant by the landlord under sub-section (1) of Section 3 or by the Collector under sub-section (4) of Section 3, the tenant shall cultivate the land so let out.

6. Saving as to order

No order made in exercise of any power conferred by or under this act or any rule made thereunder shall be called in question in any court.

7. Penalty

If any person contravenes any provision of this Act or any rule made thereunder or any order passed in pursuance of this Act, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

8. Protection as to action taken

(1) No suit, prosecution or other legal proceedings shall lie against the Collector or any other person acting under the order of the Collector for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any order issued under the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government for any damage caused or likely to be caused by anything in good

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faith done in pursuance of this Act or any rule made thereunder or any order issued in pursuance of this Act.

9. Omitted

10. Rule making power

The State Government may, consistent with the provisions of this Act, make rules for carrying out the purposes of this Act.

SCHEDULE

Form of notice under Section 3 of the Uttar Pradesh Land Utilization Act, 1947.

IN THE COURT OF THE COLLECTOR
.....DISTRICT

To

.....LANDLORD

In exercise of the powers conferred by Section 3 of the Uttar Pradesh Land Utilization Act, 1947 as extended to the Union territory of Delhi, I, the Collector of....District, hereby call upon you to let out land specified below within fifteen days from the date of the service of this notice.

Details of the land

Name of tehsil or pergana	Name of village	Specification of land involved.

Seal of the Court

Collector.
