The Uttar Pradesh Revenue Code, 2006

Act U.P. Act No. 8 of 2012. 241 sections. Bare Act with the official footnotes.

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Official file: https://indiacode.gov.in/server/api/core/bitstreams/f50138e5-b801-4ade-b326-73043132a9e5/content

Every section online, with the old and new law side by side and exam questions:
https://www.lawmaker.in/bare-acts/uttar-pradesh-revenue-code-2006

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[Passed by the Uttar Pradesh Legislative Assembly on 21 September, 2006 and by the Uttar Pradesh Legislative Council on October 10, 2006.

Received the assent of the President on November 29, 2012 and was published in the Uttar Pradesh Gazette, Extraordinary, dated December 12, 2012.]

AN ACT

to consolidate and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh, and to provide for matters connected therewith and incidental thereto.

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

CHAPTER-I Preliminary

Section 1. Short title, extent and commencement

(1) This Act may be called the Uttar Pradesh Revenue code, 2006.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date[1] as the State Government may, by notification, appoint and different dates may be appointed for different areas or for different provisions of this Code.

[1] Rajaswa Anu-1 vide notification no. 1879/1-1-2015-15(1)/1998-19 T.C.-III Lko Dt. 18 Dec. 2015, Sec. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 233 and 234 of U.P. Revenue Code, 2006 shall come into force on Dt. 18-12-2015 and remaining provisions of said Act shall come into force on dated 11-2-2016.

Section 2. Applicability of the Code

The provisions of this Code, except Chapters VIII and IX shall apply to the whole of Uttar Pradesh, and Chapter VIII and IX shall apply to the areas to which any of the enactments specified at serial numbers 19 and 25 of the First Schedule was applicable on the date immediately preceding their repeal by this Code.

Section 3. Extension of the Code to new areas

(1) Where after the commencement of this Code, any area is added to the territory of Uttar Pradesh, the State Government may, by notification, extend the whole or any provision of this Code, to such area.

(2) Where any notification is issued under sub-section (1), the provisions of any Act, rule or regulation in force in the area referred to in the said sub-section which are inconsistent with the provisions so applied, shall be deemed to have been repealed.

(3) The State Government may, by a subsequent notification, amend, modify or alter any notification issued under sub-section (1).

Section 4. Definitions

In this Code,-

(1) 'abadi' or 'village abadi' means such area in a village which, on the date of commencement of this Code, is being used for the purposes of residence of its inhabitants or for purposes ancillary thereto such as sahan and green trees wells etc. or which may have been or be hereafter reserved for such use ;

(2) 'agriculture' includes horticulture, animal husbandry, pisciculture, flower farming, bee keeping and poultry farming ;

(3) 'agricultural labourer' means a person whose main source of livelihood is manual labour on agricultural land ;

(4) 'bank' shall have the meaning assigned to it in the Uttar Pradesh Regulation of Money Lending Act, 1976 ;

(5) 'Bhumi Prabandhak Samiti' means a Bhumi Prabandhak Samiti constituted under section 28-A of the U. P. Panchayat Raj Act, 1947 ;

(6) 'Board' means the Board of Revenue constituted or deemed to be constituted under section 7 ;

(7) 'charitable institution' means any establishment, undertaking, organization or association formed for a charitable purpose, and includes a specific endowment ;

(8) 'Collector' means an officer appointed as such by the State Government under sub-section (1) of section 12 and shall include-

(a) an Additional Collector appointed by the State Government under sub-section (2) of the said section ; and

(b) an Assistant Collector of the first class empowered by the State Government by notification to discharge all or any of the functions of a Collector under this Code ;

(9) 'Consolidated Gaon Fund' means the Consolidated Gaon Fund constituted under section 69 ;

[1][(10) 'family', in relation to a tenure-holder, means himself or herself and his wife or her husband or third gender spouse, as the case may be, (other than a judicially separated wife or husband or third gender spouse), minor sons and minor daughters other than married daughters and third gender minor issue.

Explanation.-Third Gender means such a person who is of a gender different from the male or female gender.]

Provided that where the question relates to the transfer of any land and the transferee is a minor, the expression 'family' shall include the parents of such minor ;

(11) 'grove land' means any specific part of land in a holding having trees (not including papaya, banana plants) planted thereon in such manner that they preclude, or when full grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose, and the trees on such land shall constitute a grove;

(12) 'holding' means a parcel of land held under one tenure or one lease, engagement or grant ;

(13) 'improvement', in relation to a holding, means any work which adds materially to the value of the holding which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding, is either executed directly for its benefit or is after execution, made directly beneficial to it, and, subject to the foregoing provisions, includes-

(i) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes ;

(ii) the construction of works for the drainage of land or for the protection of land from floods or from erosion or other damage from water ;

(iii) the planting of trees and the reclaiming, clearing, enclosing, leveling or terracing of land ;

(iv) the erection of buildings on, or in the vicinity of the holding elsewhere than in an abadi or urban area, required for the convenient of profitable use or occupation of the holding ; and

(v) the renewal or reconstruction of any of the foregoing works, or alteration therein or additions thereto ;

(14) 'land', except in Chapter VII and VIII and sections 80, 81 and section 136, means land held or occupied for purposes connected with agriculture ;

(15) 'land holder' means the person to whom rent is or but for a contract, express or implied would be payable ;

(16) 'Revenue Court' means all or any of the following authorities (that is to say) the Board and all members thereof Commissioners, Additional, Commissioners, Collectors, Additional Collectors, [2][Chief Revenue Officers, Assistant Collectors, Settlement Officers, Assistant Settlement Officers, Record Officers, Assistant Record Officers, Tahsildars, Tahsildars (Judicial) and Naib Tahsildars;].

[3][(17) 'Revenue Officer' means the Commissioner, an Additional Commissioner, the Collector an Additional Collector, the Chief Revenue Officer, the Sub-Divisional Officer, an Assistant Collector, the Settlement Officer, an Assistant Settlement Officer, the Record Officer, an Assistant Record officer, the Tahsildar, the Tahsildar (Judicial), the Naib Tahsildar and the Revenue Inspector.]

(18) 'Sub Divisional Officer' means the Assistant Collector in charge of the Tahsil ;

(19) 'taungya plantation' means the system of afforestation in which the plantation of trees is, in the earlier stages, done simultaneously with the cultivation of agricultural crops which ceases, when trees so planted begin to form a canopy, rendering the cultivation of agricultural crops impossible ;

(20) 'village' means any local area whether compact or otherwise, recorded as a village in the revenue records of the district concerned, and includes an area which the State Government may, by general or special notification, declare to be a village.

(21) 'village artisan' means a person whose main source of livelihood is manufacture or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto, and includes a carpenter, weaver, potter, blacksmith, silversmith, goldsmith, barber, washermen, cobbler or any other person who normally earns his livelihood by practicing a craft either by his own labour or by labour of any member of his family in any village ;

(22) words and expressions [4][Gaon Fund] and [5][Gram Sabha and Gram Panchayat] shall have the meanings assigned to them in the U. P. Panchayat Raj Act, 1947 ;

[6][(23) 'agricultural year' means an year which begins from first day of July and ends on thirtieth day of June of a calendar year. It is also characterized as 'fasli year' ;

(24) 'intermediary' with reference to any estate means a proprietor, under-proprietor, sub-proprietor, thekadar, permanent lessee in Avadh and permanent tenure-holder of such estate or part thereof ;

(25) 'lease' in relation to mines and minerals shall include a sub-lease, a prospecting lease and an agreement to lease or sublet, and 'lessee' shall be construed accordingly ;

(26) 'decree' shall have the meaning assigned to it in section 2 of the Code of Civil Procedure, 1908 (Act no. V of 1908) ;

(27) 'State Government' means the State Government of Uttar Pradesh ;

(28) 'Central Government' shall have the meaning assigned to it in section 3 of the General Clauses Act, 1897 (Act no. X of 1897) ;

(29) 'Minjumla number' means a shajra number denoting a component part of a filed which has theoretically been partitioned but physically has not been partitioned.]

[1] Subs. by sec. 2 of U.P. Act No. 28 of 2020.
[2] Subs. by sec. 5(c) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 5(d) of U. P. Act no. 04 of 2016.
[4] Subs. by sec. 5(h) of U. P. Act no. 04 of 2016.
[5] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[6] Ins. by sec. 5(i) of U. P. Act no. 04 of 2016.

CHAPTER-II Revenue Divisions

Section 5. Division of State into revenue areas

For the purposes of this Code [1][the State shall be divided into revenue areas comprising divisions which may consist of one or more districts, and each district may consist of two or more districts, and each district may consist of two or more Tahsils and each Tahsil may consist of one or more parganas, and each pargana may consist of two or more villages.]

[1] Subs. by sec. 6 of U. P. Act no. 04 of 2016.

Section 6. Constitution of revenue areas

(1) The State Government may, by notification, specify -

(i) the districts which constitute a division ;

(ii) the tahsils which constitute a district ;

(iii) the villages which constitute a tahsil.

(2) The State Government may, by notification, alter the limits of any revenue area referred to in sub-section (1) by amalgamation, re-adjustment, division or in any other manner whatsoever, or abolish any such revenue area and may name and alter the name of any such revenue area, and in any case where any area is renamed, then all references in any law or instrument or other document to the area under its original name shall be deemed to be references to the areas renamed unless expressly provided otherwise :

Provided that before passing any order under this sub-section on any proposal to alter the limits of any revenue area, the State Government shall publish, in the prescribed, manner such proposals for inviting objections, and shall take into consideration any objections to such proposals.

(3) The Collector may, by an order, published in the prescribed manner, arrange the villages in a tahsil into Lekhpal circles and the Lekhpal circles into Revenue Inspector circles and specify also the headquarters of each Revenue Inspector within his Circle.

(4) The divisions, districts, tahsils, pargana, Revenue Inspector circles, Lekhpal circles and villages, as existing at the commencement of this Code shall, until altered under the preceding sub-sections, be deemed to be the revenue areas specified under this section.

CHAPTER-III Board and the Revenue Officers

Section 7. Board of Revenue

(1) There shall be a Board of Revenue for Uttar Pradesh consisting of a Chairman and such other members as the State Government may, from time to time appoint :

Provided that the Board as constituted an functioning immediately before the commencement of this Code shall be deemed to be the Board constituted under this section.

(2) [1][* * * *]

(3) No person shall be qualified for appointment as :-

(a) an Administrative Member of the Board, unless he has held an officer not lower in rank than that of a Commissioner,

(b) a Judicial Member of the Board, [2][unless he has held an office not below the rank of a Collector.]

(4) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any member, as Judicial Member of the Board, and any such member shall be allotted only judicial business.

[1] Omit. by sec. 8(a) of U. P. Act no. 04 of 2016.

[2] Subs. by sec. 8(b)(ii) of U. P. Act no. 04 of 2016.

Section 8. Jurisdiction of the Board

(1) The Board shall be the Chief Controlling Authority.

[1][(a) in all matters relating to disposal of cases, appeals or revisions, ; and]

(b) subject to the superintendence, direction and control of the State Government, in all other matters provided in this Code.

(2) Subject to the provisions of sub-section (1), the Board shall exercise, perform and discharge powers, functions and duties conferred upon it by or under this Code or any other law for the time being in force.

(3) The State Government may authorize any member of the Board to exercise, perform and discharge either

generally or in respect of any particular locality or matter, all or any of the powers, functions and duties conferred or imposed on the Board.

[1] Subs. by sec. 9 of U. P. Act no. 04 of 2016.

Section 9. Power to distribute business

(1) Subject to such rules or orders as the State Government may make or issue, the Board may distribute its business amongst its member as the Board may deem fit, Chairman may constitute bench or benches consisting of more than one member for disposal of a particular case or class of cases.

(2) All orders made or decrees passed by a member of the Board in accordance with such distribution shall be deemed to be orders or decrees, as the case may be, of the Board.

Section 10. Decisions of the Board

(1) Where any proceeding coming under the consideration of the Board on appeal or in revision is heard by a Bench composed of two or more members, the case shall be decided in accordance with the opinion of such members or of the majority, if any, of such members.

(2) Where the members of the Board constituting the Bench are equally divided in opinion as to the decision of a case, it shall be heard by a larger Bench to be constituted by the Chairman, and the case shall be decided in accordance with the opinion of the members constituting such Bench or of the majority, if any, of such members.

(3) All decisions given by a member sitting singly or by a Division Bench comprising two members or a larger Bench constituted as aforesaid shall be deemed to be decisions of the Board.

Section 11. Commissioners and Additional Commissioners

(1) The State Government shall appoint in each division a Commissioner, who shall, within his division, exercise the powers and discharge the duties conferred and imposed on a Commissioner by or under this code or any other law for the time [1][being in force, and shall exercise authority over all the revenue officers in his division.]

(2) The State Government may appoint one or more Additional Commissioners in one or more Divisions.

(3) An Additional Commissioner shall exercise such powers and discharge such duties of Commissioner in such cases or classes of cases as the State Government or in the absence of any direction from the State Government, the Commissioner of the division may direct.

(4) The provisions of this Code and every other law for the time being applicable to a Commissioner shall apply to the Additional Commissioner when exercising powers or discharging any duties under this section, as if he were the Commissioner of the Division.

[2][(5) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Additional Commissioner, as Additional Commissioner (Judicial), and any such Additional Commissioner (Judicial) shall be allotted only judicial business. Such an Additional Commissioner (Judicial shall exercise such powers and discharge such duties of Commissioner in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Commissioner of the Division, may direct.]

[1] Subs. by sec. 11 (a) of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 11 (c) of U. P. Act no. 04 of 2016.

Section 12. Collectors and Additional Collectors

(1) The State Government shall appoint, in each district a Collector who shall be in charge of the revenue administration thereof and shall exercise all the powers and discharge all the duties conferred and imposed on a Collector by or under this Code or nay other law for the time being in force.

(2) The State Government may appoint one or more Additional Collectors in a district.

(3) An additional Collector shall, subject to the direction and control of the State Government or of the Collector, exercise all powers and discharge all duties of Collector.

(4) The provisions of this Code and every other law for the time being applicable to the Collector shall apply to the Additional Collector when exercising powers or discharging any duties under this section as if he were the Collector of the district.

[1][(5) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Additional Collector, as Additional Collector (Judicial), and any such Additional Collector (Judicial) shall be allotted only judicial business. Such an Additional Collector (Judicial) shall exercise such powers and discharge

such duties of Collector in such cases or classes of cases at the State Government, or in the absence of any direction from the State Government, the Collector of the District, may direct.]

[1] Ins. by sec. 12 of U. P. Act no. 04 of 2016.

Section 13. Sub-Divisional Officers and Additional Sub-Divisional Officers

[1][(1) The State Government may appoint in each district as many persons as it thinks fit to be Assistant Collectors of the first or second class.]

[2][(2) The State Government may place an Assistant Collector first class in charge of one or more sub-divisions of a district, and such an officer shall be called the Assistant Collector first class in charge of a sub-divisional or a Sub-Divisional Officer.]

(3) The officers referred to in sub-section (1) or sub-section (2) shall exercise all the powers and discharge all the duties conferred and imposed upon them by or under this Code or any other law for the time being in force subject to the control of the Collector.

(4) The State Government may designate an [3] [Assistant Collector first class] appointed to a district to be an Additional Sub-Divisional Officer for one or more tahsil of the district.

(5) Subject to the provisions of this Code the Additional Sub-Divisional Officer shall exercise such powers and discharge such duties of a Sub-Divisional Officer in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector may direct.

[4][(6) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Assistant Collector first class, as Sub-Divisional Officer (Judicial) for one or more tahsils, and any such Sub-Divisional Officer (Judicial) shall be allotted only judicial business. Such a Sub-Divisional Officer (Judicial) shall exercise such powers and discharge such duties of a Sub-Divisional Officer in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector, may direct.]

[1] Subs. by sec. 13 (a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 13 (b) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 13 (c) of U. P. Act no. 04 of 2016.
[4] Ins. by sec. 13(d) of U. P. Act no. 04 of 2016.

Section 14. Tahsildars and Tahsildars Judicial

(1) The State Government may appoint in each district as many persons as it thinks fit to be Tahsildars and Tahsildar Judicial.

(2) Subject to the provisions of this Code the Tahsildar and Tahsildar Judicial shall exercise such powers and discharge such duties as the State Government or the Board, and in the absence of any directions from the State Government or the Board the Collector may direct.

Section 15. Naib-Tahsildars

The State Government may appoint in each district as many persons as it thinks fit to be Naib-Tahsildars who shall exercise the power and perform the duties conferred or imposed on them by or under this Code or under any other law for the time being in force.

Section 16. Revenue Inspectors and Lekhpals

(1) The Collector may appoint in each tahsil one or more Revenue Inspector for the proper supervision, maintenance and correction of the village records, and for such other duties as the State Government may, from time to time, by general or special order specify.

(2) The Collector may appoint in each tahsil, as many Lekhpals for the preparation, maintenance and correction of the village records, and for such other duties as the State Government may from time to time by general or special order, specify.

Section 17. Combination of Office

It shall be lawful for the State Government or the authority competent to appoint, as the case may be, to appoint one and the same person, being otherwise competent according to law for any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise, as it may deem expedient.

Section 18. Recovery of money, papers, and other Government property

(1) The Collector may in cases in which there is claim outstanding on any revenue officer or on any person formerly employed as such in his district for public money or papers or other property of the State Government in his charge, by order, for reasons to be recorded, require the money or the particular papers or property detained to be delivered either immediately to the bearer of the said order or to such person on such date and at such place as the order may specify.

[1][(2) If the officer or other person aforesaid does not comply as directed, the Collector shall impose a penalty of two hundred and fifty rupees each day till the direction is complied with, so however, total amount of such penalty shall not exceed twenty five thousand rupees:

Provided that the officer or other person, as the case may be, shall be given a reasonable opportunity of hearing before any penalty is imposed on him.]

(3) Imposition of penalty under sub-section (2) shall not bar the prosecution for any offence or recovery of money, papers and other government property under any law for the time being in force.]

[1] Subs. and ins. by sec. 15 of U. P. Act no. 04 of 2016.

Section 19. Other power of Revenue Officers

(1) When any power is exercisable or any duty is dischargeable by any officer or authority under this Code, such power or duty may be exercised or discharged by any superior officer or authority as well.

(2) The revenue officers appointed under this Code shall, subject to the control of the state Government, exercise such other powers and discharge such other duties as the State Government may, by any general or special order direct.

CHAPTER-IV Boundaries and Boundary Marks

Section 20. Fixation and demarcation of boundaries

(1) boundaries of all villages in the State and of all survey numbers in a village shall be fixed and demarcated by boundary marks.

(2) The boundary marks shall, subject to the provisions hereinafter contained in this Chapter, be of such specifications and shall be constructed and maintained in such manner as may be prescribed.

Section 21. Obligation regarding maintenance and repair of boundary marks

(1) Every tenure-holder shall be responsible to maintain and repair at his cost the boundary marks lawfully erected in his holding or on the boundary thereof.

(2) The [1][Gram Panchayat] shall be responsible to maintain and repair at its cost the boundary marks other than those mentioned in sub-section (1), lawfully erected in the villages situate within its jurisdiction.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 22. Destruction etc. of boundary marks

(1) If any boundary marks lawfully erected in a Lekhpal circle is destroyed removed or damaged, then the concerned Lekhpal shall be bound promptly to report the matter to the Naib Tehsildar.

(2) The Naib Tehsildar shall make an inquiry in respect of Such report and shall submit his recommendation to the Sub-Divisional Officer.

Section 23. Power to require erection, repair of renewal of boundary marks

(1) The Sub-Divisional Officer may, on receipt of the recommendations of the Naib Tahsildar under section 22, or otherwise, require a [1][Gram Panchayat] in relation to a village and a tenure holder in relation to his holding, to erect or restore proper boundary marks or to repair or replace the same in such manner as may be prescribed.

(2) Where the [1][Gram Panchayat] or a tenure holder fails to erect, restore, repair or replace the boundary marks as required under sub-section (1), the Sub-Divisional Officer may cause such boundary marks to be erected, restored, repaid or replaced as the case may be and recover the cost thereof from such [1][Gram Panchayat] or the tenure holder in the manner prescribed.

[1] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

Section 24. Disputes regarding boundaries

(1) The Sub-Divisional Officer may, on his own motion or on an application made in this behalf by a person interested decide, by summary inquiry, any dispute regarding boundaries on the basis of existing survey map or, where they have been revised to accordance with the provisions of the Uttar Pradesh Consolidation of Holidays Act, 1953, on the basis of such maps, but if this is not possible, the boundaries shall be fixed on the basis of actual possession.

(2) If in the course of an inquiry into a dispute under sub-section (1), the Sub-Divisional Officer is unable to satisfy himself as to which party is in possession or if it is shown that possession shall been obtained by wrongful dispossession of the lawful occupant, the Sub-Divisional Officer shall-

(a) in the first case, ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession ;

(b) in the second case, put the person so dispossessed in possession and for that purpose use or cause to be used such force as may be necessary and shall then fix the boundary accordingly.

(3) Every proceeding under this section shall, as far as possible, be concluded by the Sub-Divisional Officer within [1][three months] from the date of the application.

(4) Any person aggrieved by the order of the Sub-Divisional Officer may prefer an appeal before the Commissioner within 30 days of the date of such order. [2][The order of the Commissioner shall, subject to the provisions of section 210, be final.]

[1] Subs. by sec. 18(b) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 2 of U. P. Act no. 07 of 2019.

Section 25. Rights of way and other easements

In the event of any dispute arising as to the route by which a tenure holder or an agricultural labourer shall have access to his land or to the waste or pasture land of the village (other than by the public roads paths or common land) or as to the source from or course by which he may avail himself of irrigational facilities, the Tahsildar may, after such local inquiry as may be considered necessary, decide the matter with reference to the prevailing custom and with due regard to the convenience of all the parties concerned. He may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.

Section 26. Removal of obstacle

If the Tehsildar finds that any obstacle impedes the free use of a public road, path or common land of a village or obstructs the road or water course or source of water, he may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.

Section 27. Revisional powers of Sub-Divisional Officer

The Sub-Divisional Officer may call for the record of any case decided by the Tahsildar under section 25 or 26, for the purpose of satisfying himself as to the legality or propriety of such decision, and may, after affording opportunity of hearing to the parties concerned pass such orders as he thinks fit [1][:]

[2] [Provided that no application under this section shall be entertained after the expiry of a period of thirty days from the date of the order sought to be revised.]

[1] Subs. by sec. 21 of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 21 Prov. of U. P. Act no. 04 of 2016.

Section 28. Order not to debar from establishing any right of easement

No order made under this Chapter shall debar any person from establishing such right of casement or customary right as he may claim by a civil suit.

CHAPTER-V Maintenance of village records

Section 29. List of villages

(1) The Collector shall prepare and maintain a register in the form prescribed, containing list of all villages in his district and shall show therein-

(a) the areas which are liable to fluvial action ;

(b) the areas which have precarious cultivation ; and

(c) such other particular as may be prescribed.

(2) The register shall be revised every five years or at such longer intervals as may be prescribed.

Section 30. Maintenance of Map and Field Book

(1) The Collector shall maintain, in the manner prescribed, a map and a field book (khasra) for each such village and shall cause to be recorded therein, annually, or at such longer intervals as may be prescribed, all changes in the boundaries of the village or survey numbers, and shall also cause to be corrected, any errors or omissions which are, from time to time, detected in such map or field book (khasra).

[1][(2) The minjumla number shall be divided physically in the manner prescribed and revenue records including map and khasra shall be corrected accordingly.]

[1] Ins. by sec. 22 of U. P. Act no. 04 of 2016.

Section 31. Record of Rights

(1) The Collector shall maintain, in the form and manner prescribed, a record of rights (Khatauli) for each village, which shall contain the following particulars, namely -

(a) the names of all tenure holders together with survey numbers or plot numbers held by them and their areas.

(b) the nature or extent of the [1][respective interests including shares] of such persons and the conditions or liabilities, if any, attaching thereto ;

(c) the rent or revenue, if any, payable by or to any such person.

(d) particulars of all land (other than holdings) belonging to or vested in the [2] [State Government, Central Government, Gram Panchayat] or a local authority.

(e) such other particulars as may be prescribed.

[3][(2) Shares of the co-tenure holders shall be determined in the manner prescribed.]

[1] Subs. by sec. 23(b)(i) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 23(b)(iii) of U. P. Act no. 04 of 2016.
[3] Ins. by sec. 23(c) of U. P. Act no. 04 of 2016.

Section 32. Correction of records

(1) Subject to the control of the Collector, the Sub-Divisional Officer the Tahsildar, or the Revenue Inspector shall record, in the manner hereinafter provided in this Chapter, all changes in the record of rights (Khatauni), the field book (Khasra) and the map that may take place, and all transactions that may affect any of the rights or interests recorded, and correct therein any error proved to have been made in the records previously prepared :

[1][Provided that order for correction in map shall be passed by the Collector.]

(2) No application for correction of error under sub-section (1) where the claim is based solely on possession as well as involving intricate question of title shall be maintainable.

[1] Ins. by sec. 24(b) Prov. of U. P. Act no. 04 of 2016.

Section 33. Mutation in cases of succession

(1) Every person obtaining possession of any land by succession shall submit report of such succession to the Revenue Inspector of the circle in which the land is situate in such form as may be prescribed.

(2) On receipt of a report under sub-section (1) or on facts otherwise coming to his knowledge the Revenue Inspector shall-

(a) if the case is not disputed, record such succession in the record of rights (Khatauni) ;

(b) in any other case, make such inquiry as may appear to him to be necessary and submit his report to the Tehsildar.

[1] [(3)] Any person whose name has not been recorded by Revenue Inspector or is aggrieved by the order passed by the Revenue Inspector under [1][under clause (a) or (b) of sub-section (2)] may move an application before Tehsildar.

[2][(4)] The provisions of this section shall mutatis mutandis apply to every person admitted as Bhumidhar with non-transferable rights or as an asami by the Bhumi Prabandhak Samiti in accordance with the provisions of this Code or any enanctment repealed by it.

[1] Renumbered and Substituted by sec. 25(a) of U. P. Act no. 04 of 2016.
[2] Renumbered and Substituted by sec. 25(b) of U. P. Act no. 04 of 2016.

Section 34. Duty to report in cases of transfer

(1) Every person obtaining possession of any land by transfer, other than transfer referred to in sub-section (3) of section 33 shall report such transfer, in the manner prescribed, to the Tahsildar of the Tahsil in which the land is situate.

Explanation:- For the purposes of this section, the word transfer includes a family settlement [1][***]

[2][(2) State Government may fix a scale of fees for getting entry recorded in the record of rights on the basis of transfer. A fee in respect of any such entry shall be payable by the person in whose favour the entry as to be made.]

[1] Omit. by sec. 26(b) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 26(d) of U. P. Act no. 04 of 2016.

Section 35. Mutation in cases of succession or transfer

(1) On the receipt of a report under section 33 or section 34, or upon facts otherwise coming to his knowledge, the Tahsildar shall issue a proclamation and make such inquiry as appears to be necessary and-

(a) if the case is not disputed, he shall direct the record of rights (Khatauni) to be amended accordingly ;

(b) [1][* * * *]

[2][(c) if the case is disputed, he shall decide the dispute and direct, if necessary, the record of rights (Khatauni) to be amended accordingly.]

[3][(2) Any person aggrieved by an order of the Tahsildar under sub-section (1) may prefer an appeal to the Sub-Divisional Officer within a period of thirty days from the date of such order.]

[1] Omit. by sec. 27(a)(i) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 27(a)(ii) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 27(b) of U. P. Act no. 04 of 2016.

Section 36. Intimation of transfer and deposit of land revenue

(1) Notwithstanding anything contained in section 34, where any document purporting to create, assign or extinguish any title to or any charge on land or in respect of which a record of rights (Khatauni) is prepared, is registered under the ''Registration Act, 1908'' the registering authority shall send intimation to the Tahsildar within whose jurisdiction such land is situate in such form and within such time as may be proscribed.

(2) Notwithstanding anything contained in this Chapter no order for correction of records under section 32 and no order for recording succession under section 33 and no amendment of record of rights (Khatauni) under section 35 and no correction under section 38 shall be recorded, unless the amount of land revenue due up-to-date in respect of the land to which such order relates has been deposited.

Section 37. Bar against certain suits

No suit or other proceeding shall lie in any revenue court at the instance of any person obtaining possession of any land by succession or transfer, until he has made a report under section 33 or section 34, as the case may be.

Section 38. Correction of errors and omission

(1) An application for correction of any error or omission in the map, field-book (khasra) or record of rights (Khatauni) shall be made to the Tahsildar in the manner prescribed.

[1][(2) On receiving an application under sub-section (1) or on any error or omission otherwise coming to his knowledge, the Tahsildar shall make such inquiry as may appear to him to be necessary, and refer the case along with his report to the Collector in the case of map correction and to the Sub-Divisional Officer in matter of other correction.

(3) The case shall be decided by the Collector or the Sub Divisional Officer as the case may be, after considering any objection filed and evidence produced before him or before the Tahsildar.

(4) Any person aggrieved by an order of the Collector or the Sub-Divisional Officer, as the case may be, under sub-section (3) may prefer an appeal to the Commissioner within a period of thirty days from the date of such order, and [2][The decision of the Commissioner shall, subject to the provisions of section 210, be final].]

[3][(5) Any forged or manipulated entry in the map, the khasra or the record of rights (Khatauni) may be expunged under this section.

(6) Notwithstanding anything contained in other provisions of this Code, the Revenue Inspector may correct any undisputed error or omission in the record of rights (Khatauni) or Khasra in such manner and after making such inquiry, as may be prescribed.]

Explanation :- The power to correct any error or omission under this section shall not be construed to include the power to decide a dispute involving question of title.

[1] Subs. by sec. 29 (a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 3 of U. P. Act no. 07 of 2019.
[3] Ins. by sec. 29(a) of U. P. Act no. 04 of 2016.

Section 39. Certain orders of revenue officers not to debar a suit

No order passed by a Revenue Inspector under section 33, or by a Tahsildar under sub-section (1) of section 35 or by a Sub-Divisional Officer under sub-section (3) of section 38 or by a Commissioner under [1][sub-section (4) of section 38] shall debar any person from establishing his rights to the land by means of a suit under section 144.

[1] Subs. by sec. 30 of U. P. Act no. 04 of 2016.

Section 40. Presumption as to entries

All entries [1][in the record of right (Khatauni)] prepared in accordance with the provisions of this Code shall be presumed to be true, until the contrary is proved.

[1] Subs. by sec. 31 of U. P. Act no. 04 of 2016.

Section 41. Kisan Bahi

(1) Every time when a record of rights (Khatauni) is prepared under this Chapter, the Collector shall as soon as may because to be supplied to every tenure-holder a Kisan Bahi containing such particulars as may be prescribed.

(2) The Kisan Bahi shall be a consolidated pass-book for all the holdings held by a tenure-holder in the district.

(3) In the case of a joint holding, it shall be sufficient for the purpose of this section if Kisan Bahi is supplied only to such one or more of the recorded co-tenure holders as may apply for it.

(4) The tenure holder shall be liable to pay such cost for the Kisan Bahi and in such manner as may be prescribed.

(5) Every person holding Kisan Bahi shall, from time to time, be entitled, without any extra payment, to get the amendments made in the record of rights (Khatauni) incorporated in his Kisan Bahi.

(6) Whenever a bank or other public financial institution advances loan to a tenure holder on the basis of a representation of the tenure holder that he is a holder of the holdings recorded in the Kisan Bahi, it shall endorse the details of the loan so advanced in the Kisan Bahi. [1][* * *]

(7) The tenure holder shall also submit to such bank or other financial institution an affidavit declaring that he has not taken any other loan (which remains wholly or partly unpaid) on the security of the holdings comprised in the Kisan Bahi nor has he transferred the holding or any share therein to any person in any other manner whatsoever.

(8) Any tenure holder who in such an affidavit makes any statement which is false and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years and shall, also be liable to fine.

(9) Such bank or other financial institution shall also endorse the final repayment of the loan on the Kisan Bahi.

[1] Omit. by sec. 32(c) of U. P. Act no. 04 of 2016.

Section 42. Duty to produce information or documents

Every person whose rights, interests or obligations are required to be or have been entered in any record or register maintained under this Chapter shall be bound, on the requisition of any revenue officer engaged in compiling or revising such record or register, to furnish or produce for his inspection, within such time as may be specified, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

CHAPTER-VI Revision of village records

Section 43. Notification of record and survey operations

(1) Whenever the State Government is of opinion that in any district or other local area, a revision of records or a re-survey, or both is necessary, it shall publish a notification to that effect and thereupon such district or area shall be deemed to be under record operation or survey operation or both, as the case may be.

[1][(2) The State Government may, by notification in the gazette, order that a survey operation or a record operation of abadi or village abadi or village abadi or both shall be made in the manner prescribed.]

[2][(3) The State Government may, by a subsequent notification, amend or cancel the notification issued under sub-section (1) or sub-section (2), or declare the operation to be closed.]

[1] Subs. by sec. 33(b) of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 33(c) of U. P. Act no. 04 of 2016.

Section 44. Record Officer and Assistant Record Officer

(1) The State Government may appoint a Record Officer who shall be incharge of the record operation or the survey operation or both and may also appoint as many Assistant Record Officers as it may deem fit.

(2) The Assistant Record Officer shall, for so long as the notification under [1][sub-section (1) or sub-section (2) of section 43] is in force, exercise the powers conferred on him by this Code and shall discharge such other duties as may be entrusted to him by the Record Officer.

[1] Subs. by sec. 34(b) of U. P. Act no. 04 of 2016.

Section 45. Power of Record Officer during record or survey operation

Where any district or other local area is under record or survey operation, the powers conferred by sections 23 to 26 shall be exercised by the Record Officer.

Section 46. Revisions of records during record operation

When any district or other local area is under record operation, the Record Officer shall cause to be revised, for each village comprised therein, the field book (khasra) and [1][the record of rights (Khatauni) or the record of abadi or village abadi].

[1] Subs. by sec. 36 of U. P. Act no. 04 of 2016.

Section 47. Revision of records during survey operation

When any district or other local area is under survey operation the Record Officer shall cause to be prepared for each village comprised therein, a map and thereafter, proceed to revise [1][the field book (Khasra) and the record of rights (Khatauni) or the record of abadi or village abadi, as the case may be].

[1] Subs. by sec. 37 of U. P. Act no. 04 of 2016.

Section 48. Powers of Record Officer as to erection of boundary marks

When any local area is under survey operation the Record Officer may issue a proclamation directing all [1][Gram Panchayat] and Bhumidhars to erect, within fifteen days such boundary marks, as he may think necessary to define the limits of the villages and fields and in default, he may cause such boundary marks to be erected, and the Collector shall recover the cost of their erection from the [1][Gram Panchayats] or Bhumidhars concerned.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 49. Procedure of revision of map and records

(1) For revising the map and records under sections 46 and 47, the Record Officer shall, subject to the provisions of sub-sections (2) to (8), cause to be carried out survey, map correction, field to field partal and test and verification of current record of rights (Khatauni) in accordance with the procedure prescribed.

(2) After the test and verification of the current record of rights, the Naib Tahsildar shall correct clerical mistakes and errors, if any, in such records, and shall cause to be issued to the concerned tenure holders and other persons interested, notices containing relevant extracts from the current record of rights and such other records as may be prescribed showing their rights and liabilities in relation to land and mistakes and disputes discovered during the operations mentioned in sub-section (1).

(3) Any person to whom notice under sub-section (2) has been issued may within twenty, one days of the receipt of notice, file before the Naib-Tahsildar objections in respect thereof disputing the correctness or nature of the entries in such records or extracts.

(4) Any person interested in the land may also file objection before the Naib-Tahsildar at any time before the dispute is settled in accordance with sub-section (5) or before the Assistant Record Officer, at any time before the objections are decided in accordance with subsection (6).

(5) The Naib-Tahsildar shall-

(a) where objections are filed in accordance with sub-section (3) or sub-section (4) after hearing the parties concerned ; and

(b) in any other case, after making such inquiry as he may deem necessary, correct the mistake, and settle the dispute by conciliation between the parties appearing before him, and pass orders on the basis of such conciliation.

(6) The record of all cases which cannot be disposed of by the Naib-Tahsildar by conciliation as required by sub-section (5), shall be forwarded to the Assistant Record Officer who shall dispose of the same, in accordance with

the procedure laid down in section 24 and where the dispute involves a question of title, he shall decide the same after a summary inquiry.

(7) Where after the summary inquiry under sub-section (6), the Assistant Record Officer is satisfied that the land in dispute belongs to the State Government or a local authority, he shall cause the person in unauthorized occupation of such land to be evicted and may, for that purpose, use or cause to be used such force as may be necessary.

(8) Any person aggrieved by an order of the Assistant Record Officer made under sub-section (6) or sub-section (7) [1][may prefer an appeal within thirty days from the date of such order to the Record Officer in the manner prescribed] and every order of the Record Officer on such appeal shall, subject to the provisions of section 210, be final.

[1] Subs. by sec. 39(b) of U. P. Act no. 04 of 2016.

Section 50. Finalization of record of rights

After the revision of map or records in accordance with section 49, the Assistant Record Officer shall confirm or amend the record of rights (Khatauni) under his dated signature.

Section 51. Preparation of new record of rights

The assistant Record Officer shall thereafter prepare, for each village in the area under the record or survey operation, the records specified in sections 30 and 31 on the basis of the record of rights (Khatauni) referred to in section 50 and the records so prepared shall be maintained by the Collector in place of the records previously existing.

Section 52. Procedure for villages where no records are available

(1) The provision of this Chapter shall, mutatis mutandis apply to a record operation or survey operation in respect of every such village or part thereof, where no map or other record referred to in section 46 or section 47 is available, and for this purpose, the Record Officer shall follow such procedure as may be prescribed.

[1][(2) The provisions of this Chapter shall, mutatis mutandis, apply to record operation and survey operation of abadi or village abadi.]

[1] Ins. by sec. 40(c) of U. P. Act no. 04 of 2016.

Section 53. Presumption as to the entries

All entries in the record of rights (Khatauni) prepared in accordance with the provisions of this Chapter shall be presumed to be true until the contrary is proved.

CHAPTER-VII Ownership of Land and other Properties

Section 54. Title of State in all lands etc

All public roads, lanes and paths, bridges, ditches, dykes and fences on or beside them, the bed of rivers, streams, nallas, lakes, ponds and tanks and all canals and water channels, and all standing and flowing water, and all lands wherever situated, which are not owned by any person, and except in so far as any rights of any persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are hereby declared, with all rights in or over the same, or appertaining thereto, to be the property of the State Government :

Provided that nothing in this section shall be deemed to affect the rights of any person subsisting in any such property immediately before the date of commencement of this Code.

Section 55. Mines and minerals

(1) Notwithstanding anything contained in this Code, the right to operate or work in any mine or to extract any mineral there from shall be governed by the Mines and Minerals (Development and Regulation) Act, 1957.

[1][(2) Every lessee of building or land, leased or deemed to have been leased out by the State Government under any of the enactments repealed by this Code, for the purposes connected with the working or extraction of any mine or mineral, and operating on the date of commencement of this Code, shall, subject to the terms and conditions of the lease aforesaid, continue to retain possession thereof on payment of such rent as was in force on the date of such commencement.]

[1] Subs. by sec. 43(b) of U. P. Act no. 04 of 2016.

Section 56. Rights in trees

(1) All trees existing on any holding or grove shall, subject to the provisions of this Code or any other law for the time being in force, be deemed to belong to the person who holds such holding or grove.

(2) All trees existing on the boundary of any holdings shall be deemed to belong jointly to the persons who hold the holdings on either side of such boundary.

(3) All trees in abadi or in any unoccupied land belonging to or held by any person immediately before the date of commencement of is Code shall continue to belong to such person and be held subject to any other law for the time being in force and to any rules made under this Code.

(4) Subject to the provisions of section 57, all trees, brushwood, jungle or other natural product, wherever growing or planted, other than the trees referred to in sub-sections (1) to (3) shall, with effect from the date of commencement of this Code be deemed to be the property of the State Government.

Explanation-For the purposes of this section, and section 59, the expression 'unoccupied land' means the land in a village other than the land held by tenure-holders.

Section 57. Fruit bearing trees

(1) Where before the commencement of this Code, any fruit bearing tree was planted by any person on either side of any public road or path or canal with the permission in writing of any revenue officer or an officer of the Forest or Public Works Department or Irrigation Department of the State Government, not below the rank of a Tahsildar or an Assistant conservator of Forest or an Assistant Engineer, as the case may be, then notwithstanding that such land vests in the State Government, such person and his legal representatives shall be entitled to the fruits of such trees without payment of any charges whatsoever.

(2) Any person desiring to plant a fruit bearing tree after the commencement of this Code, on either side of any public road or path or canal may do so with the permission in writing of the Collector or any other officer authorized by the State Government in this behalf and the provisions of sub-section (1) shall apply to the trees so planted.

(3) The right conferred under this section shall be heritable but the person planting the fruit bearing tree or his heirs shall have no right to the corpus of such tree or in the land on which it stands.

Section 58. Disputes to be decided by Collector

(1) Where any dispute arises in respect of any property referred to in section 54 or section 56 or section 57 or in respect of any right to such property, such dispute shall be decided by the Collector.

(2) Any person aggrieved by any order passed under sub-section (1) may file an appeal before the Commissioner within [1][thirty days] from the date of order.

[1] Subs. by sec. 46 of U. P. Act no. 04 of 2016.

CHAPTER-VIII Management of Land and other Properties by Gram Panchayat or other Local Authority

Section 59. Entrustment of land etc. to [1][Gram Panchayats] and other local authorities

(1) The State Government may, by general or special order to be published in the manner prescribed, entrust all or any of the things specified in sub-section (2), which vest in the State Government, to a [1][Gram Panchayat] or other local authority for the purposes of superintendence, preservation, management and control in accordance with the provisions of this code.

(2) The following things may be entrusted to a [1][Gram Panchayat] or other local authority under sub-section (1), namely -

(i) lands, whether cultivable or otherwise, except land for the time being comprised in any holding or grove ;

(ii) grove standing on the [1][Gram Panchayat] land, pasture land, graveyard, cremation-ground, manure pits, Khaliyans, Chakroads, link roads, sector roads, land in river bed, road, Sadak Khanti, Sullage farm ;

(iii) forests ; and fisheries ;

(iv) trees, other than trees in a holding or on the boundary of a holding or in a grove or abadi, or any trees on unoccupied land ;

(v) hats, bazars, melas, tanks, ponds, water-channels, private ferries, pathways, and abadi sites ;

(vi) subject to the provision of the Treasure Trove Act, 1878, any properties specified in section 55 and belonging to the State Government.

(3) Every land or other thing-

(a) vested in a [2][Gram Panchayat] or any other local authority under the provisions of the Uttar Pradesh Consolidation of Holdings Act, 1953 or the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 ;

(b) placed under the charge of a [2][Gram Panchayat] or any other local authority under any of the enactments repealed by this Code ;

(c) otherwise coming into possession of a [2][Gram Panchayat] or other local authority, either before or after the commencement of this Code ; shall be deemed to be entrusted to such [2][Gram Panchayat] or other local authority, as the case may be, with effect from the date of commencement of this Code or from the date of such coming into its possession, for the purpose of superintendence, preservation, management and control, in accordance with the provisions of this Code.

(4) The State Government may, by a subsequent order to be published in the manner prescribed,-

[3][(a) (i) add to, amend, vary or rescind any earlier order issued under sub-section (1);

(ii) convert any land entrusted or deemed to be entrusted or transferred to any Gram Panchayat or local authority, which is not covered under sub-section (1) of section 77 to a land covered under sub-section (1) of section 77.]

(b) transfer to any other [2][Gram Panchayats] or other local authority, any land or other thing entrusted or deemed to be entrusted under sub-section (1) or sub-section (3) for superintendence, preservation, management and control ;

[4][(c) (i) resume any land or other thing so entrusted or deemed to be entrusted or transferred to any Gram Panchayat or local authority on such terms and conditions as prescribed.

(ii) add to, amend, vary or rescind any earlier order issued under clause (i);]

(d) impose conditions and restrictions subject to which the powers of superintendence, preservation, management and control under this section shall be exercised.

(5) Where any of the things specified in sub-section (2) has been entrusted or deemed to have been entrusted to a [2][Gram Panchayat], and the village or any part thereof in which such things are situated lies outside the circle of the [2][Gram Panchayat], such [2][Gram Panchayat] or its Bhumi Prabandhak Samiti shall, subject to any general or special order issued by the State Government in this behalf, perform, discharge and exercise the functions, duties and powers, assigned, imposed or conferred by or under this Code or the U. P. Panchayat Raj Act, 1947 on a [5][Gram Panchayat] or a Bhumi Prabandhak Samiti as if that village or part also lay within that circle.

(6) Where any of the things specified under sub-section (2) has been entrusted or deemed to be entrusted to a local authority other than the [5][Gram Panchayat], the provisions of this Chapter shall mutatis mutandis apply to such local authority.

[6][Explanation : For the purpose of this section the word ''Local Authority'' includes Kshetra Panchayat, Zila Panchayat, Town Area, Notified Area, Cantonment Area, Nagar Panchayat, Nagar Palika, Nagar Mahapalika, Nagar Nigam, Noida Vikas Pradhikaran, Greater Noida Vikas Pradhikaran, Yamuna Expressway Vikas Pradhikaran or any Industrial township declared as an Industrial Development Area under the Uttar Pradesh Industrial Area Development Act, 1976 under Article 243-Q of the Constitution of India.]

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 3(1) of U.P. Act no. 28 of 2020.
[4] Subs. by sec. 3(2) of U.P. Act no. 28 of 2020.
[5] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[6] Ins. by sec. 2 of U.P. Act no. 04 of 2021.

Section 60. Superintendence, management and control by Bhumi Prabandhak Samiti

(1) Subject to the provisions of this Code, every Bhumi Prabandhak Samiti shall be charged, for and on behalf of the [1][Gram Panchayat], with the superintendence, preservation, management and control of all land and other things entrusted or deemed to be entrusted to that [1][Gram Panchayat] under section 59 or over which such [1][Gram Panchayat] is entitled to take possession under this Code or any other law for the time being in force.

(2) Without prejudice to the generality and management of land;

(a) the settlement and management of land ;

[2][(b) the preservation, maintenance and development of forests trees ; and pastures.]

(c) the maintenance and development of abadi sites and village communications ;

(d) the management of hats, bazars and meals ;

(e) the maintenance and development of fisheries and tanks ; (f) the development of cottage industries ;

(g) the development and improvement of agriculture ;

(h) the conduct and prosecution of suits and proceedings by or against the [1][Gram Panchayats] ; and

(i) such other matters as may be prescribed ;

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 4 of U.P. Act no. 28 of 2020.

Section 61. Management of village tanks

Where a tank in any village is entrusted or deemed to be entrusted to any [1][Gram Panchayat] under section 59, then, notwithstanding anything contained in any contract or grant or any law for the time being in force, its management by such [1][Gram Panchayat] shall be regulated by the following conditions, namely :-

(a) where the area of the tank measures 0.5 acre, the Bhumi Prabandhak samiti shall, with the previous approved of the Sub-Divisional Officer, let it out in the manner prescribed.

(b) where the area of the tank exceeds 0.5 acre. the Bhumi Prabandhak samiti shall, with the previous approval of the Sub-Divisional Officer, let it out in the manner prescribed.

Explanation-For the purpose of this section, the term 'tank', includes talab, pond, pokhar and other land covered with water.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 62. Conduct of suits and legal proceedings

(1) Subject to the provisions of sub-section (2) and such other conditions as may be prescribed, the Chairman or such members of the Bhumi Prabandhak Samiti as may be authorized in this behalf by such Samiti, may sign any document and do all other things for the proper conduct and prosecution of suits and other proceedings for and on behalf of the [1][Gram Panchayat].

(2) No suit or other proceedings to which any [1][Gram Panchayat] is a party shall be compromised or withdrawal on behalf of such [1][Gram Panchayat], unless such compromise or withdrawal is approved by a resolution of the Bhumi Prabandhak Samiti and prior sanction of the Sub-Divisional Officer is obtained.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 63. Land which may be allotted for abadi sites

(1) The Sub-Divisional officer may of his own motion or on the resolution of the Bhumi Prabandhak Samiti earmark the following classes of land for the provision of abadi sites for allotment to persons specified in section 64 :-

(a) all lands entrusted or deemed to been trusted to a [1][Gram Panchayat] under clause (i) of sub-section (2) of section 59 ;

(b) all lands coming into possession of [1][Gram Panchayat] under any other provision of this Code ;

(2) Notwithstanding anything contained in any other provision of this Code or in the U. P. Panchayat Raj Act, 1947, the Bhumi Prabandhak Samiti may, with the previous approval of the Sub-Divisional Officer, allot the following classes of land for the purposes of building houses :-

(a) [2][any vacant land referred to in sub-section (1)] ;

(b) any land earmarked for abadi sites under the Uttar Pradesh Consolidation of Holdings Act, 1953 ;

[3][(c) any land acquired under the provisions of Land Acquisition Act, 1894 (Act no. 1 of 1894) and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no. 30 of 2013)].

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 49(b)(i) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 49(b)(ii) of U. P. Act no. 04 of 2016.

Section 64. Allotment of abadi sites

(1) The following order of preference shall be observed in making allotment of land referred to section 63 :-

(a) an agricultural labourer or a village artisan residing in the [1][Gram Sabha] and belonging to a scheduled caste or scheduled tribe or other backward Classes or a person of general category living below poverty line as determined by the State Government.

(b) any other agricultural labourer or a village artisan residing in the [1][Gram Sabha].

(c) any other person residing in the [1][Gram Sabha] and belonging to a scheduled caste or scheduled tribe or other Backward Classes or a person of general category living below poverty line as determined by the State Government ;

Provided that preference will be given to widow and physically handicapped person within same category.

Explanation-For the purposes of this sub-section -

(1) "other backward class" means the backward classes of citizens specified in Schedule-1 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U. P. Act No. 4 of 1994) ;

(2) "person of general category living below poverty line" means such persons as may be determined from time to time by the State Government.

(2) In making an allotment under this section, preference shall be given to a person who either holds no house or has insufficient accommodation considering the requirement of his family.

(3) Every land allotted under this section shall be held by the allottee on such terms and conditions as may be prescribed [:]

[2][Provided that if the allottee is a married man and his wife is alive she shall be co-allottee of equal share in the and so allotted.]

[1] Subs. by sec. 50(b) of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 64 (3) Prov. of U. P. Act no. 04 of 2016.

Section 65. Delivery of possession to allottee

(1) Where any land referred to in section 63 has been allotted for building a house under section 64, and any person other than an allottee is in occupation of such land in contravention of the provisions of this Code, the Sub-Divisional Officer may, of his own motion and shall, on the application of the allottee, put the allottee in possession of such land, and may, for that purpose, use or cause to be used such force as he may consider necessary.

(2) Where any person, after being evicted under this section, reoccupies the land or any part thereof, without lawful authority, he shall be punished with imprisonment for a term which may extend to two years but which shall not be less than three months and also with fine which may extend to three thousand rupees.

Provided that the court convicting the accused may, while passing the sentence, direct that the whole or such portion of the fine that may be recovered as the court considers proper be paid to the allottee as damages for use and occupation.

(3) Where in any proceeding under sub-section (2), the court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise that-

(a) the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of this Code, and

(b) the allottee is entitled to the possession of such land.

the court may, summarily, evict the accused from such land pending the final determination of the case, and, may put the allottee in possession of such land.

(4) Where in any proceeding under sub-section (2), the accused is convicted, the interim order passed under sub-section (3) shall be confirmed by the court.

(5) Where, in any proceeding under sub-section (2), the accused is acquitted or discharged and the court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the court shall, on the application of such person, direct that delivery of possession be made to him.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (2) may be tried summarily.

(7) For the purpose of speedy trial of offences under this section, the State Government, may in consultation with the High Court, by notification constitute special courts each consisting of an officer not below the rank of Sub-Divisional Magistrate, who shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise, in relation to such offence, the powers of a Judicial Magistrate of the First Class.

(8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under sub-section (2) shall be cognizable and non-bailable.

Section 66. Inquiry into irregular allotment of abadi sites

(1) The Collector may, of his own motion and shall, on the application of any person aggrieved by an allotment of land made under section 64, inquire in the manner prescribed of such allotment and if he is satisfied that the allotment is irregular, he may cancel the allotment, and thereupon, the right, title and interest of the allottee and of every other person claiming through him in the land allotted shall cease.

(2) No application under sub-section (1) shall be entertained, if it is made after the expiration of a period of three years from the date of allotment.

(3) [1][Every order of the Collector made under this section shall, subject to the provisions of section 210, be final.]

[1] Subs. by sec. 4 of U. P. Act no. 07 of 2019.

Section 67. Power to prevent damage, misappropriation and wrongful occupation of [1][Gram Panchayats] property

(1) Where any property entrusted or deemed to be entrusted under the provisions of this Code to a [1][Gram Panchayats] or other local authority is damaged or misappropriated, or where any [1][Gram Panchayat] or other authority is entitled to take possession of any land under the provisions of this Code and such land is occupied otherwise than in accordance with the said provisions, the Bhumi Prabandhak Samiti or other authority or the Lekhpal concerned, as the case may be, shall inform the [2][Assistant Collector] concerned in the manner prescribed.

[3][(2) Where from the information received under sub-section (1) (1) or otherwise, the Assistant Collector is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated, or any person is in occupation of any land referred to in that sub-section in contravention of the provisions of this Code, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation not exceeding the amount specified in the notice be not recovered from him and why he should not be evicted from such land.]

(3) If the person to whom a notice has been issued under sub-section (2) fails to show cause within the time specified in the notice or within such extended time as the [2][Assistant Collector] may allow in this behalf, or if the cause shown is found to be insufficient, the [2][Assistant Collector] may direct that such person shall be evicted from the land, and may, for that purpose, use or cause to be used such force as may be necessary, and may direct that the amount of compensation for damage or misappropriation of the property or for wrongful occupation as the case may be, be recovered from such person as arrears of land revenue.

(4) If the Sub-Divisional Officer is of opinion that the person showing cause is not guilty of causing the damage or misappropriation or wrongful occupation referred to in the notice under sub-section (2), he shall discharge the notice.

(5) Any person aggrieved by an order of the Sub-Divisional Officer under Sub-section (3) or Sub-section (4), may within thirty days from the date of such order prefer an appeal to the Collector.

(6) Notwithstanding anything contained in any other provision of this Code, and subject to the provisions of this section every order of the Sub-Divisional Officer under this section shall, subject to the provisions of sub-sections (5) be final.

(7) The procedure to be followed in any action taken under this section shall be such as may be prescribed.

Explanation-For the purpose of this section, the word "land" shall include the trees and buildings standing thereon.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 53(a) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 53(b) of U. P. Act no. 04 of 2016.

Section 67-A. Certain house sites to be settled with existing owners thereof

[1][(1) If any person referred to in sub-section (1) of section 64 has built a house on any land referred to in section 63 of this Code, not being land reserved for any public purpose, and such house exists on the November 29, 2012, the site of such house shall be held by the owner of the house on such terms and conditions as may be prescribed.

(2) Where any person referred to in sub-section (1) of section 64, has built a house on any land held by a tenure holder (not being a government lessee) and such house exists on November 29, 2000, the site of such house, notwithstanding anything contained in this Code, be deemed to be settled with the owner of such house by the tenure holder on such terms and conditions as may be prescribed.

Explanation :-For the purpose of sub-section (2), a house existing on November 29, 2000, on any land held by a tenure holder, shall, unless the contrary is proved, be presumed to have been built by the occupant thereof and where the occupants are members of one family by the head of that family.]

[1] Ins. by sec. 54 of U. P. Act no. 04 of 2016.

Section 68. Gaon Fund

(1) All sums received under this Code by a [1][Gram Sabha], Gram Panchayat or a Bhumi Prabandhak Samiti shall be credited to the Gaon Fund :

Provided that the amount of damages or compensation recovered under section 67 shall be credited to the

Consolidated Gaon Fund.

(2) the Gaon Fund constituted under the enactments repealed by this Code and subsisting immediately before the commencement of such Code shall be deemed to have been constituted under this section.

(3) The [2][Gaon Fund] shall be operated in such manner and shall be applied for such purposes as may be prescribed.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

Section 69. Consolidated Gaon Fund

(1) There shall be established for each district a Consolidated Gaon Fund to which the following amounts shall be credited, namely -

(a) the amount referred to in the proviso to sub-section (1) of section 68 ;

(b) all contributions received by the Collector under sub-section (2) ;

(c) such other amounts as may be prescribed.

(2) Every [1][Gram Panchayats] in a district shall pay to the Collector annually such percentage, not exceeding twenty five as the State Government may from time to time notify of the total amount credited to the Gaon Fund under section 67, in the manner prescribed.

(3) The Consolidated Gaon Fund shall be operated by the Collector and may be applied for the following purposes namely -

(a) the payment of fees and allowances, if any, of the lawyers appointed under section 72 ;

(b) the payment of expenses incurred in connection with the conduct and prosecution of suits, applications or other proceedings by or against the [1][Gram Panchayats] or the Bhumi Prabandhak Samiti under this Code ;

[2] [(c) The payment of expenses incurred on protection, preservation and development of lands of common utility ; and]

(d) the payment of any other sum which the State Government may, by general or special order, declare to be an appropriate charge on such fund.

(4) The Consolidated Gaon Funds constituted under any of the enactments repealed by this Code and subsisting immediately before its commencement shall be deemed to have been constituted under this section.

[3][(5) The State Government may, by notification in the gazette, direct that a consolidated Gaon Fund shall be established also for each Tahsil for the purpose and in the manner prescribed.]

[1] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.
[2] Subs. by sec. 5 of U. P. Act no. 07 of 2019.
[3] Ins. by sec. 55(b) of U. P. Act no. 04 of 2016.

Section 70. Orders and direction of the State Government and the Collector

(1) The State Government and, subject to its control, the Collector may issue such orders or directions to the Bhumi Prabandhak Samiti as may appear to be necessary for purposes of this Code.

(2) It shall be the duty of the Bhumi Prabandhak Samiti and its office bearers to forthwith carry out the orders and comply with the directions issued under sub-section (1).

Section 71. Alternative arrangement

If at any time the Collector is satisfied that-

(a) the Bhumi Prabandhak Samiti has failed without reasonable cause or excuse to discharge its duties or to perform the function imposed or assigned to it by or under this Code ; or

(b) circumstances have so arisen that the Bhumi Prabandhak Samiti is or may be rendered unable to discharge the duties or perform the functions imposed or assigned by or under this Code ; or

(c) it is otherwise expedient or necessary to do so; he may, direct that the duties, powers and functions of such Bhumi Prabandhak Samiti under this Code, shall, notwithstanding anything contained in any other law for the time being in force, be discharged, exercised and performed by an officer not below the rank of a Naib-Tahsildar and for such period and subject to such restrictions as may be specified.

[1][Provided that reasonable opportunity of hearing shall be given to the Bhumi Prabandhak Samiti before issuing any direction under this section.]

[1] Ins. by sec. 57(b) Prov. of U. P. Act no. 04 of 2016.

Section 72. Standing counsel and other lawyers

(1) The State Government may, on such terms and conditions and in such manner as may be prescribed appoint -

(a) [1] [one or more Standing Counsel (Revenue)] each at Allahabad High Court and Lucknow Bench thereof ;

(b) [2][one or more Standing Counsel (Revenue)] each for Board of Revenue Allahabad and Lucknow ;

[3][(c) one or more Divisional Government Counsel (Revenue) for the divisional head-quarters who shall also look after the work related to Circuit Courts of the Board, (wherever Circuit Courts exist at division level) and]

(d) [4][one District Government Counsel (Revenue) and one or more Additional District Government Counsel (Revenue) for the district head-quarters].

(2) The Collector may, on such terms and conditions and in such manner as may be prescribed, appoint not more than two Panel Lawyers (Revenue) for every tahsil.

(3) Subject to the provisions of sub-section (2) of section 62, the legal practitioners appointed under sub-section (1) or sub-section (2) may place or act, without any written authority, on behalf of any [5][Gram Sabha], Gram Panchayat or Bhumi Prabandhak Samiti in any court or authority for which he is so appointed.

(4) No [5][Gram Sabha], Gram Panchayat or Bhumi Prabandhak Samiti] shall engage any legal practitioner other than one appointed under this section without prior permission of the Collector.

(5) Notwithstanding anything contained in the Court Fees Act, 1870, (Act no. 7 of 1870) no court fee shall be payable on any Vakalatnama or memo of appearance filed by any legal practitioner appointed under this section.

(6) The legal practitioners appointed under this section shall not be competent to plead or act against any [5][Gram Sabha], Gram Panchayat or Bhumi Prabandhak Samiti before any court for which he is so appointed.

[6][(7) The State Government may, by notification in the Gazette, Gazette, issue any direction, for monitoring of cases filed by or against Gram Panchayat, [5][Gram Sabha] or Bhumi Prabandhak Samiti and for performance based annual appraisal of Panel Advocates appointed under this Code or the enactments repealed by it, and also for appointing any law officer for the aforesaid purpose.]

[1] Subs. by sec. 58(a)(ii) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 58(a)(iii) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 58(a)(iv) of U. P. Act no. 7 of 2019.
[4] Subs. by sec. 58(a)(v) of U. P. Act no. 04 of 2016.
[5] Subs. by sec. 58 (c) of U. P. Act no. 04 of 2016.
[6] Ins. by sec. 58(e) of U. P. Act no. 04 of 2016.

Section 73. Representation of [1][Gram Panchayat]

(1) In any suit or other proceedings under this Code, the [1][Gram Panchayat] shall be represented -

(a) in proceeding before the Collector or in a civil court, by the District Government Counsel (Revenue) ;

(b) in proceeding before the commissioner, by the Divisional Government Counsel (Revenue) ; and

(c) in proceeding before the Board of the High Court, by the separate Standing Counsels (Revenue) of Lucknow or Allahabad, as the case may be.

(2) Nothing in this Chapter shall preclude the State Government or the collector from appointing special counsel for the conduct of any suit or proceeding to which any [2][Gram Panchayat] is part on such terms and conditions as may be prescribed.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 58 (c) of U. P. Act no. 04 of 2016.

CHAPTER-IX Tenures

Section 74. Classes of tenures

There shall be following classes of tenure holders, namely-

(a) Bhumidhar with transferable rights ;

(b) Bhumidhar with non-transferable rights ;

(c) Asami , and

(d) Government lessee.

Section 75. Bhumidhar with transferable rights

Every person belonging to any of the following classes, shall be called bhumidhar with transferable rights and shall have all the rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such

bhumidhar by or under this Code, namely.

(a) every person who was a bhumidhar with transferable rights immediately before the date of commencement of this Code,

(b) every person who in any other manner acquires, on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Code or under any other law for the time being in force.

Section 76. Bhumidhar with non-transferable rights

(1) Every person belonging to any of the following classes shall be called a bhumidhar with non-transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhar by or under this Code, namely :-

(a) every person who was a bhumidhar with non-transferable rights immediately before the date of commencement of this Code ;

(b) every person who is admitted as a bhumidhar with non-transferable rights on or after the said date by the Bhumi Prabandhan Samiti to any land under or in accordance with the provisions of this Code ;

[1][(c) every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Bhoodan Yojna Act, 1952 ;]

[(d) every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holding Act, 1960 ;]

[2][(dd) every person who was an asami in possession of land not covered by section 77 of this Code, immediately before the date of the commencement of this Code and had been recorded as such in class-3 of the annual register (Khatauni) of 1407 Fasli :

Provided that where the land in possession of a person, together with any other land, held by him in Uttar Pradesh exceeds the ceiling area determined under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the rights of a Bhumidhar with non-transferable rights shall accrue in favour of such person in respect of so much area of the first mentioned land, as together with such other land held by him, does not exceed the ceiling area applicable to him, and the said area shall be demarcated in the prescribed manner in accordance with the principles laid down in the aforesaid Act ;]

[3][(ddd) with effect from the date of operation of this Code, every person rehabilitated in the districts of Pilibhit, Lakhimpur Kheri, Rampur and Bijnor, who-

(i) was displaced at the time of partition of India/Pakistan and is eligible for Indian citizenship under the Citizenship (Amendment) Act, 2019;

or

(ii) is belonging to the Scheduled Tribe Community;

or

(iii) is settled under Upaniveshan Yojana /Colonization Scheme;

and before the commencement of this Code, he is an agricultural lessee under the Government Grant Act, 1895 and he is in cultivatory possession of land other than that mentioned in Section 77 and is recorded as such in shreni 1 (Kh) in the Khatauni:

Provided that where the land in possession of a person, together with any other land, held by him in Uttar Pradesh exceeds the ceiling area determined under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the rights of a Bhumidhar with non-transferable rights shall accrue in favour of such person in respect of so much area of the first mentioned land, as together with such other land held by him, does not exceed the ceiling area applicable to him, and the said area shall be demarcated in the prescribed manner in accordance with the principles laid down in the aforesaid Act;

(dddd) with effect from the date of operation of this Code, every person eligible for Indian citizenship under the Citizenship (Amendment) Act, 2019, who was displaced at the time of partition of India/Pakistan and is in cultivatory possession of any land vested in the Gram Sabha under section 59 of this Code or any land granted by the State Government or any land of the State Government other than land mentioned in Section 77, before 25th October, 1980, in the districts of Pilibhit, Lakhimpur Kheri, Rampur and Bijnor, Provided that non transferable rights will not be conferred on holding which is more than one acre per family:

Provided that where the land in possession of a person, together with any other land, held by him in Uttar Pradesh exceeds the ceiling area determined under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the

rights of a Bhumidhar with non-transferable rights shall accrue in favour of such person in respect of so much area of the first mentioned land, as together with such other land held by him, does not exceed the ceiling area applicable to him, and the said area shall be demarcated in the prescribed manner in accordance with the principles laid down in the aforesaid Act;][4]

(e) every person who in any other manner acquires on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Code, or any other law for the time being in force.

(2) Every person who was a Bhumidhar with non-transferable rights immediately before the commencement of this Code and had been such Bhumidhar for a period of [5][five years] or more shall become Bhumidhar with transferable rights on such commencement.

(3) Every person who was a Bhumidhar with non-transferable rights on the commencement referred to sections (1) and (2) or becomes Bhumidhar with non-transferable rights after such commencement shall become Bhumidhar with transferable rights after expiry of five years from his becoming Bhumidhar with non-transferable rights.

(4) Notwithstanding anything contained in any other provisions of this Code, if any person transfers land by sale after becoming Bhumidhar with transferable rights [6][under sub-section (2) or sub-section (3)], he shall not be eligible for lease of any land vested in the [7] [Gram Panchayat] or the State Government or the surplus land defined in the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.

[1] Subs. by sec. 59(a)(i) of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 59(a)(ii)of U. P. Act no. 04 of 2016.
[3] Ins. by sec. 2 of U. P. Act no. 20 of 2026.
[4] Ins. by sec. 2 of U. P. Act no. 20 of 2026.
[5] Subs. by sec. 59(b) of U. P. Act no. 04 of 2016.
[6] Subs. by sec. 59(d)(i) of U. P. Act no. 04 of 2016.
[7] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 77. Bhumidhar rights not to accrue in certain lands

(1) Notwithstanding anything contained in this Code or any other law for the time being in force; no person shall acquire the rights of a Bhumidhar in the following land :-

(a) Khaliyan, manure pits, pasture land or land normally used as burial or cremation ground ;

(b) land covered by water and used for the purpose of growing singhara or other produce ;

(c) land situate in the bed of a river and used for casual or occasional cultivation ;

(d) such tracts of shifting or unstable cultivation which the State Government may by notification specify ;

(e) land declared by the State Government to be intended or set apart for taungya plantation and notified as such ;

(f) grove land entrusted or deemed to be entrusted to a [1][Gram Panchayat] or any other local authority under section 59 ;

(g) land included in sullage farm or trenching ground entrusted or deemed to be entrusted to a [1][Gram Panchayat] or any other local authority under section 59 ;

(h) land acquired or held for a public purpose or a work of public utility ;

(i) land covered by a pond, tank or lake, or forming part of an embankment, bandh or bhita ; and

(j) any other land which the State Government may, by notification, specify in this behalf ;

Explanation-The expression 'public purpose', in clause (h) shall include ;

(i) land set apart for military incamping ground ;

(ii) land included within railway or canal boundaries ;

(iii) land acquired and held by a local authority for its own purposes ;

(iv) land referred to in section 29-C of the Uttar Pradesh Consolidation of Holdings Act, 1953 ; or

(v) land reserved by a [1][Gram Panchayat] for the purposes of public utility ;

[2][* * * *]

[3][(2) Notwithstanding anything to the contrary contained in other provisions of this Code, where, any land or part thereof specified in sub-section (1) of this section is, surrounded by or, in between, or on the edges and necessary for public purpose, the plot or plots of land purchased, acquired or resumed for public purpose, the State Government may change the class of such public utility land, and if class of such public utility land is changed, any other land equivalent to or more than that of the aforesaid public utility land, shall be reserved for the same purpose in the same or any nearby Gram Panchayat or local authority, as the case may be or the State Government may permit the exchange thereof under section 101 of this Code in the manner prescribed :

Provided that the class of any public utility land may be changed only in the exceptional cases on such terms and conditions, as may be prescribed. The reason for changing the class of public utility land shall be recorded in writing.]

(3) The State Government, while changing the class of the land or permitting the exchange of the same under section 101 of the Code, shall consider the location, public utility and suitability of the land proposed to be reserved or exchanged.

(4) If class of land is changed under sub-section (2) of this section, the Collector shall order the record of rights (Khatauni) and the map to be corrected accordingly.

Explanation:-The expression 'public purpose', in sub-section (2) of this section means, mutatis mutandis, 'the public purpose' as defined in clause (za) of section 3 of Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no. 30 of 2013).]

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Omit. by sec. 60(c) by U. P. Act no. 04 of 2016.
[3] Subs. by sec. 5 of U. P. Act no. 28 of 2020.

Section 78. Asami

Every person belonging to any of the following classes, shall be called an asami, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such asami by or under this Code, namely :-

[1][(a) subject to the provisions of clause (dd) of sub-section (1) of section 76 of this Code, every person who was an asami immediately before the date of commencement of this Code ;]

(b) every person who is admitted as an asami on or after the said date by the Bhumi Prabandhak Samiti to any land under or in accordance with the provisions of this Code ;

(c) every person who is admitted as lessee on or after the said date, by a bhumidhar of any land under or in accordance with the provisions of this Code ;

(d) every person who in any other manner acquires the rights of an asami under or in accordance with the provisions of this Code or any other law for the time being in force.

[1] Subs. by sec. 61 (a) of U. P. Act no. 04 of 2016.

Section 79. Right of bhumidhars to exclusive possession

(1) A bhumidhar with transferable rights shall, subject to the provisions of this Code, have the right to exclusive possession of all land of which he is such a bhumidhar and to use it for any purpose whatsoever.

(2) A bhumidhar with non-transferable rights shall, subject to the provisions of this Code, have the rights to exclusive possession of all land of which he is such a bhumidhar, and to use such land for any purpose connected with agriculture.

Section 80. Use of holding for industrial, commercial or residential purposes

[1][(1) Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes, the Sub Divisional Officer may, suo motu or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being used for the purposes not connected with agriculture or reject the application. The Sub-Divisional Officer shall state take a decision on the application within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing for such rejection and inform the applicant of his decision.

[2][Provided that if the application for declaration is accompanied with the prescribed fee and in case of joint holding, no objection of co-tenure holders is attached in case of co-tenure holder and if the declaration is not made by the Sub-Divisional Officer with forty-five days as aforesaid, then the declaration shall be deemed to have been made. Tehsildar will make a record of it in the revenue records, with the comment "subject to the order of the Sub-Divisional Officer."

If any aforesaid party wants to file an objection in relation to the said declaration, it may file an objection in the competent court.]

(2) Where a bhumidhar with transferable rights proposes to use in future his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land may be used for the purpose not connected with agriculture or reject the application, within forty five working days from the date of receipt of the application, within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing of such rejection and inform the applicant of his

decision ;

[3][x x x x]

Provided further that if the bhumidhar fails to start the proposed non-agricultural activity within a period of five years from the date of declaration under this sub-section, then the declaration under sub-section (2) for the holding or part thereof shall lapse ;

Provided also that a declaration under this sub-section (2) shall not amount to change of land use and the land shall continue to be treated as agricultural land only. However, the bhumidhar shall be entitled to obtain loan and other necessary permissions, clearances etc. for the activity or project, proposed on the holding or part thereof, for which declaration under this sub-section has been obtained.

(3) A bhumidhar possessing declaration under sub-section (2) for his holding or part thereof, may apply to Sub-Divisional officer for converting declaration under sub-section (2) to a declaration under sub-section (1), after completion of construction activity or start of the proposed non-agricultural activity, within a period of five years from declaration under sub-section (2). On receipt of such an application, the Sub-Divisional officer, after making such enquiry as necessary, shall approve or reject the application within a period of 15 days from the receipt of the application. In case of rejection, he shall record in writing the reasons for such rejection ;

Provided that for conversion of declaration under sub-section (2) to a declaration under sub-section (1), the bhumidhar shall be liable to pay only the balance amount of fee payable, calculated at prevailing circle rate, after adjusting the amount already paid by him for declaration under sub-section (2) earlier.

(4) No application for a declaration under sub-section (1) or (2), moved by any co-bhumidhar having undivided interest in bhumidhari land shall be maintainable, unless application is moved by all the co-bhumidhars of such bhumidhari land. In case only one of the co-bhumidhar wants to get a declaration for his share in the land with joint interest, then such an application shall be entertained only after the respective shares of the co-bhumidhars in the land have been divided in accordance with the provisions of law.

(5) The application for declaration [under sub-section (1) or sub-section (2)] shall contain such particulars and shall be made in such manner as may be prescribed.

(6) Where the application under sub-section (1) or sub-section (2) is made in respect of a part of the holding, the sub-divisional officer may, in the manner prescribed, demarcate such part for purposes of such declaration.

(7) No declaration under this section shall be made by the sub-divisional officer, if he is satisfied that the land or part thereof is being used or is proposed to be used for a purpose which is likely to cause a public nuisance or to affect adversely public order, public health, safety or convenience or which is against the uses proposed in the master plan.

(8) In case the land or part thereof for which a declaration under this section is being sought falls within the area notified under any Urban or Industrial Development Authority, then prior permission of the concerned Development Authority shall be mandatory.

[4][Provided that if the land, or any part thereof, for which a declaration is sought under this section, falls within the notified area of a Development Authority, an Industrial Development Authority, a Regulated Area, a Special Area Development Authority, or the Uttar Pradesh Housing and Development Board; and if, in respect of such land, as the case may be, a building permission, development permission, or approval of a layout plan has been granted under the Uttar Pradesh Urban Planning and Development Act, 1973, the Uttar Pradesh Industrial Area Development Act, 1976, the Uttar Pradesh (Regulation of Building Operations) Act, 1958, the Uttar Pradesh Special Area Development Authorities Act, 1986, or the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965, such grant shall be deemed to constitute a declaration under sub-section (2) of Section 80 of this Act and following such inquiry as may be prescribed, an entry to this effect shall compulsorily be recorded in the revenue records within a period of fifteen days:

Provided further that no fee shall be charged at the time of the declaration under sub-section (2) of section 80 of this Act.][5]

(9) The State Government may fix the scale of fees for declaration under this section and different fees may be fixed for different purposes :

Provided that if the applicant uses the holding or part thereof, for his own residential purpose, no fee shall be charged for the declaration under this section.]

[1] Subs. by sec. 8 of U. P. Act no. 07 of 2019.
[2] Ins. by sec. 6 of U.P. Act no. 28 of 2020.
[3] Omitted by sec. 33 of U.P. Act no. 4 of 2021.
[4] Ins. by sec. 2 of U.P. Act No. 19 of 2026.
[5] Ins. by sec. 2 of U.P. Act No. 19 of 2026.

Section 81. Consequences of declaration

Where a declaration has been made under [1][sub-section (1) of section 80] the following consequences shall, in respect of such holding or part to which it relates ensue ;

(a) all restrictions imposed by or under this Chapter in respect of transfer of land shall cease to apply to the bhumidhar with transferable rights;

(b) notwithstanding anything contained in Chapter XI, the land shall, with effect from the commencement of the agricultural year following the date of declaration, be exempted from payment of land revenue ;

(c) the bhumidhar shall, in the matter of devolution be governed by the personal law to which he is subject.

[1] Subs. by sec. 9 of U. P. Act no. 07 of 2019.

Section 82. Cancellation of declaration

(1) Whenever any holding or part thereof in respect of which a declaration has been made under section 80 is used for [1][any purpose connected with agriculture], the Sub-Divisional Officer may, of his own motion or on an application made in that behalf and after making such inquiry as may be prescribed, cancel such declaration.

(2) Where a declaration is cancelled under sub-section (1) the following consequences shall in respect of the holding or part to which it relates ensue namely :-

(a) the holding or part shall become subject to all restrictions imposed by or under this Chapter in matters of transfer and devolution;

(b) the holding or part shall become liable to payment of land revenue with effect from the commencement of the agricultural year in which the order for cancellation of the declaration is made ;

Provided that until any land revenue is reassessed on such holding or part in accordance with the provisions of this Code, the land revenue payable or deemed to be payable in respect or such holding or part before the grant of declaration under section 80 shall be deemed to be the land revenue payable in respect of such holding or part,

(c) where the land is in possession of any person other than the bhumidhar thereof on the basis of a contract or lease, and the terms of such contract or lease are inconsistent with the provisions of this Code, such contract or lease shall to the extent of the inconsistency, become void and the person in possession shall be liable to ejectment on the suit of the bhumidhar ;

Provided that a mortgage with possession existing on the date of the cancellation of the declaration shall, to the extent of the amount due and secured on such land, be deemed to be substituted by a simple mortgage carrying such rates of interest as may be prescribed ;

[1] Subs. by sec. 64(a) of U.P. Act no. 04 of 2016.

Section 83. Recording of declaration or cancellation

[1][Every declaration under section 80 or cancellation under section 82 shall be recorded in Record of Rights in the manner as may be prescribed and, even after declaration under section 80, the mutation order on the basis of transfer or succession shall be passed in the manner prescribed.]

[1] Subs. by sec. 65 of U.P. Act no. 04 of 2016.

Section 84. Right of an asami for exclusive possession of his holding

An asami shall, subject to the provision of this Code, have the right to exclusive possession of all land comprised in his holding and to use such land for any purpose connected with agriculture ;

Provided that no asami shall be entitled to sue any land declared by the State Government by notification to be intended or set apart for taungya plantation, for any purpose other than cultivation and raising of crops.

Section 85. Consequences of using the land in contravenetion of the provisions of this Code

(1) Where a bhumidhar with non-transferable rights uses his holding or part thereof, in contravention of the provisions of section 79, he shall, notwithstanding anything contained in any other provision of this Code, be liable to ejectment from such holding or part on the suit of the [1][Gram Panchayat].

(2) Where an asami uses his holding or part thereof for any purpose not permitted by section 84, he shall, notwithstanding anything contained in any other provision of this Code, be liable to ejectment from such holding or part, on the suit of the land holder.

(3) A decree for ejectment under this section may direct payment of damages equivalent to the cost of works which may be required to restore the land to its original condition.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 86. Extinction of interest of bhumidhar with non-transferable rights or asami

Where a bhumidhar with non-transferable rights or an asami has been ejected from any holding or part thereof in accordance with section 85, all rights and interest of such bhumidhar or asami in such holding or part together with any improvements made therein shall stand extinguished.

Section 87. Improvement not to be removed

(1) It shall be lawful for a bhumidhar to make any improvement in the land of which he is bhumidhar, for cultivation of such land or for more convenient use thereof.

(2) Where the right, title or interest of any tenure holder in any holding or part is extinguished under or in accordance with the provisions of this Code, he shall not be entitled to remove or appropriate any improvement made by him under sub-section (1).

Transfers

Section 88. Transferability of a bhumidhars interest

(1) The interest of a bhumidhar with transferable rights shall, subject to the provision of this Code, be transferable.

(2) Save as otherwise expressly provided by this Code or any other law for the time being in force, the interest of a bhumidhar with non-transferable rights or an asami in any holding shall not be transferable.

Section 89. Restriction on transfer by bhumidhar

(1) No bhumidhar shall have the right to transfer any holding or part thereof where such transfer contravenes or is likely to contravene the provisions of sub-section (2) or sub-section (3).

[1][(2) Subject to the provisions of sub-section (3), no person shall have the right to acquire by purchase or gift any holding or part thereof from a bhumidhar with transferable rights where the transferee shall as a result of such acquisition become entitled to land which together with land, if any, held by such transferee and where such transferee is natural person, also together with land is any held by his family shall exceed 5.0586 hectares in Uttar Pradesh.]

[2][x x x x]

[3][(3) The State Government or an officer authorized for this purpose under this Act may approve an acquisition or purchase done or proposed to be done, in excess of the limits specified in sub-section (2), if such acquisition or purchase is in favour of a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution ; and if it is of opinion that the acquisition or purchase would be in public interest and likely to generate economic activities (other than agricultural) and provide employment. In such case, the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holding Act, 1960 shall not apply to such acquisition ;

[4][Provided that where the land has been acquired or purchased purchased by registered firm, company partnership firm, limited liability partnership firm, trust, society or any other educational or a charitable institution, without obtaining prior approval under this sub-section or sub-section (3) of section 154 of the Uttar Pradesh Zamindari Abolition and Land Reform Act, 1950 as enacted before the repeal, the State Government or an officer authorized for this purpose under this Act, may give its approval for regularizing such acquisition or purchase, after payment of an amount as fine, which shall be ten percent of the cost of the land in excess of the limit prescribed under sub-section (2) calculated as per the circle rate prevailing at the time of making the application :

Provided further that where the State Government is satisfied that any transfer has been made in the public interest under various promotion investment policies or for the projects being encouraged by the State Government, for the establishment or private Universities and medical colleges, it may exempt any such transferee from the payment of fine under this sub-section.]

(4) Permission under sub-section (3) for acquisition or purchase of land by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution in excess of limits prescribed under sub-section (2) shall be granted, on the conditions and in the manner prescribed, by :-

(i) the Collector concerned for acquisition or purchase of land upto 20.2344 hectares ;

(ii) the Commissioner concerned for acquisition or purchase of land more than 20.2344 hectares and upto 40.4688 hectares ;

(iii) the State Government for acquisition or purchase of land more than 40.4688 hectares :

Provided that if the applicant fails to set up the project within a period of five years from the date of grant of permission under sub-section (3), the same shall lapse and the land acquired or purchased in excess of the limit

prescribed under sub-section (2) shall vest in the State and the consequences of section 105 shall become applicable :

Provided further that the State Government may extend the period of permission granted under sub-section (3) for a further period of maximum three years, after recording reasons for the same.]

[1] Subs. by sec. 68(a) of U.P. Act No. 4 of 2016.
[2] Omitted by sec. 4 of U.P. Act no. 4 of 2021.
[3] Subs. by sec. 10 of U. P. Act no. 07 of 2019.
[4] Subs. by sec. 5 of U.P. Act No. 4 of 2021.

Section 90. Persons other than Indian nationals not to acquire land

Notwithstanding anything contained in this Code or in any other law for the time being in force, no person, other than an Indian citizen, shall have the right to acquire any land, by sale or gift, or in any other manner involving transfer of possession in his favour, without prior permission in writing from the State Government.

Explanation:-For the purposes of this section, the expression "an Indian citizen" includes any company or association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Indian citizens.

Section 91. Restrictions on transfer by mortgage

No bhumidhar shall have the right to mortgage any holding or its part where possession of the mortgaged property is transferred or agreed to be transferred to the mortgagee as security for the amount of mortgage advanced or to be advanced or for interest thereon.

Section 92. [1]Mortgage and land by bhumidhar with non-transferable rights

Subject to the provisions of this Code, the interest of a bhumidhar with non-transferable rights in any holding or its part may be-

(a) transferred by mortgage without possession as security for a loan taken or to be taken from the State Government or a bank or a co-operative society or the U. P. State Agro Industrial Corporation Ltd. or any other financial institution owned and controlled by such Government ;

(b) sold in execution of a decree of any court regarding the matter referred to in clause (a) or in proceedings for collection of land revenue under Chapter XII.

[1] Subs. by sec. 70(a) marginal heading of U. P. Act no. 04 of 2016.

Section 93. Transfer of possession for securing money shall be deemed to be a sale

If any bhumidhar transfers possession of any holding or part thereof for the purpose of securing any money advanced by way of loan or in lieu of interest on such loan, then, notwithstanding anything contained in any law or contract or document of transfer, the transaction shall be deemed at all times and for the purposes of this Code, to be a sale to the transferee, and to every such sale, the provisions of section 89 shall apply.

Section 94. Lease by a Bhumidhar

[1][(1) A Bhumidhar may lease out his holding or any part thereof to any person, firm, company, partnership firm, limited liability partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant. Such lease shall be known as the private lease by a bhumidhar.

(2) Private lease by a Bhumidhar means a contract based on an agreement, with mutually agreed terms and conditions, between Lessor, who may be a Bhumidhar and the Lessee who wishes to undertake agricultural activities or set up a solar energy plant, by which the Lessor grants permission to the Lessee to use the land or holding or any part thereof for agricultural purposes or for establishment of solar energy plant, against a consideration in cash or kind or a share of produce, payable to the Lessor as per the lease agreement.

(3) Period of private lease by a bhumidhar - maximum period of the private lease by a Bhumidhar shall not exceed fifteen years at a time :

Provided that, after the expiration of the first lease period, the duration of lease period may be further extended by mutual consent of the Lessor and the Lessee :

Provided further that for purpose of establishing a solar energy plant, the maximum period may be upto thirty years.

(4) Conditions of the private Lease by a bhumidhar - The terms and conditions of the private lease by a bhumidhar shall be as mutually agreed between the Lessor and Lessee. The general conditions of the lease shall be in the manner as may be prescribed.]

[1] Subs. by sec. 11 of U. P. Act no. 07 of 2019.

Section 95. Lease-how made, its termination and any dispute arising thereto

[1][Private lease by a bhumidhar may be oral or in writing or Registered -

(1) Private Lease by a bhumidhar for a single crop or fro period upto one year may be either oral or in writing. Lease agreement for period exceeding one year shall be made by a registered instrument only.

(2) Private Lease by a bhumidhar to be recorded in remarks column of Record of Rights - In case of written or registered lease agreement, a copy of the agreement or deed shall be made available to Revenue Inspector concerned, who shall pass order for recording the details of the private lease by a bhumidhar lease agreement (names and other details of Lessor and Lessee, date of agreement, period of lease, proposed use of land; and annual lease rent) in the Remarks column of Record of Rights (Khatauni).

(3) Private Lease by a bhumidhar shall not create any type of Tenancy Right An agreement of private lease by a Bhumidhar either registered under the Registration Act, 1908 or countersigned by a Revenue Officer or Gram Pradhan or notarized by a Notary or oral, shall not create or confer any rights or interest in favour of the Lessee over the leased land, including protected tenancy or occupancy right or any other right against eviction or lease termination, other than those contained in this Act or Rules, the lease agreement shall not be used by the Lessee to establish and permanent right over the leased land in any Court of Law.

(4) Resumption of Land - After expiration of the private lease by a bhumidhar period of or termination of such private lease, the instrument of private lease by a bhumidhar shall be a nullify and if the period of such private lease is not extended, the leased land shall automatically revert to the Lessor and the Lessee shall hand over peaceful possession of the land, free from all encumbrances, to the Lessor and shall cease to have any right, title or interest in the land so leased out.

Explanation-Regardless of any dispute, arising out of private lease made under Seciton-94, pending before any Court of Law, the Lessor shall be entitled to get peaceful possession of the leased land after the expiration of the private lease period and the Lessee shall have no right to retain possession over the leased land.

(5) Effect of Private Lease by a bhumidhar - The provisions contained in the Code regarding private lease by a bhumidhar shall not have retrospective effect.

(6) Termination of the private lease by a bhumidhar -

(a) Unless extended by mutual consent between the Lessor and Lessee, the private lease agreement would terminate on expiry of the private lease period mentioned in the agreement;

(b) In case of non-payment of consideration amount or annual lease rent by the Lessee by the due date, or if any of the terms and conditions of the private lease are violated by him, the private lease by a bhumidhar agreement may be terminated by the Lessor, prior to expiry of the lease period, after giving due notice to the Lessee in writing;

(c) In case the private lease agreement is proposed to be terminated prematurely by the Lessor, then the Lessee shall be entitled to remove such structures, machinery etc. that were created or installed by the Lessee on the leased land. The Lessee would also be entitled to recover such damages and compensation form the Lessor, as agreed upon and laid down in the private lease agreement;

(d) In case the Lessee wishes to terminate the lease agreement prematurely or surrenders the land during the private lease by a bhumidhar period, then he shall have to give at least six months' notice to the Lessor and shall also be liable to pay the annual rent for the remaining part of the year to the Lessor, in addition to such other compensation, as agreed upon and laid down in the private lease by a bhumidhar agreement or as prescribed;

(e) In case after expiration of the private lease by a bhumidhar period or termination of the lease agreement, the Lessee fails to handover peaceful possession of the leased land to the Lessor, the Lessee shall be treated as unauthorized occupant and shall be liable to be ejected from the leased land. The Lessee shall also be liable to pay such penal rent or damages to the Lessor for the period of unauthorized occupation, as provided in the private lease by a bhumidhar agreement, in addition to the cost of such ejection;

(f) The Lessor and Lessee may terminate the private lease by a bhumidhar on mutually agreed terms at any time.

(7) Disputes arising out of the private lease by a bhumidhar-

(a) In an event of a dispute arising out of the private lease agreement by a bhumidhar, or any terms and conditions thereof, the Lessee and the Lessor shall make all efforts to amicably resolve and settle the dispute amongst themselves or if mutually agreed, by using mediation by a third party arbitrator or Gram Panchayat or Village Revenue Committee;

(b) If the dispute is not settled through the mechanism mentioned in clause (a) either party may file a petition before

the Sub-Divisional Officer;

(c) The Sub-Divisional Officer shall adjudicate the dispute using the summary procedure within a period of thirty days of its institution;

(d) An appeal against the order, other than an interim order, passed by a Sub-Divisional Officer, shall lie before the Commissioner. The decision of Commissioner shall subject to the provision of section 210, be final.]

[1] Subs. by sec. 12 of U. P. Act no. 07 of 2019.

Section 96.

[1][X X X X X]

[1] Omit. by sec. 13 of U. P. Act no. 07 of 2019.

Section 97.

[1][X X X X X]

[1] Omit. by sec. 13 of U. P. Act no. 07 of 2019.

Section 98. Restrictions on transfer by Bhumidhars belonging to a scheduled caste

[1][(1) Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled caste shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled caste, except with the previous permission of the Collector in writing :

Provided that the permission by the Collector may be granted only when-

(a) the bhumidhar belonging to a scheduled caste has no surviving heir specified in clause (a) of sub-section (2) of section 108 or clause (a) of section 110, as the case may be ; or

(b) the bhumidhar belonging to a scheduled caste has settled or is ordinarily residing in the district other than that in which the land proposed to be transferred is situate or in any other State for the purpose of any service or any trade, occupation, profession or business; or

(c) the Collector is, for the reasons prescribed, satisfied that it is necessary to grant the permission for transfer of land.

(2) For the purposes of granting permission under this section the Collector may make such inquiry as may be prescribed.]

[1] Subs. by sec. 75 of U. P. Act no. 04 of 2016.

Section 99. Restrictions on transfer by bhumidhars of scheduled tribes

Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled tribe shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled tribe.

Section 100. Mortgage by members of scheduled caste and scheduled tribes

A bhumidhar or an asami belonging to a scheduled caste or a scheduled tribe may, notwithstanding anything contained in any other provision of this Code, transfer his interest in any holding or part, by mortgage without possession as security for a loan taken or to be taken from the State Government or any institution referred to in clause (a) of section 92.

Section 101. Exchange

[1][(1) Notwithstanding anything in section 77 of this Code, any bhumidhar may with prior permission in writing of the Sub-Divisional Officer exchange his land with the land -

(a) held by another bhumidhar ; or

(b) entrusted or deemed to be entrusted to any Gram Panchayat or a local authority under section 59.

(2) The Sub-Divisional Officer shall refuse permission under sub-section (1) in the following cases, namely :-

(a) if the exchange is not necessary for the consolidation of holdings or securing convenience in cultivation ; or

(b) if the difference between the valuation determined in the manner prescribed, of the lands given and received in exchange exceeds ten percent of the lower valuation ; or

[2][Provided that permission for exchange may be granted even if the valuation of private land offered for exchange is more than ten percent of the value of the public land.]

(c) if the difference between the areas of the land given and received in exchange exceeds twenty five percent of the lesser area ; or

[2][Provided that permission for exchange may be granted even if the area of private land offered for exchange is more than twenty five percent of the area of the public land.]

(d) in the case of land referred to in clause (b) of sub-section (1), if it is reserved for planned use, or is land in which bhumidhari rights do not accrue ; or

(e) if the land is not located in same or adjacent village of the same tehsil :

Provided that the State Government may permit the exchange with land mentioned in clause (d) aforesaid, on the conditions and in the manner, prescribed.

(3) Nothing in this section shall be deemed to empower any person to exchange his undivided interest in any holding, except where such exchange is in between two or more same co-sharers.

(4) Nothing in the Indian Registration Act, 1908 (Act no. 16 of 1908) shall apply to an exchange in accordance with this section.]

[1] Subs. by sec. 77 of U. P. Act no. 04 of 2016.

[2] Ins. by sec. 8 of U.P. Act no. 28 of 2020.

Section 102. Consequences of exchange

Where an exchange is made in accordance with section 101 -

(a) the parties to the exchange shall have the same rights in the land received in exchange as they had in the land given ;

(b) the Sub-Divisional Officer shall order the record of rights (Khatauni) to be corrected accordingly ; and

(c) the amount of land revenue assessed, payable or deemed to be payable for the land so exchanged shall not be affected thereby.

Section 103.

[1][X X X X X]

[1] Subs. by sec. 14 of U. P. Act no. 07 of 2019.

Section 104. Transfer in contravention of this code to be void

[1][Every Lease or transfer of interest in any holding or part thereof made by a bhumidhar or any asami in contravention of the provisions of this Code shall be void.]

[1] Subs. by sec. 15 of U. P. Act no. 07 of 2019.

Section 105. Consequences of transfer by Bhumidhar in contravenetion of the Code

(1) Where transfer of interest in any holding or part made by a bhumidhar is void under section 104, the following consequences shall, with effect from the date of such transfer, ensue, namely :-

(a) the subject matter of such transfer shall vest in the State Government free from all encumbrances ;

(b) the trees; crops, wells and other improvements; existing on such holding or part shall vest in the State Government free from all encumbrances ;

(c) the interests of the transferor and the transferee in the properties specified in clauses (a) and (b) shall stand extinguished ;

(d) the extinction of interest of the transferor under clause (c) shall operate to extinguish the interest of any asami holding under him;

[1][(e) the provisions of this section shall not apply to any lease made under section 94.]

(2) Where any land or other property has vested in the State Government under sub-section (1) it shall be lawful for the Collector to take over possession of such land and other property, and to direct that any person occupying such land or property be evicted there from, and for that purpose, the Collector may use or cause to be used such force as may be necessary and the provisions of section 59 mutatis mutandis shall apply to such property.

[1] Ins. by sec. 16 of U. P. Act no. 07 of 2019.

Section 106. Consequences of transfer made by asami in contravenetion of this Code

Where transfer of interest in any holding or part made by an asami is void under section 104, such asami shall be liable to ejectment on the suit of the [1][Gram Panchayat] or other land holder, as the case may be, in accordance with the provisions of this Code.

[1] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

Devolution

Section 107. Bequest by Bhumidhar or Asami

(1) Subject to the provisions of sub-section (2), a bhumidhar with transferable rights may bequeath is interest in any holding by will.

(2) In relation to a bhumidhar with transferable rights belonging to a scheduled caste or scheduled tribe, the provisions of section 98 and 99 shall apply to the making of bequests as they apply to transfer during life time.

(3) Every will made under this section shall, notwithstanding anything contained in any law, custom or usage, be in writing attested by two witnesses and registered.

(4) No bhumidhar with non-transferable rights or asami shall have the right to bequeath his interest in any holding by will.

(5) A bequest made in contravention of the provisions of this section shall be void.

Section 108. General order of succession to male bhumidhar, asami or government lessee

[1][(1) Subject to the provisions of section 107, where a bhumidhar, asami or government lessee, being a male [2](third gender) dies, his interest in his holding shall devolve upon his heirs being the relatives specified in sub-section (2) in accordance with the following principles, namely :-

(i) the heirs specified in any one clause of sub-section (2) shall take simultaneously in equal shares ; shall take to the exclusion of all heirs specified in succeeding clauses, that is to say, those in clause (a) shall be preferred to those in clause (b), those in clause (b) shall be preferred to those in clause (c) and so on, in succession ;

(iii) if there are more widows than one, of the bhumidhar, asami or government lessee, or of any predeceased male lineal descendant, who would have been an heir, if alive, all such widows together shall take one share ;

(iv) the widow or widowed mother or the father's widowed mother or the widow of any predeceased male lineal descendant who would have been an heir, if alive, shall inherit only if she has not remarried.

[3][(2) The following relatives of the male third gender Bhumi-dhar, asami or government lessee are heirs subject to the provisions of sub section (1), namely-

(a) Widow, or third gender spouse, unmarried daughters, third gender issue and the male lineal descendants in the male line of descent per stripes :

Provided that widow, unmarried daughters, third gender issue and sons howsoever low shall inherit per stripes the share which would have devalved upon the predeceased son had he been alive.

(b) Mother and father;

(c) Married daughter;

(d) Brother, unmarried sister, third gender sibling being respectively the son and daughter, third gender issue of the same father as the deceased, and son unmarried daughter, third gender issue of prececeased brother, the predeceased brother, having been the son of the same father as the deceased;

(e) Son's daughter and third gender issue;

(f) Father's mother and father's father;

(g) Daughter's son, third gender issue and unmarried daughter; (h) Married sister;

(i) Half sister, being the daughter of the same father as the deceased;

(j) Sister's son, third gender issue and unmarried daughter; (k) Half sister, being the daughter of the same father as the deceased;

(l) Brother's son's son, third gender issue and unmarried daughter;

(m) Father's father's son, third gender issue and unmarried daughger;

(n) Father's father's son's son, third gender issue and unmarried daughter;

(o) Mother's mother's son, third gender issue and unmarried daughter.]

[1] Subs. by sec. 83 of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 9 of U.P. Act no. 28 of 2020.
[3] Subs. by sec. 9 (2) of U. P. Act no. 28 of 2020.

Section 109. Succession to woman inheriting interest as a female heir

Where before or after the commencement of this Code, any woman inherits the interest of a male [1](third gender) bhumidhar, asami or Government lessee in any holding, and such woman dies, marries or remarries after such

commencement, then, her interest and the holding shall, subject to the provisions of section 107 and 112 devolve upon the nearest surviving heir of the last male [1](third gender) bhumidhar, asami or Government lessee, as the case may be.

Explanation:-The expression 'nearest surviving heir' in this section means the heir ascertained in accordance with section 108.

[2][Provided that if any woman inheriting as a daughter, who has surviving heirs specified in clause (a) of section 110 of this Code, dies, her interest in the holding shall devolve upon heirs specified in clause (a) of section 110.]

[1] Ins. by sec. 10 of U.P. Act no. 28 of 2020.

[2] Ins. by sec. 84(b) Prov. of U. P. Act no. 04 of 2016.

Section 110. Succession to women holding otherwise than as the female heir

[1][Where any female bhumidhar, asami or a government lessee dies, after the commencement of this code, then her interest in any holding or its part shall subject to the provisions of Sections 107 to 109, devolve, in accordance with the order of succession given below:-

(a) Son, third gender issue, unmarried daughter, son's son, third gender issue, and unmarried daughter, son's son's son, third gender issue and unmarried daughter, predeceased son's widow, and predeceased son's predeceased son's widow, in equal shares as per stripes :

Provided firstly that the nearer shall exclude the remoter in the same branch :

Provided secondly that a widow who has remarried, shall be excluded :

(b) Husband or married third gender spouse;

(c) Married daughgers;

(d) Daughter's son, third gender issue and unmarried daughter; (e) Father;

(f) Widow mother;

(g) Brother being the son of the same father as the deceased, third gender sibling being the issue of the same father as the deceased and brother's son, third gender issue and unmarried daughter as per stripes;

(h) Unmarried sister;

(i) Married sister;

(j) Sister's son, third gender issue and unmarried daughter.

[1] Subs. by sec. 11 of U. P. Act no. 28 of 2020.

Section 111. Savings as to religious endowments, etc

Nothing in this Chapter shall be construed to apply to the devolution of management of a Hindu devasthan, math or debutter property or of a Muslim wakf composing any holding, which shall continue to be governed by such personal or other law as may be applicable to it.

Section 112. Interest of co-tenure holders to pass by survivorship

(1) Where before or after the commencement of this Code, two or more co-widows inherit the interest of a male tenure-holder, and any one of them dies or remarries after such commencement without leaving any heir entitled to succeed in accordance with section 108, the interest of such co-widow shall pass by survivorship to the surviving widow, and where there are two or more surviving co-widows, then to the surviving co-widows in equal shares;

Devolution of interest among surviving co-tenure holders

(2) Where any land is held by two or more co-tenure holders and any one of them dies after the commencement of this Code without leaving any heir entitled to succeed under sections 108 to 110, to the interests of such co-tenure holders shall pass to the surviving co-tenure holders in equal shares.

Section 113. Persons other than Indian citizens and persons of Indian origin not to inherit

Notwithstanding anything contained in this Code or any other law for the time being in force, no person other than an Indian citizen and person of Indian origin who has acquired citizenship of any other country shall be entitled to acquire any land or any interest therein either by bequest or by inheritance.

Section 114. Other conditions regarding devolution

The devolution of interest in any holding under this Chapter shall be subject to the following conditions :-

(a) If a bhumidhar or asami dies intestate, and at the time of his death; a child was in the womb who was

subsequently born alive, then such child shall have the same right to inherit as if he or she had been born before the death of such [1][bhumidhar, asami or government lessee], and the inheritance shall be deemed to vest in such a case with effect from the date of death of such [1][bhumidhar, asami or government lessee] ;

(b) Where two persons have died in circumstances rendering it uncertain whether either of them and if so which survived the other , then for purposes of devolution of interest in any holding, it shall be presumed, until the contrary is proved, that the younger survived the elder ;

(c) A person who commits murder of a [2][bhumidhar, asami or government lessee], or abets the commission of such murder, shall be disqualified from inheriting the interest of the deceased in any holding;

(d) If any person is disqualified from inheriting the interest in the holding of any [2][bhumidhar, asami or government lessee] under clause (c), such interest shall devolve as if the disqualified person had died before the death of such [2][bhumidhar, asami or government lessee].

[2][Explanation-In this section, the expression 'murder' means any offence punishable under section 302, section 304, section 304-B, section 305 or section 306 of the Indian Penal Code.]

[1] Subs. by sec. 89(a) of U. P. Act no. 04 of 2016.

[2] Subs. by sec. 89 of U. P. Act no. 04 of 2016.

Section 115. Escheat

(1) Where a bhumidhar or an asami holding land from a [1][Gram Panchayat] dies without known heir, the Sub-Divisional Officer may take possession of the land held by such bhumidhar or asami, and may lease it for a period of one agricultural year at a time, in the manner prescribed.

(2) The terms and conditions of every lease under sub-section (1) shall be such as may be prescribed.

(3) If within three years of the date on which the Sub-Divisional Officer takes possession of the land any claimant applies for the land being restored to him, the Sub-Divisional Officer may, after such inquiry as he thinks fit, allow of reject his claim.

(4) Any person aggrieved by an order rejecting his claim under sub-section (3) may within one year from the date of communication of such order to him, file a suit for declaration of his rights under section 114.

(5) The Sub-Divisional Officer shall continue to lease out the land in accordance with sub-sections (1) and (2) till the suit referred to in sub-section (4) is finally decided.

(6) If no claimant appears within three years from the date of taking possession of the land by the Sub-Divisional Officer, or it the claimant whose claim has been rejected under sub-section (3) does not file a suit in accordance with sub-section (4) or the suit if filed is finally dismissed then the land shall be deemed to have vested in the [1][Gram Panchayat] or the local authority under section 59 with effect from the following date, namely :-

(a) where no claimant appears, from the date of expiry of the three years period referred to in sub-section (3) ; or

(b) where the claimant does not file a suit for declaration, from the date of expiry of the one year period referred to ins sub-section (4) ; or

(c) where the suit filed by the claimant under sub-section (4) is finally dismissed, from the date of such final dismissal.

(7) Where any claimant succeeds in any claim under sub-section (3) or in any, suit filed under sub-section (4), he shall, notwithstanding anything contained in any law for the time being in force, be entitled to possession of the land and to the rent realized from the lessee after deducting all arrears of land revenue due in respect of such land and the expenses of its management.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

DIVISION

Section 116. Suit for division of holding

(1) A bhumidhar may sue for the division of the holding of which he is a co-sharer.

[1][(2) In every such suit, the court may also divide the trees, wells and other improvements existing on such holding but where such division is not possible, the trees, wells and other improvements aforesaid and valuation thereof shall be divided and adjusted in the manner prescribed.]

(3) One suit may be instituted for the division of more holdings than one where all the parties to the suit other than the [2][Gram Panchayat] are, jointly interested in each of the holdings.

(4) To every suit under this section, the [2][Gram Panchayat] concerned shall be made a party.

[1] Subs. by sec. 91 of U. P. Act no. 04 of 2016.

[2] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

Section 117. Duty of Court in suits for division of holding

(1) In every suit for division of holding under section 116 the Court of Assistant Collector shall,-

(a) follow such procedure as may be prescribed;

(b) apportion the land revenue payable in respect of each such division.

(2) A division of holding referred to in section 116 shall not affect the joint liability of the tenure-holders thereof in respect of the land revenue payable before the date of the final decree.

SURRENDER AND ABANDONMENT

Section 118. Surrender by bhumidhar

(1) A bhumidhar may surrender his interest in any holding or any part thereof by giving an application in writing to the Tahsildar intimating his intention to do so and by giving up possession thereof to him whether or not such holding is let.

(2) Where only part of a holding has been surrendered, the Tahsildar shall apportion the land revenue payable by such bhumidhar.

Section 119. Surrender by asami

An asami may surrender his interest in any holding (but not any part thereof) by giving notice in writing to the land holder intimating his intention to do so, and by giving up possession thereof to him.

Section 120. Effect of surrender

(1) A bhumidhar or asami shall be deemed to have surrendered any land held by him, with effect from the date when possession over such land is given up in accordance with section 118 or section 119.

(2) Where any land is so surrendered-

(a) by an asami, his right, title or interest in such land shall be deemed to have been extinguished from the date of such surrender.

(b) by a bhumidhar the right, title and interest of such bhumidhar and of every other person claiming through him in such holding or its part shall be deemed to have been extinguished from the said date.

Section 121. Liability for rent-revenue in case of surrender

Notwithstanding the provisions of section 118 to 120, the bhumidhar, or asami shall continue to be liable to pay the land revenue or the rent, as the case may be, for the holding in respect of the agricultural year next following the date of surrender, unless the notice of surrender was given before the first day of April.

Section 122. Abandonment by bhumidhar

(1) if a bhumidhar does not pay the land revenue and [1][does not use the land for agriculture] for a continuous period of three agricultural years and has left the village in which he usually resides and whose where about are not known, then the Collector may, after such inquiry, as he may deem necessary, take possession of the land held by such bhumidhar.

(2) Where the Collector has taken possession of any land under sub-section (1), he may let it out on behalf of the bhumidhar for a period of one agricultural year at a time in the manner prescribed.

(3) If the bhumidhar or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the Collector took possession thereof, it shall be restored to him on payment of dues, if any and on such terms and conditions as the Collector may think fit.

(4) Where no claim is preferred under sub-section (3) or if any claim is preferred but is disallowed, the Collector shall make an order declaring the holding abandoned.

(5) Every order of the Collector under sub-section (4) shall be published in the manner prescribed, and shall, subject to the result of any Suit under section 144, be final.

(6) Nothing in this section shall apply to any holding held by a bhumidhar in whose favour a declaration has been made under section 80 where such declaration continues to be in force.

[1] Subs. by sec. 95(a) of U. P. Act no. 04 of 2016.

Section 123. Consequence of abandonment

Where any holding has been abandoned under section 122, the following consequences shall ensue, namely -

(a) the holding shall vest absolutely in the State Government free from all encumbrances ;

(b) the bhumidhar concerned shall cease to have any right, title or interest in such holding ;

(c) the bhumidhar concerned shall continue to be liable for land revenue due in respect of such holding for the agricultural year during which the order referred to in sub-section (4) of the said section was made.

Section 124. Delivery of possession to [1][Gram Panchayat]

(1) When the interest of a bhumidhar in any land is extinguished under the provisions of this Code or any other law for the time being in force, the Sub-Divisional Officer may on the application of the [1][Gram Panchayat] concerned evict any person in unauthorized occupation of such land and deliver possession thereof to the [1][Gram Panchayat] in such manner as may be prescribed.

(2) The provisions of sub-section (1) shall mutatis mutandis apply to the eviction of an asami holding land from a [1][Gram Panchayat], or from a bank under sub-section (2) of section 95.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

LEASE OF LAND BY Gram Panchayat

Section 125. Admission by Bhumi Prabandhak Samiti to land entrusted to [1][Gram Panchayat]

The Bhumi Prabandhak Samiti may, with the previous approval of the Sub-Divisional Officer, admit any person as-

(a) bhumidhar with non-transferable rights to any land entrusted or deemed to be entrusted to the [1][Gram Panchayat] under section 59 other than land specified in section 77 ;

(b) asami to any land specified in section 77 except in clause (a) or clause (h) or (i) thereof where such land is entrusted or deemed to be entrusted to the [1][Gram Panchayat] under section 59 other than a tank specified in clause (a) of section 61.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 126. Order of preferences in admission to land by Bhumi Prabandhak Samiti

(1) In the admission of any person to land as bhumidhar with non-transferable rights or as asami under section 125, hereinafter in this Chapter referred to as allotment of land, the Bhumi Prabandhak Samiti shall observe the following order of preference :-

(a) a landless widow, sons unmarried daughters or parents residing in the [Gram Sabha] of a person who has lost his life while in active service in the Armed Forces of the Union ;

(b) a landless person residing in the [Gram Sabha] who has become wholly disabled while in active service in the Armed Forces of the Union ;

(c) a landless agricultural labourer residing in the Gram Sabha and belonging to a scheduled caste or scheduled tribe, other backward class or a person of general category living below poverty line as determined by the State Government.

(d) any other landless agricultural labourer residing in the [Gram Sabha] ;

(e) a landless person residing in the [Gram Sabha] who has retired or been released or discharged from service in the Armed Forces of the Union, otherwise than as an officer,

(f) a landless freedom fighter residing in the [Gram Sabha], who has not been granted political pension ;

(g) any bhumidhar or asami residing in the [Gram Sabha] and holding land less than 1.26 hectares ;

(h) any other landless agricultural labourer belonging to a scheduled caste or scheduled tribe, other backward class or a person of general category living below poverty line as determined by the State Government not residing in the [Gram Sabha] but residing in the Nyaya Panchayat circle referred to in section 42 of U. P. Panchayat Raj Act, 1947.

Explanation-For the purposes of this sub-section-

(i) 'allotment' includes any allotment made under the corresponding provisions of any enactment repealed by this Code ;

(ii) [1][x x x]

(iii) a person shall be deemed to be 'landless' if he or his spouse or their minor children, and Where the allottee is himself a minor, then his parents hold no land or the date of allotment or within two years immediately preceding the said date ;

(iv) the expression freedom fighter means a person so defined in the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of freedom fighters and Ex-serviceman) Act, 1993.

(v) "other backward class" means the backward classes of citizens specified in Schedule-1 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U. P. Act No. 4 of 1994) ;

(vi) "person of general category living below poverty line" means such persons as may be determined from time to time by the State Government.

(2) The land that may be allotted under sub-section (1) shall not exceed such area as together with the land held by him as bhumidhar or asami immediately before the allotment would aggregate to 1.26 hectares.

[2] [Provided that preference shall be given to widow and physically disabled person.]

[1] Omitted by sec. 100 (c) (ii) of U.P. Act No. 4 of 2016.
[2] Ins. by sec. 12 of U.P. Act no. 28 of 2020.

Section 127. Consequences of allotment

(1) Where any land is allotted to a person in accordance with sections 125 and 126 and any tree or other improvement exists on such land, then unless the contrary intention appears,, such tree or improvement shall also be deemed to be allotted to the person concerned along with the land.

(2) The allottee shall hold the land so allotted on such terms and conditions as may be prescribed.

[1][Provided that if the allottee is a married man and his wife is alive, she shall be co-allottee of equal share in the land so allotted.]

[1] Ins. by sec. 101(b) of U. P. Act no. 04 of 2016.

Section 128. Cancellation of allotment and lease

(1) The Collector may, of his own motion and shall on the application of any person aggrieved, inquire in the manner prescribed into any allotment and if he is satisfied that the allotment is in contravention of the provisions of this Code or any of the enactments repealed by this Code or the rules made there under he may cancel the allotment and the lease, if any.

(a) [1][* * * *]

(b) [1][* * * *]

(1-A) [2][Under the provisions of sub section (1), an application may be moved to the case of an allotment or lease of land made before or after the commencement of this code, within five years from the date of such allotment of lease.]

(2) Where the allotment or lease of any land is cancelled under sub-section (1), the following consequences shall ensue, namely -

(a) the right, title and interest of the allottee or lessee or any other person claiming through him in such land and in every tree or other improvement existing thereon shall cease, and the same shall revert to the [3][Gram Panchayat] ;

(b) the Collector may direct delivery of possession over such land, tree or improvement forthwith to the [3][Gram Panchayat] after ejectment of every person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary.

(3) Where in proceedings for cancellation of allotment or lease referred to in Clause (b) of sub-section (1) the Collector is satisfied that nay land referred to in section 77 excepting clause (a) or clause (h) or (i) thereof has been allotted to any person as bhumidhar with non-transferable rights, he may instead of canceling the allotment or lease, direct that the allottee or lessee shall be treated as an asami under clause (b) of section 125.

(4) Every order made by the Collector under this section shall subject to the provisions of section 210, be final :

(5) The provisions of sections 5 and 49 of the Uttar Pradesh consolidation of Holdings Act, 1953 shall not apply to the proceeding under this section.

[1] Omit. by sec. 102(b) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 13 of U. P. Act no. 28 of 2020.
[3] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 129. Restoration of possession to allottee or the Government lessee

(1) Where any person is admitted to any land in accordance with section 125, or where any land is let out to any person by the State Government and any person, other than the allottee or lessee, is in occupation of such land in contravention of the provisions of this Code, the Assistant Collector may, of his own motion, and shall on the application of the allottee or the lessee as the case may be, put him in possession of such land, and may for that

purpose use or cause to be used such force as he considers necessary.

(2) The provisions of sub-sections (2) to (8) of section 65 shall mutatis mutandis apply in relation to reoccupation of any land or part thereof after possession has been delivered under sub-section (1).

Ejectment

Section 130. Bhumidhar not to be ejected

No bhumidhar shall be liable to ejectment from the land held by him except as provided by or under this Code.

Section 131. Suit for ejectment etc. against asami

(1) No asami shall be liable to ejectment from the land held by him, except on a suit of the landholder or [1][Gram Panchayat], which may be filed on one or more of the following grounds, namely:-

(a) that the interest of the asami in the land held by him has extinguished under the provisions of this Code ;

(b) that the asami was holding land from year to year or for a period which has already expired or will expire before the end of the current agricultural year;

(c) that the asami is using the land for any purpose not permitted by section 84 ;

(d) that the land holder was suffering from any of the disabilities referred to in sub-section (1) of section 95 and either his disability has ceased or he wishes to bring the land under his personal cultivation;

(e) that the asami was in arrears of rent for a period of more than one year and has failed to pay the same to the land holder within a period of thirty days despite service of a notice of demand ;

(f) that the asami has transferred the whole or part of the land held by him in contravention of the provisions of this Code[1][.]

(2) No notice to quit to the asami shall be necessary before filing a suit under this section.

(3) The land holder may in a suit for ejectment also claim arrears of rent.

(4) A land holder may, without suing for ejectment sue the assami for arrears of rent.

[1] Subs. by sec. 105(b) of U. P. Act no. 04 of 2016.

Section 132. Right to crops and trees

(1) Where in execution of a decree passed in a suit under section 131, an asami is ejected, and the court is satisfied that any ungathered crops or trees belonging to the judgment debtor exist on the land, the court shall, not withstanding by anything contained in the Code of Civil Procedure, 1908, proceed in the following manner :-

(a) if the amount due from the judgment debtor is equal to or greater than the value of such crops or trees, the court shall deliver the possession of the land with the crops and trees to the decree holder, and all rights of the judgment-debtor in or upon such crops or trees shall therefor pass to the decree-holder ;

(b) if the amount due from the judgment-debtor is less than the value of such crops or trees, and-

(i) the decree-holder pays the difference between such amount and the value to the judgment-debtor, the court shall deliver possession of the land to the decree-holder and all rights of the judgment-debtor in such crops or trees shall therefore pass to the decree-holder;

(ii) the decree-holder does not pay such difference the judgment-debtor shall have the right of tending, gathering or removing such crops or trees or fruits of such trees, until such crops or trees have been gathered or removed or die or are cut down, as the case may be, paying such compensation for the use and occupation of land as the court may fix.

(2) The court executing the decree may, on the application of any party, determine the value of the crops or three and the compensation payable by the judgment debtor under the provisions of sub-section (1).

Section 133. Suit for injunction, compensation etc

The [1][Gram Panchayat] or the land-holder may, in lieu of suing for ejectment of an asami under section 131, file a suit in the Court of Sub Divisional Officer.

(a) for injunction restraining him from putting the land to any unauthorized use or causing any waste or damage to it ;

(b) for compensation for such use, waste or damage ; or

(c) for repair of the waste or damage cause to the land.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 134. Ejectment of persons occupying land without title

(1) Where a person takes or retains possession of any land forming part of the holding of any bhumidhar or asami otherwise than in accordance with the provisions of the law for the time being in force and without the consent of such bhumidhar or asami, such person shall be liable to ejectment on the suit of the bhumidhar or asami concerned, and shall also be liable to pay damages at the rate prescribed.

(2) To every suit relating to any land referred to in sub-section (1), the State Government and [1][Gram Panchayat] shall be impleaded as necessary parties.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 135.

[1][X X X X]

[1] Del. by sec. 108 of U. P. Act no. 04 of 2016.

Section 136. Ejectment of trespassers of [1][Gram Panchayat] land

[2] [(1) Notwithstanding anything contained in other provisions of this Code, the Sub-Divisional Officer may, of his own motion or on the application of the Gram Panchayat or other local authority, eject any person taking or retaining possession of any land specified in sub-section (2), if such possession is in contravention of the provisions of this Code and is without the consent of such Gram Panchayat or the local authority and shall also be liable to pay damages at the rates prescribed.]

(2) The provisions of sub-section (1) shall apply to the following categories of land, namely-

(a) any land entrusted or deemed to be entrusted to any [1][Gram Panchayat] or local authority under the provisions of this Code or any other law for the time being in force ;

(b) any land over which a [1][Gram Panchayat] or local authority is entitled to take possession under the provisions of this Code ;

(c) any land which belongs to or is owned or held by a [1][Gram Panchayat] or local authority ;

(d) that the asami is holding land specified in clause (d) or clause (e) of section 77 and that the cultivation of crops in such land has become impossible ;

(e) that the asami was admitted to the land under clause (b) of section 125 and the [1][Gram Panchayat] proposes to use it for a public purpose.

(3) No person shall be evicted from any land under this section unless adequate opportunity to show cause has been afforded to him.

(4) In evicting a person under this section, the Sub-Divisional Officer may use or cause to be used such force as may be necessary.

Explanation-For the purposes of this section, the word 'land' includes [3][trees and other improvements] existing on such land.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 109 of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 109 (c) of U. P. Act no. 04 of 2016.

Section 137. Remedies for wrongful ejectment

(1) An asami ejected or apprehending ejectment from or prevented from obtaining possession of any land otherwise than in accordance with the provisions of any law for the time being in force, may sue the person so ejecting him, trying to eject him or keeping him out of possession-

(i) for possession of the [1][land ; or]

(ii) for compensation for wrongful dispossession ;

(2) When a decree is passed for compensation for wrongful dispossession but not for possession the compensation awarded shall be for the whole period during which the asami was entitled to remain in possession.

[1] Subs. by sec. 110 (a) of U. P. Act no. 04 of 2016.

RENT

Section 138. Rent payable by an asami

Subject to such restrictions and conditions as may be prescribed, an asami shall, on being admitted to the occupation of any land, be liable to pay such rent as may be agreed upon between him and his landholder or the [1][Gram Panchayat], as the case may be.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 139. Application for fixation of rent

(1) Where any person is in occupation of any land as an asami without the rent being agreed upon, the asami or his landholder may apply to the Tahsildar for fixation of rent.

(2) On receipt of an application under sub-section (1), the Tahsildar shall make an inquiry in such manner as may be prescribed, and shall fix the rent in accordance with the rules made under this Code.

(3) The rent fixed under sub-section (2) shall be payable by the asami with effect from the date when he occupied the land as such asami.

(4) Any person aggrieved by an order of the Tehsildar under sub-section (2) may file an appeal to the Sub-Divisional Officer, and notwithstanding anything contained in other provisions of this Code, the order of the Sub-Divisional Officer shall be final.

Section 140. Remission for calamity by court decreeing claim for arrears

(1) Where the court hearing a suit for recovery of arrears of rent is satisfied that the holding was substantially decreased by dilution or otherwise, or the produce thereof was substantially diminished by drought, hail, deposit of sand or other calamity during the period for which the arrear is claimed, it may allow such remission from the rent, as may appear to it to be just :

Provided that no such remission shall be deemed to vary the rent payable by the asami otherwise than for the period in respect of which it is made.

(2) Where a court allows remission under sub-section (1) the State Government or any authority empowered by it in this behalf, shall order consequential remission in the land revenue in accordance with such principles as may be prescribed.

Section 141. Commutation of rent

(1) Where the rent in respect of any holding is payable otherwise than in cash, the Assistant Collector may, of his own motion or on the application of the [1][Gram Panchayat] or the person by or to whom the rent is payable, commute the rent in the manner prescribed.

(2) The rent commuted under sub-section (1) shall be payable from the first day of July following the date of the order of commutation unless the order provides for some other date.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 142. Recovery of arrears of rent from asami of Gram Panchayat, etc

Arrears of rent due from an asami holding land from a [1][Gram Panchayat] or other local authority either before or after the commencement of this Code, shall be recoverable as an arrear of land revenue.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 143. Power to write off arrears

The whole or any part of the arrears of rent, in respect of any land or other property entrusted or deemed to be entrusted to a [1][Gram Panchayat] or other local authority under the provisions of this Code may, is such circumstances as may be prescribed, be written off as irrecoverable by the Bhumi Prabandhak Samiti or by the local authority, as the case may be, by resolution passed in that behalf :

Provided that no resolution passed by a Bhumi Prabandhak Samiti shall take effect until it is confirmed by the Sub-Divisional Officer.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Declaratory suits

Section 144. Declaratory suits by tenure holders

(1) Any person claiming to be a bhumidhar or asami of any holding or part thereof, whether exclusively or jointly with any other person, may sue for a declaration of his rights in such holding or part.

(2) In every suit under sub-section (1) instituted by or on behalf of :-

(a) a bhumidhar, the State and the [1][Gram Panchayat] shall be necessary parties ;

(b) an asami, the land-holder shall be a necessary party.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 145. Declaratory suit by [1][Gram Panchayat]

Notwithstanding anything to the contrary contained in section 34 of the Specific Relief Act, 1963, the [1][Gram Panchayat] may institute a suit against any person claiming to be entitled to any right in any land for the declaration of the right of such person in such land, and the court may, in its discretion, make a declaration of the right of such person, and the [1][Gram Panchayat] need not in such suit ask for any further relief.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 146. Provision for injunction

If in the course of a suit under section 144 or 145, it is provide by affidavit or otherwise-

(a) that any property, tree or crops standing on the land in dispute is in danger of being wasted, damaged or alienated by any party to the suit ; or

(b) that any party to the suit threatens or intends to remove or dispose of the said property, trees or crops in order to defeat the ends of justice, the court may grant a temporary injunction, and where necessary, also appoint a receiver.

CHATPTER X Government Lessees

Section 147. Definition of Government lessee

Every person who holds, any land on lease from the State Government, whether such lease was granted before or after the commencement of this Code, shall be called a Government lessee in respect of such land.

Section 148. Government lessees right to hold land

Notwithstanding anything contained in this Code, every Government lessee shall be entitled to hold such land in accordance with the terms and conditions of the lease.

Section 149. Ejectment of Government lessee

A Government lessee may be evicted from the land held by him on one or more of the following grounds namely-

(a) that he has failed to pay the rent or any other sum due under the leas within six months from the date on which it became due ;

(b) that he has used such land for any purpose other than that for which it was granted ;

(c) that the term of his lease has expired or the lease has been cancelled ;

(d) that he has contravened any terms or conditions of the lease.

Section 150. Provisions of U. P. Act no. 22 of 1972 to apply

The provisions of the Uttar Pradesh Public Premises (Eviction of Unauthorized Occupants, Act, 1972 shall mutatis mutandis, apply to the eviction of Government lessee as they apply to the unauthorized occupants within the meaning of that Act, and the Sub-Divisional Officer shall be deemed to be the prescribed authority for the purposes of that Act.

Section 151. Trespass on land held by a Government lessee

(1) If a person takes or retains possession over any land, let out to a Government lessee, otherwise than in accordance with the terms and conditions of the lease and without the consent of such lessee, such person shall be liable to ejectment on the suit of the Government lessee concerned and shall also be liable to pay damages at the rates prescribed.

(2) The State Government shall be made a party, but the Gram Panchayat shall not be a necessary party to a suit instituted under sub-section (1).

(3) If a suit for eviction referred to in sub-section (1) is not instituted by a Government lessee or a decree for eviction obtained in any such suit is not executed within the period of limitation provided therefor, then the following consequences shall, with effect from the expiry of such period unsure, namely-

(a) the person taking or retaining possession over the land let out to the Government lessee shall be liable to eviction in accordance with section 150 ;

(b) the right, title and interest of the Government lessee in such land shall stand extinguished and the term of his lease shall be deemed to have expired.

Section 152. Dues recoverable as arrear of land

Arrears of rent or any other sum due from a Government lessee may be recovered as an arrear of land revenue.

CHATPTER XI Assessment of Land Revenue

Section 153. Land held by bhumidhar liable to payment of land revenue

(1) All lands held by a bhumidhar, wherever situate and to whatever purpose applied shall be liable to assessment (by such authority and in such manner as may be prescribed) and payment of land revenue to the State Government :

Provided that the State Government may by notification exempt any land, whether wholly or partially, from such liability on such terms and conditions as it may think fit.

(2) Land revenue may be assessed on land, notwithstanding that it has been exempted under the proviso to sub-section (1).

(3) No length of occupation shall release any land from the liability to payment of land revenue.

(4) Notwithstanding anything contained in sub-section (1); sub-section (2) or sub-section (3), the following lands shall be exempted from the payment of land revenue, namely,-

(a) land occupied by buildings other than improvement ;

(b) grave-yards and cremation grounds.

Section 154. Land revenue payable by bhumidhar

(1) Every person, who held any land as a bhumidhar from before the date of commencement of this Code, shall pay and continue to pay to the State Government, the same amount of land revenue which he was liable to pay in respect of such land for the agricultural year preceding the year in which this Code comes into force.

(2) Every person, who after such commencement, acquires bhumidhari rights in any land shall, subject to the provisions of this Code, pay to the State Government the same amount of land revenue which was payable in respect of such land, immediately before the date of such acquisition.

(3) Every person who after such commencement, acquires bhumidhari rights in any land, where no land revenue was payable in respect of such land immediately before the date of such acquisition, shall be liable to pay land revenue determined by the Sub-Divisional Officer in accordance with such principles as may be prescribed.

Section 155. Variation of land revenue

Notwithstanding anything contained in this Chapter the land revenue payable by a bhumidhar may be varied in the manner prescribed on the ground of an increase or decrease in the area of his holding or in the productivity of the land comprised therein by fluvial action or other natural cause.

Section 156. Exemption of land revenue in certain cases

Notwithstanding anything contained in this code, every member of a family, the total area of land held by whose members as bhumidhar, does not exceed 1.26 hectares (3.125 acres) shall be exempted from the liability to pay land revenue to the State Government.

Section 157. Remission or suspension of land revenue on the occurrence of agricultural calamity

(1) Notwithstanding anything contained in this Code, the State Government may, on the occurrence of an agricultural calamity affecting the crops of any village, or part of a village, remit or suspend, for any period, the whole or any part of the land revenue of any holding affected by such calamity.

(2) The State Government may likewise remit or suspend, for any period, the rent payable by an asami to the [1][Gram Panchayat], in a village or part where such calamity has occurred.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 158. Power of state Government to remit rent in certain cases

Whenever the land revenue is increased or decreased under section 155 or is remitted or suspended under section 157, the State Government may increase or decrease or as the case may be, remit or suspend the whole or part of any rent payable by an asami, other than an asami of a [1][Gram Panchayat].

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 159. Consequences of suspension of rent

Where the payment of any rent has been suspended under section 157,-

(a) the period during which such suspension continues shall be excluded in computing the period of limitation allowed for a suit for recovery of the rent, and

(b) no suit or application shall lie, for the period of such suspension, for its recovery.

Section 160. Annual enquiry of revenue free land

(1) The Collector shall inquire annually into the case of all lands exempted from the payment of land revenue.

(2) If the exemption has been granted on any condition and the same has been broken, he shall report the matter to the Board for orders, and the orders of the Board thereon shall be final.

Section 161. Rounding off the amount of land revenue

Where the amount payable on account of land revenue or any installment thereof involves a fraction of a rupee, the same shall be rounded off to the nearest rupee, and for this purpose, where such amount contains a part of a rupee, then if such part is fifty paise or more, it shall be increased to one rupee, and if such part is less than fifty paise, it shall be ignored.

Section 162. Finality of orders

Every order of the State Government under this chapter shall be final and shall not be called in question in any court.

CHATPTER XII Collection of Land Revenue

Section 163. Land Revenue to be the first charge

(1) The land revenue assessed on any holding shall be the first charge on such holding, and also on trees or buildings standing thereon or the rents, profits or produce thereof.

(2) The claim of the State Government in respect of any other sum recoverable as arrears of land revenue shall have priority over all unsecured claims on any land against the holder thereof.

Section 164. Bhumidhars to be jointly and severally liable

All co-bhumidhars of any holding shall be jointly and severally, liable to the State Government for the payment of land revenue for the time being assessed thereon and all persons succeeding whether by devolution or otherwise to the interest of such bhumidhars shall be liable for all arrears of land revenue due in respect of such land.

Section 165. Land Revenue when becomes due and payable

The land revenue leviable in respect of an agricultural year shall become due on the first day of that year, and shall be payable at such times, in such installments, to such persons, at such places and in such manner as may be prescribed.

Section 166. Arrangements for collection of land revenue

The State Government may make such arrangements and employ such agency for the collection of land revenue as it may deemed fit.

Section 167. Defaulters

Any land revenue due and not paid on or before the date specified in section 165 becomes there from an arrear and the persons liable for its payment shall become defaulters.

Section 168. Certified account to be evidence of arrears

A statement of account certified by the Tahsildar shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear of land revenue, of its amount and of the person who is the defaulter.

Section 169. Writ of demand

As soon as an arrear of land revenue has become due, a writ of demand may be issued by the Tahsildar against the defaulter calling upon him to appear or to pay the amount within a time to be specified.

Section 170. Process for recovery of arrears

(1) An arrear of land revenue remaining unpaid within the time specified in the write of demand, may be recovered by any one or more of the following processes, namely,-

(a) by arrest and detention of the defaulter ;

(b) by attachment and sale of his movable property including agricultural produce ;

(c) by attachment of any bank account or locker of the defaulter,

(d) by attachment of the land in respect of which the arrear is due ;

(e) by lease or sale of the land in respect of which the arrear is due ;

(f) by attachment and sale of other immovable property of the defaulter ;

(g) by appointing a receiver of any property, movable or immovable, of the defaulter.

Explanation-For the removal of doubts, it is hereby declared that two or more processes hereinbefore mentioned may be issued and enforced simultaneously or one after the other.

(2) Sums of money recoverable as arrears of land revenue, but not due in respect of any specific land, may be recovered by processes under this section from any immovable property of the defaulter including any holding of which he is a [1][bhumidhar].

[1] Subs. by sec. 125(b) of U. P. Act no. 04 of 2016.

Section 171. Arrest and detention

(1) Any person committing default in payment of an arrear of land revenue may be arrested and detained in custody in the Tahsil lock-up and if there is no such lock-up, at such other place as may be prescribed, for a period not exceeding fifteen days, unless the arrears are sooner paid.

(2) Notwithstanding anything contained in sub-section (1), no persons hall be liable to arrest or detention for an arrear of land revenue, where and for so long as such person-

[1][(a) is a woman or a minor, or a senior citizen of 65 years or more, or a person as referred to in section 95 (1) (a) ;]

(b) belongs to the Armed Forces of the Union ;

(c) is exempt under section 133, 135 or 135-A of the Code of Civil Procedure, 1908.

(3) No person shall be detained in custody under this section, unless the officer issuing the arrest warrant has reason to believe that the process of detention will compel the payment of the whole or a substantial portion of the arrears.

(4) The officer issuing the arrest warrant may withdraw such warrant if the defaulter pays or undertakes to pay the whole or substantial portion of the arrears and furnished adequate security therefor.

[2][(5) Notwithstanding anything contained in sub-section (1), no no defaulter shall be arrested, unless the amount sought to be recovered exceeds fifty thousand rupees.]

[1] Subs. by sec. 126(b) of U. P. Act no. 04 of 2016.
[2] Ins. by sec. 126(d) of U. P. Act no. 04 of 2016.

Section 172. Attachment and sale of movable property

(1) The Sub-Divisional Officer may attach and sell movable properties, of the defaulter including agricultural produce.

(2) The following properties shall be exempted from attachment under sub-section (1) and sale under sub-section (5), namely-

(a) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman ;

(b) tools of a village artisan and, if the defaulter is an agriculturist, his implements of husbandry (except an implement driven by mechanical power) and such cattle and seed as may in the opinion of the attaching officer be necessary to enable him to earn his livelihood as such ;

(c) articles set apart exclusively for the use of religious worship.

Explanation-I- For the Purposes of this sub-section, the expression "agriculturist" means a person who cultivates land personally and who depends for his livelihood mainly on the income from agricultural land.

Explanation-II- For the purposes of Explanation-I a person shall be deemed to cultivate land personally, if he cultivates land,-

(a) by his own labour ;

(b) by the labour of any member of his family ; or

(c) by servants or labourers on wages payable in cash or in kind or both.

(3) Where any movable property is attached by actual seizure and the defaulter furnishes security to the satisfaction of the attaching officer, the property so attached shall be left in the custody of the defaulter. In case the defaulter is not available at the time of the attachment or if he is available but fails to furnish security to the satisfaction of the attaching officer the attached property may be left in the custody of any responsible person who is willing to undertake its custody :

Provided that in the case of live-stock, it may be removed to the nearest pound if neither the defaulter furnishes such security nor any responsible person is willing to undertake its custody.

(4) The person who undertakes the custody of any movable property under sub-section (3) shall execute a bond (supurdnama) in the prescribed form (which shall be exempt from stamp duty) and shall preserve and maintain such property and produce it whenever required. The supurdar shall be liable for all damages or loss caused to the property given in his custody or for failure to produces it when required. Such damages or loss shall be determined by the Sub Divisional Officer and shall be recoverable from the supurdar as arrears of land revenue.

(5) If the amount of arrears is not paid within a period of thirty days from the date of attachment of movable properties under this section, the Sub-Divisional Officer may sell the same in the manner prescribed.

Section 173. Attachment of bank account and locker of the defaulter

The attachment of any bank account of the defaulter shall, so far as possible, be made by serving a garnishee order on the manager in charge of the branch of the bank concerned in the manner laid down in rules 46, 46-A and 46-B of Order 21 contained in the First Schedule to the Code of Civil Procedure, 1908, and in the case of a locker hired by the defaulter, the same shall be sealed in the presence of such manager how shall, thereafter await further orders of the Sub-Divisional Officer regarding preparation of inventory of its contents and their ultimate disposal.

Section 174. Attachment of holding

(1) The [1][Collector] may attach any land in respect of which any arrears of land revenue is due.

(2) Where the amount of arrears in respect of which attachment was made under sub-section (1) is paid, such attachment shall stand withdrawn.

(3) If the amount of arrears is not paid within a period of thirty days from the date of such attachment, the Collector may proceed in accordance with the provisions of section 175 or section 176, as the case may be.

[1] Subs. by sec. 129(a) of U. P. Act no. 04 of 2016.

Section 175. Lease of holding

(1) Where any land is attached under section 174 the [1][Collector] may, notwithstanding anything contained in this code but subject to such conditions as may be prescribed, let out the same for such period not exceeding ten years (commencing from the first day of July next following) as he deems fit, to any person other than the defaulter.

(2) The person to whom any land is let out under sub-section (1) shall be bound to pay the whole of the arrears due in respect of such land and to pay the land revenue, during the period of lease, at the rate payable by defaulter in respect of such land immediately preceding its attachment.

(3) If during the period of lease, the lessee commits default in payment of any amount due under the lease, and no other person is to take the land on lease for the remaining period thereof then such amount may be recovered from such lessee by anyone or more of the processes mentioned in section 170 and the lease shall be liable to be determined.

(4) Upon the expiry of the period of lease, the land shall be restored to the tenure holder concerned free of any claim on the part of the State Government for any arrear of revenue in respect of such land.

[1] Subs. by sec. 130(a) of U. P. Act no. 04 of 2016.

Section 176. Sale of holding

(1) Where a suitable person is not forthcoming to take on lease the land attached under section 174, or where the lease of such land is determined under section 175, the [1][Collector] may sell the whole or any part of such land in such manner as may be prescribed and appropriate the sale proceeds in accordance with section 200.

(2) The [2][Collector] shall report to the [3][Board of Revenue] every every sale of land under sub-section (1).

[1] Subs. by sec. 131(a)(i) of U. P. Act no. 04 of 2016.

[2] Subs. by sec. 131(a)(ii) of U. P. Act no. 04 of 2016.

[3] Subs. by sec. 131(b) of U.P. Act no. 04 of 2016.

Section 177. Attachment and sale of other immovable property

Notwithstanding anything contained in any law for the time being in force, the Collector may realize any arrears of land revenue by [attachment and sale] of the interest of a defaulter in any other immovable property belonging to such defaulter :

Provided that the house or other building (with materials and sites thereof) and the land immediately appurtenant thereto belonging to agriculturist and occupied by him shall be exempted from attachment under this section.

Explanation-For the purposes of this section, the expression 'agriculturist' shall have the meaning assigned to, it in section 172.

Section 178. Appointment of receiver

(1) Where any arrear of land revenue is due from any defaulter the Collector may by order-

(a) appoint, for such period as he may deem fit, a receiver of any movable property of the defaulter.

(b) remove any person from the possession or custody of the property and commit the same to the possession, custody or management of the receiver.

(c) confer upon the receiver all such powers as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof the application and disposal of such rents and profits and the execution of documents, as the defaulter himself has, or such those powers as the Collector thinks fit.

(2) Nothing in this section shall authorize the Collector to remove from the possession or custody of property any person to whom the defaulter has not a present right to remove.

(3) The Collector may, from time to time, extend the duration of appointment of the receiver.

(4) No order under sub-section (1) or sub-section (3) shall be made except after giving notice to the defaulter to show cause, and after considering any representation that may be received by the Collector in response to such notice :

Provided that an interim order under sub-section (1) or sub-section (3) may be made at any time before or after the issue of such notice :

Provided further that where an interim order is made before the issue of such notice, the order shall stand vacated, if no notice is issued within two weeks from the date of the interim order.

(5) The provision of rules 2 to 4 of order 40 contained in the First Schedule to the Code of Civil Procedure, 1908 shall mutatis mutandis apply in relation to a receiver appointed under this section.

(6) The receiver shall function subject to the control of Collector and furnish such information, returns or statements as the Collector may deem fit.

(7) The Collector may by order passed in writing and without assigning any reason, remove any receiver at any time before the expiry of the term of such receiver and appoint any other person as receiver in his place, if he is satisfied that continuance of that receiver shall not be desirable or expedient on ground of inefficiency, gross negligence, willful default, disobedience, misconduct serious omission, or misappropriation of any property. A person removed from the receivership under this section shall not be entitled to claim any damages or compensation on the ground of his removal.

(8) The Collector shall have power to determine, after giving opportunity to the receiver, what loss, if any, has been caused by the willful default, disobedience misconduct, serious omission or gross negligence of, or on account of any misappropriation by the receiver and to recover the amount of loss from receiver as an arrear of land revenue.

(9) The rent, profits or any other income from the property shall after defraying the expenses of management including the remuneration of the receiver, be adjusted towards discharge of the arrears, and the balance, if any shall be paid to the defaulter.

(10) As soon as the arrears are discharged under sub-section (9) or otherwise, the Collector shall restore the property to the defaulter.

Section 179. Procedure of recovery

For the purposes of collection of land revenue or other dues recoverable as arrears of land revenue, in accordance with this Chapter, the recovery officer shall follow such procedure as may be prescribed.

Section 180. Recovery of costs and collection charges

(1) The costs of any of the processes mentioned in sections 170 to 178 including costs of arrest and detention shall be such as may be prescribed.

(2) The State Government may impose collection charges at a rate, not exceeding ten percent of the amount due, as may be prescribed :

Provided that no collection Charges shall be payable if the amount due is paid before arrest of the defaulter or before sale of the attached property, as the case may be.

(3) Such costs and collection charges may be added to and be recoverable in the same manner as an arrear of land revenue.

Section 181. Recovery proceedings against legal representatives etc

(1) If at any time before or after the commencement of any proceedings for the recovery of any arrears of land revenue under this Chapter, the defaulter dies, the proceedings (except arrest and detention) may be commenced or continued against the legal representatives of the defaulter as if the legal representative were themselves the defaulter ;

Provided that such legal representative shall be liable only to the extent of the property of the deceased which has come to his or her hands.

(2) Where any person has become surely for the amount due from the defaulter he maybe proceeded against under this Chapter as if he were himself the defaulter.

Attachment and sale of immovable properties

Section 182. Attachment of immovable property

(1) Every process of attachment of any immovable property under section 174 or section 177, or for lease of any land under section 175 shall be issued by the Collector.

(2) Every such attachment shall be effected in the manner prescribed in Order XXI Rule 54 of the First Schedule to the code of Civil Procedure, 1908.

Section 183. Objection against attachment

(1) Where any claim is preferred by any person other than the defaulter or any person claiming under him in respect of any property attached under this Chapter, the Collector may, after an inquiry, held after reasonable notice, admit or reject such claim :

Provided that no such claim shall be entrusted.

(a) where, before the claim is preferred the property attached has already been sold ; or

(b) where the Collector considers that the claim is designedly or unnecessarily delayed ; or

(c) where the claim is preferred after 30 days from the date of attachment.

(2) The person against whom an order is made under sub-section (1) may, within [1][sixty days] from the date of the order, prefer an appeal before the commissioner to establish the right which he claims to the property attached but subject to the result of such appeal, if any the order of the Collector shall be final.

[1] Subs. by sec. 138(b) of U. P. Act no. 04 of 2016.

Section 184. Proclamation of sale

(1) Where any immovable property is sought to be sold under the provisions of this Chapter the Collector or an Assistant Collector authorized by him, shall issue a proclamation of the intended sale in the form prescribed specifying therein-

(a) the details of the property sought to be sold ;

(b) [1][the estimated value, reserve price and circle rate of such property] ;

(c) the land revenue, if any payable therefor;

(d) the encumbrances, if any ;

(e) the amount of arrears for the recovery of which property is sought to be sold ;

(f) the date, time and place of the intended sale ; and

(g) such other particulars as the Collector may think necessary.

(2) Where the area of the Land sought to be sold exceeds [2][5.0586 hectares] a single proclamation may be issued

under sub-section (1), but the actual sale shall be made in lots of 1.26 hectares or more.

(3) No sale shall take place until the expiry of twenty-one days from the date on which the proclamation is issued under this section.

(4) A copy of the proclamation shall be served on the defaulter.

[1] Subs. by sec. 139(a)(ii) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 139(b)(ii) of U. P. Act no. 04 of 2016.

Section 185. Affixation of proclamation

A copy of the sale proclamation referred to in section 184 shall be affixed in each of the following places :-

(a) the office of the Collector ;

(b) the office of the Tahsildar of the tehsil in which the property is situate ;

(c) some other public building in the village or the area in which the property is situate ;

(d) the dwelling house of the defaulter.

Section 186. Sale when and by whom made

(1) Every such sale shall be made by the Collector or by the Assistant Collector authorized by him.

(2) No sale shall take place on a Sunday or other holiday notified for State Government offices.

(3) The Collector or the Assistant Collector may, from time to time, postpone the sale for any sufficient reason.

(4) Where a sale is postponed for a period longer than twenty one days, or where the property is resold for default in payment of the purchase money, a fresh proclamation shall be issued in the form prescribed for the original sale.

Section 187. Stoppage of the sale

If the defaulter pays the arrears in respect of which the property is to be sold together with the cost of the process at any time before the date fixed for the sale, the officer conducting the sale shall stop such sale.

Section 188. Prohibition to bid

(1) No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, directly or indirectly, bid for or acquire or attempt to acquire the property sold or any interest therein.

(2) Where no bid is offered up to the amount for which the sale has been ordered, the Collector may order for bid upto the amount of such arrears.

Section 189. Deposit by purchaser and re-sale on default

(1) The person declared to be the purchaser shall be required to deposit immediately twenty five percent of the amount of his bid, and in default of such deposit, the property shall be forthwith re-sold, and such person shall be liable for the expenses incurred on the first sale and any deficiency in price occurring on re-sale, and the same may be recovered from him by the Collector as if the same were an arrear of land revenue.

(2) A deposit under sub-section (1) may be made either in cash or by a demand draft (issued by a scheduled bank) or partly in cash and partly by such draft.

Explanation-For the purposes of this section, the expression 'demand draft' includes a banker's cheques.

Section 190. Deposit of purchase money

The balance amount of the purchase money shall be paid by the purchaser on or before the fifteenth day from the date of the sale in the office of the Collector or at the district treasury or sub-treasury, and in case of default-

(a) the property shall be resold ; and

(b) the deposit made under section 189 shall be forfeited to the State Government.

Section 191. Auction sale of land held by Scheduled Caste or Scheduled Tribe

Where the right, title or interest of a person belonging to a scheduled caste or scheduled tribe in any land is sold by public auction under or in accordance with the provisions of this Code, and any other person belonging to such caste or tribe pays [1][an amount equal to the amount of the highest bid and a sum equal to one percent amount of the purchase money for payment to the purchaser,] within a notwithstanding anything contained in any other provision of this Code or any other law for the time being in force, the person so offering the amount shall be entitled to preference in the matter of sale over and above any person not belonging to such caste or tribe :

Provided that if there are more persons than one making such deposit, bids shall be called from them on the spot, and the highest bidder shall be entitled to such preference :

[2] [Provided further that where the auction sale in favour of highest bidder is not confirmed due to the preference under this section, he shall be entitled to receive back the money deposited by him plus an amount equivalent to one percent of such money deposited for that purpose.]

[1] Subs. by sec. 145(a) of U. P. Act no. 04 of 2016.

[2] Ins. by sec. 145(b) Prov. of U. P. Act no. 04 of 2016.

Section 192. Application to set aside sale on deposit of arrears

(1) Any person whose holding or other immovable property has been sold under this Chapter may, at any time within thirty days from the date of sale, apply to the Collector for setting aside the sale, on his depositing, in the office of the Collector or at the district treasury or sub-treasury-

(a) for payment to the purchaser, a sum equal to [1][one percent] of the purchase money ; and

(b) for payment on account of the arrear, the amount specified in the sale proclamation, less any amount which may, since the date of such proclamation, have been paid on that account ;

(c) the cost of the processes of sale including the collection charges, if any.

(2) If the amount has been deposited in accordance with sub-section (1) the Collector shall set aside the sale.

(3) Where a person has applied for setting aside the sale under this section, he shall not be entitled to make or prosecute an application under section 193.

[1] Subs. by sec. 146(a)(ii) of U. P. Act no. 04 of 2016.

Section 193. Application to set aside sale for irregularity

(1) At any time within thirty days from the date of sale, the defaulter or the auction purchaser or any other person whose interests are affected by such sale, may apply to the Commissioner to set aside the sale on the ground of any material irregularity or mistake in publishing or conducting it.

(2) No sale shall be set aside under sub-section (1), unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of such irregularity or mistake.

(3) Subject to revision in the Revenue Board the order of the Commissioner under this Section shall be final.

Section 194. Confirmation of sale

(1) On the expiration of thirty days from the date of sale, if no application is made under section 192 or section 193, or if such application has been made and rejected by the Collector or the Commissioner, as the case may be, the Collector shall, subject to the provisions of sub-section (2), confirm the sale.

(2) Where in a sale of immovable property made under this Chapter, the amount of purchase money-

(a) exceeds rupees fifty lakh ; or

(b) [1][is less than the reserve price or the amount of arrears specified in the sale proclamation], then the Collector shall report the matter to the Commissioner, who may confirm the sale or may pass such order as he thinks fit.

(3) Every order of the Collector or the Commissioner under this section shall be final.

[1] Subs. by sec. 148(b)(ii) of U. P. Act no. 04 of 2016.

Section 195. Setting aside of sale by Collector or Commissioner

Notwithstanding anything contained in section 192, section 193 or section 194, if the Collector or the Commissioner, as the case may be, has reason to believe that the sale of an immovable property made under this Chapter ought to be set aside he may, after notice to the auction purchaser to show cause, if any, set aside the sale for the reasons to be recorded in writing.

Section 196. Bar of claims against certain cases

If no application under section 193 is made within the time specified therein, all claims regarding irregularity or mistake in publishing or conducting the sale shall be barred.

Section 197. Refund of purchase money

Where the sale of any property is set aside under section 192 or section 193, the purchaser shall be entitled to receive back his purchase money, plus in the case mentioned in section 192, an amount equivalent to [1][one percent] of such money deposited for that purpose by the defaulter.

[1] Subs. by sec. 150 of U. P. Act no. 04 of 2016.

Section 198. Certificate of sale

(1) After a sale has been confirmed in accordance with section 194, the Collector shall grant to the purchaser a certificate, in the form prescribed specifying the property sold and the name of the person who at the time of sale was declared to be its purchaser.

(2) The certificate, duly signed and sealed by the Collector shall be deemed to be a valid transfer of the property specified therein, and it need not be registered as a conveyance, except as provided in section 89 of the Registration Act, 1908.

(3) The property specified in the certificate shall be deemed to have vested in the purchaser on the date when it was sold, and not on the date when the sale was confirmed.

Section 199. Certified purchaser to be put in possession

(1) The collector shall put the person declared to be the purchaser of such property into possession, and for that purpose, he may use or cause to be used such force as may be necessary.

(2) Nothing in this section shall authorize the Collector to remove from the possession of any property any person whom the defaulter had, before the issue of process, no present right to remove.

Section 200. Application of sale proceeds

Where the sale of a property has been confirmed under section 194, the proceeds of the sale shall be utilized in the following order -

(a) for meeting the cost of the process and the collection charges, if any ;

(b) for payment of the arrears for the recovery whereof the property was sold ;

(c) the balance, if any, shall be paid to the defaulter.

Section 201. Summary ejectment of unauthorized occupants

Any person taking or retaining possession of any land or other property attached, leased or sold under this Chapter otherwise than in accordance with the provisions of the said Chapter may be summarily ejected by the Collector who may use or cause to be used such force as may be necessary.

Section 202. Bar of suits

Subject to the provisions of section 203, no suit or other proceedings shall lie in any civil court in respect of any assessment or collection of land revenue or the recovery of any sum recoverable as an arrear of land revenue.

Section 203. Payment before suit

[1][xxx] Whenever proceedings are taken under this Chapter against any person for the recovery of any arrear of land revenue, he may pay the amount claimed to the recovery officer, and upon such paymen the proceedings shall be stayed, and the person against whom such proceeding were taken may, notwithstanding anything contained in any other provisions of this code, sue the State Government in the civil court for the recovery of amount so paid.

[1] Omitted by sec. 156(a) of U.P. Act no. 4 of 2016.

Section 204. Other payments not to be a valid discharge

No payment on account of rent or other dues in respect of any land attached under this Chapter, make after such attachment, by the asami or any other person in possession thereof to any person other than the revenue officer authorized in this behalf shall operate as a valid discharge.

Section 205. Applicability of the Chapter

The provisions of this Chapter shall apply to the recovery of all arrears of land revenue and all other sums recoverable as an arrear of land revenue whether due before or after the commencement of this Code.

CHAPTER-XIII Jurisdiction and Procedure of Revenue Courts

Section 206. Jurisdiction of civil court and revenue courts

(1) Notwithstanding anything contained in any law for the time being in force, but subject to the provisions of this Code, no civil court shall entertain any suit, application or proceeding to obtain a decision or order on any matter which the State Government, the Board, any revenue court or revenue officer is by or under this Code, empowered to

determine, decide or dispose of.

(2) Without prejudice to the generality of the provisions of sub-section (1) and save as otherwise expressly provided by or under this Code-

(a) no civil court shall exercise jurisdiction over any of the matters specified in the Second Schedule ; and

(b) no court other than the revenue court or the revenue officer specified in [1][column 3] of the Third Schedule shall entertain any Suit application or proceeding specified in [column 2] thereof.

(3) Notwithstanding anything contained in this Code, an objection that a court or officer mentioned in sub-section (2) (b) had no jurisdiction with respect to any suit, application or preceding, shall not be entertained by any appellate, Revisional or executing court, unless the objection was taken before the court or officer of the first instance, at the earliest opportunity, and in all cases where issues are settled at or before such settlement, and unless there has been a consequent failure of justice.

[1] Subs. by sec. 158 (b) of U. P. Act no. 04 of 2016.

Section 207. First appeal

(1) Any party aggrieved by a final order or decree passed in any suit, application or proceeding specified in [1][column 2] of the Third Schedule, may prefer a first appeal to the court or officer specified against it in [1][column 4], where such order or decree was passed by a court or officer specified against it in [1][column 3] thereof.

(2) A first appeal shall also lie against an order of the nature specified-

(a) in section 47 of the Code of Civil Procedure, 1908 ; or

(b) in section 104 of the said Code ; or

(c) in Order 43 Rule 1 of the First Schedule to the said Code.

(3) The period of limitation for filing a first appeal under this section shall be thirty days from the date of the order or decree appealed against.

[1] Subs. by sec. 159 (a) of U. P. Act no. 04 of 2016.

Section 208. Second appeal

(1) Where in any suit, application or proceeding specified in [1][column 2] of the Third Schedule, any final order or decree is passed in any first appeal filed under section 207, and any party to such appeal is aggrieved by it, such party may prefer a second appeal to the court specified against it in [1][column 5].

(2) The appellate court shall not entertain a second appeal unless it is satisfied that the case involves a substantial question of law.

(3) The period of limitation for filing a second appeal under this section shall be ninety days from the date of the order or decree appealed against.

[1] Subs. by sec. 160 (a) of U. P. Act no. 04 of 2016.

Section 209. Bar against certain appeals

Notwithstanding anything contained in sections 207 and 208, no appeal shall lie against any order or decree-

(a) made under [1][Chapter XI] of this Code ;

(b) granting or rejecting an application for condonation of delay under section 5 of the Limitation Act, 1963 ;

(c) rejecting an application for [2][revision] ;

(d) granting or rejecting an application for stay ;

(e) remanding the case to any subordinate court ;

(f) where such order or decree is of an interim nature.

[3][(g) passed by Court or officer with the consent of parties ; or

(h) where order has been passed ex-parte or by default ;

Provided that any party aggrieved by order passed ex-parte or by default, may move application for setting aside such order within a period of thirty days from the date of the order ;

Provided further that no such order shall be reversed or altered without previously summoning the party in whose favour order has been passed to appear and be heard in support of it.]

[1] Subs. by sec. 161 (b) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 161 (c) of U. P. Act no. 04 of 2016.
[3] Ins. by sec. 161(e) of U. P. Act no. 04 of 2016.

Section 210. Power to call for the records

[1][(1) The Board] or the Commissioner may call from the record of any suit or proceeding decided by any subordinate revenue court in which no appeal lies, [2][* * *] for the purposes of satisfying itself or himself as to the legality or propriety of any order passed in such suit or proceeding, and if such subordinate court appears to have-

(a) exercised a jurisdiction not vested in it by law ; or

(b) failed to exercise a jurisdiction so vested ; or

(c) acted in the exercise of such jurisdiction illegally or with material irregularity ;

the Board, or the Commissioner, as the case may be, may pass such order in the case as it or he thinks fit.

(2) If an application under this section has been moved by any person either to the Board or to the Commissioner, no further application by the same person shall be entertained by the other of them.

[3][Explanation-For the removal of doubt it is, hereby, declared declared that when an application under this section has been moved either to the Board or to the Commissioner, the application shall not be permitted to be withdrawn for the purpose of filing the application against the same order to the other of them.]

(3) No application under this section shall be entertained after the expiry of a period of [4][sixty days] from the date of the order sought to be revised or from the date of commencement of this Code, whichever is later.

[1] Subs. by sec. 162(a) of U. P. Act no. 04 of 2016.
[2] Omit. by sec. 162(b) of U. P. Act no. 04 of 2016.
[3] Ins. by sec. 162(c) Exp. of U. P. Act no. 04 of 2016.
[4] Subs. by sec. 162(d) of U.P. Act No. 4 of 2016.

Section 211. Board's power of review

(1) The Board may, of its own motion or on the application of any party interested, review any order passed by itself and pass such orders in reference thereto as it thinks fit.

(2) No order shall be reviewed under sub-section (1), except on the following grounds-

(a) discovery of any new and important matter or evidence ;

(b) some mistake or error apparent on the face of record ;

(c) any other sufficient reason.

(3) Orders passed on review shall not be reviewed.

[1][(4) An application under sub-section (1), for review of any order may be moved within sixty days from the date of such order.]

[1] Ins. by sec. 163(c) of U. P. Act no. 04 of 2016.

Section 212. Power to transfer cases

(1) Where it appears to the Board that it will be expedient for the ends of justice to do so, it may direct that any case be transferred from one revenue officer to another revenue officer of an equal or superior rank in same district or any other district.

(2) The Commissioner, the Collector or the Sub-Divisional Officer may make over any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force, for decision from his own file to any revenue officer subordinate to him and competent to decide such case or class of cases, or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of case himself or refer the same for disposal to any other revenue officer competent to decide such case or class of cases.

Section 213. State Government to be necessary party in certain cases

Subject to the provisions of this Code or the rules made there under, the State Government shall be made a party to any suit instituted by or against the [1][Gram Panchayat] or local authority under this Code.

[1] Subs. by sec. 2(a) of U. P. Act no. 04 of 2016.

Section 214. Applicability of Code of Civil Procedure, 1908 and Limitation Act, 1963

Unless otherwise expressly provided by or under this Code, the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 shall apply to every suit, application or proceedings under this Code.

Section 215. Orders not to be invalid on account of irregularity in procedure

No order passed by a revenue officer shall be reversed or altered in appeal or revision on account merely of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or

during any inquiry or other proceedings under this Code, unless such error, omission or irregularity has in fact occasioned a failure of justice.

Section 216. Service of notice

Any notice or other document required or authorized to be served under this Code may be served either,-

(a) by delivering it to the person on whom it is to be served ; or

(b) by registered post addressed to that person at his usual or last known place of abode ; or

(c) in case of an incorporated company or body, by delivering it or sending it by registered post addressed to the secretary or other principal functionary of the company or body at its principal officer ; or

(d) in any other manner laid down in the Code of Civil Procedure, 1908 for service of summons.

Section 217. Revenue Courts to have no power to adjudicate upon the validity of enactment

Notwithstanding anything contained in the provisions of this Code, the Board or any other revenue court shall have no jurisdiction in respect of a matter which involves a question as to the validity of the provisions of this Code or any other law for the time being in force or any rule or notification made or issued there under.

CHAPTER XIV Miscellaneous

Section 218. Power to exempt from the provisions of the Code

The State Government may by notification, exempt any land owned by it or by the Central Government or by any local authority from the application of all or any of the provisions of this Code, and may likewise cancel or modify any such notification.

Section 219. Delegation

The State Government may, by notification delegate to the Board or any other officer or authority subordinate to it any of the powers conferred on it by this Code, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the notification.

Section 220. Power to enter upon land

Subject to such conditions or restrictions that may be prescribed, any officer appointed under this Code may enter at any time upon any land with such public servants as he considers necessary, for carrying out any of his duties under this Code, or any other law for the time being in force.

Section 221. Right to inspect and obtain copies

All documents, statements, records and registers prepared or maintained under this Code or the rules framed thereunder shall be open to inspection during such hours and subject to such conditions and on payment of such fees as may be prescribed and any person shall on payment of the prescribed fee, be entitled to obtain the certified copy of such document or any portion of any such document, statement record or register.

Section 222. Computation of areas in certain districts

For the purposes of computing the area fixed under any of the provisions of this Code, one and a half hectares of land shall count as one hectare in the following areas :-

(a) [1][Jhansi division and Chitrakoot division] ;

(b) trans-Jamuna portions of Allahabad, Etawah, Agra and Mathura districts ;

(c) District Sonbhadra ;

(d) Tappa Upraudh and Tappa Chaurasi [2][(Balai Pahar)] of tehsil Sadar in district Mirzapur, and

(e) Pargana Sakteshgarh and the villages mentioned in the Fourth Schedule in hilly parties of parganas Ahraura and [3][Bhagwat of tehsil Chunar and pargana Bhagwat of tahsil Madihan] of Mirzapur district.

[1] Subs. by sec. 172 (a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 172 (b) of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 172 (c) of U. P. Act no. 04 of 2016.

Section 223. Mode of recovery of fines etc

Any fee, fine, cost, expense, penalty or compensation payable to or recoverable by the State Government, a [1] [Gram Panchayat] or other local authority under this Code or any other law for the time being in force may, Without

prejudice to any other mode of recovery, be realised as if it were an arrear of land revenue.

[1] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

Section 224. Power to call for statement

(1) Where any revenue officer considers it necessary for the enforcement of the provisions of this Code, it may call upon any tenure holder or any person in possession of any land to furnish within such time as may be specified a statement containing the nature and extent of his interest in the land held or possessed by him as well as by members of his family.

(2) The tenure holder or other person referred to in sub-section (1) may also be called upon to disclose the name and address of any other person possessing any interest in such land including the nature and extent of such interest.

Section 225. Protection of action taken in good faith

(1) No officer or servant of the State Government shall be liable in any civil or criminal proceeding in respect of any act done or purporting to be done under this Code or any rules made there under, if the act was done in good faith and in the course of execution of the duties or the discharge of functions imposed by or under this Code.

(2) No suit or other proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Code or by anything done or intended to be done in good faith in pursuance of the provisions of this Code or any rules made there under.

Section 225-A. Determination of questions in summary proceeding

[1] [Notwithstanding anything contained in other provisions of this Code, all the questions arising for determination in any summary proceeding under this Code shall be decided upon affidavits, in the manner prescribed ;

Provided that if Revenue Court or Revenue Officer is satisfied that the cross examination of any witness, who has filed affidavit, is necessary, it or he may direct to produce the witness for such cross examination.]

[1] Section 225(A) to 225(F) Ins. by sec. 176 of U. P. Act no. 04 of 2016.

Section 225-B. Lodging of Caveat

[(1) Where an application is expected to be made in any suit, appeal, revision or other proceeding under this Code, any person claiming the right to oppose the application, may, either personally or through his counsel after serving a copy of caveat through registered post on the person by whom the application is expected to be made, lodge a caveat in the court in respect thereof.

(2) Where a caveat has been lodged and notice thereof has been served, the applicant shall, when presenting the application in court, furnish proof of having given prior notice in writing to the caveator or his counsel of the date on which the application is proposed to be presented.

(3) If any caveat is filed under this section, the entry of the same shall be made in the register of caveat in the manner prescribed.

Section 225-C. Constitution of Committee

[(1) Notwithstanding anything to the contrary contained in any other provisions of this Code or the Rules made thereunder, the Collector shall constitute, such Committee at Gram Panchayat level, as may be notified by the State Government from time to time to assist in the disposal of cases and redressed of grievances in the manner prescribed.

(2) Every committee constituted under sub-section (1) shall consist of a Chairman and four other members, who shall be nominated or designated in the manner prescribed.

Provided that in each such committee, there shall be at least one woman member, on member belonging to the Scheduled Castes or the Scheduled Tribes and one member belonging to the Other Backward Class.]

Section 225-D. Power of an Assistant Collector of First Cass not in charge of a sub division

[1][An Assistant Collector of the first class not in charge of a sub-division of a district shall exercise all or any of the powers conferred on an Assistant Collector of the first class in charge of a sub-division in such cases or classes of cases as the Collector may, from time to time, refer to him for disposal.]

[1] Ins. by sec. 176 of U. P. Act no. 4 of 2016. (225 A to 225 F)

Section 225-E. Powers of Assistant Collector of second class

[1][Assistant Collectors of the second class shall have power to investigate and report on such case as the Collector or Assistant Collector in charge of a sub-division of a district may, from time to time, commit to them for investigation and report.]

[1] Ins. by sec. 176 of U. P. Act no. 4 of 2016. (225 A to 225 F)

Section 225-F. Consolidation of cases

[1][(1) Where more cases than one involving substantially the same question for determination and based on the same cause of action are pending in different courts, they shall, on application being made by any party to the court to which all the courts concerned are subordinate, be transferred and consolidated in one court and decided by a single judgment.

(2) When two or more suits or proceedings are pending in the same court, and the court is of opinion that it is expedient in the interest of justice, it may by order direct their joint trial, where upon all such suits and preceding may be decided upon the evidence in all or nay of such suits or proceedings.]

[1] Ins. by sec. 176 of U. P. Act no. 4 of 2016. (225 A to 225 F)

CHAPTER-XV Penalties

Section 226. Penalty for encroachment ect

(1) Any person who,-

(a) encroaches upon or causes any obstruction to the use of any public road (including chak road), path or common land of a village ; or

(b) fails to comply with any order or direction made by the Sub-Divisional Officer under sub-section (1) of section 23 ; or

(c) fails to comply with any order or direction made by the Tahsildar under section 25 or section 26 ; or

(d) fails to comply with any order made under section 42 or section 48 ;

shall be liable to a fine which in a case referred to in clause (a) shall [1][not be less than one thousand rupees and not exceed ten thousand rupees] and in any other case shall [2][not be less than five hundred rupees and not exceed five thousand rupees].

(2) Every person referred to in sub-section (1) may be required by the Sub-Divisional Officer or the Tahsildar, as the case may be to execute a personal bond for such sum not exceeding [3][fifteen thousand rupees] as the officer concerned may deem fit for abstaining from the repetition of such act or failure.

[1] Subs. by sec. 177(a) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 178(a) marginal heading of U. P. Act no. 04 of 2016.
[3] Subs. by sec. 177(b) of U. P. Act no. 04 of 2016.

Section 227. [1]Damages for destruction etc. of boundary marks

(1) If any person willfully destroys or injures or without lawful authority removes any boundary marks lawfully erected under Chapter IV or under any other law for the time being in force, he may be ordered by the Tahsildar to pay such amount not exceeding [2][one thousand rupees] for each mark so destroyed, injured or removed, as may in the opinion of the Tahsildar be necessary to defray the expense of restoring the same and of rewarding the informant, if any.

(2) The recovery of damages under sub-section (1) shall not debar prosecution for any offence under the Indian Penal Code in respect of such destruction, injury or removal.

[1] Subs. by sec. 178(a) marginal heading of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 178(b)(ii) of U. P. Act no. 04 of 2016.

Section 228. Penalty for cutting or removing tress illegally

(1) Every person who cuts removes or otherwise appropriates any tree or any portion thereof which is the property of the State Government or any local authority or a [1][Gram Panchayat], without any authority therefor shall be liable to pay the value there of, which shall be recoverable from him in addition to any penalty to which he may be liable under the provisions of this Code for the occupation of the land or otherwise and notwithstanding any criminal proceedings which may be instituted against him in respect of such cutting removal or appropriation.

(2) The Collector may, at any time, direct the confiscation of any tree or portion thereof referred to in sub-section (1).

[1] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

Section 229. Penalty for not furnishing required statement or information etc

Every person who :-

(a) fails to furnish any statement or information lawfully required under the provisions of this Code ; or

(b) furnishes any statement or information which is false and which he has reasons to believe to be false ; or

(c) obstructs the [1][Collector or any other revenue officer] or [2][Gram Panchayat] in taking possession of any land in accordance with the provisions of this Code ; or

(d) obstructs any officer or public servant in doing any of the acts specified in section 220, shall on conviction, be liable to imprisonment which may extent to two years or with fine or with both.

[1] Subs. by sec. 180 of U.P. Act no. 04 of 2016.

[2] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.

CHAPTER-XVI Repeal and savings

Section 230. Repeal

(1) The enactments specified in the First Schedule are hereby repealed.

(2) Notwithstanding anything contained in sub-section (1), the real of such enactments shall not affect-

(a) the continuance in force of any such enactment in the State of [1][Uttarakhand] ;

(b) the previous operation of any such enactment or anything duly done or suffered there under ; or

(c) any other enactment in which such enactment has been applied incorporated or referred to ; or

(d) the validity, invalidity, effect or consequences of anything already done or suffered or any right title or obligation or liability already acquired accrued or incurred (including in particular the vesting in the State of all estates and the cessation of all rights title and interest of all the intermediaries therein) or any remedy or proceeding in respect thereof or any release or discharge of or from any debt, penalty, obligation. liability, claim or demand or any indemnity already granted or the proof of any past act or thing ; or

(e) any principle or rule of law or established jurisdiction, form or course of pleading, practice or procedure or existing usage custom, privilege, restriction, exemption, office or appointment ;

Provided that anything done or any action taken (including any rules, manuals, assessments, appointments and transfers made, notifications summonses, notices, warrants, proclamations issued, powers conferred, leases granted, boundary marks fixed, records of rights and other records prepared or maintained, right acquired or liabilities incurred) under any such enactment shall, in so far as they are not inconsistent with the provisions of this Code, be deemed to have been done or taken under the corresponding provisions of this Code, and shall continue to be in force accordingly, unless and until they are superseded by anything done or action taken under this Code.

[1] Subs. by sec. 181 of U. P. Act no. 04 of 2016.

Section 231. Applicability of the Code to pending proceedings

(1) Save as otherwise expressly provided in this Code, all cases pending before the State Government or any revenue court immediately before the commencement of this Code, whether in appeal, revision, review or otherwise, shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed.

(2) All cases pending in any civil court immediately before the commencement of this Code which would under this Code be exclusively triable by a revenue court, shall be disposed of by such civil court according to the law in force prior to the date of such commencement.

Section 232. Power to remove difficulties

(1) The State Government may, for the purposes of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by this Code to the provisions of this Code, by a notified order, direct that the provisions of this Code shall during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission as it may deem necessary or expedient ;

Provided that no such order shall be made after two years from the date of commencement of this Code.

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature, as soon as may be after it is made.

(3) No order made under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in that sub-section existed or was required to be removed.

Section 233. Rules

(1) The State Government may by notification make rules for carrying out the purposes of this Code.

(2) Without prejudice to the generality of the foregoing power, such rules may also provide for-

(i) The terms and conditions of service of the Chairman and other members of the Board ;

(ii) Regulating the distribution of business of the Board and making territorial division of its jurisdiction ;

(iii) Guidelines for alteration, abolition or creation of revenue areas ;

(iv) The procedure for demarcation of boundaries, the specification, construction and maintenance of boundary marks, levy and recovery of cost thereof ;

[1][(iv-a) the procedure for survey operation and record operation including demarcation of abadi by the use of available modern technology and digitalization process ;]

(v) The procedure of preparation and maintenance of maps, documents, statements, records and registers under this Code, procedure for their inspection and supply of certified copies or extracts thereof ;

(vi) The procedure for submission of reports about succession and transfer, by the registering authority to the Tahsildar and for revision of village records, including proceedings for mutation and correction of village records ;

(vii) The procedure for preparation, supply and maintenance of Kisan Bahi and matters connected therewith, including fees to be charged therefore ;

(viii) The procedure, regarding plantation of trees on the sides of public roads paths or canals, and determination of disputes regarding trees in abadi and unoccupied land ;

(ix) The protection, preservation and disposal of properties belonging to or vested in the State Government, [2][Gram Panchayat] or other local authority, including determination of compensation for damages misappropriation or wrongful occupation there of ;

(x) The principles for assessment of land revenue, including its variation, remission, suspension, and apportionment ;

(xi) The procedure for collection of land revenue and other public moneys, and the matters connected with the execution of various, processes therefor, including the fixation of costs and collection charges ;

(xii) The procedure regarding fixation and commutation of rent, including circumstances in which the arrears of rent could be written off ;

(xiii) The procedure for appointment of legal practitioners in litigation relating to a [2][Gram Panchayat] or a Bhumi Prabandhak Samiti, and the terms and conditions of such appointment ;

(xiv) The procedure relating to the conduct and prosecution of suits, appeals and other proceedings, including the procedure of conducting various inquiries under the provisions of this Code ;

(xv) The procedure for grating lease by the Collector, cancellation of such lease and eviction of unauthorized occupants from the land belonging to the State Government, [2][Gram Panchayat] and local authority ;

(xvi) The procedure regarding allotment of land entrusted to the [3][Gram Panchayat], restoration of possession to the allottee and cancellation of such allotment ;

(xvii) The duties of any officer or authority having jurisdiction under this Code and the procedure to be followed by him ;

(xviii) Imposition of limits of time within which any act specified under this Code has to be performed ;

(xix) The fees to be aid in respect of suits, appeals, applications and other proceedings under this Code ;

(xx) The regulation of fishing in rivers, lakes, ponds and tanks entrusted to a [3][Gram Panchayat] or other local authority ;

(xxi) The regulation of pasture lands, cremation or burial grounds, and catching, hunting and shooting of animals and birds in villages ;

(xxii) Any other matter for which rules are required to be or may be made under this Code.

(3) The rules and orders made by the State Government or the Board before the commencement of this Code, under any of the enactments repealed and in force on the date of such commencement, shall except to the extent of inconsistency with the provisions thereof, continue to be in force, until they are rescinded altered or substituted in accordance with the provisions of this Code.

(4) It shall be lawful for the State Government in making rules under this section, to prescribe that any person committing a breach of the same shall in addition to any other consequences that would ensue from such breach, be punishable with such fine not exceeding [3][twenty five thousand rupees] as the officer or authority specified for the

purpose may deem fit to impose.

[1] Ins. by sec. 184(a)(ii) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 2(a) U. P. Act no. 04 of 2016.
[3] Subs. by sec. 184(d) of U. P. Act no. 04 of 2016.

Section 234. Regulations

(1) Subject to the provisions of this Code and the rules made there under, the Board may, with the previous approval of the State Government, make regulations-

(a) governing the procedure of the revenue courts and the revenue officers in respect of suits, applications and proceedings under this Code ;

(b) containing directions for the preparation, maintenance and supervision of land records and matters connected therewith ;

(c) prescribing the duties of Tehsildars and Naib-Tehsildars and regulating their posting, transfers and their appointment in temporary vacancies ;

[1][(d) procedure for issuing licences to the petition writers ; (e) such other matters as may be prescribed by rules.]

(2) All regulations made in accordance with sub-section (1) shall have the force of law.

[2][(3) The Revenue Court Manual, the Land Records Manual, Collection Manual and Land Revenue (Survey and Record Operation) Rules, 1978, in force on the date of commencement of this Code, shall continue to remain in force, to the extent they are not inconsistent with the provisions of this Code, until amended, rescinded or repealed by any regulations made under this section.]

[1] Ins. by sec. 185(b) of U. P. Act no. 04 of 2016.
[2] Subs. by sec. 185(c) of U. P. Act no. 04 of 2016.

Schedules

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