

TO BE PUBLISHED IN PART-II (a) OF THE LEGISLATIVE SUPPLEMENT OF THE U.P. GAZETTE EXTRAORDINARY DATED 07 MARCH, 2024 POSITIVELY

UTTAR PRADESH SHASAN
VIDHAYI ANUBHAG-1
No. 87(2)/79-V-1-2024-2-ka=5/2024
Lucknow: Dated: 07 March, 2024


NOTIFICATION

Miscellaneous

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Najul Sampatti (Lok Prayojnarth Prabandh Aur Upyog) Adhyadesh, 2024 (Uttar Pradesh Adhyadesh Sankhya 5 of 2024) promulgated by the Governor. **Awas evam Shari Niyojan Anubhag-4** is administratively concerned with the said Ordinance.

(Here print the annexed)

By order,

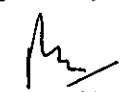

(Vandana Singh)
Vishesh Sachiv evam Apar Vidhi
Paramarshi.

No. 87(3)/79-V-1-2024-2-Ka-5/2024 of date

Copy forwarded for information and necessary action to,-

- 1- Mukhya Mantri, Uttar Pradesh.
- 2- Mukhya Sachiv, Uttar Pradesh Shasan.
- ✓ 3- Apar Mukhya Sachiv/Pramukh Sachiv, Awas evam Shahri Niyojan Anubhag-4, Uttar Pradesh Shasan.
- 4- Pramukh Sachiv, Vidhan Sabha, Uttar Pradesh.
- 5- Pramukh Sachiv, Vidhan Parishad, Uttar Pradesh.
- 6- Sookna Nideshak, Uttar Pradesh.
- 7- Apar Mukhya Sachiv/Pramukh Sachiv, Shri Rajyapal, Uttar Pradesh.
- 8- Sachiv, Uttar Pradesh Rajya Vidhi Aayog, Lucknow.
- 9- Sansadiya Karya Anubhag-1, Uttar Pradesh Shasan.
- 10- Vidhi Paramarshi Pustakalaya, Uttar Pradesh Shasan.
- 11- Bhasha Anubhag-5, Uttar Pradesh Shasan.
- 12- Vidhayi Anubhag-2, Uttar Pradesh Shasan.

By order,


(Manoj Kumar Singh-III)
Vishesh Sachiv evam Apar Vidhi
Paramarshi.

THE UTTAR PRADESH NAZUL PROPERTIES (MANAGEMENT AND UTILIZATION FOR PUBLIC PURPOSES) ORDINANCE, 2024

(U.P. ORDINANCE NO. 5 OF 2024)

[Promulgated by the Governor in the Seventy- fifth Year of the Republic of India]

AN

ORDINANCE

to provide for reservation of Nazul properties for public purposes, and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient in the public interest to uniformly provide in regard to reservation of Nazul Lands for public purposes, and to provide for matters connected therewith or incidental thereto;

AND WHEREAS in order to deal with the multiplicity of litigations involving Nazul Lands , leading to diverse claims , it has become expedient to bring a legislation to protect the interests of the State Government in such Nazul Lands;

AND WHEREAS the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW , THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

CHAPTER -I

PRELIMINARY

**Short title,
extent and
commencement**

1 (1) This Ordinance may be called the Uttar Pradesh Nazul Properties (Management and Utilization for Public Purposes) Ordinance, 2024.

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

(3) It shall come into force at once.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or the context, —

- a. "Nazul" means,—
- i. any land or building which is the property of Government on the basis of public records maintained by the Government ;
 - ii. all such properties, land or buildings in or near towns or villages which have vested with the State Government as per Article 296 of the Constitution of India ;
 - iii. all such parcels of land and/or buildings in respect of which a Grant was executed under the erstwhile Government Grants Act, 1895 or under any executive authority of the erstwhile British Government ;
 - iv. any parcel of land that is not private land and in respect of which rights of lease, license or occupancy have been granted under any instrument of law, as the Government may declare by a notification ;
- but would not include property which is administered as a State property under the control of the Board of Revenue or the Forest or the Irrigation Department, or which falls under the control of the Defence, Postal, Telegraph, Railway or any Department of the Central Government.
- b. "Nazul Register" means such register that the State Government may maintain for the purposes of this Ordinance and in such manner as may be prescribed ;
- c. "Public entity" means any Central or State Government department, agency, or other instrumentality fully owned by the Central or State Government;
- d. "Private entity" means an institution which is not a public entity .

CHAPTER-II

Prohibition of freehold in favour of private person or entity

3 (1) Notwithstanding any judgment, decree or order of any Court to the contrary or, any other law or any Government order for the time being in force, Nazul lands located in Uttar Pradesh shall not be converted to freehold in favour of private person or private entity after commencement of this Ordinance.

(2) Notwithstanding anything contained in any other law relating to Government Grants or Nazul Lands as defined under this Ordinance and notwithstanding the repeal of any such law, with or without its savings, or anything contained in section 6 of the General Clauses Act, 1897 Nazul lands located in Uttar Pradesh shall not be converted to freehold in favour of private person or private entity after commencement of this Ordinance

(3) Notwithstanding any judgment, decree or order of any Court to the contrary or, any other law or any Government Order for the time being in force, all proceedings or applications pending in any Court or before any authority seeking conversion of Nazul Land as freehold prior to commencement of this Ordinance shall lapse and shall be deemed to be rejected and money if any deposited in that regard shall be returned with interest rate equivalent to Marginal cost of funds based lending rate (MCLR) of State Bank of India from the date of such deposit.

(4) It is hereby declared that no person shall have any right in Nazul Land except as hereinafter provided.

(5) All claims pending at whatever stage before any authority and/or Court shall be dealt with as provided hereunder.

(6) After commencement of this Ordinance , grant of Nazul land shall be done only to public entities after

due process, and in accordance with such policies and rules as may be prescribed from time to time.

(7) Such leaseholders of Nazul land whose lease is still continuing and have been depositing the lease rent regularly and have not violated any conditions of lease, shall continue to be lessees .

(8) After expiry of the lease period such land shall automatically vest in State Government free from all encumbrances and such land shall be deemed to be re-entered upon by the State Government.

(9) In case the erstwhile lessee himself does not surrender the possession of such land on expiry of the lease, the illegal occupation shall be vacated physically and the ground rent from the date of expiry of the lease shall be determined as per the rate fixed by the District Magistrate and recovered as arrears of land revenue .

(10) In such cases where lease has not expired but the lessee is not utilizing the leasehold land in whole or part in accordance with conditions of the lease or such land is being used in violation of lease conditions, the State Government, on recommendation of the District Magistrate, may modify the lease by either reducing the lease period, by reducing lease area or both or altogether cancelling the lease :

Provided that opportunity of hearing shall be provided to the leaseholder by the District Magistrate before sending his recommendation.

(11) No mutation shall be carried out in Nazul register except in the manner as prescribed.

Anandiben Patel
Governor ,
Uttar Pradesh .