

THE UNITED PROVINCES ROADSIDE LAND CONTROL
ACT, 1945¹

UNITED PROVINCES ACT No. X OF 1945

Amended by

U. P. Act No. 06 of 1965

U. P. Act No. 22 of 1975

U. P. Act No. 15 of 2000

(Prepared by his Excellency the Governor of the United Provinces in exercise of the powers assumed by him by the Proclamation, dated November 3, 1939, issued under section 93 of the Government of India Act, 1935.)

(Received the assent of the Governor of the United Provinces, on December 13, 1945, and was published in the United Provinces Gazette, on December 13, 1945.)

Preamble

WHEREAS It is expedient to regulate in the United Provinces the use of roadside land ;

AND WHEREAS by the Proclamation, dated the third day of November, 1939, promulgated under section 93 of the Government of India Act, 1935, the Governor of the United Provinces has assumed to himself all powers vested by or under the aforesaid Act in the Provincial Legislature ;

AND WHEREAS the said Proclamation is still in force :—

NOW, THEREFORE, the Governor in exercise of the powers aforesaid is pleased to make the following Act ;

**Short title,
extent and
commencement**

1. (1) This Act may be called the United Provinces Roadside Land Control Act, 1945.

(2) It extends to the whole of the United Provinces except cantonment areas.

(3) It shall come into force on such date as the Provincial Government may, by notification in the official Gazette, appoint.

Interpretation

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

(1) “agriculture” includes horticulture and the planting and upkeep of orchards ;

(2) “building” means a house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever material constructed, and every part thereof, and includes a wall or masonry

1. For SOR see Gazette Extraordinary dated September 1] 1945 Part 7 Page 27-39.

platform or masonry ditch or drain, but does not include a tent or other such portable and merely temporary shelter ;

(3) “Collector” includes any authority appointed by the Provincial Government, by notification in the official Gazette, to perform all or any of the functions of the Collector under this Act ;

(4) “place of worship” includes a temple, church, mosque, *imambara*, *dargah*, *karbala*, *takya*, *idgah*, *Samadhi*, *math*, *sati ka than* or *gurdwara* ;

(5) “prescribed” means prescribed by rules made under this Act; and

¹[(6) “road” means a metalled road maintained by the State Government, the Government of India or a local authority, or a route demarcated by the State Government, the Government of India or a local authority with a view to constructing along it a metalled road, and includes a national highway.]

**Declaration
of controlled
area**

3. (1) The Provincial Government may, by notification in the official Gazette, declare any land within a distance of four hundred and forty yards from the centre line of any road to be a controlled area for the purposes of this Act :-

²[Provided that in the case of a national highway, the highway itself shall not be deemed to be a controlled area.]

(2) Not less than three months before making a declaration under sub-section (1) the Provincial Government shall cause to be published in the official Gazette and in at least two newspapers printed in a language other than English a notification stating that they propose to make such a declaration and specifying therein the boundaries of the land in respect of which the declaration is proposed to be made, and copies of every such notification or of the substance thereof shall be published by the Collector in such manner as he thinks fit at his office and at such other places as he considers necessary within the said boundaries.

(3) Any person interested in any land included within the said boundaries may, at any time before the expiration of thirty days from the last date on which a copy of such notification is published by the Collector, object to the making of the declaration or to the inclusion of his land or any part of it within the said boundaries.

(4) Every objection under sub-section (3) shall be made to the Collector in writing, and the Collector shall give to every person so objecting an opportunity of being heard either in person or through a legal practitioner, and shall, after all such objections have been heard

[1. Subs. by sec. 2 of U. P. Act no.VI of 1965.](#)

[2. Ins. by sec. 3 of U. P. Act no.VI of 1965.](#)

and after such further enquiry, if any, as he thinks necessary, forward to the Provincial Government the record of the proceedings held by him together with a report setting forth his recommendations on the objections.

(5) If before the expiration of the time allowed by sub-section (3) for the filing of objections, no objection has been made, the Provincial Government may proceed at once to the making of a declaration under sub-section (1). If any such objections have been made, the Provincial Government shall consider the record and the report referred to in sub-section (4) and may either —

(a) abandon the proposal to make a declaration under sub-section (1), or

(b) make such a declaration in respect of either the whole or a part of the land included within the boundaries specified in the notification under sub-section (2).

(6) For the purposes of sub-section (3) a person shall be deemed to be interested in land if he is a “person interested” as defined in clause (b) of section 3 of the Land Acquisition Act, 1894, for the purposes of that Act or, where the land is land occupied by or for the purposes of a place of worship, tomb, cenotaph, graveyard, grave or marghat, if he is a member of the faith to which such building pertains.

I of 1894

¹[(7) A notification published in the Official Gazette purporting to be made under sub-section (1) shall be conclusive proof that the declaration contained in such notification has been duly made in accordance with provisions of this Act, and unless and until such declaration is withdrawn, that the area to which it relates is a controlled area.]

²[(8) Any notification issued or declaration made under this section with reference to a road which subsequently becomes a national highway under the National Highways Act, 1956, shall notwithstanding the road so becoming a national highway, continue to be valid and to be in force.]

**Plans of
controlled
areas to be
deposited at
certain
offices**

4. (1) The Collector shall deposit at his office and at such other places as he considers necessary, plans showing all lands declared to be controlled areas for the purposes of this Act, and setting forth the nature of the restrictions applicable to the land in any such controlled area.

(2) The plans so deposited shall be available to the public for inspection free of charge at all reasonable times.

1. Subs. by sec. 2 of U. P. Act no. XXII of 1975.

2. Ins. by sec. 3 of U. P. Act no. VI of 1965.

Restriction on building etc. in a controlled area

¹[5. Notwithstanding anything contained in any other law for the time being in force,—

(a) no person shall erect or re-erect any building, or make or extend any excavation in a controlled area ; and

(b) no person shall except with the previous permission of the Collector in writing, lay out any means of access to a road in a controlled area.]

Application for permission to build, etc. and the grant or refusal of such permission

6. (1) Every person desiring to obtain the permission referred to in section 5 shall make an application in writing to the Collector in such form and containing such information in respect of the ²[***] means of access to which the application relates as may be prescribed.

(2) On receipt of such application the Collector after making such enquiry, as he considers necessary, shall, by order in writing, either—

(a) grant the permission, subject to such conditions, if any, as may be specified in the order ; or

(b) refuse to grant such permission.

(3) When the Collector grants permission subject to conditions under clause (a) of sub-section (2) or refuses to grant permission under clause (b) of sub-section (2), the conditions imposed or the grounds of refusal shall be such as are reasonable having regard to the circumstances of each case.

(4) ³[* * * *]

(5) ³[* * * *]

(6) If at the expiration of a period of three months after an application under sub-section (1) has been made to the Collector no order in writing has been passed by the Collector ⁴[the applicant may give a notice in writing to the Collector and if no order is passed within thirty days from the date of receipt of such notice.] permission shall be deemed to have been given without the imposition of any conditions.

(7) The Collector shall maintain a register with sufficient particulars of all permissions given by him under this section and the register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extracts therefrom.

[1. Subs. by sec. 2 of U. P. Act no. 15 of 2000.](#)

[2. Omit. by sec. 3\(a\) of U. P. Act no. 15 of 2000.](#)

[3. Omit. by sec. 3\(b\) of U. P. Act no. 15 of 2000.](#)

[4. Ins. by sec. 3 \(c\) of U. P. Act no. 15 of 2000.](#)

**Right of
appeal**

7. (1) Any person aggrieved by an order of the Collector under sub-section (2) of section 6 granting permission subject to conditions or refusing permission may within thirty days from the date of such order prefer an appeal to the Provincial Government.

(2) The order of the Provincial Government on appeal shall be final.

Compensation

8. ¹[(1) Except as provided in sub-section (2), no person shall be entitled to claim compensation under this or any other Act, for any injury, damage or loss caused or alleged to have been caused,—

(a) as a result of the restriction imposed by clause (a) of section 5, or

(b) by an order refusing permission to lay out a means of access to a road or granting such permission but imposing conditions on the grant.]

¹[(2) Any person may make to the State Government a claim for compensation on the ground that his interest in any land is injuriously affected,—

(a) in a case referred to in clause (a) of sub-section (1), within one year from the date of declaration of the controlled area ;

(b) in a case referred to in clause (b) of sub-section (1) within three months from the date of the order of the State Government under section 7 where an order refusing permission to lay out any means of access to a road has been made and the right of appeal under section 7 has been exercised.]

(3) On receipt of a claim under sub-section (2) the Provincial Government shall either proceed to acquire the land concerned under the Land Acquisition Act, 1894, or transfer the claim for disposal to an officer exercising the powers of a Collector under the said Act :

Provided that in case the Provincial Government decide to acquire the land, (i) it shall not be necessary for land occupied by a place of worship, tomb, cenotaph, graveyard, grave or marghat to be included, and (ii) the claimant shall be entitled to be repaid by the acquiring authority the amount of expense which he may have properly incurred in connection with the preparation and submission of his claim for compensation under this section, and in default of agreement such a mount shall be determined by the authority deciding the value of the land in the proceedings under the Land Acquisition Act, 1894.

**UP Act 1 of
1894**

(4) Nothing in this section shall be deemed to preclude the settlement of a claim by mutual agreement.

1. [Subs. by sec. 4 \(1\) of U. P. Act no. 15 of 2000.](#)

**Compulsory
aquisition**

9. If the Provincial Government decide to acquire the land under the Land Acquisition Act, 1894, then, notwithstanding anything contained in that Act,—

(i) proceedings under section 5-A of that Act shall not be required ;

(ii) the notification under section 6 of that Act shall be published within six months from the date of institution of the claim, failing which the claim shall be transferred for disposal to an officer exercising the powers of a Collector under that Act ;

(iii) the market value of the land shall be assessed in accordance with the provisions of the Land Acquisition Act, 1894, which shall, for the purposes of this Act, be deemed to be modified as indicated in the Schedule annexed to this Act.

**Amount of
Compensation
how
determined**

10. (1) When a claim is transferred for disposal under section 8 or section 9 to an officer exercising the powers of a Collector under the Land Acquisition Act, 1894, such officer shall make an award determining the amount of compensation, if any, payable to the claimant.

(2) The amount of compensation awarded under sub-section (1) shall in no case exceed —

(a) the amount that would have been payable if the land had been acquired under section 9, or

(b) the difference between the market value of the land in the existing condition having regard to the restrictions actually imposed upon its use and development by the order refusing permission to ¹[layout any means of access to a road in respect of the land, or the restriction imposed under clause (a) of section 5] and its market value immediately before the publication under sub-section (2) of section 3 of the notification in pursuance of which the area ¹[concerned] was declared to be a controlled area,

and no compensation shall be awarded under sub-section (1)—

(i) unless the claimant satisfied the officer making the award that ²[his interest in the land concerned is] injuriously affected by the restriction imposed under this Act, or

(ii) if and in so far as the land is subject to substantially similar restrictions in force under some other enactment which were so in force at the date when the restrictions were imposed under this Act, or

(iii) if compensation in respect of the same restrictions in force under this Act or of substantially similar restrictions in force under

[1. Subs. by sec. 5\(a\) of U. P. Act no. 15 of 2000.](#)

[2. Subs. by sec. 5\(b\) of U. P. Act no. 15 of 2000.](#)

some other enactment has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

(3) The provisions of Part III, as modified by section 9, clause (iii) and the schedule annexed to this Act, and Parts IV, V and VIII of the Land Acquisition Act, 1894, shall so far as may be apply to an award made under sub-section (1) as though it were an award made under that Act.

**Having for
other
enactments**

11. Nothing in this Act shall affect the power of any authority to acquire land or to impose restriction upon the use and development of land under any other enactment for the time being in force.

**Prohibition of
use of any
land as a
brick-field
etc., without
licence**

12. (1) Notwithstanding anything contained in any other law for the time being in force, no land within a controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln, or lime-kiln and no land within a controlled area shall be used for the purposes of a brick-field or brick-kiln except under, and in accordance with the conditions of a licence from the Collector which shall be renewable annually.

(2) The Provincial Government may charge such fees for the grant and renewal of such licences and may impose such conditions in respect thereof as may be prescribed.

(3) No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by the refusal of a licence under sub-section (1).

**Offences and
Penalties**

13. (1) Any person who —

(a) erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provisions of section 5 or in contravention of any conditions imposed by an order under section 6 or section 7, or

(b) uses any land in contravention of the provisions of sub-section (1) of section 12, shall be punishable with fine ¹[which, on first conviction, may extend] to five hundred rupees and, in the case of a continuing contravention, with a further fine which may extend to ²[five hundred rupees for every day subject to a maximum of fifty thousand rupees] after the date of the first conviction during which he is proved to have persisted in the contravention.

(2) Without prejudice to the provisions of sub-section (1), the Collector may order any person who has committed a breach of the provisions of the said sub-section to restore to its original state or to bring into conformity with the conditions which have been violated, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to do so within three months of the

[1. Subs. by sec. 6\(a\) of U. P. Act no. 15 of 2000.](#)

[2. Subs. by sec. 6\(b\) of U.P. Act no. 15 of 2010.](#)

order, may himself take such measures as may appear to him to be necessary to give effect to the order, and the cost of such measures shall be recoverable from such person as arrear of land revenue.

Trial of offences

14. No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Protection of persons acting under this Act

15. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Savings

16. Nothing in this Act shall apply to—

(a) the erection or re-erection of buildings upon land included in the inhabited site of any village as entered and demarcated in the revenue records or upon sites in a municipal, notified, or town area that are already built up on the date of the issue of the notification under sub-section (2) of section 3 of this Act ;

(b) the erection or re-erection of a place of worship or a tomb, cenotaph, grave, graveyard, or *marghat* or of a wall enclosing a place of worship, tomb, cenotaph, grave, graveyard, or *marghat* on land which is, at the time a notification under sub-section (2) of section 3 is published by the Provincial Government, occupied by or for the purposes of such place of worship, tomb, cenotaph, grave, graveyard, or *marghat* ;

(c) excavations (including wells) made in the ordinary course of agricultural operations ;

(d) the construction of an unmetalled road intended to give access to land solely for agricultural purposes.

17. (1) The Provincial Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :

(a) the form in which applications under sub-section (1) of section 6 shall be made and the information to be furnished in such applications ;

(b) principles according to which applications under sub-section (1) of section 6 shall normally be allowed or disallowed by the Collector;

(c) the regulation of the laying out of means of access to roads ;

(d) the fees to be charged for the grant and renewal of licences under section 12 and the conditions governing such licences.

(3) All rules made under this section shall be subject to the condition of previous publication in the official Gazette and the date to be specified under clause (3) of section 23 of the United Provinces

General Clauses Act, 1904, shall not be less than two months from the date on which the draft of the proposed rules was published.

THE SCHEDULE

[Referred to in section 9 (iii)]

I of 1894

Modifications in the Land Acquisition Act, 1894 (hereinafter called "The Said Act")

**Amendment
of section 15**

1. In section 15 of the said Act, for the word and figures "and 24" the figures, word, and the letter "24 and 24-A" preceded by a comma, shall be deemed to be substituted.

**Amendment
of section 17**

2. In sub-section (3) of section 17 of the said Act, after the word and figures "24" the words, figures and letter "or section 24-A" shall be deemed to be inserted.

**Amendment
of section 23**

3. (1) In clause first and clause sixthly of sub-section (1) of section 23 of the said Act, for the words "publication of the notification under section 4, sub-section (1)" and the words "publication of the declaration under section 6" the following words shall be deemed to be substituted, namely,

**U. P. Act of
1945**

"publication of the notification under sub-section (2) of section 3 of the United Provinces Roadside Land Control Act, 1945."

(2) At the end of section 23 of the said Act, the following shall be deemed to be added, namely :

"(3) For the purposes of clause first of sub-section (1) of this section —

(a) the market value of the land shall be the market value according to the use to which the land was put at the date with reference to which the market value is to be determined under that clause ;

(b) if it be shown that before such date the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on his actual loss may be paid to him ;

¹[(c) any increase in the market value resulting from any erection, re-erection, addition or alteration in contravention of the provisions of section 5 of the United Provinces Roadside Land Control Act, 1945 shall be disregarded ;]

(d) if the market value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the aforesaid date, such increase shall be disregarded

1. Subs. by sec. 7 of U. P. Act no. 15 of 2000.

unless it be proved that the improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under this Act ;

(e) if the market value is specially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market value shall be deemed to be the market value of the land if put to ordinary uses ; and

**U. P. Act of
1945**

(f) when the owner of the land or building has after passing of the United Provinces Roadside Land Control Act, 1945, and within two years preceding the date with reference to which the market value is to be determined, made a return under section 158 of the United Provinces Municipalities Act, 1916, of the rent of the land or building, the rent of the land or building shall not in any case be deemed to be greater than the rent shown in the latest return so made, save as the Court may otherwise direct and the market value may be determined on the basis of such rent :

**U. P. Act II of
1916**

Provided that where any addition to, or improvement of, the land or building has been made after the date of such latest return and previous to the date with reference to which the market value is to be determined, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement.”

**Amendment
of section 24**

4. For clause seventhly of section 24 of the said Act, the following shall be deemed to be substituted, namely,—

“seventhly, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair.”

**New section
24-A**

5. After section 24 of the said Act, the following shall be deemed to be inserted, namely :

**Further
provision for
determining
compensation**

“24-A. In determining the amount of compensation to be awarded for any land acquired under this Act, the court shall also have regard to the following provisions, namely,—

(1) when any interest in any land acquired under this Act has been acquired after the date with reference to which the market value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land ;

(2) if, in the opinion of the court, any building is in a defective state, from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation for such building shall not exceed the sum which the court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the estimated cost of putting it into such conditions or state ;

(3) if, in the opinion of the court, any building which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation for such building shall not exceed the value of the materials of the building, minus the cost of demolishing the building.”

STATEMENT OF OBJECT AND REASONS

THERE is a growing tendency to extend building along roads around towns with the consequence that congestion on such road is becoming acute. Roads intended to enable through traffic to bypass centres of dense population themselves becomes too crowded. Extra-municipal areas adjoining main roads have obvious attraction as building sites ; the occupants of buildings in such areas can enjoy many of the amenities of town life without sharing the burden of municipal taxation or being subject to the control required to ensure good sanitation and well-ordered development. At present there is no legal power for the control of such extensions. In 1938, the United Provinces Highways Bill was framed, one of the chapters of which dealt with the regulation of “ribbon development.” The Bill, however, could not be enacted by the late Government before it vacated office. The Chief Engineer’s Conference held at Nagpur in December, 1943, to consider post-war road development in India stressed the necessity for early enactment of legislation to prevent “ribbon development.” The problem of “ribbon development” is becoming more serious day by day, and with the large programme of post-war improvement of road communication that is now contemplated it is desirable that the evil should be tackled without further delay.

2. The Bill also includes provisions for the regulation of excavations and approach roads and for the control, by means of licences, of the use of land for brickfields and kilns. Unregulated excavations, e.g. in connection with brickfields, not only result in the creation of breeding places for malaria-carrying mosquitoes but also frequently render future development of the land for building purposes impossible without expensive leveling operations.

3. This Bill enables the necessary control to be exercised over areas adjacent to main roads in the United Provinces, except in cantonment areas. It has been modeled on the similar measure introduced in 1941 in Delhi Province, which has so far worked smoothly.

