

THE U. P. STORAGE REQUISITION ACT, 1955¹

(U. P. Act No. XXI of 1955)

Amended by

U.P. Act No. 23 of 1956

U.P. Act No. 18 of 1958

U.P. Act No. 16 of 1961

U.P. Act No. 26 of 1964

U. P. Act No. 22 of 1971

U. P. Act No. 26 of 1976

[As passed by the Uttar Pradesh Legislature, assented to by the President on October 22, 1955 and English translation of Uttar Pradesh Bhandar Adhigrahan Adhiniyam was published in the Uttar Pradesh Gazette Extraordinary on October 24, 1955.]

AN

ACT

to provide, during a limited period, for powers to requisition buildings for storage of foodgrains and foodstuffs ;

WHEREAS the U. P. Storage Requisition Ordinance, 1955, was promulgated by the Governor to provide during a limited period for powers to requisition buildings for storage of foodgrains ;

AND WHEREAS the said Ordinance has to be replaced by an Act of the Legislature ;

IT is hereby enacted in the Sixth Year of the Republic of India as follows ;

Short title,
commencement
and duration

1. (1) This Act may be called the Uttar Pradesh Storage Requisition Act, 1955.

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

(3) It shall be deemed to have come into force from 7th day of July, 1955.

(4) ²[* * * *]

Definitions

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

³[(a) “Court” means the court of a Munsif, and, where there is no Munsif, the court of Civil Judge having local jurisdiction in the area in which the storage accommodation is situate;]

(b) “owner” includes a mortgagee in possession.

(c) “storage accommodation” means a building used or suitable for storage and includes a *khatti*.

³[(d) “District Magistrate” includes an Additional District Magistrate or any other officer or authority appointed, by notification in the *Gazette*, by the State Government to perform the functions of District Magistrate under this Act.]

1. For Statement of Objects and Reasons see U. P. Gazette Extraordinary, dated Aug 9, 1955.

2. [Omit. by sec. 2 of U. P. Act no. 26 of 1976.](#)

3. [Subs. by sec. 3 of U.P. Act no. 26 of 1964.](#)

**Power of
Requisition**

3. (1) If in the opinion of the ¹[District Magistrate], it is necessary to requisition any storage accommodation for storing ¹[foodgrains or other foodstuffs] he may, by order in writing, requisition such storage accommodation and may further order that the possession thereof shall be delivered to him within such time (not being less than three days from the date of the service of the Order) as may be specified ;

²[Provided that no accommodation which is bonafide used for residential purposes shall be requisitioned;

Provided further that no other accommodation which is not ordinarily used for storage shall be requisitioned without the prior sanction of the State Government which shall, before according sanction, give an opportunity to the owner and the occupier, if any, to be heard; and]

³ [x x x]

Service

4. The order of requisition shall be served on the owner and occupier, if any, of the storage accommodation; or where the owner or occupier, if any, is not readily traceable; or the ownership is in dispute, by affixing a copy thereof on some conspicuous part of the storage accommodation and by the publication of the Order in the official *Gazette*.

**Power to take
possession by
force**

⁴**[4 A.** If the possession of the accommodation is not delivered to the District Magistrate within the period specified in the order under section 3, the District Magistrate may take possession of the accommodation and may for the purpose use such force as may be necessary.]

**Power to use
storage
accommodation**

5. Where the ⁵[District Magistrate] has requisitioned any storage accommodation under section 3, he may use or deal with it in such manner as may appear to him to be expedient for storage of ⁵[foodgrains or other foodstuffs].

**Power of entry
and inspection**

6. The ⁶[District Magistrate] or any person authorized by him in this behalf may enter and inspect any premises for the purpose of determining whether such premises can be used for the storage of ⁶[foodgrains or other foodstuffs].

**Compensation
by agreement**

⁷**[7.** (1) The District Magistrate shall pay to the owner of the storage accommodation requisitioned by him such compensation, as may be agreed upon in writing between him and the owner.

(2) The compensation for the requisitioning of the storage accommodation shall consist of—

(a) a recurring payment, in respect of the period of requisition of sum equal to the rent which would have been payable for the use and occupation of the property if it had been taken on lease for that period; and

1. [Subs. by sec. 4\(1\) of U.P. Act no. 26 of 1964.](#)
2. [Subs. by sec. 4\(2\) of U.P. Act no. 26 of 1964](#)
3. [Omit. by sec. 4\(3\) of U.P. Act no. 26 of 1964](#)
4. [Ins. by sec. 5 of U.P. Act no. 26 of 1964](#)
5. [Ins. by sec. 6 of U.P. Act no. 26 of 1964](#)
6. [Ins. by sec. 7 of U.P. Act no. 26 of 1964](#)
7. [Subs. by sec. 8 of U.P. Act no. 26 of 1964](#)

(b) Such sum, or sums, if any as may be found necessary to compensate the owner for all or any of the following matters namely—

- (i) pecuniary loss due to requisitioning; and
- (ii) expenses on account of vacating the requisitioned premises.]

Reference to Court.

8. (1) Where no such agreement as is specified in section 7 can be reached, the ¹[District Magistrate] shall refer the matter to the court for decision.

²[(2) The court in deciding the reference shall have regard to the provisions of sub-section (2) of section 7.]

Appeal

³**9.** (1) Any person agreed by an order of the Court under Section 8 may, within 30 days from the date of the said order, prefer an appeal to the District Judge.

(2) The provisions of Section 5 and 12 of the limitation Act, 1963, shall apply to an appeal under sub-section (1).

Release from requisition

10. (1) Where any storage accommodation is to be released, the ⁴[District Magistrate] shall release it in favour of the person from whom it was requisitioned. If the storage accommodation was subject to mortgage which has since been redeemed, or if the person from whom it was requisitioned in dead or has transferred it, the ⁴[District Magistrate] shall after making such enquiry as he considers necessary, specify by order in writing the person to whom possession thereof shall be given. The decision of the ⁴[District Magistrate] shall not, however, debar the party aggrieved by it from establishing its claim against the other party.

(2) The delivery of possession of and payment of compensation for such storage accommodation to a person specified in the order made under sub-section (1) shall operate as full discharge of the State Government or the Collector from all liability in respect of all claims relating to such accommodation.

(3) Where the person to whom possession of storage accommodation is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Collector shall cause a notice, declaring that the storage accommodation is released from requisition, to be affixed on some conspicuous part thereof and also published in the official *Gazette*.

(4) When the notice referred to in sub-section (3) has been affixed as provided therein, the storage accommodation specified in the notice shall cease to be subject to requisition on and from the date of the affixation of the notice, and shall be deemed to have been delivered to the person entitled to possession thereof, and the State Government or the Collector shall not be liable for any compensation or other claim in respect of the storage accommodation for any period after the said date.

1. [*Ins. by sec. 9\(1\) of U.P. Act no. 26 of 1964*](#)
2. [*Ins. by sec. 9\(2\) of U.P. Act no. 26 of 1964*](#)
3. [*Ins. by sec. 10 of U.P. Act no. 26 of 1964*](#)
4. [*Ins. by sec. 11\(1\) of U.P. Act no. 26 of 1964*](#)

¹ [(5) When releasing a storage accommodation from requisition, the District Magistrate shall, as far as possible restore it in as good condition as it was when possession thereof was taken subject to the changes if any cost by reasonable wear and tear or an irresistible force.]

²[11. [x x x]

Effect of provisions inconsistent with other enactments

12. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any enactment for the time being in force, or any instrument having the force of law.

Protection of action taken under the Act

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under this Act.

Orders not be questioned in any Court

14. Except as provided in this Act no order made in exercise of any power conferred by or under this Act shall be called in question in any court.

Repeal

15. (1) The U. P. Storage Requisition Ordinance, 1955, is hereby repealed and the provisions of sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply as if it has been an enactment repealed by an U. P. Act.

(2) Without prejudice to the generality of the provisions of sub-section (1) it is hereby declared that any order or appointment made, action or proceeding taken or jurisdiction exercised under any rule or order made under the said Ordinance shall continue in force and be deemed to have been made, taken or exercised under the provisions of the said rule or Order as continued in force under sub-section (1).

Rule making power.

16. The State Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Act.

1. [*Ins. by sec. 11\(2\) of U.P. Act no. 26 of 1964*](#)

2. [*Omit. by sec. 12 of U.P. Act no. 26 of 1964 \(the provisions of section 6 of U.P. General Clauses Act, 1904, shall apply to this repeal.*](#)

