

SRI HAR PRASAD SHIKSHA NIDHI, BANARAS (CONFIRMATION  
OF COMPROMISE) (TRANSFER OF PROPERTY) ACT, 1954<sup>1</sup>

(U. P. ACT No. XII OF 1954)

**[Passed in Hindi by the Uttar Pradesh Legislative Assembly on  
March 11, 1954 and by the Uttar Pradesh Legislative Council on  
March 31, 1954.]**

**Received the assent of the President on May 19, 1954, under  
Article 201 of the Constitution of India and was published in the  
Uttar Pradesh Gazette Extraordinary, dated June 26, 1954. ]**

**[Authoritative English Text of Sri Har Prasad Shiksha Nidhi  
Banaras (Samjhauta Pushti Karan Sampatti Sankraman) Adhiniyam,  
1954 ]**

**AN**

**ACT**

***to give effect to the compromise providing for the transfer of  
certain properties in favour of Sri Har Prasad Shiksha Nidhi,  
Banaras, in satisfaction of decree no. 13 of 1926, of the Court of  
Subordinate Judge, Allahabad.***

WHEREAS Sri Shiva Prasad Gupta, a resident of Banaras, held a simple money decree no. 13 of 1926 of the Court of Subordinate Judge, Allahabad, for rupees thirteen lakhs, eighty thousand, seven hundred, seventy-five, annas seven and pies six against the Hon'ble Raja Moti Chand, KT. C. I. E., and others ;

AND WHEREAS the said Sri Shiva Prasad Gupta assigned the aforesaid decree to Sri Har Prasad Shiksha Nidhi, a Trust created by him (hereinafter referred to as "the Trust") :

AND WHEREAS a compromise had been finally affected between Sri Har Prasad Shiksha Nidhi, decree holder aforesaid, of the one part and the judgment debtors of the other part, wherefore the judgment-debtors agreed to transfer the properties mentioned in the Schedules attached to appendices I and II to the Trust in full satisfaction of the decree aforesaid ;

AND WHEREAS the debtors having made applications under section 4 of the U. P. Encumbered Estates Act, 1934 and the said applications having been transmitted to the Special Judge under section 6 of the said Act, the debtors could not make the transfer without the sanction of the Collector under sub-section (3) of section 7 of the said Act, the debtors made two separate applications, one by and on behalf of —

(1) B. GOKUL CHAND,

(2) B. RAJ KUMAR

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1. For Statement of Objects and Reasons see *Uttar Pradesh Gazette Extraordinary*, dated March 2, 1954.

- (3) B. BIJAYA KUMAR,  
(4) B. LALIT KUMAR GUPTA,  
(5) B. PRAMOD KUMAR GUPTA.  
(6) B. SAROJ KUMAR GUPTA,  
and the other by and on behalf of —  
(1) B. JOYTI BHUSHAN GUPTA,  
(2) B. ANIL KUMAR,  
(3) B. SUSHIL KUMAR,  
(4) B. CHANDRA SHEKHAR,  
(5) BACHCHA,

on the 16th day of May, 1951, to the Collector for such sanction but on the Collector on the objection of some of the claimants against the debtors withheld the sanction and the judgment debtors, being dissatisfied with the order of the Collector, have appealed against it to the Commissioner ;

AND WHEREAS the said appeals which had been stayed under section 10 of the U. P. Agricultural Tenants (Acquisition of Privileges) (Amendment) and Miscellaneous Provisions Act, 1950 are still pending for decision, and the parties interested have represented to the State Government that the Compromise was validly affected and the order of the Collector withholding the sanction was vitiated and the transfer of the properties aforesaid in favour of the Trust which is a public and national institution, may be given effect to ;

AND WHEREAS it is expedient to give effect to the said Compromise ;

It is hereby enacted as follows :

**Short title and commencement**

**1.** (1) This Act may be called the Sri Har Prasad Shiksha Nidhi, Banaras (Confirmation of Compromise) (Transfer of Property) Act, 1954.

(2) It shall come into force at once.

**Definitions**

**2.** In this Act, unless there is anything repugnant in the subject or context “date of vesting” means the date of vesting referred to in sub-section (1) of section 4 of the U. P. Zamindari Abolition and land Reforms Act, 1950.

**Confirmation of the compromise**

**3.** The Compromise made on the twenty-fourth day of October nineteen hundred and fifty between the Trust and the Debtors (a copy of which compromise is set out in the appendix I hereto) is hereby confirmed and the same shall be effective with effect from the 24th day of October, 1950 (hereinafter called “the specified date”).

**Consequences of confirmation of compromise**

**4.** Without prejudice to the generality of the provisions of section 3, it is hereby declared that —

(a) all the rights, title and interest of the debtors in the properties specified in the schedules attached to the appendices I and II shall on and from the specified date stand and be deemed to have been transferred to and vest in the Trust ;

(b) the simple money decree no. 13 of 1926 of the Court of Subordinate Judge, Allahabad, for Rs. 13,80,775-76 against the debtors, shall be deemed for all purposes and on all occasions to have been duly satisfied on and upon the specified date ;

(c) such of the rents, cesses or other income or profits or any portion thereof arising or accruing from the properties so transferred during the period from the specified date up to the date immediately preceding the date of vesting as have been realized by the debtors before the commencement of this Act shall, notwithstanding anything herein fore contained, belong to and be retained by them and remainder shall belong to and be recoverable by the Trust and not the debtors ;

(d) any transfer other than a lease or patta of any property specified in Schedules attached to the appendices I and II made during the period from the specified date up to the date immediately preceding the date of vesting shall be and become void with effect from the specified date ;

(e) all suits and proceedings, other than proceedings under section 4 of the U. P. Encumbered Estates Act 1934, in respect of the property herein transferred, instituted by or on behalf of the debtors and pending whether in the court of the first instance, appeal or revision or before any other authority at the commencement of this Act, may be continued by the Trust, and such court or authority shall on the application of the Trust substitute it as party in place of the debtors subject to payment of such costs as it may consider necessary or proper.

**Explanation—** A proceeding relating to assessment and payment of compensation and rehabilitation grant under the U. P. Zamindari Abolition and Land Reforms Act, 1950, is a proceeding to which this clause applies.

(f) for the purposes of assessment of compensation and rehabilitation grant under Chapters III and V of the U. P. Zamindari Abolition and Land Reforms Act, 1950, the rights, title and interest of the debtors in the properties herein transferred shall be deemed to vest in and belong to the Trust on the date immediately preceding the date of commencement of the said Act, any provision to the contrary in the said Act notwithstanding ; and

(g) the compensation and the rehabilitation grant payable under the U. P. Zamindari Abolition and Land Reforms Act, 1950, in respect of the rights, title and interest of the debtors in the said properties shall be payable and be paid to the Trust and not to the debtors.

**Orders for bringing this Act into force.**

**5.** The State Government may, by order published in the official Gazette, make such provision as appears to it to be necessary or expedient for giving full effect to the transfer herein made under section 3 and for such incidental and other matters as may be necessary.

## परिशिष्ट 1

### IN THE COURT OF THE SPECIAL JUDGE FIRST GRADE, BARANAS

*E.E. Act case no. 49 of 1936*

#### **Babu Gokul and others — Landlord Applicants**

#### **THE HUMBLE APPLICATION OF—**

1. B. Gokul Chand, son of B. Lakshmi Prasad, aged about 70 years.
2. B. Raj Kumar, son of B. Gokul Chand, aged about 31 years for self and as guardian of his son Kush Kumar, aged about 10 years.
3. B. Bhaya Kumar, son of B. Gokul Chand, aged about 28 years for self and as guardian of his son, Manoj Kumar, aged about 10 years.
4. B. Lalit Kumar Gupta, son of B. Gokul Chand, aged about 25 years for self and as guardian of his sons Ganesh aged about 4 years and Sunil Kumar aged about 2 years.
5. B. Pramod Kumar Gupta, son of Babu Gokul Chand, aged about 21 years.
6. Babu Saroj Kumar Gupta, son of late Kumar Krishna Kumar, deceased aged about 18 years.

All by case Agarwala and residents of Mohalla Nandan Sahu Lane, Banaras City, landlord applicants.

*Respectfully showeth :—*

1. That on 5-10-36 the applicants filed an application under the provisions of the Encumbered Estates Act.
2. That in the aforesaid application under the Encumbered Estate Act the Applicants showed their liability amounting to Rs. 24,82,291-4-10.
3. That one of the creditors of applicants as mentioned in the aforesaid application is Shri Har Prasad Shiksha Nidhi and the amount of debt as mentioned in the claim filed by Shri Shiva Prasad Gupta predecessor-in-title of Shri Har Prasad Shiksha Nidhi on 10-7-37 was Rs. 13,64,842-14-3. As such the said Shri Har Prasad Shiksha Nidhi is the biggest creditor of the applicants.
4. That a compromise has been arrived at between the aforesaid Shri Har Prasad Shiksha Nidhi creditor no. 27 and the applicants by which compromise the applicants are transferring their Zamindari property and some other properties a list of which is given in the schedule to this application and marked no. 1 in lieu of and in satisfaction of the claim of the aforesaid Shri Har Prasad Shiksha Nidhi.
5. That the applicants are desirous of entering into similar compromise with other creditors also.
6. That it will be to the advantage of the applicants including the minors and all their creditors including Shri Har Prasad Shiksha Nidhi if permission is given to the applicants to enter into above stated compromise and to

Name of villages	Extent of the share	Government Revenue in 1356 Fasli		
		Rs.	a.	p.
Lachhan				
10. Akbarpur ... ..	Sixteen annas	222	15	0
11. Nuruddinpur ... ..	Ditto	295	6	0
12. Sauralya ... ..	Ditto	810	1	7
13. Turluli ... ..	Ditto	236	15	10
14. Shera Patti ... ..	Ditto	367	14	2
15. Sherpur ... ..	Ditto	846	3	3
16. Kapasia ... ..	Ditto	300	1	11
17. Rasulpur ... ..	Ditto	613	4	0
18. Chak Bankata ... ..	Ditto	39	3	5
19. Bheoraha ... ..	Ditto	223	5	0
20. Khwajapur ... ..	Ditto	240	12	8
21. Banhara ... ..	Ditto	444	10	5
22. Pataila Khas ... ..	Ditto	188	14	5
23. Madarpur ... ..	Ditto	184	4	6
24. Gulamipur ... ..	Ditto	299	0	11
25. Mahammadpur <i>alias Chak</i> Gulampur	Ditto	29	14	2
26. Chak Mominha ... ..	Ditto	40	10	1
<b>Tahsil Kerakat, Pargana Kerakat</b>				
27. Naupur ... ..	Ditto	477	11	0
28. Sohani ... ..	Ditto	568	0	9
29. Kanwani ... ..	Ditto	743	1	3
30. Jalalpur, District Allahabad ...	Ditto	100	1	6
<b>DISTRICT MIRZAPUR</b>				
<b>Tehsil Chunar, Pargana Haveli</b>				
31. Tammal Ganj ... ..	Ditto	146	3	0
32. Sujatpur ... ..	Ditto			
33. Lakhouri ... ..	Ditto	8	10	6
<b>DISTRICT BANARAS</b>				
<b>Tehsil Banaras, Pargana Jalhupur</b>				
34. Gama Kalan and Gama Khurd ... ..	Sixteen annas	591	6	4

Name of villages	Extent of the share	Government Revenue in 1356 Fasli		
		Rs.	a.	p.
58 Chak Haji Baksh ... ..	Ditto	...		
<b>Tehsil Jaunpur, Pargana Haveli</b>				
59 Ram Rai Patti ... ..	Ditto	42	11	0
60 Har Singh Patti ... ..	Ditto	56	1	0
61 Ram Nagar Bharsara ... ..	Ditto	100	14	8
62 Sadipur ... ..	Ditto	195	1	4
<b>Tehsil Kerakat, Pargana Bealasi</b>				
63 Samoghar ... ..	Sixteen annas	36	0	0
64 Keshopur ... ..	Ditto	351	0	0
65 Rajpur ... ..	Ditto	326	15	9
<b>Tehsil Marihaun, Pargana Mariahun</b>				
66 Nurpur Khas ... ..	Ditto	629	12	0
<b>DISTRICT BANARAS</b>				
<b>Tehsil Banaras, Pargana Kaswar</b>				
67 Aswari ... ..	Ten annas	393	7	0
68 Kachnar ... ..	Ditto			
<b>Tehsil Chandauli, Pargana Narwan</b>				
69 Barhani ... ..	Sixteen annas	1,62 3	9	10
70 Bhaisakalan ... ..	Four annas	65	8	10

2. Half of the decree in original suit no. 88 of 1922 of the Court of the Subordinate Judge, Rae Bareilly, the Hon'ble Raja Moti Chand Vs. Khan Bahadur Mohammad Wazih (Now B. Gokul Chand and others Vs. wife of Mirza Mohammad Wazih and others) decided on 21-8-25 which is at present under execution at Rae Bareilly.

Annual profit valued at Rs. 2,500 (Rupees Two thousand and five hundred only).

3. Half of the decree in original suit no. 36 of 1928 of the Court of the Subordinate Judge, Fyzabad the Hon'ble Raja Moti Chand Vs. Devindra Bahadur Singh and others), decided on 17-11-28 which is under execution at present at Fyzabad.

Annual profit valued at Rs. 500 (Rupees Five hundred only).

and is also for the benefit of the general body of creditors and to sanction and record the compromise.

The Court may be further pleased to send a copy of the Compromise to the Collector of Banaras District and to obtain his sanction for the transfer by the applicants to the said Shri Har Prasad Shiksha Nidhi of the properties mentioned in Schedule no. 1 attached to this petition.

Dated 24<sup>th</sup> October, 1950.

(Sd.) Jyoti Bhushan Gupta  
(Sd.) Sulabha Gupta (IN HINDI)  
Guardian of Anil Kumar, Susil Kumar, Chanda Shekhar and  
Bachcha minors.

Counsel for Applicants.

### SCHEDULE I

Half of Zamindari including sir, sayar, Jungle and all other rights appertaining thereto in the following villages :

Total Annual profit valued at Rs. 57,000 (Rupees Fifty-seven thousand only).

#### DISTRICT JAUNPUR

#### Tehsil Shahganj, Pargana Ungali

Name of villages	Extent of the share	Government Revenue in 1356 Fasli		
		Rs.	a.	p.
1. Aharpur	Sixteen annas	342	13	8
2. Pura Bhulan	Ditto	95	9	9
3. Tisouli	Ditto	599	11	1
4. Udho Patti	Ditto	73	12	5
5. Puredaha	Ditto	235	6	10
6. Salempur	Ditto	159	15	11
7. Chak Nohar	Ditto	24	11	8
8. Dharuali Koshal	Ditto	227	6	11
9. Dharuali Lachhan	Ditto	169	14	3
10. Akbarpur	Ditto	222	15	0
11. Nuruddinpur	Ditto	295	6	0
12. Sauraiya	Ditto	810	1	7
13. Turkauli	Ditto	236	15	10
14. Shera Puri	Ditto	367	140	2

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39.	Khas Bhatania Urapp Garhi	...	Ditto	730	0	0
40.	Pure Pundit Mathatdari	...	Ditto			

	Name of villages		Extent of the share	Government Revenue in 1356 Fasli		
				Rs.	a.	p.
41.	Pikoura	...	Ditto	550	0	0
42.	Birepur	... ..	Ditto	1,12 2	0	0
43.	Nandgaon (Jogapur)	... ..	Ditto	401	8	0
44.	Harana Tayar	... ..	Ditto	1,58 5	0	0
45.	Sohans	... ..	Ditto	1,21 0	0	0
46.	Khoadi	... ..	Ditto	291	8	0
47.	Harahawa	... ..	Ditto	880	0	0

**Tehsil and Pargana Gonda**

48.	Mahadelyn	... ..	Ditto	463	128	0
49.	Gorava Kaunango	... ..	Ditto	418	12	0

**DISRICT JAUNPUR**

**Tehsil Jaunpur, Pargana Rari**

50.	Barhaspur	... ..	Ditto	326	13	3
51.	Chawari	... ..	Ditto	524	7	2
52.	Chhangapur	... ..	Ditto	494	8	6
53.	Jangipur Kalan and Khurd	...	Ditto	11	2	0
54.	Bkkhopur	... ..	Ditto	304	10	0
55.	Belawan	... ..	Ditto	1,00 8	14	0
56.	Kharouna	... ..	Ditto	18	4	6
57.	Dariaganj	... ..	Ditto	1,41 8	8	0
58.	Chak Haji Baksh	... ..	Ditto			

**Tehsil Jaunpur, Pargana Haveli**

59.	Ram Rai Patti	... ..	Ditto	42	11	0
60.	Har Singh Patti	... ..	Ditto	56	1	0
61.	Ram Nagar Bhasara	...	Ditto	100	14	8

