

# **Land Laws and Other Local Laws I**

## **Unit- I**

### **Topic: General Overview of Land Law**

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**(NET) in Law**

**(2019-20)**



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## **GENERAL OVERVIEW OF LAND LAW**

Land Law focuses upon the uses and supply of land. It looks to facilitate how an owner of land may use it or moderate how others do so; this relationship can develop into 'interests' in the land. Land law impacts upon many facets of our day-to-day living, it determines: the difference between what is property and what is land; who owns property in the land; who may have access to land; your rights to land as a tenant, and; what you can do with your land. Land law is unusual in that you can own it outright but still be limited in how you can use it. There are many reasons for this such as agreements reached by a previous owner or because you failed to notice how the land was used when you purchased it. As such, land law is heavily governed by how your neighbors interact with land and what you could have been expected to know.

Ultimately, land law is looking to determine what interests there are in the land and therefore what a person can do with the land. These interests can be impacted depending on whether the land is registered or not registered. Every state in India has their own land law relating to land acquisition, land revenue, tenant & rent system, urban planning etc. So in this respect Uttar Pradesh also has few land law which are dealing with different aim and object .Like The Uttar Pradesh Panchayati Raj act 1947 pass by the United province Legislative Assembly on 5th June 1947 and United province legislative Council on 16 September 1947 and received accent of Governor General of the Dominion of India on 17 December 1947 aim to establish and develop the self government in rural area of Uttar Pradesh and make better provision for village Administration and development.

To ensure the decentralization of democracy and for the overall development of village Article 40 has been incorporated under the constitution of India. Under this article the state government is expected to take steps to organize village panchayat with such power and authority as may be necessary to enable the function as units of self government. The Panchayati Raj act 1947 authorize the village panchayat to collect any taxes or Deuce payable to state maintenance and improvement of school hospitals and look into the accounts and other function assigned to it by the state government.

The United province temporary control of rent and eviction act 1947 who was passed as temporary act with a view may then to continuing in force provision relating to control or letting and rent of accommodation similar to those contained in orders which had been issued under the defence of India rules 1939.

It was expected that the situation of shortage of the accommodation would be tied over after the short period and accordingly an ordinance was promulgated in 1946 and it was replaced by a temporary act in 1947. In view however of the continuing increase in the urban population and the relatively slow pace of house building activity due mainly to shortage of material the problem of shortage of accommodation has become chronic and the life of the act has had to be extended from time to time. Various amendments in its division as and when problem arose. Government give and assurance that they would soon replace the act by a new comprehensive legislation. Following this assurance the Uttar Pradesh urban building regulation of letting rent and eviction Act 1972 was passed by the Uttar Pradesh legislation.

The Uttar Pradesh consolidation holding act 1939 was the first act published in gazette dated 19 August 1939. The purpose of consolidation was not achieved by it as there was no compulsion in it. As such the present Uttar Pradesh consolidation of holding act 1953 was passed by Uttar Pradesh legislature and was escorted by president of India on 4th March 1954 and was published in Uttar Pradesh gazette extra-ordinary dated March 8 1954.

After the enforcement of the UP Zamindari Abolition and Land Reform Act, 1950, there was naturally a pressing demand for the consolidation of Holdings in the state. Since the complicated and numerous type of tenure both proprietary and cultivator the greatest stumbling block in the way of successful consolidation of holding, have been abolished it is an opportune time to start this work. The advantage of have been in compact block all the lands formed by one family need only be briefly mentioned. Boundary lines would be reduced in number and extent saving land and deamination boundary dispute larger field would be possible and time scared in making trips to the field. Further if land were all in one piece barriers such as fences Hedges and ditches could be erected to obtain privacy and prevent trespassing thieving and gleaning. The control of

irrigation and Drainage of water would be easier control of pest, insect and disease would also be less difficult.

These advantages resulting from consolidation of Holdings are intended to encourage the development of agriculture and largest production of food grains which is the necessity of the day. According to preamble "the act to provide for the consolidation of Agricultural Holdings in Uttar Pradesh for the development of agriculture".

The governor of Uttar Pradesh promulgated on June 12,1973 the Uttar Pradesh Planning and Development Ordinance 1973 which reproduce the provision of Uttar Pradesh urban planning and development bill 1973 as passed by the Uttar Pradesh legislative council. The reason for this enactment are- in the developing area of state of Uttar Pradesh the problem of town planning and urban development need to be tackled. The existing local bodies and other authorities in spite of their best efforts have not been able to cope up with this problem to the desired extent. in order to bring about improvement in this situation the state government considered it advisable that in such developing area and development authorities pattern on the Delhi development authority be established. As the state government was of the view that in urban development and planning working the state had already been delayed it was felt necessary to provide for early establishment of such authorities. The object of the act is to provide for the development of certain areas of Uttar Pradesh according to plan and for matters ancillary thereto.